

State of Iowa
2002

JOURNAL OF THE HOUSE

2002
REGULAR SESSION
SEVENTY-NINTH
GENERAL ASSEMBLY

Convened January 14, 2002
Adjourned April 12, 2002

Volume I
January 14, 2002—March 28, 2002

THOMAS J. VILSACK, Governor
BRENT SIEGRIST, Speaker of the House
MARY KRAMER, President of the Senate

Published by the
STATE OF IOWA
Des Moines

SEVENTY-NINTH GENERAL ASSEMBLY
2002 Regular Session
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RICHARD R. OVERHOLSER, *Doorkeeper* Des Moines

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ROBERT YEAGER, *Doorkeeper* Windsor Heights

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MARK S. LUNDBERG, *Conservation/Restoration Specialist II* Des Moines

ELECTED OFFICERS, SUPREME COURT JUSTICES AND

IOWA COURT OF APPEALS JUDGES

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

THOMAS J. VILSACK, <i>Governor</i>	Mount Pleasant
SALLY J. PEDERSON, <i>Lieutenant Governor</i>	Des Moines
CHET CULVER, <i>Secretary of State</i>	West Des Moines
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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 K. NEUMAN, <i>Justice</i>	LeClaire
BRUCE M. SNELL, Jr., <i>Justice</i>	Ida Grove
MICHAEL J. STREIT, <i>Justice</i>	Chariton
MARSHA K. TERNUS, <i>Justice</i>	Des Moines

IOWA COURT OF APPEALS JUDGES

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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, *Judge*..... Knoxville
VAN D. ZIMMER, *Judge*..... Vinton

MEMBERS OF THE HOUSE—SEVENTY-NINTH GENERAL ASSEMBLY – 2002 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Alons, Dwayne	Hull	54		5th— <i>Sioux</i>	78, 79 (1 st), 79X, 79XX
Arnold, Richard	Russell	55	Farmer/Truck Driver	91st—Appanoose, Clarke, <i>Lucas, Wayne</i>	76, 77, 78, 79 (1 st), 79X, 79XX
Atteberry, Andra	Manchester	57	Freelance Writer	27th—Black Hawk, Buchanan, <i>Delaware</i>	79 (1 st), 79X, 79XX
Baudler, Clel	Greenfield	61	Retired State Trooper/Farmer	78th— <i>Adair, Guthrie, Madison</i>	78, 79 (1 st), 79X, 79XX
Bell, Paul	Newton	50	Police Lieutenant	57th— <i>Jasper</i>	76, 77, 78, 79 (1 st), 79X, 79XX
Boal, Carmine	Ankeny	44	Legislator	65th— <i>Polk</i>	78, 79 (1 st), 79X, 79XX
Boddicker, Daniel J.	Tipton	38	Electrical Engineer	39th— <i>Cedar, Clinton, Jones</i>	75, 76, 77, 78, 79 (1 st), 79X, 79XX
Boggess, Effie Lee	Clarinda	72	Retired Farmer	87th— <i>Adams, Page, Taylor</i>	76, 77, 78, 79 (1 st), 79X, 79XX
Bradley, Clyde	Clinton	65	Engineer	37th— <i>Clinton, Scott</i>	76, 77, 78, 79 (1 st), 79X, 79XX
Brauns, Barry	Muscatine	68		47th— <i>Johnson, Louisa, Muscatine</i>	75, 76, 77, 78, 79 (1 st), 79X, 79XX
Broers, Roger A.	Mason City	61	Farmer/Teacher	19th— <i>Cerro Gordo</i>	79 (1 st), 79X, 79XX
Brunkhorst, Bob	Waverly	35	Computer Analyst	22nd—Black Hawk, <i>Bremer</i>	75, 76, 77, 78, 79 (1 st), 79X, 79XX
Bukta, Polly	Clinton	63	Retired Educator	38th— <i>Clinton</i>	77, 78, 79 (1 st), 79X, 79XX
Carroll, Danny	Grinnell	47	Community Relations Director	58th— <i>Jasper, Mahaska, Marshall, Poweshiek</i>	76, 77, 78, 79 (1 st), 79X, 79XX
Chiodo, Frank John	Des Moines	32	Small Business Manager	67th— <i>Polk</i>	77, 78, 79 (1 st), 79X, 79XX
Cohoon, Dennis M.	Burlington	47	Special Education Teacher	100th— <i>Des Moines</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Connors, John H.	Des Moines	78	Retired Fire Captain	69th— <i>Polk</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Cormack, Mike	Fort Dodge	30	Substitute Teacher/Youth Baseball Coach	13th— <i>Webster</i>	76, 77, 78, 79 (1 st), 79X, 79XX
De Boef, Betty R.	New Sharon	49	Farmer/Small Business Owner	96th— <i>Keokuk, Mahaska, Wapello, Washington</i>	79 (1 st), 79X, 79XX

REPRESENTATIVES

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MEMBERS OF THE HOUSE—SEVENTY-NINTH GENERAL ASSEMBLY – 2002 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Dix, Bill	Shell Rock	38	Farmer	21st— <i>Butler</i> , Grundy	77, 78, 79 (1 st), 79X, 79XX
Dolecheck, Cecil	Mount Ayr	49	Farmer	88th—Decatur, <i>Ringgold</i> , Taylor, Union	77, 78, 79 (1 st), 79X, 79XX
Dotzler, William A., Jr.	Waterloo	52	Machinist/Labor Rep.	26th— <i>Black Hawk</i>	77, 78, 79 (1 st), 79X, 79XX
Drake, Jack	Lewis	66	Farmer	81st—Audubon, <i>Pottawattamie</i> , Shelby	75, 76, 77, 78, 79 (1 st), 79X, 79XX
Eddie, Russell J.	Storm Lake	62	Retired Farmer/Legislator	10th— <i>Buena Vista</i> , Clay, Pocahontas	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Eichhorn, George S.	Stratford	46	Attorney	14th—Boone, Calhoun, <i>Hamilton</i> , Webster	79 (1 st), 79X, 79XX
Elgin, Jeffrey C.	Cedar Rapids	49	Business Owner/Investor	51st—Linn	79 (1 st), 79X, 79XX
Fallon, Ed	Des Moines	42	Musician	70th— <i>Polk</i>	75, 76, 77, 78, 79 (1 st), 79X, 79XX
Finch, Barbara A.	Ames	48	Farming	62nd— <i>Story</i>	79 (1 st), 79X, 79XX
Foege, Ro	Mount Vernon	62	Social Worker	50th—Johnson, <i>Linn</i>	77, 78, 79 (1 st), 79X, 79XX
Ford, Wayne W.	Des Moines	49	Exec. Director Urban Dreams	71st— <i>Polk</i>	77, 78, 79 (1 st), 79X, 79XX
Frevert, Marcella R.	Emmetsburg	63	Legislator	8th—Clay, Kossuth, <i>Palo Alto</i>	77, 78, 79 (1 st), 79X, 79XX
Garman, Teresa	Ames	63	Retired/Legislator	63rd—Marshall, <i>Story</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Gipp, Chuck	Decorah	52	Farmer	31st—Allamakee, <i>Winneshiek</i>	74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
*Greimann, Jane	Ames	59	Retired School Teacher	61st— <i>Story</i>	78 (2 nd), 79 (1 st), 79X, 79XX
Grundberg, Betty	Des Moines	62	Property Mgt. & Restoration	73rd— <i>Polk</i>	75, 76, 77, 78, 79 (1 st), 79X, 79XX
Hahn, James F.	Muscatine	65	Real Estate/Sales/Mgt.	48th— <i>Muscatine</i> , Scott	74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX

*Elected in Special Election November 2, 1999

MEMBERS OF THE HOUSE—SEVENTY-NINTH GENERAL ASSEMBLY – 2002 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Hansen, Brad	Carter Lake	32	Health Administrator	83rd—Pottawattamie	77, 78, 79 (1 st), 79X, 79XX
Hatch, Jack	Des Moines	51	Housing Developer	68th—Polk	71, 72, 72X, 72XX, 73, 74 (1 st), 79 (1 st), 79X, 79XX
Heaton, Dave	Mt. Pleasant	59	Restaurant Owner	97th—Des Moines, Henry, Washington	76, 77, 78, 79 (1 st), 79X, 79XX
Hoffman, Clarence C.	Charter Oak	67	Insurance	12th—Crawford, Monona, Woodbury	78, 79 (1 st), 79X, 79XX
Horbach, Lance James	Tama	42	Insurance/Long Term Care	60th—Benton, Black Hawk, Tama	78, 79 (1 st), 79X, 79XX
Hoversten, Gregory B.	Sioux City	43	Physician	1st—Woodbury	79 (1 st), 79X, 79XX
Huseman, Daniel Adair	Aurelia	48	Farmer	9th—Buena Vista, Cherokee, O'Brien, Plymouth	76, 77, 78, 79 (1 st), 79X, 79XX
Huser, Geri D.	Altoona	37	Social Worker	66th—Polk	77, 78, 79 (1 st), 79X, 79XX
Jacobs, Elizabeth "Libby" S.	West Des Moines	44	Assistant Director - Corporate Relations	74th—Polk	76, 77, 78, 79 (1 st), 79X, 79XX
Jenkins, G. Willard	Waterloo	63	Engineer	24th—Black Hawk	77, 78, 79 (1 st), 79X, 79XX
Jochum, Pam	Dubuque	46		35th—Dubuque	75, 76, 77, 78, 79 (1 st), 79X, 79XX
Johnson, David	Ocheyedan	50		6th—Lyon, O'Brien, Osceola, Sioux	78, 79 (1 st), 79X, 79XX
*Jones, Gerald D.	Silver City	59	Retired	85th—Fremont, Mills, Pottawattamie	79X, 79XX, 79 (2 nd)
Kettering, Steve	Lake View	57	Community Banker	11th—Ida, Sac, Woodbury	78, 79 (1 st), 79X, 79XX
Klemme, Ralph F.	Le Mars	61	Farmer	4th—Plymouth, Woodbury	75, 76, 77, 78, 79 (1 st), 79X, 79XX
Kreiman, Keith A.	Bloomfield	46	Attorney	92nd—Appanoose, Davis, Monroe, Van Buren	75, 76, 77, 78, 79 (1 st), 79X, 79XX
Kuhn, Mark A.	Charles City	50	Farmer	29th—Floyd, Howard, Mitchell	78, 79 (1 st), 79X, 79XX
**Larkin, Rick	Fort Madison	48	Correctional Counselor	99th—Des Moines, Lee	75, 76, 77, 78, 79 (1 st), 79X, 79XX
Larson, Charles W., Jr.	Cedar Rapids	32	Attorney	55th—Linn	75, 76, 77, 78, 79 (1 st), 79X, 79XX

REPRESENTATIVES

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*Elected in Special Election June 12, 2001
 **Elected in Special Election February 16, 1993

MEMBERS OF THE HOUSE—SEVENTY-NINTH GENERAL ASSEMBLY – 2002 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Lensing, Vicki.....	Iowa City	43	Funeral Home Owner	45th— <i>Johnson</i>	79 (1 st), 79X, 79XX
Manternach, Gene.....	Cascade.....	47	Farmer	56th— <i>Jones, Linn</i>	79 (1 st), 79X, 79XX
Mascher, Mary.....	Iowa City	48	Teacher	46th— <i>Johnson</i>	76, 77, 78, 79 (1 st), 79X, 79XX
May, Dennis.....	Kensett.....	53	Farmer	20th— <i>Cerro Gordo, Mitchell, Worth</i>	72, 72X, 72XX, 73, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Mertz, Dolores M.....	Ottosen.....	72	15th— <i>Humboldt, Kossuth</i>	73, 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Metcalf, Janet S.	Urbandale.....	64	Legislator.....	75th— <i>Polk</i>	71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Millage, David A.....	Bettendorf.....	47	Attorney at Law	41st— <i>Scott</i>	74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
*Murphy, Patrick J.	Dubuque	41	Self-employed & Adjunct Facility NICC	36th— <i>Dubuque</i>	73 (2 nd), 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
**Myers, Richard	Iowa City	66	Business Owner	49th— <i>Johnson</i>	75 (2 nd), 76, 77, 78, 79 (1 st), 79X, 79XX
O'Brien, Mike	Boone	61	Retired Teacher.....	79th— <i>Boone, Greene</i>	75, 76, 77, 78, 79 (1 st), 79X, 79XX
***Osterhaus, Robert J.....	Maquoketa.....	69	Pharmacist.....	34th— <i>Dubuque, Jackson</i>	76 (2 nd), 77, 78, 79 (1 st), 79X, 79XX
Petersen, Janet.....	Des Moines	30	Communications Consultant.....	72nd— <i>Polk</i>	79 (1 st), 79X, 79XX
Quirk, Brian J.	New Hampton	32	Electrical Contractor.....	30th— <i>Chickasaw, Howard, Winneshiek</i>	79 (1 st), 79X, 79XX
Raecker, J. Scott.....	Urbandale.....	39	Exec. Director-Institute for Character Development	76th— <i>Dallas, Polk</i>	78, 79 (1 st), 79X, 79XX
Rants, Christopher C.	Sioux City	33	3rd— <i>Woodbury</i>	75, 76, 77, 78, 79 (1 st), 79X, 79XX

REPRESENTATIVES

*Elected in Special Election September 26, 1989
 **Elected in Special Election February 22, 1994
 ***Elected in Special Election January 16, 1996

MEMBERS OF THE HOUSE—SEVENTY-NINTH GENERAL ASSEMBLY – 2002 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Rayhons, Henry	Garner	64	Farmer	16th— <i>Hancock</i> , Winnebago, Wright	77, 78, 79 (1 st), 79X, 79XX
*Reeder, Jackie	Oelwein	43		28th— <i>Buchanan</i> , <i>Fayette</i>	79 (2 nd)
Rekow, Leigh A.	Postville	66	Farmer	32nd— <i>Allamakee</i> , Clayton, Fayette	79 (1 st), 79X, 79XX
Reynolds, Rebecca	Bonaparte	51	Legislator/Nurse	94th— <i>Jefferson</i> , <i>Van Buren</i> , Wapello	77, 78, 79 (1 st), 79X, 79XX
Richardson, Steve	Indianola	45	Sales Mgr. - Skold Door Co.	89th— <i>Warren</i>	77, 78, 79 (1 st), 79X, 79XX
Roberts, Rod	Carroll	43	Church Development	80th— <i>Carroll</i> , Greene	79 (1 st), 79X, 79XX
Scherrman, Paul	Farley	52	Business Owner	33rd— <i>Delaware</i> , <i>Dubuque</i>	77, 78, 79 (1 st), 79X, 79XX
Schrader, David	Monroe	48	Self-Employed	90th— <i>Marion</i> , Warren	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Seng, Dr. Joe M.	Davenport	54	Veterinarian	43rd— <i>Scott</i>	79 (1 st), 79X, 79XX
**Shey, Patrick	Cedar Rapids	42	Lawyer	52nd— <i>Linn</i>	78 (2 nd), 79 (1 st), 79X, 79XX
Shoultz, Don	Waterloo	64	Job Training Consultant	25th— <i>Black Hawk</i>	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Siegrist, Brent	Council Bluffs	48	Consultant	84th— <i>Pottawattamie</i>	71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Sievers, Bryan J.	New Liberty	41	Farmer	40th— <i>Scott</i>	79 (1 st), 79X, 79XX
Smith, Mark D.	Marshalltown	49	Assoc. Director, Mental Health Center of Mid-Iowa	64th— <i>Marshall</i>	79 (1 st), 79X, 79XX
Stevens, Greg	Milford	40	Teacher	7th— <i>Dickinson</i> , Emmet, Palo Alto	78, 79 (1 st), 79X, 79XX
Sukup, Steve E.	Dougherty	44	Engineer	18th— <i>Franklin</i> , Hardin	76, 77, 78, 79 (1 st), 79X, 79XX

*Elected in Special Election January 22, 2002

**Elected in Special Election November 2, 1999

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-NINTH GENERAL ASSEMBLY – 2002 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
*Taylor, Dick	Cedar Rapids	70	Retired Electrician/Electrical Project Manager	53rd—Linn	78 (2 nd), 79 (1 st), 79X, 79XX
**Taylor, Todd	Cedar Rapids	34	Labor Representative	54th—Linn	76 (2 nd), 77, 78, 79 (1 st), 79X, 79XX
Teig, Russell W.	Jewell	43	Farmer	17th—Franklin, Hamilton, Hardin, Wright	76, 77, 78, 79 (1 st), 79X, 79XX
Tremmel, Mark	Ottumwa	29	Attorney	93rd—Wapello	79 (1 st), 79X, 79XX
Tymeson, Jodi S.	Winterset	45	Teacher/Army Guard Officer	77th—Dallas, Madison	79 (1 st), 79X, 79XX
Tyrrell, Phil	North English	68	Independent Insurance Agent	59th—Benton, Iowa	68, 69, 69X, 69XX, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Van Engelenhoven, James L.	Leighton	57	Farmer	95th—Mahaska, Marion	78, 79 (1 st), 79X, 79XX
Van Fossen, James	Davenport	40	Economic Development Analyst-Mid-American Energy	42nd—Scott	76, 77, 78, 79 (1 st), 79X, 79XX
Warnstadt, Steve	Sioux City	33	Adjunct Instructor	2nd—Woodbury	76, 77, 78, 79 (1 st), 79X, 79XX
Weidman, Dick	Griswold	60	Funeral Home Employee/ Retired State Trooper	86th—Cass, Montgomery, Pottawattamie	74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
***Wilderdyke, Paul A.	Woodbine	59	Community Relations Manager - Iowa Telecom	82nd—Harrison, Pottawattamie	79XX, 79 (2 nd)
Winckler, Cindy Lou	Davenport	50	Curriculum & Instruction Facilitator	44th—Scott	79 (1 st), 79X, 79XX
Wise, Philip	Keokuk	54	Teacher	98th—Henry, Lee	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79 (1 st), 79X, 79XX
Witt, William G.	Cedar Falls	50	Photojournalist	23rd—Black Hawk	75, 76, 77, 78, 79 (1 st), 79X, 79XX

*Elected in Special Election January 4, 2000

**Elected in Special Election June 27, 1995

***Elected in Special Election November 6, 2001

JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 14, 2002

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representative of the Seventy-ninth General Assembly of Iowa, 2002 Regular Session, convened at 10:01 a.m., Monday, January 14, 2002.

The House was called to order by the Honorable Brent Siegrist, Speaker of the House.

Prayer was offered by the Honorable Rod Roberts, state representative from Carroll County.

The Journal of Tuesday, May 8, 2001 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Detective Loren Knauss, from the Council Bluffs Police Department and Assistant Chief Lynn Manhart, from the Council Bluffs Fire Department. They were the guests of Speaker Siegrist.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gipp of Winneshiek for the week of January 14 through January 18, 2002, on request of Rants of Woodbury.

INTERIM COMMUNICATION RECEIVED

The following communication was received during the interim and is on file in the office of the Chief Clerk:

January 4, 2002

The Honorable Thomas J. Vilsack
Office of the Governor
State Capitol
Des Moines, IA 50319

Dear Governor Vilsack:

It has been my pleasure for the past five years to serve as the representative for the people of Buchanan and Fayette counties. They have provided me with a wonderful experience and I will always be grateful to them for this opportunity.

Now, a new opportunity has become available to me and I, with much regret, must resign, effective today, my position as State Representative for House District 28.

I look forward to new challenges but will always look back to my days in the Iowa House of Representatives with much gratitude and pleasure.

Sincerely,
Steve Falck
State Representative

COMMITTEE TO NOTIFY THE GOVERNOR

Metcalf of Polk moved that a committee of three be appointed to notify the Governor that the House was duly organized and ready to receive any communication that he may desire to transmit.

The motion prevailed and the following committee was appointed: Metcalf of Polk, Klemme of Plymouth and Stevens of Dickinson.

COMMITTEE TO NOTIFY THE SENATE

Eddie of Buena Vista moved that a committee of three be appointed to notify the Senate that the House was duly organized and ready to receive any communication that the Senate may desire to transmit.

The motion prevailed and the following committee was appointed: Eddie of Buena Vista, Weidman of Cass and Kuhn of Floyd.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

Rants of Woodbury asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 101
- 2 By Siegrist and Myers
- 3 *Be It Resolved by the House of Representatives, The*
- 4 *Senate Concurring, That a joint convention of the two*
- 5 *houses of the 2002 session of the Seventy-ninth*

6 General Assembly be held on Tuesday, January 15, 2002,
7 at 10:00 a.m.; and
8 *Be It Further Resolved*, That Governor Thomas J.
9 Vilsack be invited to deliver his budget message at
10 this joint convention of the two houses of the General
11 Assembly, and that the Speaker of the House of
12 Representatives and the President of the Senate be
13 designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 102

Rants of Woodbury asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

1 HOUSE CONCURRENT RESOLUTION 102
2 By Siegrist and Myers
3 *Be It Resolved by the House of Representatives, The*
4 *Senate Concurring*, That a joint convention of the two
5 houses of the 2002 session of the Seventy-ninth
6 General Assembly be held on Wednesday, January 16,
7 2002, at 10:00 a.m.; and
8 *Be It Further Resolved*, That Chief Justice Lavorato
9 be invited to present his message of the condition of
10 the judicial branch at this convention, and recommend
11 such matters as the Chief Justice deems expedient,
12 pursuant to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that **House Concurrent Resolutions 101** and **102** be immediately messaged to the Senate.

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

The House resumed session at 10:14 a.m., Speaker Siegrist in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Metcalf of Polk, Chair of the committee to notify the Governor that the House was duly organized and ready to receive any communication he might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

INTRODUCTION OF BILLS

House File 2001, by Millage, a bill for an act relating to the applicability of the postsecondary education subsidy and providing effective and retroactive applicability dates.

Read first time and referred to committee on **human resources**.

House File 2002, by Johnson, a bill for an act relating to the internet, by restricting advertising by governmental entities.

Read first time and referred to committee on **commerce and regulation**.

House File 2003, by Johnson, a bill for an act providing that certain financial information of certain foundations which support state board of regents' institutions is a public record.

Read first time and referred to committee on **state government**.

House File 2004, by Brunkhorst, a bill for an act relating to property tax assessments of subdivided property and providing an applicability date.

Read first time and referred to committee on **ways and means**.

House File 2005, by Jacobs and Grundberg, a bill for an act relating to governmental preferences for services from service providers located within the state of Iowa and making penalties applicable.

Read first time and referred to committee on **state government**.

House File 2006, by Reynolds, Tremmel, Kreiman, and Heaton, 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**.

House File 2007, by May, Rayhons, and Atteberry, 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 and referred to committee on **transportation**.

House File 2008, by Drake, Jones, and Richardson, a bill for an act relating to the election of directors of local school districts, area education agencies, and merged areas on the date of the general election, and including an effective date, applicability, and transition provision.

Read first time and referred to committee on **state government**.

House File 2009, by Grundberg, 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 **state government**.

House File 2010, by Fallon, a bill for an act relating to the vote required for passage of certain bond issuances and providing for the Act's applicability.

Read first time and referred to committee on **state government**.

House File 2011, by Richardson, a bill for an act relating to consideration of nonpayment of child support in the awarding of visitation.

Read first time and referred to committee on **human resources**.

House File 2012, by Cormack, a bill for an act relating to the publishing of board meeting minutes of economic development corporations.

Read first time and referred to committee on **economic development**.

House File 2013, by Warnstadt, 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**.

House File 2014, by Cormack, a bill for an act establishing a criminal offense and penalty for the sale of certain ephedrine or creatinine products to a person under eighteen years of age.

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

House File 2015, by Tyrrell, a bill for an act relating to the eligibility for a military service property tax exemption by a current or former member of the Iowa national guard.

Read first time and referred to committee on **ways and means**.

House File 2016, by Brunkhorst, a bill for an act authorizing a city or county to prohibit the sale of paintball guns to persons who are less than twenty-one years of age.

Read first time and referred to committee on **local government**.

House File 2017, by Cormack, a bill for an act authorizing certain state institutions to encumber a portion of an operational appropriation to be used for specified purposes.

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

House File 2018, by Reynolds, Tremmel, Kreiman, and Heaton, a bill for an act relating to the abatement of interest on state sales and use taxes and local sales and service taxes of purchasers of certain

access to on-line computer services and providing refunds, and including effective and applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2019, by Gipp and Drake, a bill for an act relating to the resources enhancement and protection fund by reallocating moneys between the open spaces account and the state land management account, by reallocating moneys within the open spaces account, and making an appropriation.

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

House File 2020, by Shey, a bill for an act authorizing the use of automated enforcement systems to enforce certain traffic regulations, authorizing a surcharge, and making penalties applicable.

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

House File 2021, by Osterhaus, a bill for an act allowing an individual income tax deduction for federal taxes paid under the Federal Insurance Contributions Act, the federal Railroad Retirement Tax Act, and the federal Self-Employment Contributions Act, eliminating the deduction for federal income taxes paid, and providing a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2022, by Osterhaus, a bill for an act eliminating the individual income tax deduction for federal income taxes paid and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2023, by Van Engelenhoven, 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 2024, by Arnold, a bill for an act relating to the care and maintenance of cemeteries by a county or a caretaker.

Read first time and referred to committee on **local government**.

House File 2025, by Larson, a bill for an act authorizing a qualified organization to contract for concessions during a bingo occasion.

Read first time and referred to committee on **state government**.

House File 2026, by Richardson, a bill for an act providing a rebuttable presumption of negligence against operators of motor vehicles involved in traffic accidents while using mobile telephones.

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

House File 2027, by Eddie, a bill for an act relating to taking deer with a free deer hunting license by a landowner, tenant, or family members of a landowner or tenant.

Read first time and referred to committee on **natural resources**.

House File 2028, by Warnstadt, 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**.

House File 2029, by Smith, Warnstadt, Myers, Bukta, D. Taylor, Dotzler, Larkin, Stevens, Atteberry, Winckler, Osterhaus, Frevert, Wise, May, Cohoon, Petersen, Mascher, Jochum, Foege, Murphy, Quirk, Hahn, and Connors, a bill for an act relating to the powers and duties of the adjutant general by providing uniformed honor guards at burial, interment, or memorial services of military veterans.

Read first time and referred to committee on **state government**.

House File 2030, by Smith, a bill for an act relating to the allowance of the military service tax exemption for mobile or

manufactured homes subject to the annual square foot tax and including an applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2031, by Johnson and Alons, 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 2032, by Jochum and Scherrman, a bill for an act relating to the jurisdiction of the utilities board to regulate rates and services of water distributed from a privately owned water well.

Read first time and referred to committee on **commerce and regulation**.

House File 2033, by Van Engelenhoven, a bill for an act providing a method for issuing certificates of title for snowmobiles and all-terrain vehicles, and registration certificates for certain watercraft, for which ownership has not been conclusively established.

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

House File 2034, by Cormack, a bill for an act requiring school districts to display a United States flag in each classroom during school hours.

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

REMARKS BY THE MAJORITY LEADER

Rants of Woodbury addressed the House as follows:

Thank you Mr. Speaker. Mr. Speaker, ladies and gentlemen of the House, guests and visitors, welcome back.

Traditionally on the opening day of the legislative session one of my duties is to lay out the path the majority party intends to follow. This year I would like to part with that tradition. Most everyone in this room knows what to expect, although there will undoubtedly be a few surprises. You've all given pre-session interviews, and our friends on press row have already written story after story.

Rather than discuss what we intend to do, I would prefer to take a few minutes of your time to talk about how we go about doing it.

It has only been a couple of months since last we gathered here, but much has changed, or, unfortunately stayed the same since that meeting.

We return to a capitol building where much work has gone into restoring the grandure of Iowa's beginnings. Yet at the same time changes have been made to adapt to the sad new realities of our world. It was relatively easy to adapt our desks and chamber to the wonders of all the new technology our world has to offer. If only it were as easy for our state and her people to adapt to the challenges the economy of that same world has laid before us. But adapt, we shall. Not only shall we adapt but we shall also persevere, plan, and prepare for a better tomorrow. I think that is in our nature as Iowans. It has never been easy, but from the time this land between two rivers was settled. Our people worked hard to create a state that places a high value on the education of its young people, can lead the world in agricultural production, and is a land of opportunity for the person with the good idea and the work ethic to turn that idea into reality. It is upon those principals that we can continually rely as we face a challenging world economy.

So how do we advance those principals that we surely all agree on?

Mr. Speaker, last year it seemed that even before the first gavel fell, the session was labeled as the most partisan ever. Right after a hotly contested election expectations were that it would carry over into the session. Too often in politics prophecies become self-fulfilling. With an election looming many critics, and not just those in the press, are already predicting partisan bickering. I say we can prove them wrong, and I ask that those who would write our epitath to wait until the session is over. We shall set higher expectations for ourselves. As Representative Myers has said many times, we can "govern" with out all the politics. We know from the actions we took during two special sessions that bi-partisan accords can be reached.

Mr. Speaker, I have often said that one of the difficulties the two parties have is in identifying the problem. After all if you can't agree on what the problem is, it makes it very tough to reach a consensus on the solution.

Representative Myers, I will pledge to you today, that I will work with you to first reach a consensus on what we consider to be the scope of our budget difficulties. Rather than start this week with budget hearings, where we set ourselves up for a session long debate over the budget, Republicans propose that we wait a few weeks before hearings start. That will give us more revenue data that we can use in making a decision as to how much funding is available for the 2003 fiscal year. The last thing anyone wants is to start the budget process and have to hit the reset button on March 1st should the REC lower our estimate. Again, let us find agreement first on defining the problem, and then we can work together for a solution.

If budget hearings are to wait, let us use this time productively to accomplish our policy work. This year we will have policy committee meetings in the afternoon as well as in the morning. I strongly urge our committee chairs to devote more time to the subcommittee process, and to begin the work early on with your colleagues across the rotunda. To meet the goal of adjournment in 90 days, we will need to accomplish many of our key pieces of legislation before the first funnel. Given the economic challenges

Iowa faces, it would be fitting if the committees chaired by Representatives Cormack and Van Fossen would lead the way.

Mr. Speaker, as I look around the room, I see a few new faces. A special welcome to Representatives Jones and Wilderdyke. Next week we'll add another freshmen to the class of '02. But I see many more faces of friends for whom this will be their last session as a member of the Iowa House. I say the House, because a few are operating under the delusion that the Senate is the place to serve. Others are choosing to retire to spend more time with family or work. For others this isn't so willing. Reapportionment dealt you a bad hand. As former Representative Mona Martin once said on this floor, "it's always a free vote in the Iowa House." Well, for you it may be freer than for most. This year will be one in which you may feel free from the shackles of partisan politics, or even from the will of the voters. But I'm sure you'll never be free of your love for this great state. But please, use that new found freedom wisely.

I would like to take this opportunity to introduce Allison Kleis, the new Administrative Assistant in the Majority Leaders Office. She is replacing Mary Earnhardt who has accepted a position on the caucus staff.

Mr. Speaker, we have a long way to go, and a short time to get there. Let's get started.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Eddie of Buena Vista, Chair of the committee to notify the Senate that the House was duly organized and ready to receive any communication that the Senate might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

COMMITTEE FROM THE SENATE

Senator Gaskill from Hancock appeared and notified the House that the Senate was duly organized and ready to receive any communication that the House might desire to transmit.

REMARKS BY THE MINORITY LEADER

Myers of Johnson addressed the House as follows:

Thank you Mr. Speaker. Mr. Speaker, ladies and gentlemen of the House:

Iowans enter 2002 uncertain about their economic future. The nation's recession, made worse by the events of September 11, has made us uneasy about today and dampened optimism about tomorrow.

Workers worry about earning enough to make ends meet and losing their jobs. Parents fear that they cannot afford adequate health care if their children are sick. Seniors struggle to heat their homes and buy high-cost prescription drugs on retirement incomes shrunken by low interest rates.

But Iowa's problems extend beyond the short-term. Our state is being left behind with an economy that cannot compete and win in the 21st century. No child should have to leave his or her hometown and family to find a good job, but it happens in our state every day. Iowa has the highest percentage of two-income families in the nation simply because there are not enough good jobs here to sustain a family. That's why our best and brightest children leave the state after graduation for better opportunities in other states.

So we face two challenges. In the immediate future, we must ensure economic security for Iowa families and businesses by addressing rising health care costs, energy costs, and stagnating wages. For the years ahead, we must modernize Iowa's economy to bring development and good jobs to Iowa communities that are losing population, and in some cases losing hope.

That's why Democrats are offering an ambitious plan to provide economic security now and growth for Iowa's future. It is a plan that will make Iowa America's 21st century state.

We will help Iowans weather the current economic downturn by making prescription drugs more affordable for seniors; expanding health insurance coverage to protect all Iowans; raising the state's minimum wage; and helping consumers make informed and money-smart choices about the services they buy.

We will modernize Iowa for a competitive future by strengthening the economy and providing opportunities for children who want to stay and work in Iowa; improving and reforming schools, demanding accountability and holding them safe from budget cuts; streamlining government by eliminating redundant services and putting more services on-line; and investing in clean, renewable and profitable energy sources like ethanol.

Our plan will promote innovation and entrepreneurship and will clear away barriers to economic progress, including high utility costs, insufficient and out-dated high-tech infrastructure, and low wage jobs. It will invest in our children and workers through better, more accountable education and worker re-training, incentives that promote the growth of high wage jobs, and small and high-tech enterprises – particularly in communities with declining populations. It will put our economy, schools, workers, companies and farms on the cutting edge of new technology, so they are more productive and profitable. It will make government more efficient and more consumer-friendly. It will assure that Iowa children receive the best education in the world.

Our proposal is fiscally responsible. The slowing of Iowa's economy and the resulting dramatic fall in state revenues have forced state government to tighten its belt as Iowans are having to do. But because of the forethought of Democratic legislators ten years ago, Iowa has both an emergency rainy day fund to tide us over in tough times and a mandate to enact only fiscally responsible, balanced budgets. Our plan adheres to that philosophy of fiscal responsibility that Democrats put into law a decade ago.

We have only a limited opportunity to make Iowa a 21st century state. If we do not act boldly soon, we will be left behind as the rest of the nation springs forward.

We challenge the Republican majority to put aside partisanship and the issues that divide us, and work with us on the challenges that unite us – like the need for greater economic security now and a more prosperous future for all Iowans.

Democrats will be introducing legislation that implements our agenda and modernizes Iowa's economy, and in doing so gives hope to the hardworking, deserving families across our state. Iowans, young and old alike, will benefit when every child receives a quality education and healthcare, when parents have a paycheck and job security to support their families, and when older Iowans can afford prescription drugs and have a sizable retirement nest egg.

On September 11, we witnessed a devastating attack on our country. It was an attack, not just on New York City and Washington, D.C., but on our American way of life.

Every American felt the shock and the pain of our collective loss. As a veteran, I was extremely proud of the surge of patriotism that swept over our country in the aftermath of the attack.

I have always believed in patriotism. It is important for Americans to be patriotic and to show it.

Patriotism can be demonstrated in many ways. Patriotism is supporting our firefighters, police and rescue workers. Patriotism is standing behind our President as he directs our counterattack on terrorism.

But there are other forms of patriotism. Patriotism is taking care of our people. Patriotism is guaranteeing that the poor and the mentally ill have health care coverage. Patriotism is ensuring that children have first-rate schools and good jobs after graduation. Patriotism is allowing seniors to live their retirement with dignity and security. Patriotism is making certain that no Iowan, no American, is denied the right to life, liberty and the pursuit of happiness. It is patriotic to support civil rights and economic justice.

Let's put our patriotism on display here for the next ninety days by showing compassion for those Iowans who most need our help.

Thank you Mr. Speaker.

REMARKS BY THE SPEAKER

Speaker Siegrist addressed the House as follows:

Ladies and Gentlemen of the House: Welcome back!

Welcome back to your other family. Our family welcomes two new members to the opening day – Representatives Jones and Wilderdyke. They saw this family briefly

during the special sessions. But now they will see it in its prime. It is a family that resembles most families we are familiar with. We work, we fight, we achieve, and we respect one another. As I watched my son, Evan, and daughter, Harriet, over the weekend, I thought about this place and this family. I watched them play together and help each other and laugh together. Then ten minutes later, I would hear the screaming and arguing when one of them would push the other one and start a dispute. And then a few minutes later, they would be playing peacefully again. It really did remind me of this body of people. We by and large work well together, but we certainly have our differences and disputes throughout the year. This session will be no different.

As we begin our work here today, we are looking at a very challenging year. The state and national economy has yet to rebound. State revenues continue to lag. As the band, Styx, sings in *Paradise Theater*, "To tell you the truth, we've all seen better days." Indeed we have. And yet, the outlook for the state is much better than it was in previous economic downturns. Iowa is not in debt and we have money in the bank so that we can pay our bills on time. In reality, if we make the proper and sometimes difficult decisions this session, the outlook by next year should be very much improved.

Therein lies the challenge for all of us. We must fashion a budget that recognizes the needs of Iowa's citizens without mortgaging our future budget. Raising taxes isn't the answer. Spending a substantial amount of one-time money for ongoing programs only pushes the problem into the next budget year and continues to cause budget problems. The fact of the matter is that there are no easy answers to this budget we are facing. It will be a process that will test each and every one of us. It is a budget that will force us to be innovative, fiscally prudent, and flexible. One thing I am sure of is that at various times this year, we will all be unhappy with decisions that are made. We will be like many other families in Iowa that are balancing their family budget. We have to live within our means. That means making the tough decisions and not just running up the credit card. I know that we will sometimes hear that we must spend more money to help some Iowans. In many cases, the reality will be that for most Iowa citizens, it will be better if we do not spend more money. After all, like all Iowans, we have to balance the budget.

I don't know about you, but I remain upbeat about our state. I couldn't agree with the Governor more than when he says the budget difficulties present a tremendous opportunity. It is an opportunity that is being forced on us by the budget, but if we meet it head-on, we can make significant systemic changes in how our state government operates. We are being forced to look at and evaluate the services that government offers. That will certainly lead to the elimination of some services that the state currently provides. Done properly, we can streamline government and make it more efficient. You may recall that last May, the Republican majority passed a bill to restructure the Department of Human Services. That bill was vetoed, but during the special session, we passed a plan by Governor Vilsack that was put together with the major components of the bill this House passed. The Republican majority stands ready to work with the Governor and the Minority party on any and all proposals to consolidate, streamline, and make state government smaller. We look forward to the Governor's government streamlining plans in his State of the State address. Reducing the size of state government is a positive thing to do.

We all know that the major focus of this legislative session will be the budget. It has to be. However, we will be looking at many other issues that are important to

Iowans. We will finally pass a venture capital plan. We need to establish Renaissance Zones so that communities have another tool in their economic development toolbox. We must examine the best way to redesign the Department of Economic Development to provide a better public-private working relationship. We must listen to Iowans and pass a bill that will help limit the growth of property taxes. And because Iowans value the competitive bidding law and the Right to Work law, we will pass legislation to not allow Project Labor Agreements in Iowa. So, while the budget is the primary focus, there are many other things to accomplish. And by the way, Representative Dotzler, the doves will be safe this year.

So, here we sit. We have left our families and friends back home. For at least thirty members, this will be our last opening day. That will certainly make this session special to us. We all come here to do our very best job. We all have our individual feelings as to what is the best way to vote. It is our job to listen to everyone, and then collectively solve the challenges in front of us. Though I know it will be a difficult session, I am excited to get to work. The excitement comes from the knowledge that in my many years in the Iowa House, we have been at our best when the times are toughest. That has been when the members of this great body have risen to the challenge. That's what the challenge is before us. Working together to get the job done. In the song, *Peaceful World*, on John Mellencamp's new CD, he sings "If you're not part of the solution, then get out of the way."

Ladies and gentlemen, that sums it up. If there are members who want to spend the session trying to achieve political gain, get out of the way. We don't have time for political posturing or game-playing. We have real and significant challenges facing us. We have real and significant opportunities before us. We have to find and craft solutions and we must take advantage of the opportunities presented. I'm hopeful and confident that we can all be part of the solution. Let's get to work.

SPECIAL PRESENTATION

Myers of Johnson and Rants of Woodbury presented a certificate to the following employees of Musco Lighting of Oskaloosa who provided lighting shortly after the September 11th terrorist attack at ground zero at the World Trade Center and at the attack on the Pentagon, free of charge. Joe Crookham, President; Jeff Rogers, Vice President of Developmental Sales; Diane Crookham Johnson, Vice President of Administration; Brent Jack, Lead Technician at the World Trade Center, ground zero; Gene Fynaardt, Lead Technician at the Pentagon; and Frank Kminek, Digital Marketing Specialist whose sister, Mari-Rae Soper, was killed on the flight that hit the Pentagon. They were escorted to the well by Representatives Van Engelenhoven and De Boef of Mahaska.

The House rose and expressed its appreciation.

RULE 57 SUSPENDED

Rants of Woodbury asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for committee meetings today.

2002 HOUSE COMMITTEE REVISIONS

The Speaker announced the following appointments to the standing committees of the House due to the resignations of Representative Barry of Harrison, Representative Falck of Fayette and Representative Houser of Pottawattamie:

Chuck Gipp

Administration and Rules

Betty Grundberg

Oversight and Communications Appropriations Subcommittee
(Replaces Representative Tymeson)

Gerald Jones

Agriculture

Local Government, Vice-Chair

Ways and Means

Human Services Appropriations Subcommittee

Gene Manternach

Justice Systems Appropriations (Replaces Representative Shey)

Janet Metcalf

Oversight and Communications Appropriations Subcommittee

Rod Roberts

Appropriations

Steve Sukup

Labor and Industrial Relations, Vice Chair

Jodi Tymeson

Education Appropriations Subcommittee

Jim Van Engelenhoven

Local Government, Chair

Paul Wilderdyke

Human Resources

Labor

Judiciary

Economic Development Appropriations Subcommittee, Vice Chair
(Replaces Representative Manternach)**STANDING COMMITTEES APPOINTED****ADMINISTRATION AND RULES – 13 Members**

Carroll, Chair	Gipp	Myers	Sukup
Dix*	Huser	Rants	Teig
Jochum**	Jacobs	Siegrist	Warnstadt
Bukta			

AGRICULTURE – 21 Members

Klemme, Chair	Bogges	Jones	Rayhons
De Boef*	Fallon	Kreiman	Rekow
Kuhn**	Frevert	Manternach	Scherrman
Alons	Huseman	May	Schrader
Atteberry	Johnson	Mertz	Teig
Baudler			

APPROPRIATIONS – 24 Members

Millage, Chair	Dix	Horbach	Roberts
Brunkhorst*	Dolecheck	Jacobs	Seng
Murphy**	Drake	Jenkins	Smith
Alons	Gipp	Mascher	Taylor, T.
Bell	Hatch	Mertz	Warnstadt
Bogges	Heaton	Raecker	Wise

COMMERCE AND REGULATION – 20 Members

Hansen, Chair	Jacobs	Osterhaus	Seng
Hoffman*	Jenkins	Petersen	Shey
Chiodo**	Johnson	Quirk	Taylor, D.
Bradley	Kettering	Raecker	Van Fossen
Dix	Metcalf	Schrader	Wise

ECONOMIC DEVELOPMENT – 21 Members

Cormack, Chair	Dotzler	Lensing	Roberts
Hoversten*	Elgin	Manternach	Seng

Hatch**	Hoffman	Metcalf	Stevens
Atteberry	Horbach	O'Brien	Teig
Boguess	Jenkins	Quirk	Van Fossen
Cohoon			

EDUCATION – 23 Members

Grundberg, Chair	Carroll	Greimann	Sievers
Boal*	Cohoon	Hansen	Stevens
Wise**	Dolecheck	Lensing	Sukup
Broers	Eddie	Mascher	Tymeson
Brunkhorst	Finch	Petersen	Winckler
Bukta	Foege	Roberts	

ENVIRONMENTAL PROTECTION – 21 Members

Hahn, Chair	Drake	Greimann	Mascher
Bradley*	Elgin	Hatch	Schrader
Witt**	Finch	Huseman	Shoultz
Brunkhorst	Foege	Kettering	Sievers
Cormack	Gipp	Lensing	Stevens
De Boef			

HUMAN RESOURCES – 21 Members

Boddicker, Chair	Carroll	Larson	Smith
Broers*	De Boef	Kreiman	Tremmel
Foege**	Ford	Murphy	Tymeson
Atteberry	Grundberg	Reynolds	Wilderdyke
Boal	Hoversten	Roberts	Witt
Brunkhorst			

JUDICIARY – 21 Members

Larson, Chair	Chiodo	Kettering	Shoultz
Baudler*	Eichhorn	Mertz	Sukup
Kreiman**	Ford	Millage	Tremmel
Bell	Grundberg	Raecker	Wilderdyke
Boddicker	Jochum	Shey	Witt
Broers			

LABOR AND INDUSTRIAL RELATIONS – 21 Members

Tyrrell, Chair	Dotzler	Jochum	Smith
Sukup*	Ford	Metcalf	Taylor, D.
Taylor, T.**	Grundberg	Millage	Wilderdyke
Boddicker	Hansen	Murphy	Winckler
Connors	Hoffman	Raecker	
Dolecheck	Horbach		

LOCAL GOVERNMENT – 21 Members

Van Engelenhoven, Chair	Carroll	Hahn	Reynolds
Jones*	Connors	Huser	Sievers
Richardson**	Dix	Klemme	Taylor, D.
Alons	Eddie	Kuhn	Warnstadt
Arnold	Fallon	Petersen	Weidman
Brauns			

NATURAL RESOURCES – 21 Members

Arnold, Chair	Brauns	Garman	Rayhons
Rekow*	Bukta	Greimann	Richardson
O'Brien**	Dotzler	Hahn	Scherrman
Alons	Drake	Huseman	Tyrrell
Baudler	Frevert	May	Weidman
Bell			

STATE GOVERNMENT – 20 Members

Metcalf, Chair	Brauns	Garman	O'Brien
Elgin*	Chiodo	Gipp	Reynolds
Larkin**	Connors	Jacobs	Taylor, T.
Boddicker	Cormack	Jochum	Tremmel
Bradley	Eichhorn	Millage	Van Engelenhoven

TRANSPORTATION – 21 Members

Brauns, Chair	Eddie	Larkin	Rekow
Rayhons*	Garman	Klemme	Scherrman
May**	Heaton	Manternach	Van Engelenhoven
Arnold	Huser	Osterhaus	Warnstadt
Bukta	Johnson	Quirk	Weidman
Cohoon			

WAYS AND MEANS – 25 Members

Van Fossen, Chair	Frevert	Jones	Sievers
Shey*	Hansen	Kuhn	Sukup
Shoultz**	Hoffman	Larkin	Taylor, D.
Boal	Hoversten	Larson	Teig
Eichhorn	Huser	Osterhaus	Tymeson
Fallon	Jochum	Richardson	Winckler
Finch			

ETHICS – 6 Members

Huseman, Chair	Warnstadt**	Mascher	Scherrman
Garman*	Cormack		

HOUSE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION – 9 Members

Raecker, Chair	Chiodo	Klemme	Taylor, T.
Sievers*	Elgin	O'Brien	Tyrrell
Connors**			

AGRICULTURE AND NATURAL RESOURCES – 9 Members

Drake, Chair	Baudler	Hahn	Quirk
Kettering*	Eddie	May	Schrader
Mertz**			

ECONOMIC DEVELOPMENT – 9 Members

Bogges, Chair	Boal	Petersen	Teig
Wildurdyke*	Hoffman	Reynolds	Winckler
Dotzler**			

EDUCATION – 9 Members

Dolecheck, Chair	Brunkhorst	Frevort	Tymeson
Roberts*	Carroll	Scherrman	Witt
Mascher**			

HEALTH AND HUMAN RIGHTS – 9 Members

Alons, Chair	Atteberry	De Boef	Shoultz
Finch*	Broers	Seng	Van Engelenhoven
Ford**			

HUMAN SERVICES – 9 Members

Heaton, Chair	Arnold	Greimann	Jones
Johnson*	Foegel	Hoversten	Smith
Osterhaus**			

JUSTICE SYSTEMS – 9 Members

Horbach, Chair	Cormack	Larkin	Richardson
Eichhorn*	Jacobs	Manternach	Tremmel
Bell**			

OVERSIGHT AND COMMUNICATIONS – 8 Members

Jenkins, Chair	Bradley	Hatch	Metcalf
Grundberg*	Garman	Lensing	
Stevens**			

TRANSPORTATION, INFRASTRUCTURE AND CAPITALS – 9 Members

Gipp, Chair	Fallon	Kuhn	Rekow
Weidman*	Huseman	Rayhons	Warnstadt
Cphoon**			

* Vice Chair
 ** Ranking Member

On motion by Rants of Woodbury, the House was recessed at 11:14 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:07 p.m., Speaker Siegrist in the chair.

APPOINTMENTS

The following appointments were made during the interim:

CAPITOL PLANNING COMMISSION
 (Chapter 18A.1, Code of Iowa)

Chuck Gipp To a term ending April 30, 2002

HAWK-I BOARD
 (Chapter 514L.5, Code of Iowa)

Jane Greimann To a term ending May 31, 2002

HOMELAND SECURITY AND DEFENSE
 (House File 762, Section 27, 2001 Extraordinary Session)

Clel Baudler

MEDICAL ASSISTANCE ADVISORY COUNCIL
 (Chapter 249A.4, Code of Iowa)

Andra Atteberry To a term ending June 30, 2003
 Brad Hansen To a term ending June 30, 2003

STATE COUNTY MANAGEMENT COMMISSION
 (Chapter 331.438, Code of Iowa)

Gerald Jones
Replaces Hubert Houser

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

The annual technology transfer and economic development reports from the University of Iowa, Iowa State University and the University of Northern Iowa, pursuant to Chapter 262.93, Code of Iowa.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

The Iowa Watershed Task Force Report 2001, pursuant to Chapter 161C.7, Code of Iowa.

Office of Renewable Fuels and Co-Products

The Seventh Annual Report, pursuant to Chapter 159.15, Code of Iowa.

DEPARTMENT OF COMMERCE Iowa Utilities Board

The 2000 Annual Report, pursuant to Chapters 7A.1, 7A.10 and 476.16, Code of Iowa.

The Annual Report on the status of utility customer contribution funds, pursuant to Chapter 476.66(6), Code of Iowa.

DEPARTMENT OF CORRECTIONS

A report regarding the Drug Court Evaluation Plan, pursuant to Chapter 904.115, Code of Iowa.

A report regarding the Violator Program and Violator Aftercare Program, pursuant to Chapter 904.115, Code of Iowa.

A report regarding Intermediate Criminal Sanctions, pursuant to Chapter 901B, Code of Iowa.

A report regarding vocational programs, pursuant to Chapter 904.115, Code of Iowa.

A report regarding the status of ICON, pursuant to Chapter 904.115, Code of Iowa.

A report regarding the Hard Labor Law – Progress Report 2001, pursuant to Chapter 904.115, Code of Iowa.

DEPARTMENT OF EDUCATION

A study of National Board Certification in Iowa and a Community College Licensure Task Force Report, pursuant to Chapters 142 and 146.1(2), 1999 Acts of the Seventy-eighth General Assembly and 2001 Acts of the Seventy-ninth General Assembly.

The Iowa Communication Network Usage Reports for Fiscal Year 2001, pursuant to Chapter 8D.10, Code of Iowa.

Division of Vocational Rehabilitation Services

The ICN Cost Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES
Mental Health and Developmental Disabilities Commission

A report concerning the activities of the commission and recommendations for changes in law, pursuant to Chapter 225C.6(h), Code of Iowa.

DEPARTMENT OF JUSTICE

The 2001 Annual Report for the Prosecutor Intern Program, pursuant to Chapter 13.2(12), Code of Iowa.

Office of Consumer Advocate

A report on the estimate of the year 2000 earnings of Qwest Corporation, pursuant to Chapter 476.98, Code of Iowa.

DEPARTMENT OF MANAGEMENT

The Fiscal Year 2001 Contract Compliance Annual Report, pursuant to Chapter 19B.7, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

The Annual Report titled "Energy Fund Disbursement Council Report" covering expenditures of Petroleum Violation Escrow funds through May 2001, pursuant to Chapter 473.15, Code of Iowa.

The financial pages for the Energy Fund Disbursement Council Annual Report, pursuant to Chapter 473.15, Code of Iowa.

The 2000 Public Drinking Water Program Annual Compliance Report, pursuant to Chapter 455B, Code of Iowa.

The Water Quality in Iowa during 1998 and 1999 and Water Quality in Iowa during 1998 and 1999: Assessment Results, pursuant to Chapter 305(b), Federal Clean Water Act.

DEPARTMENT OF PERSONNEL

An Annual Review of affirmative action in the executive branch of state government, pursuant to Chapter 19B.5, Code of Iowa.

The Fiscal Year 2001 ICN Report of the IPERS Structure and Governance Task Force, pursuant to Chapter 8D.10, Code of Iowa.

The ICN Savings Report for Fiscal Year 2001, pursuant to Chapter 19A, Code of Iowa.

The Fiscal Year 2001 Educational Leave/Educational Assistance Report, pursuant to Chapter 70A.25(3), Code of Iowa.

DEPARTMENT OF PUBLIC DEFENSE

The ICN Savings Report for Fiscal Year 2001, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The 2001 Annual Report, pursuant to Chapter 135.11, Code of Iowa.

A report on the reciprocity standards for barbers, pursuant to Chapter 72, 2001 Acts of the Seventy-ninth General Assembly.

The Child Death Review Team 2001 Report, pursuant to Chapter 135.43, Code of Iowa.

The Fiscal Year 2001 – Iowa Communications Network Videoconferencing Usage Annual Report, pursuant to Chapter 8D.10, Code of Iowa.

The Anatomical Gifts Annual Donation and Compliance Report for the year 2001, pursuant to Chapter 142C.17, Code of Iowa.

The Comprehensive Cancer Control Study Committee Report, pursuant to Chapter 182.12, 2001 Acts of the Seventy-ninth General Assembly.

The December 2001 Access to Obstetrical Care in Iowa Report, pursuant to Chapter 135.11(18A), Code of Iowa.

The Annual Report, pursuant to Chapter 135.11, Code of Iowa.

Board of Medical Examiners

A report regarding automated dispensing systems, pursuant to Chapter 182.10(i)(2), 2001 Acts of the Seventy-ninth General Assembly.

DEPARTMENT OF PUBLIC SAFETY

The 2000 Iowa Uniform Crime Report, pursuant to Chapter 692.15, Code of Iowa.

DEPARTMENT OF REVENUE AND FINANCE

The Annual Report for Fiscal Year 2001, pursuant to Chapter 422.75(28), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The 2001 Iowa Primary Road Sufficiency Log, pursuant to Chapter 307A.2(12), Code of Iowa.

The 2001 Airport Sufficiency Summary Report, pursuant to Chapter 328.12, Code of Iowa.

The fiscal year 2001 highway construction program, actual expenditures of the program, and contractual obligations of the program, pursuant to Chapter 307.12(14), Code of Iowa.

The Secondary Road Research Fund Report and the Street Research Fund Report, pursuant to Chapters 310.36 and 312.3A, Code of Iowa.

A status report on the Midwest Regional Rail Passenger Initiative, pursuant to Chapter 327J.3(5), Code of Iowa.

A summary of purchasing activity for soy based inks and recycled content trash bags for fiscal year 2001, pursuant to Chapter 307.21, Code of Iowa.

GOVERNOR'S OFFICE OF DRUG CONTROL POLICY

The 2002 Drug Control Strategy Report, pursuant to Chapter 80E.1, Code of Iowa.

IOWA CITIZEN FOSTER CARE REVIEW BOARD

The Fiscal Year 2001 Annual Report, pursuant to Chapter 237.18, Code of Iowa.

IOWA COMMUNICATIONS NETWORK
Telecommunications and Technology Commission

A report on maintenance contracts, pursuant to Chapter 8D.3(3)(g), Code of Iowa.

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

A summary of identified savings associated with the Iowa Communications Network use of the network during Fiscal Year 2001, pursuant to Chapter 8D.10, Code of Iowa.

IOWA ENERGY CENTER

The 2000 Annual Report, pursuant to Chapter 476.10a, Code of Iowa.

IOWA PRISON INDUSTRIES

The 2000-2001 Annual Report, pursuant to Chapters 904.701, 904.808 and 904.815, Code of Iowa.

IOWA WORKFORCE DEVELOPMENT

The 2001 Annual Surcharge Office Report, pursuant to Chapter 96.7(12), Code of Iowa.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

The 2001 report on escalation program, pursuant to Chapter 411.6, Code of Iowa.

STATE LIBRARY OF IOWA

The Fiscal Year 2001 – Iowa Communications Network Usage Annual Report, pursuant to Chapter 8D.10, Code of Iowa.

STATE OF IOWA
Alcoholic Beverages Division

The 66th Annual Report, pursuant to Chapter 123.55, Code of Iowa.

TREASURER OF STATE

The Tobacco Settlement Authority Annual Report, pursuant to Chapter 12E.15, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|--------|--|
| 2002\1 | Irwin and Mary Lou Denker, Denison – For celebrating their 50 th wedding anniversary. |
| 2002\2 | Steven and Nattie Seward, Whitting – For celebrating their 50 th wedding anniversary. |
| 2002\3 | Marie Jongma, Hospers – For celebrating her 90th birthday. |
| 2002\4 | Cy Bryngelson, Marshalltown – For celebrating his 95 th birthday. |
| 2002\5 | Mildred Pennell, Marshalltown – For celebrating her 94 th birthday. |

- 2002\6 Margaret Thomas, Marshalltown – For celebrating her 90th birthday.
- 2002\7 Mary Elsberry, Marshalltown – For celebrating her 85th birthday.
- 2002\8 Jerry and Marilyn Anson, Marshalltown – For celebrating their 55th wedding anniversary.
- 2002\9 Erwin and Verna Hass, Marshalltown – For celebrating their 69th wedding anniversary.
- 2002\10 Harry Seelman, Oxford – For celebrating his 80th birthday.
- 2002\11 Fern Taylor, Dysart – For celebrating her 80th birthday.
- 2002\12 Jean Staker, Traer – For celebrating her 80th birthday.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 500 Appropriations

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.

H.S.B. 501 Ways and Means

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, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision.

H.S.B. 502 Ways and Means

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 a retroactive applicability date provision.

H.S.B. 503 Education

Adding certain information concerning school or educational institution security or emergency preparedness to the list of public records kept confidential.

H.S.B. 504 Ways and Means

Relating to deferment of taxable income for start-up businesses and providing an effective and retroactive applicability date.

H.S.B. 505 Ways and Means

Allowing a tax deduction for equity investments in venture capital funds, limiting the fiscal impact of the tax deductions, and including an effective and retroactive applicability date provision.

H.S.B. 506 Ways and Means

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.

H.S.B. 507 Ways and Means

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.

H.S.B. 508 Transportation

Increasing the speed limit for certain vehicular traffic on certain interstate highways that have been identified by federal law as high priority corridors.

H.S.B. 509 Transportation

Relating to driving a motor vehicle on a highway while suspended, denied, revoked, or barred for an operating while intoxicated violation.

RESOLUTION FILED

HCR 103, by Tyrrell, a concurrent resolution requesting the legislative council to establish an interim study committee to study the feasibility of merging counties in the state.

Laid over under **Rule 25**.

On motion by Rants of Woodbury the House adjourned at 1:09 p.m., until 8:45 a.m., Tuesday, January 15, 2002.

JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 15, 2002

The House met pursuant to adjournment at 8:54 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Art Zewert, pastor of Zion Reformed Church, Sheffield. He was the guest of Representative Steve Sukup of Franklin County.

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

INTRODUCTION OF BILLS

House File 2035, by Grundberg, Hatch, Hahn, Dotzler, Tyrrell, D. Taylor, Sievers, Bukta, Van Fossen, Larkin, Dix, Stevens, Eichhorn, Atteberry, Boal, Winckler, Cormack, Osterhaus, Hoffman, Frevert, Elgin, Smith, Jones, Millage, Warnstadt, Tymeson, May, Baudler, Petersen, Broers, Ford, Boddicker, Fallon, Finch, Mascher, Dolecheck, Foege, Metcalf, Richardson, Rayhons, Quirk, Jenkins, Murphy, Jacobs, Connors, Johnson, Schrader, Heaton, and Myers, 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 2036, by Drake, a bill for an act establishing a nursing shortage forgivable loan program and fund and making an appropriation from the healthy Iowans tobacco trust.

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

House File 2037, by Millage, a bill for an act relating to notarial acts by judicial officers.

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

House File 2038, by Hoversten, a bill for an act requiring seat belts in truck beds and making existing penalties applicable.

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

House File 2039, by Frevert and Garman, 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 and referred to committee on **human resources**.

House File 2040, by Fallon, a bill for an act lowering the blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

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

House File 2041, by Fallon, a bill for an act allowing a county to establish a transit system as a county enterprise and to levy a property tax for the transit system.

Read first time and referred to committee on **ways and means**.

House File 2042, by Fallon, a bill for an act relating to the duration of urban revitalization tax exemptions and providing a retroactive applicability date.

Read first time and referred to committee on **ways and means**.

House File 2043, by Siegrist, a bill for an act relating to the circumstances under which a United States reserve officer training corps recruiter shall have access to the campus of a postsecondary educational institution.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 14, 2002, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, a concurrent resolution designating a joint convention on Tuesday, January 15, 2002, at 10:00 a.m. for Governor Vilsack to deliver his budget message.

Also: That the Senate has on January 14, 2002, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 102, a concurrent resolution designating a joint convention on Wednesday, January 16, 2002, at 10:00 a.m. for Chief Justice Lavorato to deliver his condition of the judicial branch message.

MICHAEL E. MARSHALL, Secretary

HOUSE FILES 24 and 668 WITHDRAWN

Hahn of Muscatine asked and received unanimous consent to withdraw House Files 24 and 668 from further consideration by the House.

HOUSE FILES 14 and 616 WITHDRAWN

Brunkhorst of Bremer asked and received unanimous consent to withdraw House Files 14 and 616 from further consideration by the House.

HOUSE FILE 565 WITHDRAWN

Arnold of Lucas asked and received unanimous consent to withdraw House File 565 from further consideration by the House.

HOUSE FILE 433 WITHDRAWN

Klemme of Plymouth asked and received unanimous consent to withdraw House File 433 from further consideration by the House.

HOUSE FILE 665 WITHDRAWN

Van Engelenhoven of Mahaska asked and received unanimous consent to withdraw House File 665 from further consideration by the House.

The House stood at ease at 9:01 a.m., until the fall of the gavel.

The House resumed session at 9:50 a.m., Speaker Siegrist in the chair.

COMMITTEE TO NOTIFY THE SENATE

Kettering of Sac moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Kettering of Sac, Boggess of Page and Smith of Marshall.

The House stood at ease at 9:51 a.m., until the fall of the gavel.

The House resumed session at 9:55 a.m., Speaker Siegrist in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Kettering of Sac, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House Chamber.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 101, duly adopted, the joint convention was called to order at 9:57 a.m., President Kramer presiding.

Senator Iverson of Wright moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

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

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

The motion prevailed and the President appointed as such committee Senators Sexton of Calhoun, Freeman of Buena Vista and Shearer of Washington, on the part of the Senate, and Representatives Hoffman of Crawford, Jones of Mills and Petersen of Polk, on the part of the House.

Secretary of State, Chester J. Culver; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture and Land Stewardship, Patty Judge; State Auditor, Dick Johnson and Attorney General, Tom Miller were escorted into the House chamber.

The Supreme Court Justice, the Justices of the Supreme Court, the Chief Judge and Judges of the Appellate Court were escorted into the House chamber.

Lieutenant Governor Sally Pederson was escorted into the House chamber.

Mrs. Christie Vilsack, wife of the Governor and Jess Vilsack, son of the Governor were escorted into the House chamber.

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

President Kramer presented Governor Thomas J. Vilsack who delivered the following condition of the state message:

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 11th, 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, Sergeant 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, Sergeant 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. Sergeant 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 3 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 11th 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 11th. 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 two-percent a year.

And that two 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 twelve 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 Lieutenant 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 Lieutenant 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 it 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 Iowa's. 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 Thomas J. Vilsack was escorted from the House chamber by the committee previously appointed.

On motion by Metcalf of Polk, the joint convention was dissolved at 11:06 a.m.

The House stood at ease at 11:07 a.m., until the fall of the gavel.

The House resumed session at 11:29 a.m., Speaker Siegrist in the chair.

HOUSE FILES WITHDRAWN

The following House Files were withdrawn by unanimous consent:

House File 5 by Drake of Pottawattamie
House File 74 by Roberts of Carroll
House File 119 by Hoversten of Woodbury
House File 288 by Hoffman of Crawford
House File 342 by Hatch of Polk
House File 351 by Brauns of Muscatine
House File 386 by Jacobs of Polk
House File 523 by Carroll of Poweshiek

House File 545 by Hoffman of Crawford
House File 546 by Hoffman of Crawford
House File 551 by Mertz of Kossuth
House File 568 by Hansen of Pottawattamie
House File 573 by Drake of Pottawattamie

HOUSE FILE 2033 REREFERRED

The Speaker announced that House File 2033, previously referred to committee on **transportation** was rereferred to committee on **natural resources**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ELDER AFFAIRS

The 2001 Annual Report of the Office of the Long Term Care Ombudsman, pursuant to Chapter 231, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

The Annual Report on Personal Assistance and Family Support Services, pursuant to Chapter 225C.48, Code of Iowa.

The Annual Report of Savings realized through use of the Iowa Communications Network for Fiscal Year 2001, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH
Scope of Practice Review Committee

The final report of the extended pilot project, pursuant to Chapter 1222.11, 2000 Acts of the Seventy-eighth General Assembly.

DEPARTMENT OF TRANSPORTATION

A report annually on the development and adoption of classifications of railroad-highway grade crossings on public highways, pursuant to Chapter 307.26(5)(c), Code of Iowa.

The 2001 passenger rail service revolving fund, pursuant to Chapter 327J.3(1), Code of Iowa.

UNIVERSITY OF IOWA HOSPITALS AND CLINICS

A report on the use of home telemedicine in the Indigent Patient Care Program, pursuant to Chapter 181.8(2)(b), 2001 Acts of the Seventy-ninth General Assembly.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|---------|---|
| 2002\13 | Don and Virginia Klobnock, Chariton – For celebrating their 50 th wedding anniversary. |
| 2002\14 | Craig Avery, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\15 | Ted and Geri Lenocker, Dexter – For celebrating their 50 th wedding anniversary. |
| 2002\16 | Don and Joan Downing, Fontanelle – For celebrating their 50 wedding anniversary. |
| 2002\17 | Ethelyn Spencer, Winterset – For celebrating her 90 th birthday. |
| 2002\18 | Wayne and Phyllis Brown, Bayard – For celebrating their 50 th wedding anniversary. |
| 2002\19 | Mildred Osburn, Bedford – For celebrating her 100 th birthday. |
| 2002\20 | Darin Oater, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\21 | Bryon Blackledge, Durant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\22 | Chad Tieke, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\23 | Robert Barr, Wilton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\24 | Tommy Morrison, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\25 | Ricky Teed, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

- 2002\26 Randy Teed, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\27 Jacob Bermel, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\28 Conrad Stalheim, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\29 Stephen Berger, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\30 Brad Hansen, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 2007

Transportation: May, Chair; Rayhons and Rekow.

House File 2013

Education: Dolecheck, Chair; Broers and Wise.

House File 2016

Local Government: Weidman, Chair; Carroll and Petersen.

House File 2019

Appropriations: Gipp, Chair; Drake, Hatch, Horbach and Mascher

House File 2020

Transportation: Weidman, Chair; Huser and Klemme.

House File 2023

Local Government: Eddie, Chair; Fallon and Van Engelenhoven.

House File 2024

Local Government: Weidman, Chair; Arnold and D. Taylor.

House File 2026

Transportation: Eddie, Chair; Bukta and Garman.

House File 2032

Commerce and Regulation: Jenkins, Chair; Johnson and Quirk.

House Concurrent Resolution 10

Appropriations: Millage, Chair; Brunkhorst and Hatch.

Senate Concurrent Resolution 14 Reassigned

Appropriations: Millage, Chair; Brunkhorst and Hatch.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 500

Appropriations: Brunkhorst, Chair; Jacobs and Murphy.

House Study Bill 503

Education: Sukup, Chair; Greimann and Tymeson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 510 Commerce and Regulation

Relating to the reporting of the findings of health care facility inspections.

H.S.B. 511 Judiciary

Relating to presentation of victim impact statements at criminal sentencing hearings.

H.S.B. 512 Judiciary

Requiring motor vehicle operators to take certain precautions when passing stationary authorized emergency, towing, recovery, and highway maintenance vehicles and providing a penalty.

H.S.B. 513 Local Government

Relating to formatting standards for recording documents or instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date.

H.S.B. 514 Local Government

Prohibiting the inclusion of federal social security numbers in documents prepared for recording in the office of county recorder.

H.S.B. 515 Appropriations

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

H.S.B. 516 Commerce and Regulation

Relating to the holder's recourse for dishonored checks.

H.S.B. 517 Commerce and Regulation

Relating to the transfer of certain deposit and investment accounts upon the death of the decedent.

H.S.B. 518 Education

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.

H.S.B. 519 Agriculture

Relating to changes in the Missouri river master manual of the United States army corps of engineers.

On motion by Rants of Woodbury the House adjourned at 11:35 a.m., until 8:45 a.m., Wednesday, January 16, 2002.

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, JANUARY 16, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Third Calendar Day - Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 16, 2002

The House met pursuant to adjournment at 8:48 a.m., Speaker pro tempore Sukup in the chair.

Prayer was offered by Reverend John Gaul, pastor of Grace United Methodist Church, Sioux City. He was the guest of Representative Christopher Rants of Woodbury County.

The Journal of Tuesday, January 15, 2001 was approved.

PETITION FILED

The following petition was received and placed on file:

By Murphy of Dubuque, from one hundred six constituents from the eighty-fifth district petitioning the State Legislature and the Governor to consider the judicious use of 5% of the state's "Rainy Day Funds" for the purpose of providing a short term "fix" to cover services to those children, families and seniors whose lives are most devastated by the necessary and drastic cuts in state funding. We want this directed to those services where there is a federal match, in effect, doubling our money. We believe implicitly in the importance of sound fiscal policy. We also believe in justice. We believe the economy is in a short downturn and is already rebounding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carroll of Poweshiek, until his arrival, and Larson of Linn on request of Rants of Woodbury.

INTRODUCTION OF BILLS

House File 2044, by O'Brien, a bill for an act concerning the reemployment of Iowa public employees' retirement system retirees

by eliminating certain earnings restrictions and modifying the requirements for a bona fide retirement.

Read first time and referred to committee on **state government**.

House File 2045, by Eddie, a bill for an act relating to the collection and recycling of motor oil filters.

Read first time and referred to committee on **environmental protection**.

House File 2046, by Boddicker, a bill for an act relating to determinations of the need for a child's treatment with a psychotropic drug under child in need of assistance procedures and school policies.

Read first time and referred to committee on **human resources**.

House File 2047, by Johnson, a bill for an act relating to notice of proposed legislation that may contain an exception to open governmental meeting requirements.

Read first time and referred to committee on **state government**.

House File 2048, by Boddicker, a bill for an act relating to the right to demand a jury trial in a divorce proceeding.

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

House File 2049, by Wise, a bill for an act relating to venture capital 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.

Read first time and referred to committee on **ways and means**.

House File 2050, by Greimann, Lensing, Shoultz, Schrader, Foege, Mascher, Witt, Hatch, and Stevens, a bill for an act relating to the reimbursement amount received by dealers or persons operating redemption centers who redeem empty beverage containers.

Read first time and referred to committee on **environmental protection**.

House File 2051, by Tymeson, Foege, Alons, Smith, and Finch, a bill for an act relating to the membership of the commission of veterans affairs.

Read first time and referred to committee on **state government**.

House File 2052, by Warnstadt and Hoversten, a bill for an act authorizing the district court to waive the requirement that the state or any of its political subdivisions file a supersedeas bond upon appeal to the Iowa supreme court.

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

House File 2053, by Dolecheck, 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 2054, by Hoversten, 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 2055, by Tymeson, a bill for an act providing for access by licensed chiropractors to designated hospital services.

Read first time and referred to committee on **human resources**.

House File 2056, by Alons, Boddicker, Johnson, Garman, Roberts, Klemme, Carroll, Dolecheck, Kettering, Tymeson, De Boef, Rekow, Mertz, Tremmel, Seng, and O'Brien, a bill for an act relating to prohibiting the use of the general fund of the state to implant the product of human somatic cell nuclear transfer in a woman's uterus, and providing a civil penalty.

Read first time and referred to committee on **human resources**.

House File 2057, by Roberts, a bill for an act adding civics to the curriculum public and accredited nonpublic schools are required to teach in grades seven and eight.

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

House File 2058, by Eddie, a bill for an act relating to the establishment of a crossbow deer season by the natural resource commission and subjecting violators to a scheduled fine.

Read first time and referred to committee on **natural resources**.

House File 2059, by Lensing, a bill for an act concerning bona fide retirement for nurses under the Iowa public employees' retirement system.

Read first time and referred to committee on **state government**.

House File 2060, by Cormack, a bill for an act relating to the criminal offense of making a false report and providing a penalty.

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

House File 2061, by Finch, a bill for an act relating to the membership of the state board of regents.

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

House File 2062, by Hoversten, 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 2063, by Siegrist, a bill for an act relating to the powers of the department of public safety in regard to security on the capitol complex.

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

HOUSE FILES WITHDRAWN

The following House Files were withdrawn by unanimous consent:

House File 331 by Baudler of Adair
House File 509 by Sievers of Scott
House File 163 by Horbach of Tama
House File 255 by Bradley of Clinton
House File 671 by Van Engelenhoven of Mahaska

The House stood at ease at 8:59 a.m., until the fall of the gavel.

The House resumed session at 9:40 a.m., Speaker pro tempore Sukup in the chair.

COMMITTEE TO NOTIFY THE SENATE

Bradley of Clinton moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the following committee was appointed: Bradley of Clinton, Garman of Story and Foege of Linn.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Bradley of Clinton, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House Chamber.

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 of Hancock moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

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

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

The motion prevailed and the President appointed as such committee Senators Angelo of Union, Maddox of Polk and Fiegen of Cedar, on the part of the Senate, and Representatives Dolecheck of Ringgold, Wilderdyke of Harrison and Greimann of Story, on the part of the House.

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

The motion prevailed and the President appointed as such committee Senators Lamberti of Polk, Rittmer of Clinton and Fraise of Lee, on the part of the Senate, and Representatives Millage of Scott, Baudler of Adair and Lensing of Johnson, on the part of the House.

Secretary of State, Chester J. Culver; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture and Land Stewardship, Patty Judge; and Attorney General, Tom Miller were escorted into the House chamber.

The Justices of the Supreme Court, the Chief Judge, the Judges of the Court of Appeals and the District Court Chief Judges, were escorted into the House chamber.

Mrs. Janis Lavorato, the wife of the Chief Justice; his sons, Anthony and Dominick Lavorato and his friend Lori Wilson; his stepdaughter, Jenna Green; his brother Charles and his wife Carolyn; his sister-in-law, Delayne Johnson and her son Jacob Johnson; and his brother-in-law Ed Busing were escorted into the House chamber.

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

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

President Kramer presented Chief Justice Louis A. Lavorato who delivered the following Condition of the Judicial Branch 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 Eisenhower, 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 ten percent 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.
- 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 Louis A. Lavorato was escorted from the House chamber by the committee previously appointed.

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

On motion by Jacobs of Polk, the joint convention was dissolved at 10:33 a.m.

On motion by Rants of Woodbury, the House was recessed at 10:49 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:02 p.m., Speaker Siegrist in the chair.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

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

Fiscal Note is not required.

Recommended **Do Pass** January 15, 2002.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 104

Carroll of Poweshiek asked and received unanimous consent for the immediate consideration of the following resolution:

- 1 HOUSE CONCURRENT RESOLUTION 104
- 2 BY COMMITTEE ON ADMINISTRATION AND RULES
- 3 A concurrent resolution amending the compensation
- 4 resolution for employees of the Seventy-ninth General
- 5 Assembly.
- 6 *Be It Resolved By The House Of Representatives, The*
- 7 *Senate Concurring,* That for the duration of the 2002
- 8 Regular Session of the Seventy-ninth General Assembly,
- 9 secretaries to senators and representatives are
- 10 presumed to have 36, rather than 40, hours of work
- 11 each week the general assembly is in session and shall
- 12 be paid only on that basis.
- 13 *Be It Further Resolved,* That the following joint
- 14 Senate/House employees of the Seventy-ninth General
- 15 Assembly be placed in the following pay grades and be
- 16 paid an overtime premium:
- 17 Security Secretary I Grade 19
- 18 Security Officer I..... Grade 20
- 19 Security Officer II Grade 23
- 20 Conservation/Restoration Specialist II..... Grade 31

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-six members present, twenty-four absent.

The House stood at ease at 1:18 p.m., until the fall of the gavel.

The House resumed session at 1:47 p.m., Speaker Siegrist in the chair.

Shoultz of Black Hawk asked for unanimous consent that **House Concurrent Resolution 104** be deferred.

Objection was raised.

Hatch of Polk asked unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments.

Objection was raised.

RULE 31.8 SUSPENDED

Shoultz of Black Hawk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8001.

Shoultz of Black Hawk offered the following amendment H-8001 filed by him from the floor and moved its adoption:

H-8001

- 1 Amend House Concurrent Resolution 104 as follows:
- 2 1. Page 1, by striking lines 7 through 13, and
- 3 inserting the following: "SENATE CONCURRING, That the
- 4 following joint".

Amendment H-8001 lost.

Carroll of Poweshiek moved the adoption of House Concurrent Resolution 104.

The motion prevailed and the resolution was adopted.

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage each member is entitled to begs leave to submit the following supplemental report:

Name	Round Trip Miles
Gerald D. Jones.....	280
Richard D. Taylor.....	264
Todd E. Taylor.....	248
Paul A. Wilderdyke.....	262

Respectfully submitted,
 MICHAEL G. CORMACK, Chair
 DICK B. WEIDMAN
 GERI D. HUSER

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House Concurrent Resolution 104** be immediately messaged to the Senate.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to House Concurrent Resolution 104 and Senate Concurrent Resolution 5, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Admin. Assistant II to Speaker	Daniel L. Fogleman	35-2 to 35-3	P-FT	05-11-01
Leg. Research Analyst	Dwayne Dean Fiihr, Jr.	27-2 to 27-3	P-FT	06-08-01
Supervisor of Secretaries I	Linda C. Rosky	24-1 to 24-2	P-FT	06-08-01
Clerk to Chief Clerk	Shane D. Doeppeke	16-1 to	S-O	06-25-01
Indexing Assistant		19-1	P-FT	
Admin. Assistant to Leader	Mary K. Earnhardt	27-1 to 27-2	P-FT	07-06-01

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Leg. Research Analyst	Stefani K. Millie	27-1 to 27-2	P-FT	07-06-01
Leg. Research Analyst II	Patricia A. Schultz	32-3 to 35-2	P-FT	07-06-01
Leg. Research Analyst III				
Leg. Research Analyst II	Bradley A. Trow	32-2 to 32-3	P-FT	07-06-01
Leg. Research Analyst	Jason E. White	27-1 to 27-2	P-FT	07-06-01
Confidential Secretary to Speaker	Becky L. Lorenz	27-2 to 27-3	P-FT	09-12-01
Confidential Sec. II to Chief Clerk	Jacquelyn M. Seymour	32-1	P-FT	11-13-01
Assistant Legal Counsel	Doreen R. Terrell	27-2 to 27-3	P-FT	11-23-01
Senior Caucus Secretary	David L. Epley	24-2 to 24-3	P-FT	12-07-01
Senior Leg. Research Analyst	Mary C. Braun	38-5 to 38-6	P-FT	12-21-01
Admin. Assistant II to Leader	Gentry T. Collins	32-3 to 32-4	P-FT	12-21-01
Admin Assistant to Leader	Mary K. Earnhardt	27-2 to	P-FT	12-21-01
Leg. Research Analyst		27-2		
Senior Editor	Gayle A. Goble	30-1 to 30-2	P-FT	12-21-01
Caucus Staff Director	Jeffrey G. Mitchell	38-5 to 38-6	P-FT	12-21-01
Senior Leg. Research Analyst	Jenifer L. Parsons	38-3 to 38-4	P-FT	12-21-01
Editor II	Trina L. Rudicil	25-1 to 25-3	P-FT	12-21-01
Indexing Assistant	Shane D. Doepcke	19-1 to 19-2	P-FT	01-04-02
Assistant Editor	Vicki L. Jones	19-1	E-FT	01-04-02
Doorkeeper	Richard R. Overholser	11-3 to 11-4	S-O	01-04-02
Leg. Research Analyst	Kellie L. Paschke	27-2 to 27-3	P-FT	01-04-02
Senior AA to Speaker	Susan D. Severino	38-4 to 38-5	P-FT	01-04-02
Admin. Assistant to Leader	Allison G. Dorr Kleis	27-1	P-FT	01-07-02
Doorkeeper	Howard H. Scott, Sr.	11-1	S-O	01-09-02
Confidential Secretary II to Chief Clerk	Betty M. Soener	32-5 to	P-FT	01-11-02
Clerk to Chief Clerk		16-6	S-O	
Legislative Secretary	Chris C. Anderson	16-1	S-O	01-14-02
Legislative Secretary	Allison N. Bell	16-1	S-O	01-14-02

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Committee Secretary	Opal M. Bigham	17-1	S-O	01-14-02
Legislative Secretary	Devin L. Boerm	15-1	S-O	01-14-02
Legislative Secretary	Dawn M. Chamberlain	15-1	S-O	01-14-02
Legislative Secretary	Eric M. Curtis	15-1	S-O	01-14-02
Legislative Secretary	Megan K. Daley	16-1	S-O	01-14-02
Legislative Secretary	Shirley M. Danskin-White	16-6+2	S-O	01-14-02
Legislative Secretary	Kirk J. Eilers	15-1	S-O	01-14-02
Legislative Secretary	Judith K. Elliott	17-2 to 15-2	S-O	01-14-02
Legislative Committee Secretary	Jaime L. Ellithorpe	17-1	S-O	01-14-02
Legislative Committee Secretary	Brooke A. Findley	17-1	S-O	01-14-02
Legislative Committee Secretary	Lynn K. Frank	17-2 to 16-2	S-O	01-14-02
Legislative Secretary	Martha L. Fullerton	16-1	S-O	01-14-02
Legislative Committee Secretary	Linda B. Gesling	17-1 to 18-1	S-O	01-14-02
Legislative Secretary	Brendan E. Greiner	16-1 to 18-1	S-O	01-14-02
Legislative Secretary	Sue L. Hammen	18-1	S-O	01-14-02
Legislative Secretary	Jennifer M. Hansen	16-1	S-O	01-14-02
Legislative Secretary	Vikki R. Hanson	15-1	S-O	01-14-02
Legislative Committee Secretary	H. Kay Jenkins	17-2 to 17-3	S-O	01-14-02
Legislative Secretary	Janet M. Jones	16-1	S-O	01-14-02
Legislative Secretary	Joseph L. Judge	15-1	S-O	01-14-02
Legislative Secretary	Jarad J. Klein	16-1 to 15-1	S-O	01-14-02
Legislative Secretary	Denise A. Kuhn	16-1	S-O	01-14-02
Legislative Secretary	Amanda B. Lensing	15-1	S-O	01-14-02
Legislative Secretary	Karen A. Lischer	15-1	S-O	01-14-02
Legislative Secretary	Karen K. Loihl	15-1	S-O	01-14-02
Legislative Secretary	Kyle S. McCullough	16-1	S-O	01-14-02
Legislative Secretary	Clark E. McMullen	15-2 to 16-2	S-O	01-14-02
Legislative Secretary	Kerri E. Moran	17-1 to 16-1	S-O	01-14-02
Legislative Secretary	Diane E. Nandell	17-2 to 16-2	S-O	01-14-02
Legislative Secretary	Lacey R. Oliver	16-1	S-O	01-14-02
Legislative Committee Secretary	Jean P. Olson	17-2 to 18-2	S-O	01-14-02
Legislative Committee Secretary	Martha S. Raecker	17-1	S-O	01-14-02

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Regan R. Roberts	16-1	S-O	01-14-02
Legislative Secretary	Mary M. Sanders	16-2 to 16-3	S-O	01-14-02
Legislative Secretary	Dianne G. Shoultz	16-1	S-O	01-14-02
Legislative Secretary	Amber K. Tischer	15-1 to 16-1	S-O	01-14-02
Legislative Secretary	Bryan L. Turner	16-1	S-O	01-14-02
Legislative Secretary	Barbara B. Wennerstrum	16-6+2 to 17-6+2	S-O	01-14-02
Legislative Committee Secretary				
Legislative Secretary	Nathan T. Willems	18-1	S-O	01-14-02
Legislative Secretary	Courtney E. Winckler	15-1	S-O	01-14-02

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
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Page	Megan L. Riney	9-1	S-O
Page	Brian F. Rolek	9-1	S-O
Page	Christopher E. Skoog	9-1	S-O
Page	Danelle M. Tippie	9-1	S-O
Page	Tina T. Tran	9-1	S-O
Page	Kylene A. Wentland	9-1	S-O

PAGES—GROUP II

Page	Frances M. Blake	9-1	S-O
Page	Josh L. Gipper	9-1	S-O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Page	Aaron R. Gott	9-1	S-O
Page	Lynette S. Grause	9-1	S-O
Page	Jonquil G. Kessel	9-1	S-O
Page	Louis J. Kishkunas	9-1	S-O
Page	Amanda K. Knoll	9-1	S-O
Page	Mary E. McAlexander	9-1	S-O
Page	Angela E. Peterson	9-1	S-O
Page	Stephanie R. Strasko	9-1	S-O
Page	Ryan S. Tomlinson	9-1	S-O
Page	Lindsey T. Topp	9-1	S-O
Page	Melissa Ann Wathen	9-1	S-O

The following are resignations from the officers and employees of the House:

Assistant Editor	Laurel K. Sandbulte	10-17-01
Senior Leg. Research Analyst	Stacie S. Maass	11-30-01
Confidential Sec. II to Chief Clerk	Betty M. Soener	01-10-02

Pursuant to House Concurrent Resolution 104 and Senate Concurrent Resolution 5, the following is a list of officers and employees of the Joint Senate/House and their recommended classification grades and steps:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Conservation/Restoration Specialist II	Mark S. Lundberg	31-1	P-FT	07-25-01
Security Secretary I	Shawna S. Padgett	19-1	P-FT	01-08-02
Security Officer I	Loren E. Achenbach	20-1	P-FT	01-08-02
Security Officer I	Anthony Bigger	20-1	P-FT	01-08-02
Security Officer I	Nickolas S. Brown	20-1	P-FT	01-08-02
Security Officer I	Richard A. Crawford	20-1	P-FT	01-08-02
Security Officer I	Marshall T. Irwin	20-1	P-FT	01-08-02
Security Officer I	Carl E. Lami	20-1	P-FT	01-08-02
Security Officer I	Steven D. Marsh	20-1	P-FT	01-08-02
Security Officer I	Roy E. Paradise	20-1	P-FT	01-08-02
Security Officer I	Trudy Paulson	20-1	P-FT	01-08-02
Security Officer I	Johnny L. Ponsetto	20-1	P-FT	01-08-02
Security Officer I	Robert J. Porter	20-1	P-FT	01-08-02
Security Officer I	Judith A. Salier	20-1	P-FT	01-08-02

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF COMMERCE

A report on savings incurred from using the Iowa communications network, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

The Fourth Annual Report of the Healthy and Well Kids in Iowa (HAWK-I) Board, pursuant to Chapter 514I.4(1)(a), Code of Iowa.

DEPARTMENT OF INFORMATION TECHNOLOGY

The Fiscal Year 2001 Agency Revolving Fund Report, pursuant to Chapter 14B.103, Code of Iowa.

DEPARTMENT OF PUBLIC DEFENSE

The annual report regarding the status of Iowa's E911 implementation and operations, pursuant to Chapter 34A.7A, Code of Iowa.

PSEUDORABIES ADVISORY COMMITTEE

The official 2002 report on calendar year 2001 activities, pursuant to Chapter 166D.3, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|---------|---|
| 2002\31 | Velma Calef, Oskaloosa – For celebrating her 84 th birthday. |
| 2002\32 | Dwight Calef, Oskaloosa – For celebrating his 88 th birthday. |
| 2002\33 | Mr. and Mrs. Dwight Calef, Oskaloosa – For celebrating their 66 th wedding anniversary. |
| 2002\34 | Homer and Dorothy Kerr, South English – For celebrating their 65 th wedding anniversary. |
| 2002\35 | Mabel Huber, Wellman – For celebrating her 100 th birthday. |

- 2002\36 Verle and Bernice Brubaker, South English – For celebrating their 50th wedding anniversary.
- 2002\37 Paul Crosman, Ogden – For being named a member of the 1st Team All-State Football Team.
- 2002\38 Don and Isabel Berry, Indianola – For celebrating their 50th wedding anniversary.
- 2002\39 Mr. and Mrs. Bruce Brown, Lebanon – For celebrating their 60th wedding anniversary.
- 2002\40 Frances Overstreet, Keosauqua – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 40 Reassigned

Appropriations: Roberts, Chair; Dix and Mertz.

House File 42 Reassigned

State Government: Metcalf, Chair; Bradley and O'Brien.

House File 296 Reassigned

Appropriations: Heaton, Chair; Roberts and Seng.

House File 423 Reassigned

Appropriations: Heaton, Chair; Roberts and T. Taylor.

House File 432 Reassigned

Appropriations: Jacobs, Chair; Bell and Roberts.

House File 477 Reassigned

Appropriations: Dolecheck, Chair; Mascher and Roberts.

House File 479 Reassigned

Appropriations: Dolecheck, Chair; Mascher and Roberts.

House File 584 Reassigned

Appropriations: Drake, Chair; Hatch and Roberts.

House File 2003

State Government: Millage, Chair; Chiodo and Garman.

House File 2005

State Government: Jacobs, Chair; Elgin and T. Taylor.

House File 2008

State Government: Jacobs, Chair; Boddicker, Eichhorn, Jochum and Reynolds.

House File 2009

State Government: Jacobs, Chair; Boddicker, Eichhorn, Jochum and Reynolds.

House File 2010

State Government: Jacobs, Chair; Larkin and Metcalf.

House File 2025

State Government: Gipp, Chair; Elgin and Larkin.

House File 2028

State Government: Eichhorn, Chair; Connors and Cormack.

House File 2029

State Government: Eichhorn, Chair; Connors and Cormack.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 512**

Judiciary: Baudler, Chair; Bell and Boddicker.

House Study Bill 515

Appropriations: Millage, Chair; Brunkhorst and Murphy.

House Study Bill 518

Education: Dolecheck, Chair; Finch and Mascher.

House Study Bill 519

Agriculture: Klemme, Chair; Huseman and Kuhn.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 520 Judiciary

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

H.S.B. 521 Transportation

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

H.S.B. 522 Transportation

Relating to condemnation of property by the state department of transportation by exempting the department from early notice requirements for certain highway projects and designating the department director as the governing body for condemnation purposes.

H.S.B. 523 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 oversize vehicles, and providing penalties and effective dates.

H.S.B. 524 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.

H.S.B. 525 Education

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.

H.S.B. 526 Transportation

Relating to restrictions on advertising devices placed along interstate highways and providing a delayed effective date.

RESOLUTIONS FILED

HR 101, by committee on administration and rules, a resolution to amend the permanent rules of the House of Representatives relating to bill and amendment consideration deadlines and recognition to address the chamber.

Placed on the **calendar**.

HR 102, by committee on administration and rules, a resolution to amend the rules governing lobbyists in the House of Representatives.

Referred to committee on **ethics**.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

House Resolution 101, a resolution to amend the permanent rules of the House of Representatives relating to bill and amendment consideration deadlines and recognition to address the chamber.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 2002.

House Resolution 102, a resolution to amend the rules governing lobbyists in the House of Representatives.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 2002.

Pursuant to Rule 31.7, House Resolution 102 was referred to the committee on ethics.

On motion by Rants of Woodbury the House adjourned at 2:34 p.m., until 8:45 a.m., Thursday, January 17, 2002.

PROOF

STATE OF IOWA

House Journal

THURSDAY, JANUARY 17, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 17, 2002

The House met pursuant to adjournment at 8:55 a.m., Speaker Siegrist in the chair.

Prayer was offered by the Honorable Dolores Mertz, state representative from Kossuth County. She was the guest of Representative Dick Myers of Johnson County.

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

INTRODUCTION OF BILLS

House File 2064, by Drake, a bill for an act providing for utilization of physical plant and equipment levy revenue for technology expenditures.

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

House File 2065, by Boal, 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 and referred to committee on **natural resources**.

House File 2066, by Richardson, a bill for an act concerning the manner of filing state department or agency reports with the general assembly.

Read first time and referred to committee on **state government**.

House File 2067, by Tyrrell, a bill for an act relating to the acceptance of voluntary goods and services for the construction and maintenance of parks and recreational facilities under the jurisdiction of a county conservation board.

Read first time and referred to committee on **natural resources**.

House File 2068, by Richardson, 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**.

House File 2069, by Wise, a bill for an act relating to reemployment of Iowa public employees' retirement system retirees.

Read first time and referred to committee on **state government**.

House File 2070, by Carroll, a bill for an act relating to the registration and operation of low-speed vehicles on the highways of this state.

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

House File 2071, by Atteberry, Reynolds, Smith, Greimann, Kreiman, Connors, Stevens, Bukta, Larkin, Hoffman, Winckler, and Bradley, a bill for an act relating to foreign and international adoption requirements.

Read first time and referred to committee on **human resources**.

House File 2072, by Jenkins and Klemme, a bill for an act relating to a park user permit system for state lands under the jurisdiction of the natural resource commission, providing for permit fees and a writing fee, providing civil and criminal penalties, and providing effective and applicability dates.

Read first time and referred to committee on **natural resources**.

House File 2073, by Frevert, a bill for an act relating to property tax exemptions for pollution-control or recycling property associated with the maintenance of livestock.

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

House File 2074, by Atteberry, a bill for an act relating to consideration of certain factors in the awarding of custody of children.

Read first time and referred to committee on **human resources**.

On motion by Rants of Woodbury, the House was recessed at 9:03 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:03 p.m., Speaker Siegrist in the chair.

INTRODUCTION OF BILLS

House File 2075, by committee on appropriations, 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 placed on the **appropriations calendar**.

House File 2076, by Kettering, a bill for an act relating to the designation of open water refuges for, and the protection of, migratory and wild birds and subjecting violators to a penalty.

Read first time and referred to committee on **natural resources**.

House File 2077, by Millage, a bill for an act requiring all felons to submit a physical specimen for DNA profiling.

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

House File 2078, by committee on ways and means, 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 placed on the **ways and means calendar**.

House File 2079, by committee on ways and means, a bill for an act 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, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision.

Read first time and placed on the **ways and means calendar**.

House File 2080, by Cormack, 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 and referred to committee on **education**.

House File 2081, by committee on ways and means, a bill for an act 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 a retroactive applicability date provision.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 17, 2002, adopted the following resolution in which the concurrence of the Senate was asked:

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

Also: That the Senate has on January 17, 2002, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 101, a concurrent resolution to amend Joint Rule 20 of the joint rules of the senate and the house.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 2:08 p.m., until the fall of the gavel.

The House resumed session at 3:14 p.m., Dix of Butler in the chair.

Speaker Siegrist in the chair at 3:16 p.m.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-four members present, thirty-six absent.

ADOPTION OF HOUSE RESOLUTION 101

Carroll of Poweshiek called up for consideration House Resolution 101 as follows:

1 HOUSE RESOLUTION 101
 2 BY COMMITTEE ON ADMINISTRATION AND RULES
 3 A Resolution to amend the permanent rules of the House
 4 of Representatives relating to bill and amendment
 5 consideration deadlines and recognition to address
 6 the chamber.
 7 *Be It Resolved By The House Of Representatives,*
 8 That rule 10 of the permanent rules of the House of
 9 Representatives for the Seventy-ninth General
 10 Assembly, is amended to read as follows:
 11 Rule 10
 12 Recognition and Decorum in Debate
 13 A member who wishes to speak in debate or deliver
 14 any matter to the house shall be appropriately
 15 attired, with male members wearing coat or tie, ~~shall~~
 16 ~~raise the microphone~~ and, after recognition by the
 17 chair, shall respectfully address the presiding
 18 officer by saying "Mr. or Madam Speaker", shall
 19 confine all remarks to the question under debate, and
 20 shall avoid personalities.
 21 *Be It Further Resolved By The House Of*
 22 *Representatives,* That rule 29, unnumbered paragraph 2,
 23 of the permanent rules of the House of Representatives
 24 for the Seventy-ninth General Assembly, is amended to
 25 read as follows:
 26 After adjournment of the first regular session,
 27 bills may be prefiled at any time before the convening
 28 of the second regular session. No bill or joint
 29 resolution under individual sponsorship, other than a
 30 nullification resolution, shall be read for the first

Page 2

1 time after 4:30 p.m. on Friday of the ~~2nd~~ first week
 2 of the second regular session of the general assembly
 3 unless a written request for drafting the bill has
 4 been filed with the legislative service bureau before
 5 that time.

6 *Be It Further Resolved By The House Of*
7 *Representatives*, That rule 31.8, of the permanent
8 rules of the House of Representatives for the Seventy-
9 ninth General Assembly, is amended to read as follows:
10 31.8. No amendment to the rules of the house, to
11 any resolution or bill, except technical amendments
12 and amendments to bills substituted for by senate
13 files containing substantially identical title,
14 language, subject matter, purpose and intrasectional
15 arrangement, shall be considered by the membership of
16 the house without a copy of the amendment having been
17 filed with the chief clerk by 4:00 p.m. or within one-
18 half hour of adjournment, whichever is later, on the
19 day preceding floor debate on the amendment. If the
20 house adjourns prior to 2:00 p.m. on Friday, the final
21 deadline is two hours after adjournment. However,
22 committee amendments filed pursuant to the submission
23 of the committee report may be accepted after this
24 deadline. This provision shall not apply to any
25 proposal debated on the floor of the house after the
26 fourteenth week of the first session and the ~~twelfth~~
27 tenth week of the second session. No amendment or
28 amendment to an amendment to a bill, rule of the
29 house, or resolution shall be considered by the
30 membership of the house without a copy of the

Page 3

1 amendment being on the desks of the entire membership
2 of the house prior to consideration.

RULE 31.8 SUSPENDED

Fallon of Polk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8002.

Fallon of Polk offered the following amendment H-8002 filed by him from the floor and moved its adoption:

H-8002

1 Amend House Resolution 101 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "REPRESENTATIVES," the following: "That rule 4 of the
4 permanent rules of the House of Representatives for
5 the Seventy-ninth General Assembly, is amended by
6 adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. All individuals,
8 including members and employees of the house, who

9 enter the capitol building on any occasion when the
 10 metal detectors and X-ray scanners on the ground floor
 11 of the capitol building are operational and who are
 12 allowed to enter the chamber of the house or the house
 13 galleries, shall first pass through one of the metal
 14 detectors on the ground floor of the capitol building
 15 and shall submit their parcels, briefcases, and other
 16 containers to the security personnel for X-ray
 17 scanning.
 18 BE IT FURTHER RESOLVED BY THE HOUSE OF
 19 REPRESENTATIVES,".

Amendment H-8002 lost.

Carroll of Poweshiek moved the adoption of House Resolution 101.

The motion prevailed and the resolution was adopted.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF NATURAL RESOURCES

A report regarding the results of the toxic cleanup day events for calendar year 2001 and the regional collection center program accomplishments in fiscal year 2001, pursuant to Chapter 455F.8, Code of Iowa.

IOWA VETERANS HOME

The Annual Savings Report on ICN usage for fiscal year 2001, pursuant to Chapter 8D.10, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
 Chief Clerk of the House

- | | |
|---------|---|
| 2002\41 | Devin Sieck, Fayette – For being named 2002 Pork Princess. |
| 2002\42 | Alexis Spain, Castalia – For being named 2002 Jr. Pork Princess. |
| 2002\43 | Anne Utsler, Winterset – For celebrating her 90 th birthday. |

- 2002\44 Gary and Jane Drake, Dexter – For celebrating their 50th wedding anniversary.
- 2002\45 Leta Marie Gatrell, Indianola – For celebrating her 88th birthday.
- 2002\46 George and Darlene Taylor, Marshalltown – For celebrating their 58th wedding anniversary.
- 2002\47 Kathy McCarty, Ankeny – For achieving the National Board Certification from the National Board for Professional Teaching Standards.
- 2002\48 Jerry Card, Ankeny – For his retirement as Ankeny's Building and Zoning Enforcement Officer.
- 2002\49 Elizabeth Durst, Mapleton – For celebrating her 100th birthday.
- 2002\50 Florence Larson, Manilla – For celebrating her 88th birthday.
- 2002\51 Wiladene Grell, Deloit – For celebrating her 80th birthday.
- 2002\52 Opal Korleski, Estherville – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 193

State Government: Connors, Chair; Bradley and Millage.

House File 268

Transportation: Johnson, Chair; Klemme and Larkin.

House File 282 Reassigned

Human Resources: Brunkhorst, Chair; Foege and Wilderdyke.

House File 321

Natural Resources: Baudler, Chair; Arnold, Dotzler, O'Brien and Weidman.

House File 434

Transportation: Rayhons, Chair; Cohoon and Van Engelenhoven.

House File 453

Natural Resources: Rayhons, Chair; Rekow and Scherrman.

House File 559 Reassigned

Human Resources: De Boef, Chair; Atteberry and Wilderdyke.

House File 586

Transportation: Scherrman, Chair; Heaton and Van Engelenhoven.

House File 618

Natural Resources: Weidman, Chair; Baudler and Bell.

House File 638

Transportation: Van Engelenhoven, Chair; Klemme and Osterhaus.

House File 642

Natural Resources: Alons, Chair; Brauns and Frevert.

House File 651

Environmental Protection: Drake, Chair; Kettering and Stevens.

House File 729

Appropriations: Jacobs, Chair; Gipp and Mertz.

House File 2002

Commerce and Regulation: Johnson, Chair; Raecker and Warnstadt.

House File 2017

Appropriations: Dix, Chair; Gipp and Smith.

House File 2027

Natural Resources: Baudler, Chair; Bell and Rekow.

House File 2038

Transportation: Weidman, Chair; Arnold and Warnstadt.

House File 2044

State Government: Elgin, Chair; Connors, Gipp, Larkin and Metcalf.

House File 2047

State Government: Eichhorn, Chair; Cormack and Tremmel.

House File 2050

Environmental Protection: Brunkhorst, Chair; Finch and Greimann.

House File 2051

State Government: Eichhorn, Chair; Bradley, Brauns, Connors and Tremmel.

House File 2053

Education: Dolecheck, Chair; Sukup and Wise.

House File 2054

Transportation: Garman, Chair; Larkin and Weidman.

House File 2057

Education: Roberts, Chair; Bukta and Tymeson.

House File 2059

State Government: Elgin, Chair; Connors, Gipp, Larkin and Metcalf.

House File 2061

Education: Finch, Chair; Carroll and Greimann.

House File 2062

Education: Hansen, Chair; Lensing and Sievers.

House File 2064

Education: Brunkhorst, Chair; Broers and Stevens.

House File 2066

State Government: Cormack, Chair; Bradley and T. Taylor.

House File 2069

State Government: Elgin, Chair; Connors, Gipp, Larkin and Metcalf.

Senate File 165 Reassigned

Local Government: Alons, Chair; Fallon, Jones, Petersen and Sievers.

Senate File 437

Natural Resources: Rayhons, Chair; Rekow and Scherrman.

Senate File 514 Reassigned

Ways and Means: Sievers, Chair; Kuhn, Richardson, Teig and Tymeson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 501**

Ways and Means: Sukup, Chair; Hoversten and Winckler.

House Study Bill 502

Ways and Means: Eichhorn, Chair; Richardson and Shey.

House Study Bill 504

Ways and Means: Sukup, Chair; Richardson and Tymeson.

House Study Bill 505

Ways and Means: Hoversten, Chair; Finch, Osterhaus, Sievers and Winckler.

House Study Bill 506

Ways and Means: Eichhorn, Chair; Huser and Tymeson.

House Study Bill 507

Ways and Means: Teig, Chair; Boal, Osterhaus, Shoultz and Sukup.

House Study Bill 509

Transportation: Eddie, Chair; Cohoon and Heaton.

House Study Bill 510

Commerce and Regulation: Hoffman, Chair; Kettering and Petersen.

House Study Bill 511

Judiciary: Shey, Chair; Eichhorn and Kreiman.

House Study Bill 516

Commerce and Regulation: Kettering, Chair; Johnson and Wise.

House Study Bill 517

Commerce and Regulation: Kettering, Chair; Johnson and Seng.

House Study Bill 521

Transportation: Eddie, Chair; Klemme and Quirk.

House Study Bill 522

Transportation: Manternach, Chair; Rekow and Scherrman.

House Study Bill 523

Transportation: Brauns, Chair; Arnold, Eddie, Huser and May.

House Study Bill 524

Transportation: Brauns, Chair; Arnold, Eddie, Huser and May.

House Study Bill 525

Education: Tymeson, Chair; Eddie and Stevens.

House Study Bill 526

Transportation: Garman, Chair; Arnold and Huser.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 527 Agriculture

Suspending requirements for the renewal of certifications by private applicators, and providing an effective date.

H.S.B. 528 Judiciary

Providing for a .08 blood alcohol concentration limit for motor vehicle operating-while-intoxicated offenses.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 500), 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.

Fiscal Note is not required.

Recommended **Do Pass** January 16, 2002.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 512), requiring motor vehicle operators to take certain precautions when passing stationary authorized emergency, towing, recovery, and highway maintenance vehicles and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** January 17, 2002.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 501), 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, limiting the fiscal impact of the partial deductions, and including an effective and retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 16, 2002.

Committee Bill (Formerly House Study Bill 502), 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 a retroactive applicability date provision.

Fiscal Note is not required

Recommended **Do Pass** January 16, 2002.

Committee Bill (Formerly House Study Bill 507), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 16, 2002.

RESOLUTION FILED

SCR 101, by committee on rules and administration, a concurrent resolution to amend Joint Rule 20 of the joint rules of the senate and house.

Referred to committee on **administration and rules**.

On motion by Rants of Woodbury the House adjourned at 3:27 p.m., until 9:30 a.m., Friday, January 18, 2002.

JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 18, 2002

The House met pursuant to adjournment at 9:30 a.m., Grundberg of Polk in the chair.

Prayer was offered by the Honorable Henry Rayhons, state representative from Hancock County.

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

INTRODUCTION OF BILLS

House File 2082, by Teig, 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 **local government**.

House File 2083, by Eddie, Dolecheck, Hahn, Hoversten, Roberts, Drake, Rekow, Klemme, Boggess, Elgin, Johnson, Alons, Bradley, Jenkins, Kettering, Wilderdyke, Hoffman, and Van Engelenhoven, a bill for an act eliminating earning restrictions for Iowa public employees' retirement system retirees.

Read first time and referred to committee on **state government**.

House File 2084, by Teig, 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 2085, by Scherrman, a bill for an act allowing elections in cities with a population of two hundred or less to be conducted by mail ballots and providing penalties.

Read first time and referred to committee on **state government**.

House File 2086, by Shey, a bill for an act relating to the refund of sales or use tax paid on materials used in the construction of a nonprofit private museum and including an effective and applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2087, by Fallon, a bill for an act requiring that state agencies purchase Iowa agricultural commodities and food derived from Iowa agricultural commodities.

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

House File 2088, by Raecker, a bill for an act relating to electronic filing of disclosure reports by certain candidates and providing an effective date.

Read first time and referred to committee on **state government**.

House File 2089, by Shey and Myers, a bill for an act relating to the reading of a crime victim impact statement at an adult sentencing hearing.

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

House File 2090, by Rants, Tyrrell, Brauns, Manternach, Dix, Dolecheck, Boggess, Elgin, Jenkins, Rayhons, Broers, Millage, Alons, Johnson, Brunkhorst, Tymeson, Wilderdyke, Eddie, Roberts, Huseman, Jones, Sievers, De Boef, Weidman, Boal, Van Engelenhoven, Horbach, Siegrist, Raecker, Heaton, Boddicker, Eichhorn, Rekow, Sukup, Hahn, Hoffman, Arnold, Baudler, Teig, Van Fossen, and Hoversten, 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 and referred to committee on **labor and industrial relations**.

House File 2091, by Rants, 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 and referred to committee on **labor and industrial relations**.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 15, 2002, and is on file in the office of the Chief Clerk:

January 9, 2002

Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 32 claims of general nature that were denied by the State Appeal Board during May 2001 through January, 2002.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Michael L. Fitzgerald
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

MARGARET A. THOMSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
SUBMITTED TO THE 79TH GENERAL ASSEMBLY
May 2001 Through January 2002

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G000017	Timmy L. Phillips	New Virginia, IA	Real Estate Transfer Tax	\$1,533.60
G000282	Timmy L. Phillips	New Virginia, IA	Real Estate Transfer Tax	\$1,533.60
G000444	TNT Trucking	Eldon, IA	IRP Refund	Unspecified

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G010035	Roger Oakland	Story City, IA	Penalty Refund	\$217.00
G010051	Barbara A. Crawford, Accountant for Herman Kuhns	Memphis, MO	Penalty Refund	\$50.00
G010094	David W. Smith	Brooklyn IA	Homestead & Military	\$1,185.00
G010439	Brad Viterna	Council Bluffs, IA	Unknown	Unknown
G010456	Phyllis M. Hegstrom	Omaha, NE	License Refund	Unspecified
G010610	Jerry McDonough Franklin	Lakes, NJ	License Refund	Unspecified
G010621	Michael Louis Hargens	Charter Oak, IA	License Refund	\$176.00
G010655	William or Elizabeth McFarlin	Fort Collins, CO	License Refund	\$175.00
6010722	Donald Y. Herman	Urbandale, IA	Sick Leave Payout	\$2,000.00
G010779	Scott County Decategorization Program	Davenport, IA	Provider Services	\$79,314.11
G010889	Western Petroleum Company	Eden Prairie, MN	Motor Fuel Tax Refund	\$49,960.42
G010986	Lori Ann Kremer Cafilisch	Marshfield, WI	License Refund	\$116.00
G011040	Gary Willimack dba Willimack Trucking	Oxford Junction, IA	License Refund	\$1,200.00
G011058	Pamela A. Chevalier and Thomas L Howard	Cape Coral, FL	License Refund	\$111.00
G011059	Thomas L. Howard	Cape Coral, FL	License Refund	\$27.00
G011083	Ideas Unlimited/Robert E. Johnson	Mediapolis, IA	License Refund	\$134.00
G011098	Iowa Rotocast Plastics, Inc.	Decorah, IA	Sales Tax Refund	\$400.00
G011101	Steven Jon Decker	Kenneth City, FL	License Refund	\$157.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G011146	Amy L. Morrison	Elgin, IL	License Refund	\$44.00
G011174	Randy Mark McCabe	Albertville, MN	License Refund	\$89.00
G011217	Danielle C. Smith-Longo	Omaha, NE	License Refund	Unspecified
G011300	Calvin and Nancy Poppe	Ionia, IA	RE Transfer Tax Refund	\$364.10
G011325	Linda Ann Buelow	Dubuque, IA	Penalty Refund	\$468.00
G011352	Scott C. Bell	Davenport, IA	License Refund	\$37.00
G011426	Steven Lee Luesebrink	South Sioux City, NE	License Refund	\$14.00
G020010	Linn County Correctional Center	Cedar Rapids, IA	Provider Services	\$600.00
G020189	Jeffrey G. Wolfe	Grimes, IA	Refund Penalty	\$46.00
G020259	Sutton Law Office	Charles City, IA	Attorney Fees	\$144.00
G980645	Carol L. Yancey	Washington, IA	Standby Pay	\$2,773.10

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 529 Economic Development

Relating to use of moneys in the strategic investment fund.

H.S.B. 530 Economic Development

Relating to consortiums as employers in the certified school-to-career program.

H.S.B. 531 Economic Development

Relating to the enterprise zone program and providing an effective date.

H.S.B. 532 Economic Development

Relating to the awarding of loans through the senior living trust fund.

On motion by Tymeson of Madison the House adjourned at 9:35 a.m., until 10:00 a.m., Tuesday, January 22, 2002.

PROOF

STATE OF IOWA

House Journal

TUESDAY, JANUARY 22, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Ninth Calendar Day - Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 22, 2002

The House met pursuant to adjournment at 10:01 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable David Johnson, state representative from Osceola County.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Speaker's page, Jonathan Law.

INTRODUCTION OF BILLS

House File 2092, by Witt, Frevert, Scherrman, Stevens, Atteberry, Kuhn, Connors, Kreiman, Dotzler, Hatch, Bukta, Jochum, Mascher, Murphy, Osterhaus, Shoultz, and Richardson, a bill for an act relating to a tax credit for pollution control and recycling property connected to property used for the care and feeding of livestock.

Read first time and referred to committee on **ways and means**.

House File 2093, by Heaton, a bill for an act relating to the scheduling of football games by the institutions of higher education under the control of the state board of regents.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wise of Lee, until his arrival, on request of Witt of Black Hawk.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 9, 2002, and is on file in the office of the Chief Clerk:

January 15, 2002

Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Chief Clerk:

In accordance with Section 669.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort Claims, Highway Tort Claims and Settlements & Judgments (general torts and highway) paid during 2001 under Chapter 669.

The attached report shows the claim number, claimant's name, a brief description of the claim, the amount requested and the amount approved.

Sincerely,
Michael L. Fitzgerald
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

MARGARET A. THOMSON
Chief Clerk of the House

CHAPTER 669 TORT CLAIMS APPROVED BY THE STATE APPEAL BOARD—2001

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T990016	John Evans Griffith	State vehicle backed into claimant vehicle	Unspecified	\$332.00
T990120	Sarah E. Olson	State vehicle struck claimant vehicle	Unspecified	\$1,743.62
T990180	Sharon L. Hix	State vehicle backed into claimant vehicle	\$385.82	\$385.82
T990200	American Family Insurance as Subrogee for Sharon Hix	State vehicle backed into claimant vehicle	\$2,856.04	\$2,856.04

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T990610	Robert R. Brooks	Claimant alleges that Clayton County failed to return an overpayment of child support as ordered and sent the money to his ex-wife.	\$207.69	\$207.69
T990633	Toni Renee Wensel	State caused chain reaction	\$611.40	\$581.18
T990637	Neil Arthur Rhinehart	Alleges vehicle damaged by fallen sign	Unspecified	\$518.02
T990855	Ernie Bohi	Alleges crops damaged during archaeological dig	\$50.00	\$50.00
T990970	Amber Kay Widick	State vehicle struck claimant vehicle	\$793.02	\$793.02
T990971	Gary Miller	Alleges vehicle damaged by pole that fell	\$1,978.49	\$1,884.05
T990983	Sam J. Brune	State vehicle struck claimant vehicle	Unspecified	\$536.93
T991003	Weifang Yang	State vehicle caused Damage to claimant vehicle	\$318.33	\$318.33
T991094	Deborah A. Sonby	Claimant's vehicle damaged when struck from behind by an employee of the Iowa Racing and Gaming Commission	\$152,823.23	\$6,500.00
T000020	Dorothy Buch	State vehicle struck claimant vehicle	\$1,424.25	\$1,424.25
T000135	Tamara Lyn Hassman	Claimant's vehicle and its contents stolen by juvenile who was in legal custody of the First Judicial District	\$2,239.23	\$500.00
T000176	General Casualty for John Fasig	State vehicle struck claimant vehicle	\$1,177.19	\$1,222.12
T000210	Allied Property & Casualty Insurance as Subrogee for Patricia Sibbersen	State vehicle backed into claimant vehicle	\$1,154.45	\$1,154.45
T000285	IMT Insurance Company as Subrogee of Heidi Kluesner	State vehicle collided with claimant vehicle (PD only)	\$4,213.77	\$3,685.44

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T000400	Don J. Adams	Valet vehicle struck another vehicle	\$350.89	\$350.89
T000429	Joseph E. Reck	Alleges inadequate drainage caused flooding	Unspecified	\$3,500.00
T000488	Heidi Kluesner	Claimant suffered injuries when struck from behind by a state vehicle driven by a Department of Natural Resources employee	\$33,593.50	\$15,133.16
T000528	Carlos R. Jung	Claimant suffered neck and back injury when he tripped and fell at the Iowa Workforce Development Office in Clive	Unspecified	\$5,000.00
T000548	Nationwide Mutual Insurance Company as Subrogee of Frederick & Ann Palmer	State vehicle struck claimant vehicle	\$3,856.63	\$3,856.63
T000627	Mark and Michelle Mason, as parents and next friends of Jacob E Mason, a minor	Claimant asserts that UIHC employees were negligent when performing a circumcision on their son	\$1,000,000.00	\$10,000.00
T000629	Mark Mason	Claimants asserts that UIHC employees were negligent when performing a circumcision on their son	\$100,000.00	\$5,000.00
T000630	Michelle Mason	Claimant asserts that UIHC employees were negligent when performing a circumcision on their son	\$100,000.00	\$5,000.00
T000644	Katrina J. Norton	Norton's child's foot was lacerated and a nerve injured when a UIHC cot collapsed	\$44,740.32	\$7,500.00
T000651	Wanda Daniels, Administrator of the Estate of James David Parmenter, Deceased	Claimant sustained a ruptured appendix and died of sepsis and renal failure – presented for mediation but settled out of court	\$3,000,000.00	\$245,000.00
T000697	Jacob Strempe (minor) and Guardian Darrell D. Strempe	Alleges incorrect diagnosis of rabid bear resulted in unnecessary medical treatment	\$700.00	\$700.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T000698	Darrell Strempeke	Alleges incorrect diagnosis of rabid bear resulted in unnecessary medical treatment	\$95.00	\$95.00
T000878	Cecelia T. Pick	DOT vehicle allegedly caught and pulled down power line	\$156.35	\$156.35
T000897	Brian M. Boxwell	State vehicle backed into claimant vehicle	\$412.27	\$412.27
T000924	Hazel G. Probasco	Claimant files this claim as the result of injuries she received in a pedestrian/auto accident	\$250,000.00	\$103,500.00
T001029	Sandra Lines, as Parent and Guardian of Joy E. Hughes	Alleged that UIHC staff failed to take the appropriate precautions regarding the use of tape during the surgery	\$300,000.00	\$5,000.00
T001030	Sandra Lines	Alleges that UIHC staff failed to take the appropriate precautions regarding the use of tape during surgery	\$100,000.00	\$5,000.00
T001056	Wellmark Blue Cross & Blue Shield of Iowa as <u>Subrogee</u> of Yu-Ping (Andy) Lin	Alleges insured injured by TV and stand fell on him	\$326.51	\$326.51
T001105	Randy Ray Horsman	DOT mower allegedly threw rock, damaging windshield	\$160.98	\$160.98
T001112	Richard John Butalla	DOT mower allegedly threw chunk of wood, damaging vehicle	\$730.41	\$780.33
T001121	John Michael Stejskal	State vehicle backed into claimant vehicle	\$422.76	\$422.76
T010097	Helen Janet Whannel	Claimant fell injuring her nose, face and right knee when she became entangled in electrical cords under her desk	Unspecified	\$500.00
T010112	Bryan P. McShea	Alleges property stolen while in University's custody and control	\$850.00	\$600.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010113	Randall A. Leonhard	DOT allegedly sprayed arsenal causing damage to trees	\$2,914.73	\$2,914.73
T010155	The Hertz Corporation	Rental vehicle struck deer	\$1,970.52	\$1,970.52
T010160	Robert Royce Busch	DOT mower allegedly threw rock damaging windshield	\$738.22	\$738.22
T010166	Dianna Lynn Brendle	Vehicle allegedly struck pothole, Spring Street Bridge	Unspecified	\$695.50
T010167	Midwest Security Administrators as Subrogee of Brittany French	Alleges misdiagnosis of rabid bear resulted in unnecessary medical treatment	\$1,339.95	\$1,339.95
T010173	Midwest Security Administrators as Subrogee of Lindsay French	Alleges misdiagnosis of rabid bear resulted in unnecessary medical treatment	\$1,268.77	\$1,268.77
T010191	Gerald P. Dunn	State vehicle struck claimant vehicle	\$805.00	\$804.53
T010208	Jodi Lyn Evans	Vehicle allegedly struck pothole, Spring Street Bridge	\$1,000.00	\$1,865.09
T010210	Christopher Roberts	State vehicle backed into claimant vehicle	\$876.75	\$876.75
T010226	Karen A. Gregg	Vehicle allegedly hit pothole, Spring Street Bridge	\$660.39	\$660.39
T010228	State Farm Insurance Companies as Subrogee for Francis McLaughlin	DOT mower allegedly threw rock damaging window & door	\$708.27	\$708.27
T010233	American Family Insurance as Subrogee of Wayne Wurzer	Claimant seeks reimbursement to replace a storage shed that was destroyed by a tree that fell on it	\$1,741.80	\$1,741.80
T010237	Jeffrey C. Schmitt	Alleges ISU incorrectly diagnosed rabid bear, resulting in unnecessary medical treatment	\$2,089.40	\$2,089.40
T010238	Kimberly S. Loomis	DOT mower allegedly threw rocks damaging vehicle	\$841.75	\$841.75

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010243	Dorothy Foresman	Rock allegedly fell off DOT vehicle, damaging vehicle windshield	\$288.02	\$288.02
T010246	Edmund William Adams	Alleges ISU incorrectly diagnosed rabid bear, resulting in unnecessary medical treatment	Unspecified	\$561.72
T010248	Steve Spaete	Paint allegedly got on vehicle from DOT painting operation	\$140.00	\$140.00
T010249	Donald Jackson	Claimants alleges that his razor was lost by IVH staff	\$95.00	\$95.00
T010252	Debbie R. Henningsen	Vehicle allegedly hit pothole, Spring Street Bridge	\$269.40	\$192.34
T010282	Keith Charles Ricke	Alleges incorrect diagnosis of rabid bear resulted in unnecessary medical treatment	\$2,842.00	\$2,308.79
T010284	Carolynn E. Guenther	DOT vehicle allegedly sprayed hydraulic fluid on vehicle	\$262.50	\$262.50
T010285	Virginia S. O'Neill	Vehicle allegedly struck pothole, Spring Street Bridge	\$586.66	\$586.66
T010290	State Farm as Subrogee for James Davis	State vehicle backed into claimant vehicle	\$857.00	\$857.00
T010296	Auto Owners Insurance as Subrogee for William Bousema Sr.	Windshield of vehicle allegedly damaged by DOT blading operator	\$651.03	\$651.03
T010305	Cheree' Ann Carlson	Vehicle allegedly received paint from DOT painting operation	\$200.00	\$200.00
T010306	Amy Beth Horacek	Vehicle allegedly struck pothole, Spring Street Bridge	\$113.45	\$113.45
T010312	Chelsie Pfeiler	Alleges ISU incorrectly diagnosed rabid bear, resulting in unnecessary medical treatment	\$988.42	\$4,137.34
T010320	Mary E. Marner	State vehicle stopped quickly	\$206.00	\$206.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010322	Gabriella T. Sample "Jordon"	Alleges incorrect diagnosis of rabid bear resulted in unnecessary medical treatment	Unspecified	\$1,075.00
T010330	Gregory Winkel	Claimant asserts that his restored Chriscraft boat was damaged by rocks thrown from a park mower at Emerson Bay Campgrounds	\$773.23	\$773.23
T010331	Ruth Jordon	Alleges incorrect diagnosis of rabid bear resulted in unnecessary medical treatment	\$3,107.36	\$252.00
T010332	John Jordon	Alleges incorrect diagnosis of rabid bear resulted in unnecessary medical treatment	\$2,020.00	\$2,020.00
T010336	Connie Jean Smith	Alleges artwork stolen while in custody of ISU	\$750.00	\$750.00
T010338	Debra Lynn Shannon	Vehicle allegedly received paint from DOT painting operation	\$358.40	\$358.40
T010339	Stewart L. Burger	Alleges vehicle damaged by gate arm at Jack Trice Stadium	\$599.78	\$599.78
T010346	MidAmerican Energy Company, Claims Services	DOT mower allegedly struck 7 damaging transformer	\$3,240.44	\$3,240.44
T010355	Karen Beth Cooper	Vehicle allegedly struck pothole, Spring Street Bridge	\$178.33	\$178.33
T010360	Greg Greenfield	DOT plow allegedly struck parked vehicle with wing	\$573.58	\$573.76
T010362	Qwest Communication	DOT allegedly damaged aerial cable wire	\$665.75	\$665.75
T010365	Cecilia Marie Boyd	Vehicle allegedly struck pothole, Spring Street Bridge	\$382.53	\$382.53
T010366	Donna Jean Gilliss 466 Minotani, Kamogawa-cho	Alleges artwork lost while in ISU's care, custody and control	\$1,500.00	\$1,500.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010367	Arlos Automobile and Truck Parts (Arlo Frideres, DBA)	State vehicle struck claimant vehicle	\$352.36	\$352.36
T010369	Gene E. Smid	DOT mower allegedly threw rock, damaging vehicle rear window	\$78.75	\$78.75
T010370	Greg Young	Rock allegedly thrown by DOT dragline, damaged windshield	\$323.33	\$323.33
T010372	Mark Leonard Egli	DOT weed cutter allegedly threw rock damaging windshield	\$311.00	\$310.99
T010375	Window Blinds & Designs	State vehicle struck claimant vehicle	\$470.60	\$447.60
T010376	Kent W. Shepherd – Centro, Inc.	Vehicle allegedly drove in wet pain at exit skip Lines	\$248.75	\$248.75
T010377	Mark Aaron Osterhaus	Alleges ISU incorrectly diagnosed rabid bear, resulting in unnecessary medical treatment	\$2,138.00	\$2,138.00
T010382	Watts Vault & Monument Co.	DOT mower lag threw debris, damaging vehicle radiator, etc.	\$932.20	\$932.20
T010388	Steven Paul Lohr	DOT sweeper allegedly threw rock damaging window	\$1,130.47	\$592.84
T010390	Steven D. Meyer	DOT EE's parked vehicle struck by DOT vehicle	\$1,636.85	\$1,636.85
T010391	Gail Ruth Thomas	State vehicle struck claimant vehicle	\$2,000.00	\$1,913.85
T010392	John W. Prescott	Vehicle stopped semi threw rocks, damaging windshield	\$60.00	\$60.00
T010393	Marc S. Trujillo	Claimant arrested on a drug possession charged – posted bond and remainder of bond money released to former girlfriend	\$800.00	\$800.00
T010395	Orvill Johnson	Well allegedly went dry due to excavation of borrow	\$1,912.02	\$1,912.02

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010396	Darcie Sweeney	DOT mower allegedly threw rock damaging vehicle	\$327.68	\$327.68
T010399	May Rilda Chollett	Claimant's vehicle damaged by stop sticks in road placed there by police during a chase	\$156.84	\$156.84
T010404	City of Perry	DOT mower allegedly threw rock damaging windshield	\$275.00	\$275.00
T010412	Vicky A. Sande	Claimant fell and injured her knees, forehead and scratched the lenses of her glasses on a bad area of sidewalk near the Capitol	\$210.00	\$210.00
T010414	Jeffrey Scott Marshall	Vehicle allegedly struck pothole, Spring Street Bridge	\$974.18	\$600.97
T010417	Gary H. Murphy	DOT mower allegedly threw rocks damaging windshield	\$838.32	\$611.53
T010421	Kevin Raymond Kenkel	Vehicle allegedly received paint from DOT painting operations	\$63.60	\$63.60
T010422	City of Clarence	DOT vehicle allegedly struck & damaged fire hydrant	\$1,957.37	\$1,957.37
T010423	Robert W. Daniels	DOT vehicle allegedly struck vehicle at stop light, damaging bumper	\$368.30	\$368.30
T010424	Douglas J. Kelly	DOT mower allegedly threw metal damaging vehicle	\$576.34	\$642.34
T010428	Geico General Insurance Company as Subrogee of Sohail Khan	State vehicle backed into claimant vehicle	\$2,371.19	\$2,371.19
T010430	Javaine Clair Miller II	State vehicle backed into claimant vehicle	\$1,221.38	\$1,221.38
T010434	CGU Hawkeye-Security as Subrogee of Carl Pelzer	State vehicle struck claimant vehicle	\$1,409.23	\$1,409.23

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010438	Vada D. Bergman	Claimant tripped and fell on metal strip edging the main entrance floor mat at UIHN	\$100,000.00	\$30,000.00
T010447	Charles Harms	Alleges crops damaged during archaeological dig conducted by State Archaeologist.	\$62.50	\$62.50
T010448	Timothy J. & Lori McGuire	Claimant's vehicle damaged when they were directed to drive through a gate at the Iowa State Fair which had a steel fence post	\$140.00	\$163.41
T010449	State Farm Insurance as Subrogee of David Clabby	DOT mower allegedly threw rock damaging windshield	Unspecified	\$268.36
T010453	Mrs. Roman (Donna Mae) Delagardelle	Alleges glasses broken during fall on UNI sidewalk	Unspecified	\$115.00
T010455	Enterprise Rent-A-Car (Valora Long)	State driver with rental vehicle backed into a post	\$569.75	\$569.75
T010456	Christopher Denis Ernberger	Vehicle allegedly drove thru white paint at exit	\$480.70	\$480.70
T010459	Dau Farms, Inc. – Daniel Dau, President	DOT allegedly sprayed ditches – beans damaged	Unspecified	\$293.32
T010460	Lorae Baker	DOT truck allegedly lost object damaging vehicle windshield	\$42.40	\$33.92
T010461	Thrifty Car Rental	State rental struck by claimant vehicle	\$838.10	\$738.10
T010462	Darren J. Wagoner	Vehicle allegedly struck pothole, Spring Street Bridge	\$557.00	\$556.45
T010463	Susan Ann Martin	Valet vehicle struck another vehicle	\$359.05	\$359.05
T010465	Muller Farms	Sweet corn crop allegedly damaged by DOT spraying	\$220.00	\$220.00
T010476	Patricia J. Altheide	Claimant's foot injured at the Lake Wapello State Park on a steel post that was sticking up out of the grass about four inches	\$253.34	\$253.34

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010478	Shelley Lane Tewes	Bean damage	\$100.00	\$100.00
T010483	Michael Robert Dermit	DOT mower allegedly threw rock, damaging vehicle windshield	Unspecified	\$168.24
T010484	Garst Seed Company, a business unit of Advanta USA, Inc.	Alleges crop damaged by ISU cattle	\$5,320.00	\$4,000.00
T010486	James M. Meyer	DOT mower allegedly threw rocks damaging windshield	\$244.60	\$256.83
T010487	Allied Insurance as Subrogee for May Pulis	DOT mower allegedly threw debris damaging vehicle	\$428.00	\$428.00
T010488	Frank Joseph Wentink	DOT mower allegedly threw object, damaging vehicle windshield	\$303.87	\$177.50
T010492	Dale Timmerman	Claimant is a resident at the Iowa Veterans home alleges staff dropped his razor and broke it	\$75.00	\$50.00
T010494	John Mayer	DOT weed trimmer allegedly threw debris, damaging vehicle window	\$239.75	\$239.75
T010498	Steven Wayne Dolezal	State vehicle struck claimant vehicle	\$1,907.19	\$1,903.78
T010503	Mari Jo Pieken	State vehicle backed into claimant	\$423.68	\$420.85
T010504	Keith Koehler	DOT mower allegedly threw rock damaging windshield	\$243.89	\$234.85
T010506	Les R. Neu	Alleges vehicle damaged by fallen tree	\$2,425.94	\$2,425.94
T010507	James D. Weaver	Claimant's vehicle and money was stolen from an Eldora student who was working as part of a vocational Exploration program at his store	\$1,648.15	\$1,648.15
T010508	Duncan Robert Stewart	Alleges injuries sustained in fall when chair broke at Iowa Memorial Union function	Unspecified	\$4,000.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010513	Darrell J. Kuenster	State vehicle struck claimant vehicle	\$101.75	\$101.75
T010514	Jennifer M. Groeltz	State vehicle stuck claimant vehicle	\$716.15	\$716.15
T010515	Clarice Esther Stone	Claimant is a resident at the Iowa Veteran home and alleges that his quilt was damaged when employee used it as a floor rug	\$50.00	\$50.00
T010516	Rianna L. Furne	Alleges property damaged by ISU performing maintenance repairs in residence hall	\$35.01	\$35.00
T010520	American Family Insurance Group as Subrogee of Mildred M. Erbe	State vehicle struck claimant's vehicle	\$774.61	\$774.61
T010522	John Kroul	Alleges crops damaged during archaeological dig conducted by State Archaeologist.	\$62.50	\$62.50
T010523	Linda Kay Hubbard	State vehicle backed into claimant vehicle	\$899.16	\$855.14
T010524	Glenn F. Clark	Claimant's vehicle damaged by chunks of concrete on bridge	\$4,292.95	\$4,292.95
T010525	Genard Rojas	State vehicle struck claimant vehicle	\$2,339.78	\$2,339.78
T010529	Jane M. Schaefer	Claimant tripped on large crack in sidewalk, resulting in a fracture to bone in her hand and also broke her glasses	\$2,180.93	\$2,180.93
T010530	John David Fritz	This claim results from a protracted disestablishment of paternity and the resulting attorney fees	\$14,900.20	\$10,000.00
T010531	Anita Studer	State vehicle struck claimant vehicle	\$684.21	\$684.21
T010532	Standard Ready Mix Concrete Company	DOT mower allegedly threw object, damaging vehicle windshield	\$117.70	\$117.70

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010535	Elmer Lee Brookhart	State vehicle struck claimant vehicle (PD only)	\$1,096.69	\$1,049.14
T010536	Michelle M. Hines	State vehicle struck claimant vehicle	\$400.00	\$371.22
T010539	Margaret L. Heffron	State vehicle struck claimant vehicle	\$424.99	\$378.79
T010540	Country Companies ASO Dale & Diana Meredith	State vehicle collided with claimant vehicle	\$899.54	\$899.54
T010543	Patrick J. Hall	DOT mower allegedly threw rock damaging vehicle door	\$236.60	\$236.60
T010544	Melissa & Dean Walz	State vehicle collided with claimant vehicle	\$322.57	\$322.57
T010554	Kimberly M. Henry	State vehicle backed into claimant vehicle	\$2,403.78	\$568.02
T010555	George J. Kloster Jr.	State vehicle backed into claimant vehicle	\$751.25	\$751.25
T010559	Calvin Johannes	State vehicle backed into claimant vehicle	\$1,609.38	\$1,609.38
T010560	Jeffrey Russell Snider	State vehicle struck claimant bicyclist	\$81.65	\$81.65
T010561	Wendy Ann Lange	Alleges injuries sustained in slip and fall at Iowa Memorial Union	\$4,000.00	\$2,091.36
T010563	LeMars Mutual Insurance Company as Subrogee of Amy Moeller	Jeff Kent Johnson – State Driver	\$5,867.70	\$5,867.70
T010565	Applishus/Connie Boesen	Claimant operated concession at State Fair – alleges that electrical service was improperly wired causing damage to equipment and this resulted in stand being closed	\$3,335.00	\$3,335.32
T010573	Jeremy Paul Duehr	Alleges vehicle damaged during painting of curb	\$729.58	\$729.58
T010575	Farm Bureau Financial Services as Subrogee of Naomi Louise Christensen	DOT vehicle made u-turn, striking passing vehicle	\$1,614.90	\$2,783.34

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010577	Jay E. Brown	State vehicle backed into claimant vehicle	\$1,314.85	\$1,314.85
T010579	Antonio Ron	State vehicle rear-ended claimant's vehicle	\$444.79	\$444.79
T010582	Peggy Ann Johnson	Alleges incorrect diagnosis of rabid bear resulted in unnecessary medical treatment	Unspecified	\$2,084.00
T010583	Jennifer Lynne Baltes	DOT vehicle turned left in front of oncoming vehicle	\$1,177.70	\$1,000.00
T010585	James Scott Scheloski	DOT vehicle pulled into path of oncoming vehicle at stop	\$2,253.66	\$3,738.87
T010586	Eileen Sutton	Claimant was injured when the vehicle she was driving was rear-ended by a state trooper	\$19,000.00	\$19,000.00
T010591	John David Pepper	Alleges asbestos exposure while performing maintenance & repair in ISU building	\$595.20	\$595.20
T010594	Jim Pierce	Rock allegedly fell from viaduct, damaging vehicle back window	\$461.15	\$461.15
T010595	Amber Lee Sechler	Claimant's vehicle damaged when it was struck by a snow plow truck	\$819.18	\$819.18
T010597	Geralyn S. Derner	State vehicle struck claimant vehicle	\$950.08	\$950.08
T010598	Barbara Jean Butler	State vehicle struck claimant vehicle	\$374.99	\$374.99
T010599	Gilbert R. Palomares	DOT plow allegedly threw rock damaging windshield	\$468.79	\$461.74
T010603	James Gordon Enloe	State vehicle backed into claimant vehicle	\$970.68	\$790.10
T010604	Claron Arthur Houge	DOT plow allegedly struck & damaging mailbox	\$34.77	\$34.77

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010608	Brad Joseph Bowlin	State vehicle struck claimant vehicle	\$2,500.00	\$2,190.87
T010609	Kum & Go Stores, Inc.	State vehicle hit store overhang	\$1,411.00	\$1,411.00
T010616	Kendra Ann Johnson	Alleges incorrect diagnosis of rabid bear resulted in unnecessary medical treatment	Unspecified	\$1,364.00
T010619	LaMont Ferguson	DOT plow struck parked vehicle with wing	\$2,500.00	\$1,800.00
T010623	Dale A. Kocirik	Claimant is resident at the Iowa Veterans Home and alleges staff broke his personal razor	\$62.96	\$60.00
T010624	Patrick H. McDermott	State vehicle struck claimant vehicle	\$697.71	\$697.71
T010625	James Drewelow	DOT vehicle allegedly struck vehicle at intersection	Unspecified	\$1,100.00
T010626	Linda Lou Lundy	State vehicle backed into claimant's vehicle	Unspecified	\$3,365.82
T010630	Leonard D. Estes Jr.	DOT allegedly pushed snow from overpass damaging windshield	\$200.67	\$200.67
T010632	Joseph R. Simon	State vehicle struck claimant vehicle	\$1,247.95	\$1,247.95
T010636	Sharon Stein	DOT plow allegedly threw debris, damaging vehicle windshield	\$423.47	\$423.47
T010637	Todd Timothy White	DOT plow wing hit vehicle, damaging door, window, quarter panel	\$1,546.58	\$1,546.58
T010640	Allstate Insurance Company as Subrogee of Clifford Daubenmire	State vehicle struck claimant vehicle	\$2,642.09	\$2,642.09
T010642	James Scott Scheloski	DOT vehicle pulled into path of oncoming vehicle at stop	\$4,460.00	\$2,100.00
T010643	Colleen Froiland	DOT snow blower allegedly threw snow, damaging vehicle	\$1,343.68	\$1,343.68

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010644	Adrian Trucking, Inc.	DOT plow allegedly struck parked semi with wing	\$480.00	\$480.00
T010645	Irving D. Veley	DOT snow blower dropped snow onto vehicle	\$1,743.14	\$1,743.14
T010647	Emily N. Agnew	DOT plow allegedly struck & damaged mailbox	\$60.00	\$60.00
T010648	Priority Express, Inc.	State vehicle struck claimant vehicle	\$2,837.30	\$2,837.30
T010649	Teresa Andresen	DOT plow allegedly threw sand/salt damaging windshield	\$228.97	\$228.97
T010650	Charmaine Svoboda	State vehicle struck claimant vehicle	\$337.92	\$337.92
T010652	James A. Hutton	Alleges bridge condition caused damaged to vehicle	\$440.66	\$449.06
T010654	MidAmerican Energy Company	DOT plow allegedly struck & damaged light pole	\$1,004.04	\$1,004.04
T010655	Steven Douglas Aldrich	DOT plow allegedly threw debris onto vehicle, damaging paint	\$1,218.17	\$1,218.17
T010656	Jack Dvorsky	Alleges crops damaged during archaeological dig	\$112.50	\$112.50
T010657	Andrew D. Huisman	Claimant's vehicle damaged when snow plow blew snow onto truck while clearing the street	\$1,909.21	\$1,909.21
T010658	Donald Ray Dunning	DOT plow threw snow across median damaging windshield	\$75.00	\$226.48
T010659	Carol Ann Beckley	DOT plow allegedly threw ice/snow damaging grille & headlamp	\$142.95	\$136.16
T010660	Virgil & Estella Perkins	Claimant's property (fence lines) damaged when a controlled burn became active	\$9,560.62	\$7,760.62

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010661	May Rilda Chollett	Claimant's tires pierced by a stop stick device thrown on the road by the Iowa State Patrol	\$156.84	\$156.84
T010662	Iowa City Area Steamatic, Inc.	Alleges air handling equipment lost while in UI possession	Unspecified	\$478.00
T010663	Robert L. Mikesell	DOT plow allegedly threw debris, damaging vehicle windshield	\$174.01	\$174.01
T010667	Joe L. Coleman	State vehicle struck claimant vehicle	\$1,068.64	\$1,068.64
T010670	Lynette Anderdonk Christensen	DOT snowplow allegedly threw object, damaging windshield	\$158.72	\$158.72
T010673	Progressive Insurance ASO Kimberly Henry	State vehicle backed into claimant	\$1,905.09	\$1,900.09
T010674	Robert Michael Hummel	Vehicle allegedly hit wing of DOT vehicle	\$877.07	\$877.07
T010675	Gary Maier	Claimant's razor damaged while being cleaned by staff	\$82.67	\$82.67
T010677	Donna Faye Stark	State vehicle struck claimant vehicle	\$2,040.13	\$1,580.63
T010678	Jerry Wever	State vehicle backed into claimant's vehicle	\$375.93	\$375.93
T010684	Iowa City Community School District	State vehicle struck claimant vehicle	\$935.78	\$935.78
T010685	H & N Chevrolet Buick Co.	Spare tire fell off DOT vehicle, struck 2 parked vehicles	\$868.76	\$968.76
T010686	Dominic J. Fontana Jr.	DOT plow allegedly threw snow into grille of parked vehicle	\$336.44	\$334.44
T010694	Trudy Joann Dietze	State vehicle struck claimant vehicle	\$1,254.09	\$1,254.09
T010695	Amanda Marie Carlson	DOT plow knocked light pole down, vehicle ran over it	\$1,250.03	\$837.52

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010698	Walter E. Smith	Claimant's vehicle damaged when he drove over stop sticks deployed by a Cedar County Sheriff to stop a stolen vehicle	\$232.64	\$232.64
T010701	Paul E. Johnson	DOT backing out of bay, struck parked DOT EE vehicle	\$411.18	\$205.59
T010702	Jerry Lee Brotherton	State vehicle collided with claimant vehicle	\$552.15	\$518.70
T010703	Xu Deo	State vehicle backed into claimant vehicle	\$2,034.36	\$2,034.36
T010704	City of Waukee	DOT snow blower allegedly threw snow into welcome sign	\$1,444.50	\$1,444.50
T010707	Robert Douglas Tharpe	DOT plow clearing gore, allegedly backed into vehicle	\$3,733.85	\$3,733.85
T010708	Patrick Grant Smay	State vehicle struck claimant vehicle	\$862.12	\$862.12
T010712	James Boniface	Claimant's computer modem broke when staff kicked the phone cord to the computer modem	\$157.49	\$157.49
T010713	Constitution State Services as Subrogee of Consolidated Electrical Distributors	State vehicle backed into claimant vehicle	\$1,482.23	\$1,482.23
T010715	Mary Sue Coleman	Alleges property damaged by ISU employee performing housekeeping responsibilities	\$425.20	\$425.20
T010717	Leo E. Garreau	DOT vehicle slid into DOT EE's parked vehicle, damaging bumper	\$949.12	\$949.12
T010718	David A. Ford	DOT vehicle allegedly backed into vehicle on ramp, damaging grille	\$2,357.54	\$2,845.16
T010719	Chester Larson	DOT sign allegedly blew into vehicle	\$540.66	\$540.66

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010722	Fred Nesbit Distributing Co.	Claimant's vehicle damaged when dump truck was backing up and struck vehicle	\$1,112.04	\$1,112.04
T010728	Geoffrey August Will	Alleges asbestos exposure during ceiling work in ISU building	\$1,499.55	\$1,499.55
T010729	Ellis R. Shultz	DOT snow blower allegedly rear-ended stalled vehicle	\$4,249.29	\$3,500.00
T010730	Tami Lea Nelson	Due to a clerical error, claimant was wrongfully arrested	\$5,000.00	\$500.00
T010736	David J. Nemmers dba Nemmers Auto Body	DOT plow wing struck wrecker, damaging left read	\$1,454.35	\$1,454.35
T010737	IMT as Subrogee of Richard & Deb Menke	DOT plow allegedly backed into car at rest area ramp	\$2,100.00	\$2,100.00
T010739	Pekin Life Insurance Company as Subrogee of Mark H. Fuller	DOT vehicle made right turn, struck by vehicle in right lane	\$2,812.75	\$2,812.75
T010743	Amy L. Stapp-Arpy	DOT sander threw rocks damaging windshield	\$182.34	\$182.34
T010745	Rachel Jane Hollrah	Alleges property damaged from roof leak in ISU resident hall	\$162.79	\$162.79
T010746	Hye Kyung Sung	Claim alleges injuries sustained in a two-car motor vehicle accident	\$10,992.30	\$8,737.84
T010749	Jill Nicole Dempster	Alleges clothing damaged by filing cabinet at UNI	\$32.00	\$32.00
T010750	City of Iowa City	DOT plow allegedly hit light pole	\$309.91	\$309.91
T010751	Donus DuWayne Dee	State vehicle caused damage to claimant vehicle	\$2,590.87	\$2,590.87
T010752	Tom J. McGraw	Vehicle struck piece of metal off wing, damaging tire	\$164.30	\$164.30

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010753	Kay Ann Taylor	State vehicle struck claimant vehicle	\$675.00	\$671.04
T010754	Te Slaa Trucking LTD	DOT plow allegedly sideswiped by semi, no damage to DOT	\$795.10	\$397.55
T010755	Kirkman & Michael Engineer	DOT plow allegedly plowed snow over bridge onto vehicle	\$1,300.36	\$1,300.36
T010760	Hawkeye WoodShaving, Inc.	DOT vehicle slid into semi on ramp	\$3,214.38	\$3,214.38
T010761	Paul Everett Christiansen	State vehicle collided with claimant vehicle	\$1,750.00	\$1,275.37
T010762	Guy J. Tunnell	State vehicle collided with claimant vehicle	\$1,205.66	\$1,205.66
T010763	MidAmerican Energy	DOT plow hit light pole	\$1,140.22	\$1,140.22
T010765	Gladys Wilker	DOT plow blade allegedly threw debris, damaging windshield	\$396.46	\$275.49
T010766	Nicolle D. Redig	DOT sand truck allegedly threw rocks damaging vehicle	\$1,120.77	\$1,003.23
T010767	Glenn H. Sparks	Claimant is resident of the Iowa Veterans home and files claim for a broken ceramic figure that was knocked off a shelf by staff	Unspecified	\$10.00
T010768	George R. Brancato	DOT plow slid down ramp striking vehicle	\$3,453.61	\$3,453.61
T010771	American Family Insurance Group as Subrogee of James Drewelow	DOT plow struck claimant's vehicle	Unspecified	\$5,364.28
T010772	Douglas K. Gruenewald	State vehicle collided with claimant vehicle	\$1,102.26	\$1,102.26
T010775	Mary Ann Carman	DOT plow allegedly backed into stopped vehicle	\$600.00	\$467.24
T010776	State Farm Insurance as Subrogee of Jack Wray	State vehicle backed into claimant's vehicle	\$129.32	\$129.32

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010777	Matthew C. Bormann	Alleges vehicle damaged when rock was thrown from ISU lawnmower	\$110.46	\$110.46
T010782	Daniel Swehla	DOT plow allegedly struck & damaged mailbox	\$25.00	\$25.00
T010786	Craig Steven Brimeyer	DOT plow allegedly backed into EE parked vehicle	\$1,312.46	\$1,312.46
T010787	Mathew Allen Borders	State vehicle struck claimant vehicle	\$42.00	\$42.00
T010789	Roger James Steichen	Snow & ice allegedly pushed from overpass onto vehicle	\$1,327.52	\$1,327.52
T010790	Colleen Todd	DOT vehicle allegedly rear-ended vehicle at light	\$495.83	\$495.83
T010794	Joseph N. Gish	DOT plow hit vehicle stuck in snow on roadway	\$1,853.40	\$1,853.40
T010796	M & M Cartage, Inc.	Claim is a result of an incident that occurred when the claimant's tractor trailer was struck by a DOT snowplow	\$30,969.63	\$30,969.63
T010798	The Grinnell Mutual Reinsurance Co. as Subrogee of Morgan DeSotel	State vehicle struck claimant vehicle	\$261.49	\$761.49
T010799	CNA Insurance Company Subrogee for Solace Transfer Company Superior	DOT snowplow allegedly backed into claimant's vehicle	\$5,760.04	\$5,760.04
T010801	Rhiner Plumbing Company, Inc.	DOT plow threw snow/ice over wall, damaging vehicle	\$251.64	\$251.64
T010802	Rhiner's Plumbing Company, Inc.	DOT plow threw snow/ice over wall, damaged vehicle	\$662.26	\$662.26
T010803	Kimbra L. McFadden	Alleges dental damage occurred during surgical procedure	\$2,557.00	\$2,557.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010804	Stephen W. Strassburg	DOT plow backed out of crossover, allegedly hit vehicle	\$861.79	\$861.79
T010805	Bobbie Diane Goodson	State vehicle collided with claimant vehicle	\$1,998.00	\$1,951.57
T010808	Sue M. Ballard	State vehicle collided with claimant vehicle	\$646.58	\$646.04
T010809	Joseph R. Miller	DOT snowplow allegedly threw snow/ice across median	\$643.25	\$643.25
T010812	Gregory Alan Willert	State vehicle collided with claimant vehicle	\$536.44	\$536.44
T010813	Richard J. Stout	Claimant alleges that his pet dog was killed by a DOC canine	\$1,037.66	\$1,037.66
T010814	Cassandra Marie Adams	State vehicle collided with claimant vehicle	\$1,673.62	\$1,277.61
T010819	Mike Plager	DOT plow threw snow across median damaging windshield	\$2,204.42	\$2,372.03
T010827	David J. Miller	DOT plow allegedly pulled into path of oncoming vehicle	\$1,047.71	\$1,428.56
T010830	Blake Kristian Anderson	State vehicle collided with claimant vehicle	\$1,197.52	\$1,197.52
T010832	Susan K. Johnson	Claimant's vehicle damaged by a Glenwood Resource Center employee who slid on ice and hit vehicle	\$740.06	\$697.57
T010837	Christine Marie Benham	DOT left hard ridge of snow across road, hit by vehicle	\$1,016.16	\$1,298.64
T010838	Cameron Robinson Vanni	State vehicle collided with claimant vehicle	\$1,267.26	\$1,267.26
T010839	Tony Lee Lorenz	DOT plow stopped, then backed into vehicle on roadway	\$1,442.82	\$1,442.82
T010840	Jeffrey Ben Moyers	Alleges vehicle damaged by rod protruding from parking barrier	\$1,878.84	\$265.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010841	Keith G. Kettler	Claimant submits this claim as a result of damage to vehicle by a youth participating in the Department of Correction's Detour Program	\$350.66	\$350.66
T010842	Jeffrey S. Sojka	State vehicle collided with claimant vehicle	\$528.24	\$528.24
T010845	Blane H. Nansel	State vehicle backed into claimant vehicle	\$750.00	\$735.90
T010846	Country Mutual Insurance Company as Subrogee of Michael Armstrong	Amended 4-10-01 sent to Mary and Jean on 4-16-01	\$5,960.06	\$5,960.06
T010847	Robert J. Kurt	State vehicle collided with claimant vehicle	\$650.00	\$646.29
T010849	Hy-Vee, Inc.	DOT sand truck threw rocks damaging windshield	\$171.37	\$171.37
T010861	Marlin Ray Kness	DOT plow allegedly threw slush, broke vehicle bug shield	\$107.00	\$107.00
T010868	State Farm Insurance Comapany as Subrogee of Jennell Pribyl	Claimant's vehicle damaged when state vehicle collided with vehicle	\$6,712.45	\$6,712.45
T010869	Grinnell Mutual Reinsurance Company as Subrogee of Carol Shelton	DOT plow allegedly struck vehicle parked on shoulder	\$3,565.02	\$3,565.02
T010870	Bret Arthur Tucknott	State vehicle struck pedestrian	\$280.52	\$280.52
T010871	David L. Galbraith	DOT plow allegedly backed into parked vehicle	\$625.90	\$625.90
T010873	Johnson County Sheriff Department	State vehicle collided with claimant vehicle	\$744.58	\$744.58
T010874	Ryan James Villa	DOT plow struck vehicle stuck on side of road	\$2,784.34	\$1,000.00
T010877	David Eric Popp	Material allegedly came off DOT tailgate, damaging windshield	\$214.00	\$198.01

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010879	Robert John Bird II	DOT plow knocked light pole down, vehicle ran over it	\$1,709.09	\$1,709.09
T010881	Marilyn Jean Williamson	Claimant's car was damaged when it was struck from behind by a U of I van	\$4,071.73	\$3,522.50
T010882	Jean (Jeanie) A. Renda	State vehicle collided with claimant vehicle	\$711.26	\$711.26
T010883	Kevin D. Mayberry	State vehicle collided with claimant vehicle	\$903.30	\$903.30
T010884	Olson Express Inc./Scott Olson, President & Driver	DOT snow blower threw snow damaging windshield	\$449.50	\$449.50
T010887	Dean D. Oliver	State vehicle backed into claimant vehicle	\$350.00	\$288.00
T010889	Farm Bureau Mutual Insurance Company as Subrogee for James Egli	Claimant's vehicle damaged by a large tree branch when leaving Gull Point State Park	\$1,498.27	\$749.14
T010891	Diane VanSickle	Claimant slipped and fell on ice and snow in front of the Woodward Academy at the Woodward Resource Center	Unspecified	\$1,600.00
T010893	Union Pacific Railroad	DOT plow allegedly hit flashing railroad signal	\$2,894.74	\$2,894.74
T010898	West American Subrogee of David Michael Rahn	State vehicle struck claimant vehicle	\$2,613.75	\$2,613.75
T010899	Charles Sublette	Claimant is resident at Iowa Veterans home and alleges staff dropped his razor and broke it	\$138.49	\$138.49
T010900	Craig Kaszinski	DOT snow blower allegedly threw snow into shed	\$350.00	\$175.00
T010902	Joel Bragg	DOT vehicle allegedly backed into DOT EE's parked vehicle	\$1,247.63	\$623.82
T010904	Yang You	Alleges vehicle damaged by snow removal vehicle	\$1,059.28	\$988.53

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010908	Marion County Sheriff	A clerical error made in issuing 2nd execution for court costs due from a defendant – courts costs should have been on 1st one	\$31.35	\$31.35
T010909	State Farm ASO Dana M. Wetzel	Claimant's vehicle damaged when state vehicle collided with her	Unspecified	\$5,057.75
T010912	Anita E. Mireles	Claimant's vehicle damaged by chunks of ice from a snow blower operated by an employee of the state	\$262.17	\$262.17
T010914	Amanda Marie Carlson	DOT plow knocked light pole down, vehicle ran over it	\$19,697.62	\$3,662.48
T010917	Jean Ward	State vehicle collided with claimant vehicle	\$2,016.74	\$2,016.74
T010918	David A. Norfolk	DOT plow backed into parked vehicle at rest area	\$4,598.89	\$1,825.00
T010919	American Family Mutual Insurance Company as Subrogee for Michael & Lisa Peters	DOT vehicle allegedly backed into vehicle, damaged hood	\$1,895.95	\$2,005.95
T010921	Jennifer L. Haltom	Claimant alleges that two court attendants inadvertently took her personal printer to the repair shop instead of state printer	\$55.00	\$55.00
T010923	Richard D. Feldhacker	DOT truck allegedly threw sand damaging windshield	\$254.02	\$254.02
T010930	Amanda Brenneman, a Minor by her Mother Christina Sue Brenneman	Allege failure to provide proper security resulted in concert attendees throwing chairs which struck claimant's daughter	\$1,014.84	\$750.00
T010931	Terrence R. Ferguson	State vehicle struck claimant vehicle	\$1,695.92	\$1,695.92
T010938	Steve L. Eastland	State vehicle struck claimant vehicle	\$2,878.20	\$2,878.20

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010939	Kevin James Howard	Material from DOT plow allegedly damaged windshield	\$235.15	\$235.15
T010940	Debra R. Namanny	Material from DOT truck allegedly damaged windshield	\$233.20	\$233.20
T010954	Terry L. Gray	State vehicle struck claimant vehicle	Unspecified	\$975.43
T010956	Budget Rent A Car	State driver in rental car hit a deer	\$430.81	\$430.81
T010957	Andrew Wayne Peacock	Plow allegedly pushed snow/ice onto vehicle from overpass	\$208.49	\$208.49
T010960	Dana O. McCoy	Claimant's vehicle damaged after collision with state vehicle	\$3,591.33	\$4,044.07
T010961	Alfred R. Wahner	State vehicle hit parked claimant's vehicle	\$2,266.71	\$2,266.71
T010962	Sysco Food Services of Iowa, Inc.	Requests reimbursement for repair of a delivery truck damaged while delivering food to the Iowa Correctional Institution for Women	\$4,311.55	\$4,311.55
T010963	Fredrick Wesley Koger	Claimant is a resident of the Iowa Veterans Home and alleges staff lost his razor	\$68.24	\$50.00
T010966	Emily Rottinghaus	State vehicle backed into claimant vehicle	\$621.30	\$562.47
T010970	Grant S. Hamilton III	State vehicle hit parked claimant's vehicle	\$433.72	\$333.03
T010992	Richard J. Ratchford	Stop sign lag fell onto vehicle	\$878.80	\$878.80
T010993	Jo Ellen Bertram	Valet vehicle struck another vehicle	\$477.06	\$477.06
T010995	State Farm Insurance as <u>Subrogee</u> for Yer (Mai) Vang	State vehicle rear-ended vehicle driven by claimant	\$804.05	\$804.05
T010996	Russell Lynn Ciochon	State vehicle rear-ended claimant vehicle	\$1,391.00	\$1,391.06

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010998	Wilbur F. Wilcox	DOT vehicle in turning lane, went straight, hit vehicle	\$905.11	\$905.11
T011000	Clint & Eleanor Kauffman	State vehicle backed into claimant vehicle	\$1,504.60	\$1,554.60
T011001	Heather A. Minish	Claimant files this claim as a result of injuries she sustained while riding in an ISU Government of Student Body van	Unspecified	\$31,067.75
T011002	Thomas S. Griffith	State vehicle struck claimant vehicle	\$1,025.23	\$1,025.23
T011003	Star Energy LLC	Boom caught corner of fueling station roof	\$2,228.00	\$2,465.38
T011005	State Farm Insurance as Subrogee of Kimberly Jean Jeffers	DOT snowplow allegedly backed into vehicle at ramp	\$1,018.24	\$1,018.24
T011006	State Farm ASO Elix Brewer	State vehicle struck claimant vehicle	\$5,280.58	\$5,724.25
T011012	Robert Walter Putnam	State vehicle struck claimant vehicle	\$530.57	\$530.57
T011013	Stephen S. Tozer	State vehicle struck claimant vehicle	\$409.83	\$409.83
T011015	Natalie Marie George	Claimant seeks reimbursement-air fare/hotel accommodation-trip cancelled due to fiance not getting copy of birth certificate	\$2,000.00	\$1,100.00
T011016	Sharon K. Sperry	Claimant is a state employee entering parking who scraped the side of her vehicle on the exit arm	\$768.83	\$768.83
T011018	William Dean Booth	Wing of DOT plow hit parked vehicle, damaging mirror & side	\$2,500.00	\$2,248.05
T011020	Christine Getz	State vehicle turning left, hit claimant vehicle	\$275.92	\$275.92
T011021	Lee C. Bowden	State vehicle hit claimant's vehicle	\$867.00	\$867.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T011022	Amisha A. Meinders	Alleges vehicle damaged when dumpster lid was opened and struck vehicle	\$175.91	\$175.91
T011026	Grinnell Mutual Reinsurance Company as Subrogee of Waubonsi Mental Health Center	Claimant's insured vehicle was struck by an inmate who was operating an endloader	\$625.70	\$625.70
T011030	Udo Walter Sines	DOT snow blower allegedly damaging siding & window wells	Unspecified	\$1,187.20
T011036	LaVern Siegworth	Claimant fell while exiting state owned van	\$478.00	\$478.00
T011037	Ideal Ready Mix	DOT vehicle rolled into building	\$780.00	\$780.00
1011039	Safeco Insurance as Subrogee of Bethany Harkey & Lisa Elder	State rental vehicle struck claimant vehicle	\$2,548.50	\$2,548.59
T011045	American Family Insurance as Subrogee for Michael Arnett & Beth Parks	State vehicle rear-ended claimant vehicle	\$2,367.13	\$2,367.13
T011053	Jesus Christ Community Church	State vehicle rear-ended claimant's vehicle	\$1,818.85	\$1,818.85
T011057	Abraham Van Roekel	State vehicle struck claimant vehicle	\$1,076.56	\$1,076.56
T011058	Ming-Che Shih	State vehicle struck claimant vehicle	\$2,206.18	\$2,206.18
T011066	Phillip Lee Rich	DOT vehicle backed into DOT EE parked vehicle	\$560.04	\$560.04
T011103	Kip Hoelscher	Claimant injured when his vehicle was rear-ended by a Department of Agriculture employee	\$1,005.00	\$1,500.00
T011104	Robert E. Ohge	DOT mower allegedly threw debris, damaging back window	\$198.48	\$198.48
T011106	Mary Jo Colgan	State vehicle hit claimant vehicle	\$472.48	\$315.49
T011108	Geico a/s/o Norman Gross	DOT plow allegedly struck car parked at accident scene	\$1,008.39	\$1,008.39

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T011109	Jim Farber	DOT mower allegedly threw rock, damaging vehicle door	\$248.64	\$248.64
T011110	Polk County Sheriff's Office	DOT mower allegedly threw rock, damaging windshield	\$201.45	\$201.45
T011112	Neil Hoelscher	Claimant's vehicle damaged when struck from behind by a vehicle driven by an employee of Department of Agriculture	\$5,656.53	\$4,000.00
T011114	Valerie Lee Hamilton	State vehicle rear-ended claimant vehicle	\$191.92	\$191.92
T011115	Gordon Kirk Bixby	State valet driver lost keys & remote	\$47.13	\$47.13
T011123	Roger Joseph Teeling	State vehicle turned into claimant's vehicle	\$812.82	\$812.82
T011127	IMT Insurance Company ASO Laura Moreland	State vehicle backed into claimant vehicle	\$2,944.35	\$2,944.35
T011141	Fitzpatrick Auto Center, Inc.	Signs allegedly blew into vehicle on car lot	\$2,794.62	\$2,794.62
T011142	Fitzpatrick Auto Center, Inc.	Signs allegedly blew into vehicle on car lot	\$709.83	\$709.83
T011143	Fitzpatrick Auto Center, Inc.	Signs allegedly blew into vehicle on car lot	\$977.06	\$977.06
T011144	Fitzpatrick Auto Center, Inc.	Signs allegedly blew into vehicle on car lot	\$1,117.54	\$1,117.54
T011145	Todd Textor	State vehicle struck claimant vehicle	\$2,904.97	\$2,904.97
T011146	Garren Grant Hochstetter	Alleges bicycle was damaged by a ISU snowplow	\$97.49	\$97.49
T011152	Don Patterson	State vehicle struck claimant vehicle	\$1,200.00	\$1,162.70
T011156	Hy-Vee, Inc.	DOT plow pushed snow off 1-80 damaging windshield	\$758.84	\$758.84
T011159	John Patrick Newton	Alleges damage to vehicle due to University's negligence	\$2,000.00	\$2,231.71

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T011165	Bette J. Litzel	Claimant contends she received unnecessary rabies immunizations after an erroneous positive test conducted by ISU	\$4,000.00	\$3,000.00
T011166	Timothy A. Bandow	Alleges vehicle damaged while parked at performing arts center	\$229.70	\$126.90
T011167	State Farm Insurance as <u>Subrogee</u> of Anoma Sithonnorath	DOT plow lag threw slush across median, damaging vehicles	\$906.64	\$906.64
T011171	Dennis K. Hayes	State vehicle struck vehicle driven by claimant	\$504.00	\$504.00
T011174	Dustin Felos	Claimant's truck damaged by a Glenwood Resource Center driving a plow truck which slid into vehicle	\$1,538.00	\$1,517.72
T011175	George R. Gardiner (Burke Engineering Sales Co.)	DOT mover allegedly threw rock damaging passing vehicle	\$737.64	\$737.64
T011177	Jason D. Salmon	Dot vehicle struck vehicle in parking lot	\$574.84	\$574.84
T011179	Allied Insurance as <u>Subrogee</u> of Lori Husmann	State vehicle hit claimant vehicle	\$1,322.23	\$1,322.23
T011181	Corlis S. & James Moody	State vehicle struck claimant vehicle	\$553.11	\$553.11
T011202	Vivian R. Rotert	Claimant injured left wrist when she fell because of a raised platform when leaving the Iowa Army National Guard in Fort Dodge	\$1,020.39	\$3,000.00
T011203	P. Ferman Milster	State vehicle backed into approaching claimant vehicle	\$278.68	\$278.68
T011205	Minnie Enola Peterson	State vehicle failed to yield to claimant vehicle - collided	\$5,182.18	\$3,754.22
T011208	Carol Jean Crowley	State vehicle hit parked claimant vehicle	\$550.90	\$550.90

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T011209	Frederick W. Baltz	DOT mower allegedly threw rock, damaging vehicle	\$393.70	\$393.70
T011213	State Farm Insurance as Subrogee for Katherine Feldman	State vehicle improperly changed lanes, struck claimant	\$1,987.47	\$1,987.47
T011215	Alamo Rent A Car, Inc.	State driver damaged rental vehicle	\$1,100.33	\$1,100.33
T011216	Mary Kaye Swanson	State vehicle hit claimant vehicle	\$1,170.95	\$1,170.95
T011221	Shawn K. Shea	DOT mower allegedly threw rock, damaging vehicle window & paint	\$224.36	\$224.36
T011223	GE Capital Fleet Services ASO Aramark Services, Inc.	State vehicle hit parked claimant vehicle	\$571.01	\$571.01
T011225	State Farm Insurance on behalf of Wei-Yeh Yang	Alleges insured's vehicle damaged by rod protruding from parking barrier	\$1,170.62	\$1,220.62
T011230	Donald Leo Mages	DOT mower allegedly threw object, damaging vehicle air conditioner	\$1,021.46	\$1,021.46
T011232	Leigh Miller	State vehicle backed into claimant vehicle	\$189.20	\$189.20
T011233	Michael & Kim Gaul	State vehicle hit claimant vehicle while parking	\$1,079.75	\$1,079.75
T011237	Brian Keith Larrabee	DOT DL required ID when not needed/seeking reimbursement	\$317.17	\$317.17
T011240	Jeffrey Keith Birdsell	Claimant incurred a flat tire when entering a parking lot on the grounds of the ISP	\$39.59	\$39.59
T020003	Wellmark Blue Cross and Blue Shield on behalf of Amanda Brenneman	Alleges insured injured during concert at Carver Hawkeye Arena	\$321.66	\$321.66
T020005	Terry Lee Redlinger	State vehicle hit parked claimant vehicle	\$517.73	\$517.73
T020006	Cobb Oil Company, Inc.	DOT vehicle hit price sign at gas station	\$522.90	\$522.90

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020015	Richard E. Scheel	DOT EE allegedly threw cone onto road, hit passing vehicle	\$1,385.89	\$1,385.89
T020023	State Farm as Subrogee for Kathy Dillon	State vehicle hit claimant vehicle	\$1,471.86	\$1,471.86
T020025	George E. Umscheid	Claimant seeks reimbursement for damages to his personal property by a severed sewer line	\$3,701.58	\$3,701.58
T020027	Air Conditioning & Heating, Inc.	DOT vehicle allegedly lost rocks damaging windshield	\$384.67	\$384.67
T020031	Selzer Werderitsch Associates	State vehicle backed into parked vehicle	\$477.75	\$477.75
T020033	Ronald Kramer	DOT vehicle allegedly lost rocks damaging windshield	\$63.60	\$63.60
T020035	Craig Hageman	State vehicle hit claimant vehicle	\$874.41	\$874.41
T020036	Brian Joseph Reinig	Claimant's vehicle damaged when boat trailer rolled into it	\$642.94	\$642.94
T020044	Lawrence Eugene Angell	Claimant alleges that his vehicle was damaged when a mower operating on the state fairgrounds clipped his vehicle's bumper	\$426.91	\$426.91
T020045	Nancy M. Bauman	Alleges vehicle damaged by gate arm	\$260.00	\$260.00
T020046	Robert Blatny	DOT crack sealing/semi threw rock from tires at vehicle	\$203.84	\$203.84
T020049	Rose SunRhodes	DOT hand weed cutter allegedly threw rock damaging window	\$494.77	\$367.62
T020050	Marlene Perkins	State vehicle hit claimant vehicle	Unspecified	\$1,560.00
T020052	Harold Lee Phipps	DOT mower allegedly threw rocks, damaging pickup	\$1,061.62	\$1,061.61
T020057	Mary J. Cassellius	DOT vehicle backed into vehicle at stop sign	\$916.49	\$916.49

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020058	Kimberly Sue Campbell	DOT mower allegedly threw rocks, damaging vehicle	\$1,044.00	\$1,044.36
T020059	Jack E. Parsons	Claimant is a resident and files for damages done by his staff to his TV set	\$200.00	\$150.00
T020061	Chauncey P. Stanley	DOT mower allegedly threw rock, damaging side of pickup	\$111.63	\$111.63
T020069	Dorothy J. Law	DOT mower allegedly threw rock, damaging vehicle fender	\$391.58	\$343.88
T020073	William Shanahan	Alleges property accidentally discarded by UIHC employee	\$450.00	\$450.00
T020074	Phyllis J. Wickness	State vehicle hit parked claimant vehicle	\$1,238.66	\$1,238.66
T020079	Dustin D. & Gail Thill	State vehicle struck claimant vehicle	\$2,525.00	\$2,525.00
T020080	Neil McMillan	DOT unloading mowers w/crane, damaging semi	\$2,231.66	\$2,231.66
T020081	State Farm Insurance as <u>Subrogee</u> for Kesone Sithonnorath	DOT plow allegedly threw slush across median, damaging vehicles	\$1,412.93	\$1,412.93
T020084	Tina Marie Jamez	DOT high reach allegedly lost box/object struck vehicle	\$770.88	\$770.88
T020085	Kristine M. Phelps	State vehicle hit claimant vehicle	\$927.47	\$808.95
T020086	Marshall D. Fox	DOT vehicle allegedly pulled down overhead wire w/box	\$157.69	\$157.69
T020087	James W. Heath	DOT mower lag threw board into passing vehicle	\$1,366.95	\$1,366.95
T020089	(Bob) Robert Dee Franzen	Claimant alleges that his truck was struck while parked at the Varied Industries Building by a worker unloading pipe	\$290.77	\$290.77

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020090	Joseph Dean Kunzeman	DOT mower allegedly threw debris damaging vehicle	\$861.56	\$861.56
T020101	Deaun DeLunger	Sled runner allegedly fell off DOT vehicle, vehicle hit runner	\$1,822.83	\$1,822.83
T020104	John A. Wellman	Trooper Rodd Larson was driving state vehicle 0316 when he hit a vehicle owned by John A. Wellman	\$4,984.50	\$4,984.50
T020106	Austin William Hinders	DOT backed into parked vehicle, damaging fender	\$1,172.76	\$1,172.76
T020108	Stacy Briles-Mueller	Claimant seeks damages when personal vehicle was damaged when entering the state radio garage in Atlantic	\$857.40	\$707.40
T020119	Donald Warner	Alleges hearing aid lost while in custody of UIHC employee	\$1,300.00	\$1,300.00
T020122	Dale Russell McSorley	Claimant's vehicle damaged when inmate backed a trailer into claimants vehicle	\$416.97	\$266.97
T020126	Robert D. Grimes	Claimant's vehicle was struck by a DOT pick up that pulled from a driveway	\$4,484.06	\$4,484.06
T020127	Colleen Gross-Advani	Claimant's vehicle damaged when DNR employee's weed-eater caught a rock which shattered the right-side sliding passenger door	\$433.65	\$433.65
T020130	Julie Fudge	DOT mower allegedly threw rock, damaging DOT EE vehicle	\$615.00	\$615.64
T020131	Shulamis Jenkelowitz	Alleges misdiagnosis of rabid bear resulted in unnecessary medical treatment	\$1,353.00	\$1,353.00
T020132	Lynsey Simpson	DOT allegedly threw rock, damaged vehicle	\$354.83	\$354.83

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020137	Merle E. Jansen	DOT mower allegedly threw object, damaging vehicle window	\$272.78	\$272.78
T020140	Teresa Ann Teague	DOT mower allegedly threw rock, damaging windshield	\$287.67	\$287.67
T020144	William D. Barker	DOT vehicle backed into parked DOT EE vehicle	\$1,095.54	\$1,095.54
T020146	Kathy Ann Shady	DOT mower allegedly threw rocks damaging windshield	Unspecified	\$305.93
T020154	Christy Steinfeld	Rock allegedly fell from DOT truck, damaging windshield	\$478.19	\$478.19
T020156	Theodore Orven Loftsgard	DOT blowing cracks, rocks damaged windshield	\$225.21	\$225.21
T020162	John Muller	State vehicle backed into claimant vehicle	\$946.26	\$946.26
T020163	Emily Braucht	Item from state vehicle striking claimant vehicle	\$129.75	\$129.75
T020166	Robert L. North Jr.	Door of DOT vehicle opened & bumped DOT EE vehicle	\$288.32	\$288.32
T020168	Bernhard F. Stieger	Claimant is an inmate at Iowa Veterans Home and alleges that a night-shift RTW accidentally spilled a water pitcher on his phone	\$40.00	\$40.00
T020172	Dorothy M. Welder	Claimant's vehicle damaged when a rock from a mower struck her windshield	Unspecified	\$440.00
T020179	Sholom Rubashkin	Claimant files on behalf of minor children seeking reimbursement for the cost of rabies shots	\$6,920.00	\$6,920.00
T020180	Duane Caryl Spriestersbach	Alleges vehicle damage when UI utility cart struck his vehicle	\$1,209.45	\$1,141.95
T020184	Shari Beth Marr	Vehicle allegedly struck DOT recorder hose damaging tire	\$60.83	\$60.83

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020201	Mindy Shelangoski	State vehicle backed into claimant vehicle	\$2,878.04	\$3,194.84
T020207	Leonard Harry Boysen	Paint from DOT bridge painting drifted on vehicle	\$226.80	\$226.80
T020215	Richard K. Everett	Claimant's vehicle damaged when Iowa State Fair employees directed him to drive through a narrow drive	\$215.59	\$215.59
T020222	Brandon James Eckert	Claimant's vehicle damaged when rear-ended by vehicle	\$4,400.00	\$4,297.72
T020235	Jim & Renee Dudley	Claimant alleges a cast was misapplied necessitating euthanasia of the horse	\$11,723.12	\$11,723.12
T020236	Betty Schwengels	Alleges property was accidentally discarded by UIHC employee	\$208.00	\$208.00
T020240	Donald L. Minks	Claimant's clothes were damaged from substance on the bench at the Iowa Fairgrounds	\$35.00	\$35.00
T020244	Gerald Adcock dba Adcock RapidLube	Claimant's vehicle damaged when Iowa State Fair employee backed a skidloader into claimant's vehicle	\$477.93	\$477.93
T020254	Clark W. Chickering	DOT mower allegedly threw rock damaging vehicle	\$1,418.22	\$1,418.22
T020255	Carolyn J. Mahannah	Paint from DOT bridge painting drifted on vehicle	\$226.80	\$226.80
T020256	Michael Philip Davison	ISU student's computer damaged when a 12" by 12" flat ceiling tile fell on it	\$700.00	\$350.00
T020258	Darren Thomas Bishop	DOT mower allegedly threw rock damaging windshield	Unspecified	\$259.65

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T020259	Doyle R. St. John	Alleges DOT painting aircraft lines, paint on vehicle	\$1,379.23	\$1,379.23
T020260	Doyle Ray St. John	Alleges DOT painting aircraft lines, paint on vehicle	\$2,935.06	\$2,935.60
T020262	John R. Chapman	Claimant slipped and fell on a buildup of algae and slime from a dripping sewer dump tower and portable water tower valves	\$590.00	\$950.00
T020267	Linda Bond	DOT vehicle backed into vehicle, damaged door & light of vehicle	\$1,109.25	\$1,109.25
T020277	Diane J. Green	DOT vehicle backed into vehicle at intersection	Unspecified	\$3,227.05
T020285	Travis John Steffens	DOT paint truck allegedly backed into vehicle	\$2,024.70	\$2,024.70
T020299	Alamo Rent A Car, Inc.	State employee was driving an Alamo Rent A Car when she lost control of the vehicle and hit a tree	\$9,248.72	\$9,248.72
T020308	David J. Skorton	Alleges UIHC employee struck vehicle with gurney	\$585.90	\$585.90
T020319	Darrell Dean LaFon	Claimant seeks damages for the loss of a new wrist watch while resident at Iowa Veterans Home	\$20.00	\$20.00
T020331	Wayne Dennis Anderson	Claimant is resident at Iowa Veteran home and alleges staff damaged his new wall clock	Unspecified	\$19.06
T020333	Hull Enterprises, Inc.	Claimant's vehicle damaged when ISU end loader backed into the right front end of the tractor	\$25,590.10	\$25,590.10
T020335	Farm Bureau Mutual Insurance Co. as Subrogee of Jackie Calabro	Elizabeth Gates was driving state vehicle when she slid on the ice and struck claimant's vehicle	\$4,062.19	\$4,062.19
T020369	GEICO as Subrogee for Dawn Joyce		\$6,649.92	\$6,649.92

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T010247	Steve Foster	Claimant alleges he slipped and fell on wet stair at the prison and suffered a back injury	\$150,000.00	\$1,500.00
T010651	Randy's Diesel Repair, Inc.	DOT snowplow blade struck claimant's left mirror which damaged the sleeper cab	\$706.27	\$706.27
T010669	Todd A. Olson	DOT struck claimant's vehicle when changing lanes	\$1,763.53	\$585.00
T010994	Kathryn Anne Burzlaff	Claimant injured when rear-ended by ISU vehicle hauling pigs to a research facility in Minnesota	\$50,000.00	\$45,000.00
T011006	State Farm ASO Elix Brewer	State vehicle struck claimant vehicle	\$5,280.58	\$5,724.25

Money Paid From General Fund For Settlements & Judgments:

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
0529004	Lee County Clerk of Courts – David Munz vs. State of Iowa – Dept of Corrections	\$80.00
95316711	Sullivan & Ward/Michael P. Joynt – Comell vs. Emmet, et al – Iowa State Penitentiary – originally for \$2,000 (Check voided) and then raised to \$3,500.00- see 12/4/2000 listing	\$1,500.00
05325346	Ellen P. Campbell/John Otto Campbell/Tom Riley Law Firm – Christopher Campbell vs. state of Iowa – Toledo Juvenile Home	\$125,000.00
05325345	Marion Clerk of Courts – Selmyhr vs. IDHS – Department of Human Services	\$80.00
EC	Carolyn O'Brien vs. Iowa Veteran Home	\$1,048.95
05392491	Bank One Corporation – Bank One vs. Holmes Foster – Iowa Department of Commerce	\$130,000.00
05149697	Gerald Garrett – Gerald Garrett vs. State of Iowa – Department of Corrections	\$1,420.75
05149698	Jasper County Clerk of Courts – Gerald Garrett vs. State of Iowa – Department of Corrections	\$24.00
05138139	Terry T. Cooper/Martin A. Diaz – Cooper vs. State of Iowa – UIHC	\$22,500.00
05534557	Humphrey Law Firm/Rick & Theresa Freese – Public Defense	\$255,000.00
05534558	Jones County Clerk of Courts – Anamosa State Penitentiary	\$414.10
05534556	Kutmus & Pennington/Rogina Ribbey, – Public Safety	\$12,000.00

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
05534555	US States Clerk of Courts for the Southern District – Michelle Phillips vs. Paul Rode – IMCC	\$150.00
05534554	Mears Law Office for Michelle Phillips – IMCC	\$100.00
05984245	Page County Clerk of Courts – John Lee Hrbek vs. State of Iowa – Clarinda Correctional Facility	\$80.00
05984244	Juwhan Eom – EOM vs. State of Iowa – Board of Regents – ISU	\$10,000.00
05658288	Walter Brown and Attorneys Stephen Small and Kenneth Ketterhagen – Walter Brown vs. State of Iowa – Newton Correctional Facility	\$2,000.00
05698442	Black Hawk County Clerk of Courts – Lorrie Rouse vs. IDHS – Dept. of Human Services	\$26.00
05614992	Linn County Clerk of Courts – Dan Kelley vs. State of Iowa – Dept. of Human Services	\$102.48
05953789	Whitfield & Eddy – Montagne vs. Dept. of Public Safety – Public Safety	\$85,356.02
EC	Montagne – Montagne vs. Dept. of Public Safety – Public Safety	\$58,312.29
EC	Attorney General's Office – Herbst vs. State of Iowa	\$1,346.30
06380128	Jody Gibson/Parrish, Kruidenier, Moss, Dunn, Montgomery & Boles – Gibson vs. State of Iowa and David Pettengill – Dept. of Public Safety	\$22,000.00
06170765	Polk Co. Clerk of Courts – Sharon Louise Wells vs. Dept. of Corrections – Dept. of Corrections	\$38.75
EC	David Wright – David Wright vs. State of Iowa – Dept. of Education	\$56,700.00
06125098	Jefferson Co. Clerk of Courts – Dir. of Dept. of Human Services & Dir. of Dept. of Corrections & Iowa District Court for Jefferson County – Human Services/Corrections	\$92.00
06125099	Public Broadcasting Services – Goodman vs. Children's Television Workshop – Iowa Public Television	\$20,000.00
06125097	Principal Life Ins. Co. – River Hills Office Park Lease Disputes – Dept. of General Services	\$150,000.00
06150987	Duncan, Green, Brown, Langress & Eckley/Duncan Law Firm Trust Account – Keith A. Sargent vs. State of Iowa – Board of Regents – ISU	\$150,000.00
06150986	Story County Clerk of Courts – EOM vs. State of Iowa – Board of Regents/ISU	\$105.00
06760628	Jasper Co. Clerk of Courts – Fred Thomas – Newton Correctional Facility	\$81.00
06760629	Lyndee Underbakke – Underbakke vs. State of Iowa – UNI	\$500.00
06760630	Penny S. Christensen – UIHC	\$175,000.00

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
06760631	Jamestown Life Ins. Com. – Penny Christensen – UIHC	\$100,000.00
06760632	Brick, Gentry, Bowers, Swartz, Stoltze, Schuling & Levis – Mills County Landfill Association – Natural Resources	\$40,000.00
06618551	Whitfield & Eddy – Montagne vs. Dept. of Public Safety	\$1,500.00
06526967	Lee Co. Clerk of Courts – Wires vs. State – Corrections	\$80.00
06526968	Polk Co. Clerk of Courts – Bernard Mauk vs. Human Services	\$401.95
06546089	Tom Riley Law Firm – Annette Columbus – Iowa Juvenile Home	\$3,125.00
06546090	Polk Co. Clerk of Courts – Tino vs. Palmer – Human Services	\$50.00
06546087	Annette Columbus – Iowa Juvenile Home	\$9,375.00
06546088	Bryan Meade vs. Selzer-Werderitsch Associates – Board of Regents – UofI Dalton Davis vs. State of Iowa – Iowa State Fairgrounds	\$10,000.00 Refund of \$60,000.00
07074194	Lee County Clerk of Courts – Alejandro Garcia – ISP	\$95.00
07645092	Janet R. Oberillig – 2nd payment – UIHC	\$23,544.00
07510078	Parrish, Kruidenier, Moss, Dunn, Montgomery & Thomas – Gail Wallican vs. VanArsdale – Judicial	\$7,481.00
EC	Gail Wallican vs. VanArsdale – Judicial	\$14,825.00
07489842	Leon Sheley – Robert Whiteside vs. Mathes – Newton Correctional Facility	\$37.50
07489841	Erdahl, Goddard & Nestor – Robert Whiteside vs. Mathes – Newton Correctional Facility	\$4,000.00
07489840	US District Court – Robert Whiteside vs. Mathes – Newton Correctional Facility	\$411.33
07489839	Winston Halstead – Robert Whiteside vs. Mathes – Newton Correctional Facility	\$1.17
Ajk53277420	Cash Receipt – Vester Crutchfield	+\$60,000.00
07322944	St. Paul Insurance Company Fire & Marine – Kemp vs. State of Iowa – UIHC	\$700.00
07322945	Bush Motto Creen & Hoffman/Peggy Kemp – Kemp vs. State of Iowa – UIHC	\$425,000.00
EC	David Whitehead vs. Iowa National Guard and Iowa Civil Rights	\$5,670.00
07857731	Larry Smith – Smith vs. McLaughlin – ISP	\$173.80
07857729	Phil Watson – Tammy Springsteen vs. Department of Corrections – Iowa Correctional Institute for Women	\$4,800.00
07857730	Jeffrey Winters – Winters vs. Comstock – ISP	\$650.00
07849862	Mears Law Firm – Jeffrey Winters vs. Comstock – ISP	\$3,000.00
07857732	Estate of David Stoker – Stoker vs. State of Iowa – UIHC	\$216,320.00
07849863	Hayes Lorenzen Lawyers – Stoker vs. State of Iowa – UIHC	\$108,679.94
07790594	D'Anne Gross/Heninger & Heninger – D' Anne Gross vs. State of Iowa – ISU	\$70,000.00

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
07790592	Roxanne Conlin & Associates – Melodie Cleveland vs. State of Iowa – Iowa Correctional Institute for Women	\$20,021.25
07790591	National Coalition for Students & Legal Defense Fund – Secretary of State/Governor's Office	\$22,500.00
07790590	Polk County Clerk of Courts – In interest of L.A.M. & D.D.M. – Human Services	\$1,101.40
07790589	Winifred Hall/Lipman Law Firm – Winifred Hall vs. State of Iowa – Iowa Correctional Institute for Women	\$5,000.00
07790588	Thune Law Firm – Melodie Cleveland vs. State of Iowa – Iowa Correctional Institute for Women	\$1,298.00
07790593	Melodie Cleveland – Cleveland vs. State of Iowa – Iowa Correctional Institute for Women	\$32,978.75
02325305	Krug & Beckelman – Raymond Mace, Individually, and as Administrator of the Estate of Monica Mace vs. State of Iowa – UIHC	\$1,850.00
02229438	Russell and Eileen Anderson/Galligan Tully Doyle & Reid – Russell Anderson and Eileen Anderson vs. State of Iowa – UIHC	\$175,000.00
02455041	Joseph Hrvol – Hathaway vs. Jones – Public Safety	\$31,667.00
02455042	Mears Law Office – Philip B. Mears – Maurice Moor vs. John Duffy – Anamosa State Penitentiary	\$112.80
02455043	Lisa Hathaway – Hathaway vs. Jones – Public Safety	\$63,333.00
02509080	Taylor Ball – Taylor Ball/Old Historical Building Project – General Services	\$220,000.00
02969163	Allison Sloyer/Tom Riley Law Firm – Allison Sloyer vs. State of Iowa – University of Iowa	\$13,500.00
02933860	Walker Castle/Richard Rhinehart & Associates – Walter Castle vs. State of Iowa – Workforce Development	\$800,000.00
02998092	Daniel J. Ertz – Ertz vs. State of Iowa – Natural Resources	\$28,137.73

Money Paid From DOT Fund For Settlements & Judgments

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
06305514	Ross Allen Daily – Ross Allen Daily vs. State of Iowa – DOT	\$500.00
06925581	Wanda R. George vs. City of Burlington – DOT	\$3,335.00
06925586	J. Bryan Schulte, Attorney for George Wunschel Law – John Kane and David Bruner, Representatives of the Estate of .	\$1,665.00
02065862	Blanche Bernice Baldy a/k/a Willie Davis – DOT	\$12,602.70

<u>Warrant No.</u>	<u>Claimant</u>	<u>Amount Paid</u>
02065863	David Bruner – John Kane and David Bruner, Representatives of the Estate of Blanche Bernice Baldy a/k/a Willie Davis – DOT	\$12,500.00
02066041	John E. Kane and David Bruner – John Kane and David Bruner, Representatives of the Estate of Blanche Bernice Baldy a/k/a Willie Davis – DOT	\$49,897.30
02566817	Wunshel Law Firm – Estate of Opal Blackford – DOT	\$49,273.59
02566818	David Bruner- Estate of Opal Blackford - DOT	\$45,833.34
02566819	John E. Blackford and Marvel Benedict, Personal Representatives of the Estate of Opal J. Blackford – DOT	\$179,893.07
02557576	Carol Ann Beckley – Carol Beckley vs. State of Iowa – DOT	\$22,000.00
02557573	Galligan, Tully, Doyle & Reid – Carol Beckley vs. State of Iowa – DOT	\$15,500.00

HOUSE FILE 2067 REREFERRED

The Speaker announced that House File 2067, previously referred to committee on **natural resources** was rereferred to committee on **judiciary**.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eight students from the Centerville FFA, Centerville, accompanied by Dianne Strickler. By Kreiman of Davis.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

A report on the water quality monitoring study through Iowa State University, pursuant to Chapter 1220, 1998 Acts of the Seventy-seventh General Assembly.

DEPARTMENT OF TRANSPORTATION

A report on the study of the relocation of utility lines and mains, pursuant to Chapter 32, 2001 Acts of the Seventy-ninth General Assembly.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\53 Lloyd and Arlene Brand, Sully – For celebrating their 50th wedding anniversary.
- 2002\54 Carl and Leona Horman, Reasnor – For celebrating their 50th wedding anniversary.
- 2002\55 Earl and Sue Altemeier, Brooklyn – For celebrating their 50th wedding anniversary.
- 2002\56 Mr. and Mrs. Herbert Hammes, Montezuma – For celebrating their 60th wedding anniversary.
- 2002\57 Jake Grevengoed, Rock Valley – For celebrating his 90th birthday.
- 2002\58 Hattie Cleveringa, Rock Valley – For celebrating her 95th birthday.
- 2002\59 Albert John Boersma, Hull – For celebrating his 95th birthday.
- 2002\60 Elizabeth Kellen, Alton – For celebrating her 100th birthday.
- 2002\61 Helen Conklin, Perry – For celebrating her 80th birthday.
- 2002\62 Chris Baldon, Adel – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\63 Don and Connie Lymans, Marshalltown – For celebrating their 50th wedding anniversary.
- 2002\64 Richard and Shirley Southard, Marshalltown – For celebrating their 50th wedding anniversary.
- 2002\65 Helen Marks, Marshalltown – For celebrating her 97th birthday.
- 2002\66 Margaret Johnson, Marshalltown – For celebrating her 89th birthday.
- 2002\67 Margaret Bessman, Marshalltown – For celebrating her 80th birthday.
- 2002\68 Mabel Chase, Marshalltown – For celebrating her 90th birthday.

- 2002\69 Kathryn Peterson, Marshalltown – For celebrating her 87th birthday.
- 2002\70 Marguerite Hart, Marshalltown – For celebrating her 86th birthday.
- 2002\71 Mr. and Mrs. Walter Bredbeck, Davenport – For celebrating their 50th wedding anniversary.
- 2002\72 Ray Perlick, Davenport – For celebrating his 80th birthday.
- 2002\73 Eugene Levsen, Davenport – For celebrating his 90th birthday.
- 2002\74 Wade N. Posusta, Traer – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\75 Kathryn Petrositch, Battle Creek – For celebrating her 99th birthday.
- 2002\76 Harold Bartlett, Wall Lake – For celebrating his 80th birthday.
- 2002\77 Florence Nuehring, Lytton – For celebrating her 90th birthday.
- 2002\78 Everett and Verna Ploeger, Schaller – For celebrating their 62nd wedding anniversary.
- 2002\79 Lois Armstrong, Shenandoah – For celebrating her 97th birthday.
- 2002\80 Alice Henshaw, Shenandoah – For celebrating her 90th birthday.
- 2002\81 Former Mayor Robert Rasmussen, Fairfield – For his 28 years of dedicated service to the City of Fairfield.
- 2002\82 Jim and Mary Jo Greve, Newton – For celebrating their 50th wedding anniversary.
- 2002\83 Lyle Pagel, Tama – For celebrating his 90th birthday.
- 2002\84 Bernice Pagel, Tama – For celebrating her 85th birthday.
- 2002\85 Aaron Skopec, Traer – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\86 Ralph and Josephine Le Master, Woodward – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 239

Economic Development: Cormack, Chair; Hatch and Hoversten.

House File 350

Economic Development: Cormack, Chair; Hatch and Hoversten.

House File 2012

Economic Development: Roberts, Chair; Cormack and O'Brien.

House File 2082

Local Government: Weidman, Chair; Arnold and D. Taylor.

House File 2090

Labor and Industrial Relations: Horbach, Chair; Dotzler, Millage, Raecker and T. Taylor.

House File 2091

Labor and Industrial Relations: Horbach, Chair; Dotzler, Millage, Raecker and T. Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 527

Agriculture: Klemme, Chair; Alons and May.

House Study Bill 529

Economic Development: Hoffman, Chair; Dotzler and Horbach.

House Study Bill 530

Economic Development: Hoversten, Chair; Atteberry and Manternach.

House Study Bill 531

Economic Development: Jenkins, Chair; Elgin and Hatch.

House Study Bill 532

Economic Development: Teig, Chair; Lensing and Van Fossen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 533 State Government

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

H.S.B. 534 State Government

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

H.S.B. 535 State Government

Establishing a state election administrator training program and certification board.

H.S.B. 536 State Government

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

H.S.B. 537 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.

H.S.B. 538 Ways and Means

Relating to the tax rate on the adjusted gross receipts from gambling games at certain racetrack enclosures.

H.S.B. 539 Local Government

Relating to sales and use taxes on construction materials, supplies, and equipment used in construction contracts for cities, counties, and school districts, and providing a penalty.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 520), relating to protection from domestic abuse and including protections for persons in an intimate relationship.

Fiscal Note is not required.

Recommended **Do Pass** January 22, 2002.

AMENDMENT FILED

H—8003 H.F. 2081 Richardson of Warren

On motion by Rants of Woodbury the House adjourned at 10:05 a.m., until 8:45 a.m., Wednesday, January 23, 2002.

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, JANUARY 23, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Tenth Calendar Day - Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 23, 2002

The House met pursuant to adjournment at 8:47 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend David Ruhe, pastor of Plymouth Congregational Church, Des Moines. He was the guest of Representative Libby Jacobs of Polk County.

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

INTRODUCTION OF BILLS

House File 2094, by Raecker, a bill for an act relating to gambling by prohibiting licensees from installing and operating slot machines using themes and characters associated with a product intended for, marketed to, and used by persons under twenty-one years of age.

Read first time and referred to committee on **state government**.

House File 2095, by Alons, Klemme, Mertz, Dolecheck, Kuhn, Eddie, and Johnson, a bill for an act requiring law enforcement officers to make every effort to maintain the condition of livestock being transported by persons detained by such officers.

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

House File 2096, by Boddicker, a bill for an act providing for the designation of nurse midwives and advanced registered nurse practitioners as primary care health providers for purposes of the center for rural health and primary care.

Read first time and referred to committee on **human resources**.

House File 2097, by Raecker, a bill for an act prohibiting the loaning of money for gambling purposes through a credit card or an electronic or mechanical device at a licensed gambling facility.

Read first time and referred to committee on **state government**.

House File 2098, by Carroll, Kettering, Hoffman, Sukup, Eddie, Weidman, Arnold, Hahn, Horbach, Dix, Hoversten, Raecker, Bradley, Drake, Boddicker, Tyrrell, Johnson, Rayhons, Dolecheck, Rekow, Klemme, Baudler, Huseman, Roberts, Millage, Brauns, Hansen, Van Engelenhoven, Alons, Boggess, Broers, Manternach, De Boef, Finch, Sievers, Jones, Elgin, Siegrist, Rants, Boal, Van Fossen, Teig, Brunkhorst, Tymeson, Jenkins, Shey, Jacobs, Mertz, O'Brien, and Wilderdyke, a bill for an act relating to the daily observance of a minute of silence in each accredited public and nonpublic school classroom.

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

House File 2099, by Raecker, a bill for an act relating to gambling by providing for the distribution of gambling receipts from excursion gambling boats or racetracks at least annually for educational, civic, public, charitable, patriotic, or religious uses.

Read first time and referred to committee on **state government**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

The Annual Report on minority and women educators, and the annual affirmative action cost report for fiscal year 2001, pursuant to Chapters 19B.5, 262.82 and 262.93, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH Division of Tobacco Use Prevention and Control

The January 2002 Progress Report, pursuant to Chapter 142A.4(12), Code of Iowa.

IOWA WORKFORCE DEVELOPMENT

The 2001 Annual Report on the usage of video conferencing on the network, pursuant to Chapter 8D.10, Code of Iowa.

MENTAL HEALTH INSTITUTE

The ICN Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

The Annual Report for the fiscal year ending June 30, 2001, pursuant to Chapter 411.5, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|---------|---|
| 2002\87 | Robert and Gladys Broderson, Sioux City – For celebrating their 50 th wedding anniversary. |
| 2002\88 | Boyd and Maxine Wood, Indianola – For celebrating their 60 th wedding anniversary. |
| 2002\89 | Pat Broers, Norwalk – For celebrating her 80 th birthday. |
| 2002\90 | Albert Wetzel, Bayard – For celebrating his 80 th birthday. |
| 2002\91 | Audrey Martindale, Onawa – For celebrating her 80 th birthday. |
| 2002\92 | Delbert and Esther Koenig, Whiting – For celebrating their 50 th wedding anniversary. |
| 2002\93 | Donnie and Mary Anderson, Whiting – For celebrating their 60 th wedding anniversary. |
| 2002\94 | Pauline McAndrews, Ute – For celebrating her 80 th birthday. |
| 2002\95 | Maynard and Joyce Harris, Moorhead – For celebrating their 50 th wedding anniversary. |
| 2002\96 | Lester and Shirley Greve, Sabula – For celebrating their 50 th wedding anniversary. |
| 2002\97 | Joshua W. Heishman, Amana – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\98 | Karen Blocklinger, Dubuque – For being elected 2002 Iowa Assistant Principal of the Year for junior high and high school levels by School Administrators of Iowa. |
| 2002\99 | Mary Jo Dolezal, Mount Vernon – For celebrating her 80 th birthday. |

SUBCOMMITTEE ASSIGNMENTS

House File 2035

Ways and Means: Tymeson, Chair; Frevert and Hoffman.

House File 2045

Environmental Protection: Sievers, Chair; Huseman and Schrader.

House File 2073

Agriculture: Teig, Chair; Boggess and Frevert.

House File 2083

State Government: Elgin, Chair; Connors, Gipp, Larkin and Metcalf.

House File 2084

State Government: Bradley, Chair; Brauns and O'Brien.

House File 2085

State Government: Jacobs, Chair; Boddicker, Eichhorn, Jochum and Reynolds.

House File 2087

Agriculture: De Boef, Chair; Fallon and Johnson.

House File 2088

State Government: Metcalf, Chair; Brauns and Chiodo.

House File 2094

State Government: Brauns, Chair; Larkin and Van Engelenhoven.

House File 2097

State Government: Brauns, Chair; Chiodo and Van Engelenhoven.

House File 2099

State Government: Brauns, Chair; Larkin and Van Engelenhoven.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 520

Judiciary: Millage, Chair; Kreiman and Shey.

House Study Bill 533

State Government: Jacobs, Chair; Boddicker, Eichhorn, Jochum and Reynolds.

House Study Bill 534

State Government: Brauns, Chair; Larkin and Van Engelenhoven.

House Study Bill 535

State Government: Jacobs, Chair; Boddicker, Eichhorn, Jochum and Reynolds.

House Study Bill 536

State Government: Jacobs, Chair; Boddicker, Eichhorn, Jochum and Reynolds.

House Study Bill 537

State Government: Eichhorn, Chair; Garman and T. Taylor.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 540 Local Government**

Exempting small cities from the requirement to annually report street receipts and expenditures.

H.S.B. 541 Local Government

Relating to administrative procedures of county treasurers for property taxation and vehicle registration.

H.S.B. 542 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.

H.S.B. 543 Judiciary

Providing for a .08 blood alcohol concentration limit for motor vehicle operating-while-intoxicated offenses.

H.S.B. 544 Judiciary

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.

H.S.B. 545 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.

AMENDMENTS FILED

H—8004	H.F.	2078	Teig of Hamilton
H—8005	H.F.	2075	Cormack of Webster Garman of Story
H—8006	H.F.	2078	Teig of Hamilton
H—8007	H.F.	2081	Grundberg of Polk
H—8008	H.F.	2078	Van Fossen of Scott

On motion by Rants of Woodbury the House adjourned at 8:57 a.m., until 8:45 a.m., Thursday, January 24, 2002.

PROOF

STATE OF IOWA

House Journal

THURSDAY, JANUARY 24, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Eleventh Calendar Day - Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 24, 2002

The House met pursuant to adjournment at 8:48 a.m., Speaker Siegrist in the chair.

Prayer was offered by the Honorable J. Scott Raecker, state representative from Polk County.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Atteberry of Delaware on request of Bukta of Clinton.

INTRODUCTION OF BILLS

House File 2100, by Horbach, a bill for an act providing for reinstatement of emergency medical care services certification.

Read first time and referred to committee on **human resources**.

House File 2101, by Kreiman, a bill for an act relating to the payment of criminal fines, including criminal surcharges, court costs, and applicable fees, by allowing for immediate withholding of a defendant's income.

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

House File 2102, by Warnstadt, a bill for an act providing for the creation of a school infrastructure assistance program, and making an appropriation.

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

House File 2103, by Kreiman, a bill for an act providing a preference for Iowa-based establishments to operate as vendors during the Iowa state fair, and providing an effective date.

Read first time and referred to committee on **state government**.

House File 2104, by Warnstadt, a bill for an act appropriating moneys from the environment first fund to the department of economic development for deposit in the brownfield redevelopment fund.

Read first time and referred to committee on **economic development**.

House File 2105, by Grundberg, a bill for an act removing voting restrictions from persons with mental illness and providing for contingent effectiveness.

Read first time and referred to committee on **state government**.

House File 2106, by Cormack, 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 2107, by Jones, a bill for an act relating to recycling requirements in solid waste comprehensive plans.

Read first time and referred to committee on **environmental protection**.

House File 2108, by Cormack and Gipp, a bill for an act providing for and requiring the statewide licensure of electricians and installers, providing for registration of apprentice electricians, establishing fees, providing penalties, and providing an effective date.

Read first time and referred to committee on **state government**.

House File 2109, by Jenkins, Dotzler, Larkin, Mertz, O'Brien, May, Scherrman, Metcalf, Bradley, Brauns, Hansen, and Elgin, 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 2110, by Cormack, Jochum, and Foege, a bill for an act to establish an interior design examining board, to provide for the registration of interior designers in order to use the title of registered interior designer, and to provide fees and penalties.

Read first time and referred to committee on **state government**.

House File 2111, 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 and placed on the **calendar**.

House File 2112, by committee on judiciary, 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 placed on the **calendar**.

HOUSE FILE 531 WITHDRAWN

T. Taylor of Linn asked and received unanimous consent to withdraw House File 531 from further consideration by the House.

CONSIDERATION OF BILL Ways and Means Calendar

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.

The House stood at ease at 9:00 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 2078, at 10:28 a.m., Speaker Siegrist in the chair.

Teig of Hamilton offered the following amendment H-8006 filed by him and moved its adoption:

H-8006

1 Amend House File 2078 as follows:

2 1. Page 1, line 34, by striking the word "five"
3 and inserting the following: "three".

4 2. Page 2, by striking lines 1 through 7 and
5 inserting the following:

6 "b. The investment of resources from the Iowa fund
7 of funds in Iowa businesses within three years of the
8 effective date of this Act.

9 c. A cumulative rate of return on venture
10 investments of the Iowa fund of funds equal to a
11 minimum of one and one-half percentage points above
12 the ten-year treasury bill rate in effect at the end
13 of five years following the effective date of this
14 Act."

15 3. Page 4, line 4, by striking the words "and
16 investments made by".

17 4. Page 4, line 34, by inserting after the word
18 "year." the following: "The board shall indicate on
19 the tax certificate the principal amount of the tax
20 credit and the taxable year or years for which the
21 credit may be claimed."

22 5. Page 11, by inserting after line 29 the
23 following:

24 "i. Upon the liquidation of the Iowa fund of
25 funds, the Iowa capital investment corporation shall
26 file a report with the general assembly stating how
27 many jobs in this state were created through
28 investments made by the Iowa fund of funds."

29 6. Page 13, line 29, by inserting after the word
30 "year." the following: "The board shall indicate on
31 the tax certificate the principal amount of the tax
32 credit and the taxable year or years for which the
33 credit may be claimed."

Amendment H-8006 was adopted.

Teig of Hamilton asked and received unanimous consent that amendment H-8008 be deferred.

Sukup of Franklin in the chair at 10:38 a.m.

Teig of Hamilton offered the following amendment H-8004 filed by him and moved its adoption:

H-8004

- 1 Amend House File 2078 as follows:
- 2 1. Page 14, by inserting after line 27, the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 15E.229 ENFORCEMENT.
- 5 The attorney general may enforce the provisions of
- 6 this division and conduct any investigations necessary
- 7 for such enforcement."
- 8 2. By renumbering as necessary.

Amendment H-8004 was adopted.

Van Fossen of Scott offered the following amendment H-8008, previously deferred, filed by him and moved its adoption:

H-8008

- 1 Amend House File 2078 as follows:
- 2 1. Page 2, line 30, by inserting after the figure
- 3 "432" the following: "and against the moneys and
- 4 credits tax imposed by section 533.24".
- 5 2. Page 14, line 26, by inserting after the word
- 6 "banks" the following: ", for credit unions,".

Amendment H-8008 was adopted.

RULE 31.8 SUSPENDED

Shoultz of Black Hawk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8009.

Shoultz of Black Hawk offered the following amendment H-8009 filed by him from the floor and moved its adoption:

H-8009

- 1 Amend House File 2078 as follows:
- 2 1. Page 11, by striking lines 19 through 21, and
- 3 inserting the following:
- 4 "g. Each calendar year, the auditor of state shall
- 5 conduct an annual audit of the activities of the Iowa
- 6 fund of funds or shall engage an independent auditor
- 7 to conduct the audit provided that the independent
- 8 auditor has no business, contractual, or other
- 9 connection to the Iowa capital investment corporation
- 10 or the Iowa fund of funds. The corporation shall

11 reimburse the auditor of state for costs associated
 12 with the annual audit. The audit shall be delivered
 13 to the Iowa".

Amendment H-8009 was adopted.

Amendment H-8010 filed by Shoultz of Black Hawk from the floor is out of order.

Speaker Siegrist in the chair at 11:12 a.m.

Teig of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2078)

The ayes were, 90:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Horbach	Hoversten	Huseman	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Roberts
Scherrman	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 3:

Fallon	Schrader	Tremmel
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Absent or not voting, 6:

Atteberry
Jacobs

Ford
Richardson

Hoffman

Huser

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2078** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House Joint Resolution 2001, by Grundberg, a joint resolution proposing an amendment to the Constitution of the State of Iowa to change the length of term of office for members of the House of Representatives from two years to four years.

Read first time and referred to committee on **state government**.

House Joint Resolution 2002, by Alons, Elgin, and Bradley, a joint resolution to nullify an administrative rule of the division of labor services of the department of workforce development concerning limited-use, limited-application elevators and providing an effective date.

Read first time and referred to committee on **labor and industrial relations**.

House File 2113, by Larson, a bill for an act relating to an ex parte order for temporary removal of a child in child abuse cases involving the presence of an individual who is cohabiting with the child's parent, guardian, or custodian.

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

House File 2114, by Carroll and Greimann, a bill for an act relating to mental health and developmental disability services and involuntary hospitalization requirements.

Read first time and referred to committee on **human resources**.

House File 2115, by Raecker, a bill for an act relating to gambling by imposing a criminal penalty on persons under twenty-one years of age who gamble or attempt to gamble.

Read first time and referred to committee on **state government**.

House File 2116, by committee on ways and means, 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 placed on the **ways and means calendar**.

House File 2117, by Winckler, Smith, Osterhaus, Scherrman, Quirk, Murphy, Petersen, Greimann, Atteberry, Lensing, D. Taylor, Foege, May, Cohoon, O'Brien, Kuhn, Seng, Kreiman, Connors, Fallon, Reynolds, Larkin, Dotzler, Shoultz, Stevens, Ford, T. Taylor, Hatch, Mascher, Schrader, Mertz, and Tremmel, a bill for an act relating to the state minimum hourly wage rate and the hourly wage paid by businesses applying for or receiving state financial assistance.

Read first time and referred to committee on **labor and industrial relations**.

House File 2118, by Bukta, a bill for an act relating to the personal needs allowance for residents of health care facilities under the medical assistance program.

Read first time and referred to committee on **human resources**.

ASSIGNMENT OF SEATS IN PRESS GALLERIES

The following named persons are accredited members of the press, TV and radio stations and are entitled to access to the press galleries:

The Ames Daily Tribune..... David Grebe, Rebecca Anderson

Associated Press.....	Mike Glover, Emily Gersema
Burlington Hawkeye.....	Dennis J. Carroll
Cedar Rapids Gazette.....	Rod Boshart, James Lynch
Des Moines Register.....	Jon Roos, Michael Cory, Tony Leys, Mark Siebert, Lynn Okamoto
Dubuque Telegraph Herald.....	Mary Rae Bragg
Iowa Legislative News Service.....	Jack Hunt, Tom Hunt, Barbara Hunt, John Kurr, Kathi Marts-Foster
Iowa Farm Bureau.....	Dale Johnson
Lee Enterprises Des Moines Bureau.....	Kathie Obradovich, Todd Dorman, Ed Tibbetts
Omaha World Herald.....	Chris Clayton
Sioux City Journal.....	Kate Thomson
The Casino & Pari-Mutuel Journal Inc.....	Thomas Bach
Waterloo Courier.....	Charlotte Eby
KCCI TV.....	Michelle Parker, Geoff Greenwood, Todd Magel, Eric Hanson
KFXB TV.....	Keisha Brown, Madelin Fuerste
KIMT TV.....	Jaime Copley, Kristin Erickson, Katrina Pederson, Stephanie Angleson, Elisa Mangesho
KUNI Public Radio.....	Jeneane Beck
KWWL TV.....	John Dodge, Tami Wienczek, Crystal Britt
Radio Iowa.....	O. Kay Henderson
WHO Radio.....	Richard Lee, Jim Boyd, Pat Curtis, Rachel Conratt, Dan Welk
WOI Radio.....	Joyce Russell
WHO TV.....	Patrick Dix, Jeff Felton, Brian Fiser, Dave Price
WOI TV.....	Jay Villwock, Don Schmith, Stacy Kennell, Tim Knol

HOUSE FILE 2108 REREFERRED

The Speaker announced that House File 2108, previously referred to committee on **state government** was rereferred to committee on **commerce and regulation**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on January 24, 2002. Had I been present, I would have voted "aye" on House File 2078.

FORD of Polk

I was necessarily absent from the House chamber on January 24, 2002. Had I been present, I would have voted "aye" on House File 2078.

JACOBS of Polk

I was necessarily absent from the House chamber on January 24, 2002. Had I been present, I would have voted "aye" on House File 2078.

RICHARDSON of Warren

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nine students from Marshalltown Community College, Marshalltown, accompanied by Elaine Peterson. By Smith of Marshall.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

The Five-Year Capital Building Program Report for Fiscal Years 2003-2007, pursuant to Chapter 262A, Code of Iowa.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

The paratuberculosis task force report, pursuant to Chapter 101.9(3), 2001 Acts of the Seventy-ninth General Assembly.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2002\100 John and Donna Sereg, Carlisle – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 617

Agriculture: Mertz, Chair; Huseman and Rayhons.

House File 2014

Judiciary: Eichhorn, Chair; Baudler and Tremmel.

House File 2037

Judiciary: Millage, Chair; Broers and Jochum.

House File 2048

Judiciary: Boddicker, Chair; Broers and Kreiman.

House File 2052

Judiciary: Broers, Chair; Tremmel and Wilderdyke.

House File 2058

Natural Resources: Baudler, Chair; Bukta and Drake.

House File 2060

Judiciary: Baudler, Chair; Kreiman and Shey.

House File 2063

Judiciary: Baudler, Chair; Kreiman and Raecker.

House File 2067

Judiciary: Wilderdyke, Chair; Broers and Chiodo.

House File 2076

Natural Resources: Weidman, Chair; Huseman and Scherrman.

House File 2077

Judiciary: Millage, Chair; Baudler and Tremmel.

House File 2098

Education: Carroll, Chair; Grundberg and Wise.

House File 2102

Education: Grundberg, Chair; Boal and Cohoon.

House File 2106

Education: Sievers, Chair; Foege and Hansen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 513

Local Government: Jones, Chair; Eddie and Reynolds.

House Study Bill 514

Local Government: Jones, Chair; Eddie and Reynolds.

House Study Bill 531 Reassigned

Economic Development: Jenkins, Chair; Elgin and Seng.

House Study Bill 538

Ways and Means: Eichhorn, Chair; Osterhaus and Teig.

House Study Bill 539

Local Government: Van Engelenhoven, Chair; Sievers and Warnstadt.

House Study Bill 540

Local Government: Hahn, Chair; Klemme and Warnstadt.

House Study Bill 541

Local Government: Carroll, Chair; Brauns and Reynolds.

House Study Bill 542

Agriculture: Rekow, Chair; Atteberry and Rayhons.

House Study Bill 545

Appropriations: Millage, Chair; Brunkhorst and Mascher.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 546 Labor and Industrial Relations

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

H.S.B. 547 Judiciary

Establishing a minimum expense for the public defender when assessing restitution.

H.S.B. 548 Judiciary

Requiring additional information on certain real estate disclosure statements and providing for rescission of certain real estate contracts.

H.S.B. 549 Judiciary

Relating to detaining criminal defendants who are mentally incompetent or dangerous.

H.S.B. 550 Agriculture

Restricting investment tax credits related to confinement feeding operations.

H.S.B. 551 Commerce and Regulation

Limiting damages for noneconomic losses arising out of the personal injury or death of a resident of a health care facility.

H.S.B. 552 Commerce and Regulation

Relating to vendor contracts for the statewide underground facility notification center.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ENVIRONMENTAL PROTECTION

House File 661, a bill for an act relating to the burning of wood by sanitary landfills.

Fiscal Note is not required.

Recommended **Do Pass** January 24, 2002.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 511), relating to presentation of victim impact statements at criminal sentencing hearings.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 24, 2002.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 506), 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.

Fiscal Note is not required.

Recommended **Do Pass** January 23, 2002.

RESOLUTION FILED

HCR 105, by Siegrist, Rants and Myers, a concurrent resolution designating January 30, 2002, as Iowa Insurance Day.

Laid over under **Rule 25**.

AMENDMENT FILED

H—8011 H.F. 2075 Murphy of Dubuque

On motion by Rants of Woodbury the House adjourned at 11:31 a.m., until 1:00 p.m., Monday, January 28, 2002.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 28, 2002

The House met pursuant to adjournment at 1:02 p.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Betsey Sue Neipert, pastor of Nichols United Methodist Parish, Nichols. She was the guest of Representative Barry Brauns of Muscatine County.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page and Eagle Scout, Christopher Skoog of Denison.

INTRODUCTION OF BILLS

House File 2119, by Alons, Garman, Klemme, Manternach, De Boef, Rayhons, Brauns, Baudler, and Hoffman, a bill for an act prohibiting destructive human embryo research and providing penalties.

Read first time and referred to committee on **human resources**.

House File 2120, by Murphy, 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 2121, by Frevert, 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 and referred to committee on **agriculture**.

House File 2122, by Shey, a bill for an act concerning examination of information about closed sessions of a governmental body by members of the governmental body.

Read first time and referred to committee on **state government**.

House File 2123, by Lensing, a bill for an act relating to child restraint systems and imposing penalties.

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

House File 2124, by Fallon, a bill for an act relating to the operation and regulation of watercraft, establishing watercraft safety courses, and subjecting violators to a penalty.

Read first time and referred to committee on **natural resources**.

House File 2125, by Shey, a bill for an act relating to the use of wheelchair lifts and residential elevators in churches and houses of worship.

Read first time and referred to committee on **labor and industrial relations**.

House File 2126, by Hahn, 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 and referred to committee on **judiciary**.

House File 2127, by Brunkhorst, a bill for an act prohibiting dogs and cats from running at large and making a penalty applicable.

Read first time and referred to committee on **local government**.

House File 2128, by Shoultz, a bill for an act relating to smoking regulations relative to an alcoholic beverages bar or bar area within a public place.

Read first time and referred to committee on **human resources**.

House File 2129, by Witt, Stevens, Fallon, Huser, Smith, Dotzler, Frevert, Kuhn, Petersen, Richardson, Reynolds, Mertz, Warnstadt, Myers, Mascher, Bukta, Foege, Greimann, Quirk, Cohoon, Larkin, Bell, Shoultz, Osterhaus, Lensing, Winckler, T. Taylor, May, Jochum, Hatch, and Connors, a bill for an act providing for environmental protection, including by providing for a system of risk-based analysis and financial incentives, and making penalties applicable.

Read first time and referred to committee on **environmental protection**.

House File 2130, by Atteberry, a bill for an act relating to negotiated fees for easement agreements between pipeline companies and landowners.

Read first time and referred to committee on **commerce and regulation**.

House File 2131, by Huser, a bill for an act relating to the tax rate on the adjusted gross receipts from gambling games at pari-mutuel racetracks and providing effective and retroactive applicability dates.

Read first time and referred to committee on **ways and means**.

House File 2132, by Ford, a bill for an act relating to the use of moneys deposited in the senior living trust fund.

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

House File 2133, by Ford, a bill for an act relating to the effect of an unrevoked document of gift under the uniform anatomical gift Act.

Read first time and referred to committee on **human resources**.

House File 2134, by Ford, a bill for an act to increase the criminal penalties for an assault on members of certain occupations.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 24, 2002, amended and passed the following bill in which the concurrence of the House 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.

Also: That the Senate has on January 24, 2002, passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

SUPPLEMENTAL REPORT OF THE
COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named person duly elected to and entitled to a seat in the House of Representatives of the Seventy-ninth General Assembly as shown by duplicate copies of the certificate of election on file in the office of the Secretary of State:

CERTIFICATION

STATE OF IOWA
Office of
THE SECRETARY OF STATE

To the Honorable, Clerk of the House of Representatives:

I, CHESTER J. CULVER, Secretary 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 a special election held on January 22, 2002, Jackie Reeder was elected to fill a vacancy in the office of State Representative of the Twenty-eighth District, for the balance of the term that began on January 2, 2001.

(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-eighth day of January, 2002.

CHESTER J. CULVER, Secretary of State

I hereby acknowledge receipt of the original copy of this document on the Twenty-eighth day of January, 2002.

MARGARET A. THOMSON, Chief Clerk of the House of Representatives

Metcalf of Polk moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

The following oath of office was administered to Representative-elect Reeder on January 28, 2002 by the Chief Clerk.

OATH OF OFFICE

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially discharge the duties of the office of Representative in the General Assembly of the State of Iowa according to the best of my ability, so help me God."

JACKIE REEDER

The Speaker appointed Atteberry of Delaware and De Boef of Mahaska to escort Representative Reeder to her seat.

SPECIAL PRESENTATION

Elgin of Linn introduced to the House, Dick Grodt, an Iowa artist whose work is currently displayed on the main floor of the rotunda. Mr. Grodt created the symbol for the state of Iowa.

The House rose and expressed its welcome.

On motion by Rants of Woodbury, the House was recessed at 1:17 p.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:03 p.m., Gipp of Winneshiek in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 2003, by Tyrrell, 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 and referred to committee on **state government**.

House File 2135, by committee on local government, a bill for an act relating to the membership of the planning and zoning commission in certain cities.

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

House File 2136, by Hoversten, a bill for an act exempting community action agencies from state sales and use taxes.

Read first time and referred to committee on **ways and means**.

House File 2137, by Horbach, a bill for an act relating to property taxation of certain lands leased to others by the department of corrections or department of human services and providing for the Act's applicability.

Read first time and referred to committee on **ways and means**.

House File 2138, by committee on education, 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 placed on the **calendar**.

SENATE MESSAGE CONSIDERED

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 and referred to committee on **administration and rules**.

The House stood at ease at 4:06 p.m., until the fall of the gavel.

The House resumed session at 4:47 p.m., Speaker Siegrist in the chair.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF EDUCATION

The 1999-2000 School Year Phase III Summary Report, pursuant to Chapter 294A, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

An Annual Report certifying the identified savings associated with the state agency's use of the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2002\101 | Roland Brasch, Waterloo – For celebrating his 90 th birthday. |
| 2002\102 | Mary Blunt, Waterloo – For celebrating her 85 th birthday. |
| 2002\103 | Anna Mae Hinton, Waterloo – For celebrating her 95 th birthday. |

- 2002\104 Bethel Swartz, Waterloo – For celebrating her 80th birthday.
- 2002\105 Mr. and Mrs. Richard Lown, Waterloo – For celebrating their 60th wedding anniversary.
- 2002/106 Hazel Anders, Waterloo – For celebrating her 85th birthday.
- 2002/107 Colin Pearson, Barnum – For being an Iowa Energy Center Contest Winner.
- 2002/108 Scott Skophammer, Fort Dodge – For being an Iowa Energy Center Contest Winner.
- 2002/109 Lauren Mitchell, Fort Dodge – For being an Iowa Energy Center Contest Winner.
- 2002\110 Herb Richter, Marshalltown – For celebrating his 100th birthday.
- 2002\111 Ann Elliot, Marshalltown – For celebrating her 82nd birthday.
- 2002\112 Leona Fiscus, Marshalltown – For celebrating her 84th birthday.
- 2002\113 Bonnie Bonner, Marshalltown – For celebrating her 98th birthday.
- 2002\114 Edna Lindbloom, Marshalltown – For celebrating her 99th birthday.
- 2002\115 Mabel Vauthrin, Marshalltown – For celebrating her 96th birthday.
- 2002\116 Harriet Olsen, Marshalltown – For celebrating her 94th birthday.
- 2002\117 Burton Houseman, Marshalltown – For celebrating his 93rd birthday.
- 2002\118 Alida Lacey, Marshalltown – For celebrating her 92nd birthday.
- 2002\119 Martin Fritz, Marshalltown – For celebrating his 92nd birthday.
- 2002\120 Virginia Prazak, Marshalltown – For celebrating her 92nd birthday.
- 2002\121 Cletus Neuroth, Marshalltown – For celebrating his 97th birthday.
- 2002\122 Jean Cooper, Marshalltown – For celebrating her 80th birthday.
- 2002\123 Blanche McKinstry, Marshalltown – For celebrating her 81st birthday.
- 2002\124 Robert King, Marshalltown – For celebrating his 82nd birthday.
- 2002\125 Donia Wilson, Marshalltown – For celebrating her 82nd birthday.
- 2002\126 Dorothy Buffington, Marshalltown – For celebrating her 84th birthday.

- 2002\127 Elmer Goecke, Marshalltown – For celebrating his 87th birthday.
- 2002\128 Lula Hauser, Marshalltown – For celebrating her 101st birthday.
- 2002\129 Erwin Hass, Marshalltown – For celebrating his 88th birthday.
- 2002\130 Velma Mason, Marshalltown – For celebrating her 80th birthday.
- 2002\131 Emmett and Mildred Ryan, Marshalltown – For celebrating their 64th wedding anniversary.
- 2002\132 Janet and Ed Mead, Marshalltown – For celebrating their 50th wedding anniversary.
- 2002\133 Luella Jacobs, Traer – For celebrating her 95th birthday.
- 2002\134 Hilda Harder, Dysart – For celebrating her 90th birthday.
- 2002\135 Emma Cecak, Toledo – For celebrating her 90th birthday.
- 2002\136 Mary Jane Ferguson, McGregor – For winning the EMT of the Year Award and her 33 years of service with the Rescue Squad.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2002

Labor and Industrial Relations: Wilderdyke, Chair; Raecker and T. Taylor.

House File 2033

Natural Resources: Alons, Chair; May and Weidman.

House File 2105

State Government: Jacobs, Chair; Eichhorn and Jochum.

House File 2109

State Government: Brauns, Chair; Larkin and Van Engelenhoven.

House File 2115

State Government: Brauns, Chair; Larkin and Van Engelenhoven.

House File 2117

Labor and Industrial Relations: Metcalf, Chair; Hansen and Jochum.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 546

Labor and Industrial Relations: Dolecheck, Chair; Smith and Wilderdyke.

House Study Bill 550

Agriculture: Teig, Chair; Frevert and Klemme.

House Study Bill 551

Commerce and Regulation: Hoffman, Chair; Jacobs and Warnstadt.

House Study Bill 552

Commerce and Regulation: Shey, Chair; Johnson and Quirk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 553 Agriculture

Relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day.

H.S.B. 554 State Government

Relating to membership on election boards.

H.S.B. 555 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.

H.S.B. 556 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.

H.S.B. 557 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.

H.S.B. 558 Appropriations

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.

H.S.B. 559 Local Government

Relating to the preparation and filing of an assessment schedule for abatement of a nuisance by a city.

H.S.B. 560 Local Government

Relating to the administrative procedures of certain county officers for the assessment and collection of property taxes on separately owned land and improvements.

H.S.B. 561 Local Government

Providing for fees established by county boards of supervisors relating to responses by filing offices for requests involving secured transactions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 553), relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 2002.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2013), 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.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 2002.

Committee Bill (Formerly House File 2053), to increase the maximum amount of a vocational-technical tuition grant.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 2002.

Committee Bill (Formerly House Study Bill 503), adding certain information concerning school or educational institution security or emergency preparedness to the list of public records kept confidential.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 2002.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 2023), relating to the membership of the planning and zoning commission in certain cities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 24, 2002.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 2028), relating to the performance of honor guard services on public property by members of a reserve officer training corps.

Fiscal Note is not required.

Recommended **Do Pass** January 23, 2002.

RESOLUTIONS FILED

HCR 106, by Ford, a concurrent resolution to request that the Legislative Council establish an interim committee to study issues relating to water quality.

Laid over under **Rule 25**

HCR 107, by Horbach, a concurrent resolution honoring the Iowa Big Brothers Big Sisters Association during the week beginning March 25, 2002.

Laid over under **Rule 25**

AMENDMENTS FILED

H—8012	H.F.	2078	Senate Amendment
H—8013	H.F.	2078	Kreiman of Davis
H—8014	H.F.	2078	Grundberg of Polk
H—8015	H.F.	2112	Baudler of Adair Kreiman of Davis
H—8016	H.F.	2078	Richardson of Warren

On motion by Rants of Woodbury the House adjourned at 5:00 p.m., until 8:45 a.m., Tuesday, January 29, 2002.

PROOF

STATE OF IOWA

House Journal

TUESDAY, JANUARY 29, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 29, 2002

The House met pursuant to adjournment at 8:45 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by Reverend John De Boef, pastor of Hilltop Chapel, What Cheer. He is the brother-in-law of the Honorable Betty De Boef, state representative from Mahaska County.

The Journal of Monday, January 28, 2002 was approved.

INTRODUCTION OF BILLS

House File 2139, by committee on education, a bill for an act to increase the maximum amount of a vocational-technical tuition grant.

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

House File 2140, by Drake, a bill for an act authorizing the issuance of essential county purpose bonds for bridges, culverts, secondary roads, and related major infrastructure.

Read first time and referred to committee on **local government**.

House File 2141, by Elgin, a bill for an act providing an exemption for the practice of reflexology from the licensure requirements for massage therapy.

Read first time and referred to committee on **state government**.

House File 2142, by Schrader, a bill for an act relating to open burning notification requirements and providing a penalty.

Read first time and referred to committee on **environmental protection**.

House File 2143, by Huseman, a bill for an act relating to recycling waste oil filters, establishing fees, and making an appropriation.

Read first time and referred to committee on **environmental protection**.

House File 2144, by committee on agriculture, a bill for an act relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day.

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

House File 2145, by Grundberg, a bill for an act eliminating certain service requirements placed on drug courts, and providing an effective date.

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

House File 2146, by Raecker, a bill for an act relating to the revocation of gambling licenses after an unfavorable referendum.

Read first time and referred to committee on **state government**.

House File 2147, by O'Brien, a bill for an act prohibiting a sex offender from residing by a school or child care facility, and providing a penalty.

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

House File 2148, by Alons, Bradley, Heaton, and Elgin, a bill for an act permitting the use of residential elevators in certain public locations to transport persons with disabilities.

Read first time and referred to committee on **labor and industrial relations**.

House File 2149, by Dolecheck, 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 and referred to committee on **agriculture**.

On motion by Rants of Woodbury, the House was recessed at 8:53 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:06 p.m., Speaker Siegrist in the chair.

INTRODUCTION OF BILLS

House File 2150, by committee on state government, 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 placed on the **calendar**.

House File 2151, by committee on education, 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 placed on the **calendar**.

House File 2152, by Horbach, Huser, Millage, Tyrrell, Eddie, Rayhons, Broers, Baudler, Kettering, and Hoffman, 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 2153, by committee on judiciary, a bill for an act relating to presentation of victim impact statements at criminal sentencing hearings.

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

House File 2154, by Hatch, Witt, Dotzler, Greimann, D. Taylor, Foege, T. Taylor, Bukta, Jochum, Winckler, Lensing, Murphy, Osterhaus, Scherrman, Ford, and Kreiman, a bill for an act relating to appropriations made from the Iowa economic emergency fund for emergency expenditures and providing an effective date.

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

House File 2155, by Mascher, a bill for an act creating an economic development consortium.

Read first time and referred to committee on **economic development**.

House File 2156, by Mascher, a bill for an act relating to a study by the department of education of the availability of federal funding for education technology.

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

House File 2157, by Shey, a bill for an act relating to the elimination of the state inheritance tax and state qualified use inheritance tax.

Read first time and referred to committee on **ways and means**.

House File 2158, by Shey and Kreiman, a bill for an act relating to the consideration of founded child abuse in the awarding of custody of a child.

Read first time and referred to committee on **human resources**.

House File 2159, by Shey, a bill for an act relating to the budget certification deadline for cities and providing an applicability date.

Read first time and referred to committee on **local government**.

House File 2160, by Jenkins, a bill for an act relating to the meetings of the revenue estimating conference.

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

The House stood at ease at 2:08 p.m., until the fall of the gavel.

The House resumed session at 2:58 p.m., Speaker Siegrist in the chair.

INTRODUCTION OF BILLS

House File 2161, by Grundberg, a bill for an act relating to third-party payor coverage for prescription drugs, including off-label use of prescription drugs.

Read first time and referred to committee on **commerce and regulation**.

House File 2162, by Johnson, a bill for an act relating to bait dealers' licenses by creating resident and nonresident wholesale bait dealer licenses, providing reciprocity, and providing an effective date.

Read first time and referred to committee on **natural resources**.

House File 2163, by Warnstadt, 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 and referred to committee on **ways and means**.

House File 2164, by Johnson, a bill for an act relating to offering or making available a driver education course to students not residing in the school district.

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

House File 2165, by Mascher, a bill for an act establishing a state poetry competition.

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

House File 2166, by Atteberry, Larkin, Warnstadt, Mertz, Winckler, and Lensing, a bill for an act to include members of the Iowa national guard who served a minimum aggregate of ninety days of active state service as veterans for benefit and preference purposes.

Read first time and referred to committee on **ways and means**.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 105

Hoffman of Crawford called up for consideration **House Concurrent Resolution 105**, a concurrent resolution designating January 30, 2002, as Iowa Insurance Day, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILL
Appropriations Calendar

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, was taken up for consideration.

Murphy of Dubuque offered the following amendment H-8011 filed by him and moved its adoption:

H-8011

- 1 Amend House File 2075 as follows:
- 2 1. Page 1, line 7, by striking the word "general"
- 3 and inserting the following: "~~general~~ children
- 4 first".
- 5 2. Page 1, line 14, by striking the words
- 6 "general fund of the state" and inserting the
- 7 following: "children first fund".
- 8 3. Page 1, by inserting after line 21, the
- 9 following:
- 10 "Sec. NEW SECTION. 8.57B CHILDREN FIRST
- 11 FUND.
- 12 1. A children first fund is created in the state
- 13 treasury. The children first fund shall be separate
- 14 from the general fund of the state and shall not be
- 15 considered part of the general fund of the state
- 16 except in determining the cash position of the state
- 17 for payment of state obligations. The moneys in the
- 18 children first fund are not subject to section 8.33
- 19 and shall not be transferred, used, obligated,
- 20 appropriated, or otherwise encumbered except as
- 21 provided in this section. Moneys in the children
- 22 first fund may be used for cash flow purposes provided
- 23 that any moneys so allocated are returned to the
- 24 children first fund by the end of each fiscal year.
- 25 However, the children first fund shall be considered a

26 special account for the purposes of section 8.53.
 27 2. Notwithstanding section 12C.7, subsection 2,
 28 interest or earnings on moneys deposited in the
 29 children first fund shall be credited to the children
 30 first fund. Interest or earnings on the moneys
 31 deposited in the fund are subject to appropriation for
 32 purposes of enhancing preschool and early education
 33 programs for young children. An appropriation of any
 34 other moneys deposited in or credited to the fund
 35 shall not be made unless the bill or joint resolution
 36 is passed by a vote of at least three-fifths of the
 37 members of each house of the general assembly and is
 38 approved by the governor."
 39 4. Title page, line 4, by inserting after the
 40 word "program" the following: "and creating a
 41 children first fund to which excess moneys in the
 42 economic emergency fund are to be transferred".

Amendment H-8011 lost.

Cormack of Webster offered the following amendment H-8005 filed by him and Garman of Story and moved its adoption:

H-8005

1 Amend House File 2075 as follows:
 2 1. Page 1, by inserting after line 21 the
 3 following:
 4 "Sec. __. Section 12E.12, subsection 1, Code
 5 Supplement 2001, is amended by adding the following
 6 new paragraph:
 7 NEW PARAGRAPH. c. Notwithstanding any provision
 8 to the contrary, moneys in the tobacco settlement
 9 trust fund or any of its accounts shall not be
 10 appropriated for any fiscal year until the total forty
 11 million dollars appropriated in 2001 Iowa Acts,
 12 chapter 177, section 1, shall be repaid to the
 13 endowment for Iowa's health account of the tobacco
 14 settlement trust fund."

Amendment H-8005 lost.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2075)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Dix	Dolecheck	Dotzler
Drake	Eddie	Elgin	Fallon
Finch	Foege	Ford	Frevrt
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 5:

Cormack	De Boef	Eichhorn	Garman
Johnson			

Absent or not voting, 1:

Schrader

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2075** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Teig of Hamilton called up for consideration **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, amended by the Senate amendment H-8012 as follows:

H-8012

- 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.

Richardson of Warren asked and received unanimous consent that amendment H-8016, to the Senate amendment H-8012, be deferred.

Kreiman of Davis offered amendment H-8013, to the Senate amendment H-8012, filed by him as follows:

H-8013

- 1 Amend the Senate amendment, H-8012, to House File
- 2 2078, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 9 through 33.

Gipp of Winneshiek in the chair at 4:21 p.m.

Speaker Siegrist in the chair at 4:30 p.m.

Kreiman of Davis moved the adoption of amendment H-8013 to the Senate amendment H-8012.

Roll call was requested by Myers of Johnson and Bukta of Clinton.

On the question "Shall amendment H-8013 to the Senate amendment H-8012 be adopted?" (H.F. 2078)

The ayes were, 39:

Bell	Bukta	Chiodo	Connors
Cormack	Dotzler	Fallon	Foege
Ford	Frevert	Garman	Greimann
Hatch	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Murphy	Myers	O'Brien	Osterhaus
Petersen	Reeder	Reynolds	Richardson
Scherrman	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Winckler	Wise	Witt	

The nays were, 60:

Alons	Arnold	Atteberry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Cohoon	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Mertz
Metcalf	Millage	Quirk	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Sukup	Teig

Tymeson
Warnstadt

Tyrrell
Weidman

Van Engelenhoven
Wilderdyke

Van Fossen
Mr. Speaker
Siegrist

Absent or not voting, 1:

Schrader

Amendment H-8013 lost.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8014, to the Senate amendment H-8012, filed by her on January 28, 2002.

Richardson of Warren offered the following amendment H-8016, to the Senate amendment H-8012, previously deferred, filed by him and moved its adoption:

H-8016

- 1 Amend the Senate amendment, H-8012, to House File
- 2 2078, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 23, by striking the words and
- 5 figures "applies retroactively to January 1, 2002" and
- 6 inserting the following: "takes effect January 1,
- 7 2003".
- 8 2. Page 1, line 33, by striking the words "a
- 9 retroactive" and inserting the following: "an".

Amendment H-8016 lost.

On motion by Teig of Hamilton the House concurred in the Senate amendment H-8012.

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

On the question "Shall the bill pass?" (H.F. 2078)

The ayes were, 74:

Alons
Bell
Bradley

Arnold
Boal
Brauns

Atteberry
Boddicker
Broers

Baudler
Boggess
Brunkhorst

Carroll	Chiodo	Cohoon	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Frevert
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larkin	Larson	Manternach	Mertz
Metcalf	Millage	O'Brien	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Roberts
Seng	Shey	Shultz	Sievers
Smith	Stevens	Sukup	Teig
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wildurdyke	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 25:

Bukta	Connors	Cormack	Dotzler
Fallon	Foege	Ford	Garman
Greimann	Hatch	Jochum	Kreiman
Kuhn	Lensing	Mascher	May
Murphy	Myers	Osterhaus	Richardson
Scherrman	Taylor, D.	Taylor, T.	Tremmel
Winckler			

Absent or not voting, 1:

Schrader

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 105** be immediately messaged to the Senate.

HOUSE FILE 2122 REREFERRED

The Speaker announced that House File 2122, previously referred to committee on **state government** was rereferred to committee on **judiciary**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\137 Lester and Helen Meske, Clear Lake – For celebrating their 50th wedding anniversary.
- 2002\138 Robert and Kathryn Douglas, Mason City – For celebrating their 50th wedding anniversary.
- 2002\139 Loretta Park, Rockwell – For celebrating her 80th birthday.
- 2002\140 Leila Clark, Clear Lake – For celebrating her 85th birthday.
- 2002\141 Dorothy Bartelt, Mason City – For celebrating her 90th birthday.
- 2002\142 Francis and Betty Lou Lapointe, Mason City – For celebrating their 50th wedding anniversary.
- 2002\143 Leon and Irene Caspersen, Clear Lake – For celebrating their 50th wedding anniversary.
- 2002\144 Lucille Vestal, Mason City – For celebrating her 80th birthday.
- 2002\145 Aileen Griffith, Mason City – For celebrating her 80th birthday.
- 2002\146 Dorothy Hobbiebrunken, Rockwell – For celebrating her 80th birthday.
- 2002\147 Glen Kolbe, Lake View – For celebrating his 92nd birthday.
- 2002\148 Eva Liston, Lake View – For celebrating her 95th birthday.
- 2002\149 Darold and JoAnn Jacobson, Schaller – For celebrating their 50th wedding anniversary.
- 2002\150 Rodney and Martha Hunter, Correctionville – For celebrating their 50th wedding anniversary.
- 2002\151 Merle Shannon, Sac City – For celebrating his 85th birthday.
- 2002\152 Marvin and Ruth Mooney, Alta – For celebrating their 73rd wedding anniversary.
- 2002\153 Fern Swanson, Creston – For celebrating her 80th birthday.

2002\154 John and Florence Roach, Carlisle – For celebrating their 60th wedding anniversary.

2002\155 Wesley and Irene Goodwin, Sioux City – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 9 Reassigned

Appropriations: Brunkhorst, Chair; Jacobs and Reeder.

House File 410 Reassigned

Appropriations: Brunkhorst, Chair; Hatch and Raecker.

House File 580 Reassigned

Appropriations: Jacobs, Chair; Bell and Raecker.

House File 648

Human Resources: Roberts, Chair; Broers and Witt.

House File 2031

Human Resources: Carroll, Chair; Atteberry and Roberts.

House File 2036

Appropriations: Drake, Chair; Heaton and Mascher.

House File 2039

Human Resources: Carroll, Chair; De Boef and Kreiman.

House File 2040

Judiciary: Shey, Chair; Bell and Raecker.

House File 2046

Human Resources: Boddicker, Chair; Grundberg and Smith.

House File 2055

Human Resources: Tymeson, Chair; Boddicker and Witt.

House File 2056

Human Resources: De Boef, Chair; Roberts and Tremmel.

House File 2070

Transportation: Garman, Chair; Quirk and Van Engelenhoven.

House File 2071

Human Resources: Carroll, Chair; Atteberry and De Boef.

House File 2074

Human Resources: Boddicker, Chair; Atteberry and Carroll.

House File 2089

Judiciary: Shey, Chair; Bell and Raecker.

House File 2095

Transportation: Eddie, Chair; Cohoon and Klemme.

House File 2096

Human Resources: Boddicker, Chair; Carroll and Reynolds.

House File 2100

Human Resources: Hoversten, Chair; Broers and Kreiman.

House File 2101

Judiciary: Baudler, Chair; Kreiman and Wilderdyke.

House File 2107

Environmental Protection: Bradley, Chair; Huseman and Shultz.

House File 2108

Commerce and Regulation: Johnson, Chair; Bradley and Quirk.

House File 2114

Human Resources: Carroll, Chair; Smith and Wilderdyke.

House File 2118

Human Resources: Grundberg, Chair; Tymeson and Witt.

House File 2120

Human Resources: Hoversten, Chair; Broers and Murphy.

House File 2123

Transportation: Garman, Chair; Bukta and Weidman.

House File 2124

Natural Resources: Huseman, Chair; Baudler and May.

House File 2126

Judiciary: Broers, Chair; Baudler and Shoultz.

House File 2130

Commerce and Regulation: Shey, Chair; Raecker and Seng.

House File 2132

Appropriations: Heaton, Chair; Alons and Murphy.

House File 2133

Human Resources: Hoversten, Chair; Murphy and Roberts.

House File 2134

Judiciary: Baudler, Chair; Ford and Kettering.

House File 2148

Labor and Industrial Relations: Wilderdyke, Chair; Hoffman and T. Taylor.

Senate File 144

Transportation: Rekow, Chair; Johnson and Warnstadt.

Senate File 335

Ways and Means: Hoffman, Chair; Kuhn and Sievers.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 553
(Committee of the Whole)**

Agriculture: Klemme, Chair; Alons, Atteberry, Baudler, Boggess, De Boef, Fallon, Frevert, Huseman, Johnson, Jones, Kreiman, Kuhn, Manternach, May, Mertz, Rayhons, Rekow, Scherrman, Schrader and Teig.

House Study Bill 559

Local Government: Weidman, Chair; Dix and Reeder.

House Study Bill 560

Local Government: Sievers, Chair; Hahn and Reeder.

House Study Bill 561

Local Government: Sievers, Chair; Eddie and Kuhn.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 562 Agriculture**

Relating to the sale of certain equipment used for purposes other than for agriculture or horticulture, and including construction and industry equipment, and providing for its applicability.

H.S.B. 563 Agriculture

Relating to the Iowa agricultural development authority, by providing for administration, bonding authority, programs, and reporting.

H.S.B. 564 Agriculture

Relating to the movement of bovine animals from livestock markets, and making penalties applicable.

H.S.B. 565 Agriculture

Relating to the creation of a forest and fruit tree indemnity fund and providing compensation for tree, fruit, and nut crop losses.

H.S.B. 566 Judiciary

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

H.S.B. 567 Judiciary

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

H.S.B. 568 Judiciary

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

H.S.B. 569 Judiciary

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

H.S.B. 570 Human Resources

Relating to the regulation of health care facilities and the duties of resident advocate committees.

H.S.B. 571 Judiciary

Relating to the admissibility of evidence in a child in need of assistance proceeding.

H.S.B. 572 Judiciary

Relating to monetary penalties for contempt of court.

H.S.B. 573 Judiciary

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

H.S.B. 574 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.

H.S.B. 575 Commerce and Regulation

Relating to the Iowa energy center, including changes relating to salary adjustments, and promotion and administration of the alternative energy revolving loan program.

H.S.B. 576 Human Resources

Relating to child foster care and adoption requirements involving licensing periods, foster parent training, annual reports, and foreign adoptions.

H.S.B. 577 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.

H.S.B. 578 Judiciary

Relating to the time period when a criminal indictment or trial information may be found against a person not present in the state.

H.S.B. 579 Judiciary

Relating to the Iowa crime victim compensation program.

H.S.B. 580 Judiciary

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

H.S.B. 581 Judiciary

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.

H.S.B. 582 Judiciary

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

H.S.B. 583 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.

H.S.B. 584 Judiciary

Relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain crimes.

H.S.B. 585 Judiciary

Relating to the reimbursement of costs and expenses incurred by an indigent person for filing certain applications for postconviction relief.

H.S.B. 586 Judiciary

Establishing a new criminal offense of sexual exploitation by a school employee at a public or nonpublic secondary school.

H.S.B. 587 Judiciary

Establishing a new criminal offense of sexual exploitation by a peace officer and providing penalties.

H.S.B. 588 Human Resources

Relating to the recording of certain interviews conducted in association with a child abuse assessment.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 2090, 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.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 2002.

House File 2091, 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.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 2002.

COMMITTEE ON LOCAL GOVERNMENT

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.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 2002.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 321), relating to the registration of hunting lease outfitters and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 29, 2002.

COMMITTEE ON STATE GOVERNMENT

House File 193, a bill for an act relating to a midwest interstate passenger rail compact.

Fiscal Note is not required.

Recommended **Do Pass** January 23, 2002.

COMMITTEE ON TRANSPORTATION

House File 2007, 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.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 2002.

RESOLUTIONS FILED

HR 103, by Warnstadt, Rants, Ford, Raecker, Hatch, Petersen, Dotzler, Fallon, Witt, Mascher, Jenkins, Shoultz, Lensing, Hansen, Hoversten, Chiodo, Jacobs and Klemme, a resolution honoring Goodwill Industries International in its centennial year.

Laid over under **Rule 25**.

HR 104, by Rekow, a resolution honoring Coach Lowell Lyngaas and his Race America runners from Valley School District in Northeast Iowa.

Laid over under **Rule 25**.

HR 105, by Smith, Alons, Klemme, Reynolds, Dotzler, Tremmel, Larkin, May, Shoultz, Winckler, Witt, Garman, Cohoon, Schrader, Warnstadt, Teig, Frevert, Mascher, Horbach, Kuhn, Brunkhorst, Osterhaus, Fallon, Sievers, Foege, Johnson, Boddicker, Myers, Huseman, Atteberry, Scherrman, Ford, Bell, Quirk, D. Taylor, Hatch, Murphy and Seng, a resolution honoring Commandant Jack Dack of the Iowa Veterans Home upon his retirement.

Laid over under **Rule 25**.

HCR 108, by Johnson, Mertz, Alons, Eichhorn, Roberts, Weidman, Huseman, Baudler, Rayhons, Eddie, Shey, De Boef, Boal, Kettering, Boddicker, Finch, Hahn, Hoffman, Wilderdyke, Rekow, Dix, Kreiman, Foege, Stevens, Smith, Atteberry, Hatch, Witt, Frevert, Ford, Fallon, Osterhaus, Reynolds and Richardson, a concurrent resolution opposing the establishment of a national identity database system by the United States Congress.

Laid over under **Rule 25**.

AMENDMENT FILED

H—8017 H.F. 2111 Boddicker of Cedar

On motion by Gipp of Winneshiek the House adjourned at 5:10 p.m., until 8:45 a.m., Wednesday, January 30, 2002.

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, JANUARY 30, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 30, 2002

The House met pursuant to adjournment at 8:49 a.m., Speaker Siegrist in the chair.

Prayer was offered by Dr. David Clark, pastor of the First United Methodist Church, Indianola. He was the guest of Representative Steve Richardson from Warren County.

The Journal of Tuesday, January 29, 2002 was approved.

INTRODUCTION OF BILLS

House File 2167, by Grundberg, a bill for an act relating to certification requirements for persons applying pesticides as part of an organic process.

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

House File 2168, by Heaton, a bill for an act authorizing a school district to petition to join a contiguous area education agency.

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

House File 2169, by Johnson, 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 2129 REREFERRED

The Speaker announced that House File 2129, previously referred to committee on **environmental protection** was rereferred to committee on **agriculture**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF INSPECTIONS AND APPEALS

A report on savings gained by the use of ICN services, pursuant to Chapter 8D.10, Code of Iowa.

IOWA FINANCE AUTHORITY

The 2001 Annual Report, pursuant to Chapter 16.7, Code of Iowa.

LEGISLATIVE SERVICE BUREAU

The Final Report of the Child Abuse Study Committee, pursuant to Chapter 2.42(5), Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2002\156 | Thomas Paulsen, Carroll – For being the Iowa Teacher of the Year for 2000. |
| 2002\157 | Mr. Todd Lewis, Spirit Lake – For his heroic efforts in the rescue and resuscitation of a drowning victim. |
| 2002\158 | Ervin Kuhlmann, Charter Oak – For celebrating his 85 th birthday. |
| 2002\159 | Ola Sleister, Manilla – For celebrating her 90 th birthday. |
| 2002\160 | Walter and Beverly Davis, Castana – For celebrating their 50 th wedding anniversary. |
| 2002\161 | Terry Murray, Storm Lake – For being named Iowa Master Pork Producer. |

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2003

State Government: Eichhorn, Chair; Cormack and O'Brien.

House File 2072

Natural Resources: Garman, Chair; Brauns and O'Brien.

House File 2104

Economic Development: Boggess, Chair; Cohoon and Metcalf.

House File 2141

State Government: Elgin, Chair; Metcalf and Tremmel.

House File 2143

Environmental Protection: Sievers, Chair; Huseman and Schrader.

House File 2149

Agriculture: Manternach, Chair; Mertz and Teig.

House File 2154

Appropriations: Millage, Chair; Brunkhorst and Hatch.

House File 2160

Appropriations: Jenkins, Chair; Brunkhorst and Hatch.

House File 2165

Education: Mascher, Chair; Broers and Sukup.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 562

Agriculture: Huseman, Chair; Rekow and Scherrman.

House Study Bill 563

Agriculture: Johnson, Chair; Jones and Mertz.

House Study Bill 564

Agriculture: Manternach, Chair; Boggess and Scherrman.

House Study Bill 565

Agriculture: Rayhons, Chair; Atteberry and Huseman.

House Study Bill 570

Human Resources: Broers, Chair; Wilderdyke and Witt.

House Study Bill 575

Commerce and Regulation: Jenkins, Chair; Metcalf and Wise.

House Study Bill 576

Human Resources: Carroll, Chair; Atteberry and Wilderdyke.

House Study Bill 577

Human Resources: Hoversten, Chair; Boal and Murphy.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 589 Education**

Providing for the establishment and perfection of a security interest in certain education loans.

H.S.B. 590 Environmental Protection

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

H.S.B. 591 Education

Providing for increased accountability regarding funding for at-risk programs and alternative schools.

H.S.B. 592 Human Resources

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.

H.S.B. 593 Labor and Industrial Relations

Relating to the retention of unemployment benefits contested case hearing records.

H.S.B. 594 Labor and Industrial 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.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 542), 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.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 2002.

AMENDMENTS FILED

H—8018	H.F.	2079	Warnstadt of Woodbury
H—8019	H.F.	2116	Millage of Scott
			Winckler of Scott
			Reynolds of Van Buren
			Atteberry of Delaware
			Hahn of Muscatine
			Brauns of Muscatine
			Boddicker of Cedar
			Rekow of Allamakee

On motion by Rants of Woodbury the House adjourned at 9:03 a.m., until 8:45 a.m., Thursday, January 31, 2002.

PROOF

STATE OF IOWA

House Journal

THURSDAY, JANUARY 31, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Eighteenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 31, 2002

The House met pursuant to adjournment at 8:47 a.m., Speaker Siegrist in the chair.

Prayer was offered by the Honorable Carmine Boal, state representative from Polk County.

The Journal of Wednesday, January 30, 2002 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Boddicker of Cedar, from one thousand nineteen constituents favoring the legislature require resident elected clerks of court and at least one resident district court judge in each county in Iowa, and that the control of the county clerks office be returned to the county as an elected and accountable official.

By Frevert of Palo Alto, from four hundred sixty-four constituents opposing any legislative, executive, or governmental body, agency or entity that would limit, restrict, remove or hinder the Department of Human Services office in Kossuth County, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hatch of Polk on request of Kreiman of Davis; Huser of Polk on request of Myers of Johnson.

INTRODUCTION OF BILLS

House File 2170, by committee on natural resources, a bill for an act relating to the registration of hunting outfitters or hunting guides and providing a penalty.

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

House File 2171, by Warnstadt, a bill for an act relating to maintaining the confidentiality of persons reporting a crime.

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

House File 2172, by Warnstadt, a bill for an act allocating moneys to the Iowa Lewis and Clark bicentennial fund and providing an effective date.

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

House File 2173, by Mascher, a bill for an act providing for research and training regarding the most efficient and effective uses of technology funding in public schools.

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

House File 2174, by Elgin, a bill for an act requiring formation of local government consolidation committees and amending certain procedures for local government consolidation.

Read first time and referred to committee on **local government**.

House File 2175, by Quirk, a bill for an act eliminating the restriction on the use of an all-terrain vehicle on public land without a measurable snow cover.

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

House File 2176, by Osterhaus, a bill for an act relating to the establishment of a continuing quality improvement program.

Read first time and referred to committee on **human resources**.

House File 2177, by Osterhaus, a bill for an act relating to the establishment of a medical assistance preferred drug formulary spending control program.

Read first time and referred to committee on **human resources**.

House File 2178, by Carroll, Fallon, Hoffman, Connors, Grundberg, Reynolds, Raecker, Huser, Heaton, Tremmel, Tymeson, Witt, Finch, Kuhn, Boddicker, Dotzler, Richardson, Chiodo, Sukup, Hatch, Jochum, Johnson, Myers, Greimann, and Jenkins, a bill for an act relating to state and local land management and planning, and providing effective dates.

Read first time and referred to committee on **local government**.

House File 2179, by Winckler, Lensing, Stevens, Atteberry, D. Taylor, Frevert, O'Brien, Mertz, Dotzler, Greimann, Bukta, Richardson, Cohoon, Larkin, Myers, Mascher, and Smith, a bill for an act relating to the student achievement and teacher quality program by designating certain teachers as career II teachers.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 30, 2002, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 105, a concurrent resolution designating January 30, 2002, as Iowa Insurance Day.

Also: That the Senate has on January 30, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2057, a bill for an act relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS

Regular Calendar

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, was taken up for consideration.

Gipp of Winneshiek in the chair at 9:06 a.m.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2138)

The ayes were, 90:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Greimann	Grundberg
Hahn	Hansen	Heaton	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Gipp, Presiding		

The nays were, none.

Absent or not voting, 10:

Chiodo	Ford	Hatch	Hoffman
Huser	Mascher	O'Brien	Richardson
Stevens	Sukup		

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

Ways and Means Calendar

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, was taken up for consideration.

Speaker Siegrist in the chair at 9:18 a.m.

Millage of Scott offered the following amendment H-8019 filed by Millage, et al., and moved its adoption:

H-8019

1 Amend House File 2116 as follows:
2 1. Page 2, by inserting after line 7, the
3 following:
4 "Sec. 100. Section 422.8, subsection 5, Code 2001,
5 is amended to read as follows:
6 5. The director may, in accordance with the
7 provisions of this subsection, and when cost-
8 efficient, administratively feasible, and of mutual
9 benefit to both states, enter into reciprocal
10 agreements with tax administration agencies of other
11 states to further tax administration and eliminate
12 duplicate withholding by exempting from Iowa taxation
13 income earned from personal services in Iowa by
14 residents of another state, if the other state
15 provides a tax exemption for the same type of income
16 earned from personal services by Iowa residents in the
17 other state. For purposes of this subsection, "income
18 earned from personal services" means wages, salaries,
19 commissions, and tips, and earned income from other
20 sources. This subsection does not authorize the
21 department to withhold taxes on deferred compensation
22 payments, pension distributions, and annuity payments
23 when paid to a nonresident of the state of Iowa. All
24 the terms of the agreements shall be described in the
25 rules adopted by the department.
26 A reciprocal agreement entered into on or after the
27 effective date of this Act with a tax administration
28 agency of another state shall not take effect until
29 such agreement has been authorized by a constitutional
30 majority of each house of the general assembly and

31 approved by the governor. A reciprocal agreement in
32 effect on or after January 1, 2002, shall not be
33 terminated by the state of Iowa unless the termination
34 has been authorized by a constitutional majority of
35 each house of the general assembly and approved by the
36 governor. An amendment to an existing reciprocal
37 agreement does not constitute a new agreement."

38 2. Page 3, by inserting after line 22, the
39 following:

40 "Sec. 101. The termination provisions of section
41 100 of this Act apply retroactively to the termination
42 of reciprocal agreements in effect on or after January
43 1, 2002."

44 3. Title page, line 3, by inserting after the
45 word "sales," the following: "relating to reciprocal
46 income tax agreements with other states,".

47 4. By renumbering and correcting internal
48 references as necessary.

Amendment H-8019 was adopted.

RULE 31.8 SUSPENDED

Eichhorn of Hamilton asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8020.

Eichhorn of Hamilton offered the following amendment H-8020 filed by him from the floor and moved its adoption:

H-8020

1 Amend House File 2116 as follows:

2 1. Page 1, line 28, by striking the figure "1,"
3 and inserting the following: "1 31".

Amendment H-8020 was adopted.

Eichhorn of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2116)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boguess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Heaton	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyeke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Hatch	Hoffman	Huser	O'Brien
Richardson	Stevens		

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2116** and **2138**.

INTRODUCTION OF BILLS

House File 2180, by Shoultz, Witt, Kuhn, Osterhaus, Frevert, Richardson, Winckler, Jochum, and Larkin, a bill for an act relating

to the classification as commercial property for property taxation of certain animal feeding operation structures and including an applicability date provision.

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

House File 2181, by Richardson and Van Engelenhoven, a bill for an act relating to optional private retention of inspectors when inspections are required pursuant to building regulations applicable in a governmental subdivision.

Read first time and referred to committee on **state government**.

House File 2182, by Baudler, Finch, Hoffman, Kettering, Johnson, Eichhorn, Hoversten, Sukup, Carroll, Teig, Broers, Siegrist, Gipp, Horbach, and Tymeson, a bill for an act requiring the state board of regents to adopt rules directing its institutions of higher learning to waive certain tuition charges for the children of police officers, fire fighters, sheriffs, deputies, volunteer emergency services providers, and individuals in protection occupations killed in the line of duty.

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

House File 2183, by committee on education, 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 placed on the **calendar**.

House File 2184, by committee on education, a bill for an act providing for utilization of physical plant and equipment levy revenue for technology expenditures.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGE CONSIDERED

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 **passed on file.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on January 31, 2002. Had I been present, I would have voted "aye" on House Files 2116 and 2138.

HOFFMAN of Crawford

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

The annual report for the beginning farmer center, pursuant to Chapter 266.39E, Code of Iowa.

DEPARTMENT OF MANAGEMENT

The annual status report of the task force study on the utility property tax replacement program, pursuant to Chapter 437A.15(7), Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2002\162 | Henrietta Shipp, Evansdale – For celebrating her 85 th birthday. |
| 2002\163 | Bill and Darlys Varner, Waterloo – For celebrating their 50 th wedding anniversary. |
| 2002\164 | Max Brodie, Waterloo – For celebrating his 80 th birthday. |
| 2002\165 | LelaMae Schladetzky, Waterloo – For celebrating her 85 th birthday. |
| 2002\166 | Marika Estrada, Keokuk – For becoming a member of the Colts Drum and Bugle Corps of Dubuque. |

- 2002\167 Bobbi Rose, Keokuk – For being selected a Rotary Student leader for Keokuk High School.
- 2002\168 Carl Maerz, Keokuk – For being selected a Rotary Student leader for Keokuk High School.
- 2002\169 Nathan Beard, Keokuk – For winning the DAR Good Citizen Award.
- 2002\170 Sharon Yoder, Donnellson – For winning the DAR Good Citizen Award.
- 2002\171 Adam Pieper, Fort Madison – For winning the DAR Good Citizen Award.
- 2002\172 Luke Alberts, Keokuk – For winning the DAR Good Citizen Award.
- 2002\173 Nold Cartmill, Fort Madison – For winning the DAR Good Citizen Award.
- 2002\174 Judy Hines, Ankeny – For being elected 2001 Ankeny Chamber of Commerce "Outstanding Citizen of the Year".
- 2002\175 Carl Moyer, Ankeny – For being elected 2001 Ankeny Chamber of Commerce "Small Business Person of the Year".
- 2002\176 Justin Winkel, Cedar Rapids – For being naturalized as a citizen of the United States.

SUBCOMMITTEE ASSIGNMENTS

House File 2065

Natural Resources: Alons, Chair; Brauns and Richardson.

House File 2119

Human Resources: Hoversten, Chair; Carroll and Kreiman.

House File 2140

Local Government: Sievers, Chair; Arnold and Huser.

House File 2152

State Government: Metcalf, Chair; Brauns and Larkin.

House File 2159

Local Government: Dix, Chair; Eddie and Huser.

House File 2168

Education: Boal, Chair; Eddie and Foegen.

House File 2169

Local Government: Carroll, Chair; Connors and Klemme.

House File 2173

Education: Brunkhorst, Chair; Mascher and Tymeson.

House File 2179

Education: Carroll, Chair; Grundberg and Wise.

House File 2181

State Government: Van Engelenhoven, Chair; Gipp and T. Taylor.

Senate File 429 Reassigned

Commerce and Regulation: Dix, Chair; Jenkins, Metcalf, Quirk and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 528**

Judiciary: Shey, Chair; Kreiman and Raecker.

House Study Bill 543

Judiciary: Shey, Chair; Kreiman and Raecker.

House Study Bill 544

Judiciary: Millage, Chair; Baudler, Kreiman, Larson and Tremmel.

House Study Bill 547

Judiciary: Shey, Chair; Larson and Tremmel.

House Study Bill 548

Judiciary: Kettering, Chair; Chiodo and Wilderdyke.

House Study Bill 549

Judiciary: Eichhorn, Chair; Kreiman and Shey.

House Study Bill 566

Judiciary: Raecker, Chair; Shoultz and Wilderdyke.

House Study Bill 567

Judiciary: Raecker, Chair; Ford and Sukup.

House Study Bill 568

Judiciary: Baudler, Chair; Kettering and Kreiman.

House Study Bill 569

Judiciary: Kettering, Chair; Broers and Kreiman.

House Study Bill 571

Judiciary: Boddicker, Chair; Chiodo and Grundberg.

House Study Bill 572

Judiciary: Raecker, Chair; Kreiman and Shey.

House Study Bill 573

Judiciary: Millage, Chair; Kreiman and Shey.

House Study Bill 574

Judiciary: Raecker, Chair; Jochum and Sukup.

House Study Bill 578

Judiciary: Wilderdyke, Chair; Eichhorn and Tremmel.

House Study Bill 579

Judiciary: Kettering, Chair; Broers and Ford.

House Study Bill 580

Judiciary: Shey, Chair; Eichhorn and Tremmel.

House Study Bill 581

Judiciary: Baudler, Chair; Grundberg and Shoultz.

House Study Bill 582

Judiciary: Grundberg, Chair; Eichhorn and Kreiman.

House Study Bill 583

Judiciary: Broers, Chair; Bell and Grundberg.

House Study Bill 584

Judiciary: Shey, Chair; Kreiman and Raecker.

House Study Bill 585

Judiciary: Raecker, Chair; Kreiman and Shey.

House Study Bill 586

Judiciary: Eichhorn, Chair, Shey and Tremmel.

House Study Bill 587

Judiciary: Eichhorn, Chair; Baudler and Tremmel.

House Study Bill 588

Human Resources: Boddicker, Chair; Hoversten and Smith.

House Study Bill 589

Education: Boal, Chair; Dolecheck and Mascher.

House Study Bill 590

Environmental Protection: Kettering, Chair; Drake and Stevens.

House Study Bill 591

Education: Brunkhorst, Chair; Finch and Foege.

House Study Bill 592

Human Resources: Brunkhorst, Chair; Foege and Tymeson.

House Study Bill 593

Labor and Industrial Relations: Grundberg, Chair; Hansen and D. Taylor.

House Study Bill 594

Labor and Industrial Relations: Hoffman, Chair; Dotzler and Wilderdyke.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 595 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.

H.S.B. 596 Human Resources

Relating to the offices of the state and county medical examiners, establishing fees, and making penalties applicable.

H.S.B. 597 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.

H.S.B. 598 Human Resources

Relating to the department of elder affairs including provisions relating to the elder Iowans Act, elder family homes, elder group homes, and assisted living programs.

H.S.B. 599 Labor and Industrial Relations

Concerning workers' compensation.

H.S.B. 600 Natural Resources

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

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON COMMERCE AND REGULATION

Committee Bill (Formerly House Study Bill 517), relating to the transfer of certain deposit and investment accounts upon the death of the decedent.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 2002.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2064), providing for utilization of physical plant and equipment levy revenue for technology expenditures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 30, 2002.

Committee Bill (Formerly House Study Bill 525), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 30, 2002.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2031), relating to the procedural requirements for foreign and international adoption, providing for applicability, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 2002.

Committee Bill (Formerly House File 2120), relating to the establishment of a state agency work group to develop an interstate prescription drug purchasing cooperative.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 2002.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2037), relating to notarial acts by judicial officers.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 2002.

Committee Bill (Formerly House File 2077), requiring all felons to submit a physical specimen for DNA profiling.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 2002.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 524), relating to modal transportation, including changes in transit coordination requirements, elimination of the Iowa railway finance authority, and changes in the aircraft registration process.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 2002.

RESOLUTION FILED

HCR 109, 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.

Laid over under **Rule 25**.

AMENDMENT FILED

H—8021 H.F. 2135 Wise of Lee

On motion by Rants of Woodbury the House adjourned at 10:05 a.m., until 9:00 a.m., Friday, February 1, 2002.

JOURNAL OF THE HOUSE

Nineteenth Calendar Day - Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 1, 2002

The House met pursuant to adjournment at 9:00 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by Becky Lorenz, Executive Secretary to the Speaker of the House.

The Journal of Thursday, January 31, 2002 was approved.

INTRODUCTION OF BILLS

House File 2185, by Wise, a bill for an act relating to the authority of the county board of supervisors to approve or disapprove certain city zoning ordinances or regulations and providing for the Act's applicability.

Read first time and referred to committee on **local government**.

House File 2186, by Warnstadt, a bill for an act altering the penalties for the crimes of putting debris on a highway and failure to remove injurious material dropped on a highway.

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

House File 2187, by Cohoon, a bill for an act creating a rebuttable presumption concerning failure to obey school bus warning devices.

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

House File 2188, by Connors, a bill for an act prohibiting the unauthorized discharge of a patient by insurers, providing that organized delivery systems are in the business of insurance for the purposes of provisions related to unfair trade practices in the business of insurance, and providing a penalty.

Read first time and referred to committee on **commerce and regulation**.

House File 2189, by Boal, a bill for an act allowing a vehicle owner to renew an expired registration without penalty under certain circumstances.

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

House File 2190, by committee on human resources, 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 placed on the **calendar**.

House File 2191, by committee on judiciary, a bill for an act relating to notarial acts by judicial officers.

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

House File 2192, by committee on human resources, 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 placed on the **calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 31, 2002, passed the following bill in which the concurrence of the House is 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 Senate has on January 31, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on January 31, 2002, adopted the following resolution in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF HUMAN RIGHTS Commission on the Status of Women

The 30th Annual Report, pursuant to Chapter 216A, Code of Iowa.

IOWA PUBLIC TELEVISION

The Fiscal Year 2001 ICN Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

TREASURER OF STATE

The Linked Investment for Tomorrow Annual Report, pursuant to Chapter 12.38, Code of Iowa.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 595

Transportation: Weidman, Chair; Johnson and May.

RESOLUTION FILED

SCR 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.

Laid over under **Rule 25**.

On motion by Heaton of Henry the House adjourned at 9:03 a.m., until 1:00 p.m., Monday, February 4, 2002.

PROOF

STATE OF IOWA

House Journal

MONDAY, FEBRUARY 4, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Twenty-second Calendar Day - Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 4, 2002

The House met pursuant to adjournment at 1:03 p.m., Carroll of Poweshiek in the chair.

Prayer was offered by Lowell Lyngaas, member of East Clearmont Lutheran Church, Clearmont. He was the guest of Representative Leigh Rekow from Allamakee County.

The Journal of Friday, February 1, 2002 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Valley High School Race America Group, and their Coach Lowell Lyngaas from Northeast Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Mahaska on request of Rants of Woodbury; Smith of Marshall on request of Myers of Johnson.

INTRODUCTION OF BILL

House File 2193, by committee on transportation, 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 placed on the **calendar**.

SENATE MESSAGES CONSIDERED

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 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 and **passed on file**.

ADOPTION OF HOUSE RESOLUTION 104

Rekow of Allamakee called up for consideration **House Resolution 104**, a resolution honoring Coach Lowell Lyngaas and his Race America runners from Valley School District in Northeast Iowa and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Rekow of Allamakee introduced to the House, Coach Lowell Lyngaas and the Valley High School Race America Runners.

The House rose and expressed its welcome.

On motion by Rants of Woodbury, the House was recessed at 1:15 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 4:58 p.m., Gipp of Winneshiek in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone on request of Myers of Johnson; Speaker Siegrist on request of Rants of Woodbury.

INTRODUCTION OF BILLS

House File 2194, by Myers, a bill for an act providing for the sale and display of United States flag stickers for motor vehicle registration plates.

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

House File 2195, by Myers, a bill for an act authorizing the state board of regents to issue bonds to construct, improve, remodel, repair, furnish, and equip inpatient, outpatient, and patient care facilities at the university of Iowa hospitals and clinics.

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

House File 2196, by Jochum, 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 2197, by Grundberg, a bill for an act relating to historic property rehabilitation tax credits, including transferability of credits and the limit on the amount of credits that may be approved for a fiscal year.

Read first time and referred to committee on **ways and means**.

House File 2198, by Frevert, a bill for an act including licensed teachers at the prekindergarten level for purposes of the student achievement and teacher quality program.

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

House File 2199, by Drake, a bill for an act relating to the establishment of a list of threatened or endangered species by the department of natural resources.

Read first time and referred to committee on **natural resources**.

House File 2200, by Grundberg, a bill for an act relating to the earned income credit under the individual income tax and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2201, by committee on judiciary, 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 placed on the **calendar**.

House File 2202, by Larson, a bill for an act establishing an economic development commission.

Read first time and referred to committee on **economic development**.

House File 2203, by Wilderdyke, a bill for an act expanding the types and numbers of veterans eligible for the military service tax credit and including an effective date.

Read first time and referred to committee on **ways and means**.

CONSIDERATION OF BILLS

Regular Calendar

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, was taken up for consideration.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2151)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch

Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shoultz	Sievers	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Gipp, Presiding	

The nays were, none.

Absent or not voting, 5:

De Boef	O'Brien	Shey	Siegrist, Spkr.
Smith			

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

The House stood at ease at 5:20 p.m., until the fall of the gavel.

The House resumed session at 6:04 p.m., Gipp of Winneshiek in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chiodo of Polk and Jochum of Dubuque on request of Myers of Johnson.

House File 2139, a bill for an act to increase the maximum amount of a vocational-technical tuition grant, was taken up for consideration.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2139)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boguess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Cohoon	Connors
Cormack	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shoultz	Sievers
Stevens	Taylor, D.	Taylor, T.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Gipp, Presiding

The nays were, none.

Absent or not voting, 8:

Chiodo	De Boef	Jochum	O'Brien
Shey	Siegrist, Spkr.	Smith	Sukup

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2139 and 2151.**

Myers of Johnson asked for unanimous consent to suspend the rules and rerefer Senate File 165 to the committee on local government.

Objection was raised.

Myers of Johnson moved to suspend the rules to rerefer Senate File 165 to the committee on local government.

A non-record roll call was requested.

The ayes were 41, nays 43.

The motion to suspend the rules lost.

Rants of Woodbury asked and received unanimous consent to rerefer Senate File 165 to the committee on local government.

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage each member is entitled to begs leave to submit the following supplemental report:

Name	Round Trip Miles
Jacqueline J. Reeder	281
Paul A. Wilderdyke	242

Respectfully submitted,
MICHAEL G. CORMACK, Chair
DICK B. WEIDMAN
GERI D. HUSER

HOUSE FILE 2181 REREFERRED

The Speaker announced that House File 2181, previously referred to committee on **state government** was rereferred to committee on **local government**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2002\177 Jim and Elsie Kalskett, Moorhead – For celebrating their 50th wedding anniversary.

- 2002\178 Don and Alma Fritz, Deloit – For celebrating their 50th wedding anniversary.
- 2002\179 Don and Mary Jane Petersen, Denison – For celebrating their 50th wedding anniversary.
- 2002\180 Walter Beermann, Denison – For celebrating his 85th birthday.
- 2002\181 Hazel Palmquist, Mapleton – For celebrating her 90th birthday.
- 2002\182 Mary Sprock, George – For celebrating her 90th birthday.
- 2002\183 Henry Hopmann, Rock Rapids – For celebrating his 90th birthday.
- 2002\184 Cleyta Lange, Monona – For celebrating her 95th birthday.
- 2002\185 Mildred Bean, Clarinda – For celebrating her 90th birthday.
- 2002\186 Wallace and Margaret Norman, Grundy Center – For celebrating their 65th wedding anniversary.
- 2002\187 Jack and Argyle Nagel, Traer – For celebrating their 63rd wedding anniversary.
- 2002\188 Cleo and Eileen Taeger, Stockport – For celebrating their 60th wedding anniversary.
- 2002\189 Victor and Myrtle Leibfried, Rickardsville – For celebrating their 60th wedding anniversary.
- 2002\190 Brian Matthew Pfeiler, Dyersville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\191 Berenice Mack, Wall Lake – For celebrating her 80th birthday.
- 2002\192 Leland Weitzel, Wall Lake – For celebrating his 85th birthday.
- 2002\193 Birdella Brostad, Galva – For celebrating her 80th birthday.
- 2002\194 Doug and Marge Hussey, Ida Grove – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENT

House File 2167

Agriculture: Boggess, Chair; Alons and May.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 596

Human Resources: Roberts, Chair; De Boef and Tremmel.

House Study Bill 597

Human Resources: Boal, Chair; Reynolds and Tymeson.

House Study Bill 598

Human Resources: Broers, Chair; Ford and Wilderdyke.

House Study Bill 599

Labor and Industrial Relations: Horbach, Chair; Dotzler and Millage.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 601 Labor and Industrial Relations

Designating May 1, 2002, as Iowa Right-to-Work Day.

H.S.B. 602 Human Resources

Relating to child protection confidentiality requirements involving the department of human services.

H.S.B. 603 Local Government

Relating to judgment liens attaching to city real estate.

H.S.B. 604 Education

Providing for the establishment of the state percent of growth for the school budget year beginning July 1, 2002, for purposes of the state school foundation program, making an appropriation, and providing an effective date.

H.S.B. 605 Education

Providing for the establishment of the state percent of growth for purposes of the state school foundation program and providing an applicability date.

H.S.B. 606 Education

Relating to the amount and allocation of area education agency funding, and providing an effective date.

H.S.B. 607 Local Government

Relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury and providing an effective date.

H.S.B. 608 Education

Expanding the board of educational examiners' authority with regard to licensee disciplinary investigations and proceedings.

H.S.B. 609 Education

Authorizing the state board of regents to issue bonds to construct, improve, remodel, repair, furnish, and equip inpatient, outpatient, and patient care facilities at the university of Iowa hospitals and clinics.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2077), requiring all felons to submit a physical specimen for DNA profiling.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 2002.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 165, a bill for an act enacting the Iowa English language reaffirmation Act of 2001.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2002.

Pursuant to Rule 55, a Minority Report was filed by the following:

Richardson of Warren, Kuhn of Floyd, Fallon of Polk and Reynolds of Van Buren.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 524), relating to modal transportation, including changes in transit coordination requirements, elimination of the Iowa railway finance authority, and changes in the aircraft registration process.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 2002.

AMENDMENTS FILED

H—8022	H.F.	2079	Warnstadt of Woodbury
H—8023	S.F.	2057	Cormack of Webster
H—8026	S.F.	2057	Cormack of Webster
H—8027	H.F.	2112	Baudler of Adair Kreiman of Davis
H—8028	H.C.R.	109	Rekow of Allamakee
H—8029	H.F.	2135	Eddie of Buena Vista
H—8030	H.F.	2153	Tremmel of Wapello

On motion by Rants of Woodbury the House adjourned at 6:49 p.m., until 8:45 a.m., Tuesday, February 5, 2002.

PROOF

STATE OF IOWA

House Journal

TUESDAY, FEBRUARY 5, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 5, 2002

The House met pursuant to adjournment at 8:43 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend James Mehletretter, pastor of Redeemer Lutheran Church, Indianola. He was the guest of Representative Steve Richardson of Warren County.

The Journal of Monday, February 4, 2002 was approved.

INTRODUCTION OF BILLS

House File 2204, by Sievers, a bill for an act relating to secured transactions, by providing for landlord liens and their priority.

Read first time and referred to committee on **local government**.

House File 2205, by Greimann, Witt, Mascher, Lensing, Reynolds, Bukta, Fallon, Shoultz, Scherrman, Petersen, Hatch, Winckler, Huser, and Frevert, 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 and referred to committee on **ways and means**.

House File 2206, by Hatch, Shoultz, Dotzler, Fallon, D. Taylor, T. Taylor, Stevens, Frevert, and Foege, a bill for an act relating to the tax policy of the state through the use of tax-related incentives.

Read first time and referred to committee on **ways and means**.

House File 2207, by Greimann, Mascher, Lensing, Bukta, Osterhaus, Fallon, Shoultz, Scherrman, Petersen, Jochum, Seng, Ford, Hatch, Winckler, Foege, Frevert, D. Taylor, and Dotzler, 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 and referred to committee on **judiciary**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone, for the remainder of the week, on request of Huser of Polk; Shey of Linn on request of Kreiman of Davis.

SPECIAL PRESENTATION

Speaker Siegrist introduced to the House Nobel Peace Prize Laureate Dr. Norman E. Borlaug, the father of the "green revolution", whose advances in agricultural science have saved a billion lives. Accompanying Dr. Borlaug were: Mr. John Ruan, Chairman of the World Food Prize and most recent recipient of the Iowa Medal; Mr. John Ruan III, Ambassador Kenneth Quinn, President of the World Food Prize; 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 House rose and expressed its welcome.

CONSIDERATION OF BILLS Regular Calendar

House File 2144, a bill for an act relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day, was taken up for consideration.

SENATE FILE 2057 SUBSTITUTED FOR HOUSE FILE 2144

Klemme of Plymouth asked and received unanimous consent to substitute Senate File 2057 for House File 2144.

Senate File 2057, a bill for an act relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day, was taken up for consideration.

Cormack of Webster asked and received unanimous consent that amendment H-8026 be deferred.

Cormack of Webster asked and received unanimous consent to withdraw amendment H-8023 filed by him on February 4, 2002.

Cormack of Webster asked and received unanimous consent to withdraw amendment H-8026, previously deferred, filed by him on February 4, 2002.

Klemme of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2057)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrell	Van Engelenhoven	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Fallon
Sukup

O'Brien
Van Fossen

Shey

Sievers

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

HOUSE FILE 2144 WITHDRAWN

Klemme of Plymouth asked and received unanimous consent to withdraw House File 2144 from further consideration by the House.

On motion by Rants of Woodbury, the House was recessed at 9:15 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:00 p.m., Speaker pro tempore Sukup in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Myers of Johnson and Weidman of Cass on request of Huser of Polk.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 5, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on February 5, 2002, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on February 5, 2002, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 107, a concurrent resolution relating to the Medicaid program and requesting assistance from the federal government.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty members present, twenty absent.

CONSIDERATION OF BILLS Regular Calendar

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, was taken up for consideration.

Baudler of Adair offered the following amendment H-8015 filed by him and Kreiman of Davis and moved its adoption:

H-8015

- 1 Amend House File 2112 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "impossible" the following: ", prohibited by law,".
- 4 2. Page 1, line 27, by inserting after the word
- 5 "impossible" the following: ", prohibited by law,".

Amendment H-8015 was adopted.

Baudler of Adair offered the following amendment H-8027 filed by him and Kreiman of Davis and moved its adoption:

H-8027

- 1 Amend House File 2112 as follows:
- 2 1. Page 1, by striking lines 31 through 35, and
- 3 inserting the following:
- 4 "Sec. __. Section 805.8A, subsection 11,
- 5 paragraph b, Code Supplement 2001, is amended to read
- 6 as follows:
- 7 b. For a violation under section 321.323A or
- 8 321.324, the scheduled fine is fifty dollars."
- 9 2. By renumbering as necessary.

Amendment H-8027 was adopted.

Baudler of Adair moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2112)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Bukta
Chiodo	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Wilderdyke	Winckler	Wise	Witt
Sukup, Presiding			

The nays were, none.

Absent or not voting, 7:

Brunkhorst	Carroll	Jones	Myers
O'Brien	Shey	Weidman	

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

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, was taken up for consideration.

RULE 31.8 SUSPENDED

Warnstadt of Woodbury asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8031.

Warnstadt of Woodbury offered the following amendment H-8031 filed by him and Tymeson of Madison from the floor and moved its adoption:

H-8031

- 1 Amend House File 2150 as follows:
- 2 1. Page 1, line 6, by inserting after the figure
- 3 "37.2" the following: "the Iowa national guard, the
- 4 reserve forces of the United States".
- 5 2. Title page, line 3, by inserting after the
- 6 word "corps" the following: ", the Iowa national
- 7 guard, or the reserve forces of the United States".

Amendment H-8031 was adopted.

Eichhorn of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2150)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering

Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Wilderdike	Winckler	Wise
Witt	Sukup, Presiding		

The nays were, none.

Absent or not voting, 6:

Brunkhorst	Jones	Myers	O'Brien
Shey	Weidman		

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

INTRODUCTION OF BILLS

House File 2208, by committee on commerce and regulation, a bill for an act relating to the transfer of certain deposit and investment accounts upon the death of the decedent.

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

House File 2209, by Osterhaus, Hatch, Greimann, Scherrman, Petersen, Jochum, May, Kuhn, Connors, Stevens, Mertz, Fallon, Ford, Reynolds, Lensing, Winckler, Chiodo, Mascher, Bukta, Huser, Foege, Cohoon, Larkin, Frevert, D. Taylor, Dotzler, and Quirk, a bill for an act relating to health care coverage programs for children including the healthy and well kids in Iowa program and the medical assistance program.

Read first time and referred to committee on **commerce and regulation**.

House File 2210, by Finch, a bill for an act relating to school district property taxes levied in an urban renewal area and providing an effective date.

Read first time and referred to committee on **ways and means**.

House File 2211, by Tymeson and Reynolds, a bill for an act providing for the establishment of a nursing workforce database.

Read first time and referred to committee on **human resources**.

House File 2212, by Stevens, Dotzler, Quirk, Petersen, Lensing, and Winckler, a bill for an act creating a database of economic development-related funding sources.

Read first time and referred to committee on **economic development**.

House File 2213, by Warnstadt and Petersen, a bill for an act providing for civil rights enforcement concerning employment rights of persons exercising their rights under the federal Family and Medical Leave Act.

Read first time and referred to committee on **labor and industrial relations**.

House File 2214, by Grundberg, a bill for an act relating to determinations of eligibility for benefits available from the United States veterans administration.

Read first time and referred to committee on **human resources**.

House File 2215, by Johnson, a bill for an act redefining a motorized bicycle or motor bicycle by increasing the operational speed provision of the definition.

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

House File 2216, by De Boef, Garman, Carroll, Roberts, Wilderdyke, Jones, Alons, Rayhons, Broers, Van Engelenhoven, Klemme, Boal, Rekow, Hahn, Baudler, Heaton, Sievers, Tymeson, Kettering, Weidman, Boggess, Teig, Arnold, Finch, Raecker, Sukup, Shey, Quirk, Eichhorn, Huseman, Dolecheck, Drake, Hoffman, Boddicker, Mertz, Hoversten, Van Fossen, Tyrrell, Horbach, Brauns, Gipp, Eddie, Jenkins, and Larson, a bill for an act relating to a

requirement that public schools and nonpublic schools cause the pledge of allegiance to be recited at the beginning of each school day.

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

House File 2217, by Millage, a bill for an act relating to the payment of overtime to state employees and the applicability of the federal Fair Labor Standards Act and providing an effective date.

Read first time and referred to committee on **labor and industrial relations**.

House File 2218, by Wise, a bill for an act relating to the Iowa early intervention and school improvement technology block grant programs by extending the appropriation and future repeal date for the Iowa early intervention block grant program while maintaining the current repeal date for the school improvement technology block grant program.

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

SENATE MESSAGES CONSIDERED

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 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 and referred to committee on **agriculture**.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2112 and 2150**.

MOTIONS TO RECONSIDER
(Senate File 2057)

I move to reconsider the vote by which Senate File 2057 passed the House on February 5, 2002.

KLEMME of Plymouth

I move to reconsider the vote by which Senate File 2057 passed the House on February 5, 2002.

CORMACK of Webster

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 4, 2002. Had I been present, I would have voted "aye" on House Files 2139 and 2151.

DE BOEF of Mahaska

I was necessarily absent from the House chamber on January 31, 2002. Had I been present, I would have voted "aye" on House Files 2116 and 2138.

STEVENS of Dickinson

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\195 | Coba Slager, Hull – For celebrating her 96 th birthday. |
| 2002\196 | Courtney Ragar, Keokuk – For being selected a Rotary Student Leader for Keokuk High School. |
| 2002\197 | Jake Nickel, Keokuk – For being selected a Rotary Student Leader for Keokuk High School. |

- 2002\198 Diana Carr, Keokuk – For being selected a Rotary Student Leader for Keokuk High School.
- 2002\199 Luke Alberts, Keokuk – For being selected a Rotary Student Leader for Keokuk High School.
- 2002\200 Kristi Cockrell, Keokuk – For being selected a Rotary Student Leader for Keokuk High School.
- 2002\201 Joe Newlon, Keokuk – For being selected a Rotary Student Leader for Keokuk High School.
- 2002\202 Laurie Pietscher, Keokuk – For being selected a Rotary Student Leader for Keokuk High School.
- 2002\203 Aaron Runge, Keokuk – For being selected a Rotary Student Leader for Keokuk High School.
- 2002\204 Howard Oehlert, Clear Lake – For celebrating his 80th birthday.
- 2002\205 Marvin Sletten, Mason City – For celebrating his 80th birthday.
- 2002\206 Alfa Nickerson, Mason City – For celebrating her 80th birthday.
- 2002\207 Betty Lysne, Mason City – For celebrating her 80th birthday.
- 2002\208 Margaret "Dutch" Bieber, Mason City – For celebrating her 80th birthday.
- 2002\209 Helen Broers, Mason City – For celebrating her 85th birthday.
- 2002\210 William Pattschull, Mason City – For celebrating his 90th birthday.
- 2002\211 Madeline Peterson, Mason City – For celebrating her 90th birthday.
- 2002\212 Elnora Broers, Mason City – For celebrating her 90th birthday.
- 2002\213 Elsie Broers, Mason City – For celebrating her 93rd birthday.
- 2002\214 Frances Herrera, Mason City – For celebrating her 95th birthday.
- 2002\215 James and Marilyn Shannon, Mason City – For celebrating their 50th wedding anniversary.
- 2002\216 Louie and Edith Kaduce, Meservey – For celebrating their 50th wedding anniversary.
- 2002\217 Dale and Clara Gettis, Mason City – For celebrating their 50th wedding anniversary.
- 2002\218 William and Belva Vician, Mason City – For celebrating their 50th wedding anniversary.

- 2002\219 Don and Marge Yount, Nora Springs – For celebrating their 50th wedding anniversary.
- 2002\220 Ronald and LaVonne Brager, Ventura – For celebrating their 50th wedding anniversary.
- 2002\221 Forest and Norma Schmitz, Mason City – For celebrating their 50th wedding anniversary.
- 2002\222 Earl and Donna Miller, Clear Lake – For celebrating their 50th wedding anniversary.
- 2002\223 Robert and Elaine Ollenbug, Clear Lake – For celebrating their 50th wedding anniversary.
- 2002\224 Bob and Shirley Nasheim, Mason City – For celebrating their 50th wedding anniversary.
- 2002\225 Norman and Marilyn Larson, Clear Lake – For celebrating their 50th wedding anniversary.
- 2002\226 John and Barbara Repp, Mason City – For celebrating their 50th wedding anniversary.
- 2002\227 Shirley and Gaylard Brattrud, Clear Lake – For celebrating their 50th wedding anniversary.
- 2002\228 Carl and Dollis Olson, Clear Lake – For celebrating their 50th wedding anniversary.
- 2002\229 Norman and Julane Boelman, Meservey – For celebrating their 50th wedding anniversary.
- 2002\230 Paul and Eunice Austin, Clear Lake – For celebrating their 50th wedding anniversary.
- 2002\231 Leslie and Thelma Bednar, Mason City – For celebrating their 60th wedding anniversary.
- 2002\232 Lester and Marjorie Nuehring, Mason City – For celebrating their 60th wedding anniversary.
- 2002\233 Maurice and Teresa Milton, Mason City – For celebrating their 60th wedding anniversary.
- 2002\234 Kenneth Nix, Davenport – For celebrating his 80th birthday.
- 2002\235 Alma Emde, Davenport – For celebrating her 90th birthday.
- 2002\236 Ernest and Marilyn Schmidt, Mason City – For celebrating their 50th wedding anniversary.

- 2002\237 Bernita Pals Krietlow, Meservey – For celebrating her 80th birthday.
- 2002\238 Nestle USA, Beverage Division, Waverly – For producing exceptional Iowa products for consumers worldwide.
- 2002\239 Frank and Lucille Boyd, Iowa City – For celebrating their 60th wedding anniversary.
- 2002\240 Nathan Beaird, Keokuk – For being selected a Rotary Student Leader for Cardinal Stritch High School.
- 2002\241 Edna Cook, Sioux City – For celebrating her 92nd birthday.
- 2002\242 Mandy Mann, West Union – For being the 2002 Fayette County Beef Queen.

SUBCOMMITTEE ASSIGNMENTS

House File 2122

Judiciary: Shey, Chair; Chiodo and Grundberg.

House File 2145

Judiciary: Grundberg, Chair; Baudler and Tremmel.

House File 2147

Judiciary: Wilderdyke, Chair; Bell and Shey.

House File 2171

Judiciary: Shey, Chair; Kreiman and Wilderdyke.

House File 2172

Appropriations: Millage, Chair; Brunkhorst and Warnstadt.

House File 2174

Local Government: Sievers, Chair; Huser and Jones.

House File 2175

Transportation: Garman, Chair; Quirk and Van Engelenhoven.

House File 2178

Local Government: Carroll, Chair; Fallon and Van Engelenhoven.

House File 2181

Local Government: Sievers, Chair; Dix and Richardson.

House File 2185

Local Government: Eddie, Chair; D. Taylor and Weidman.

House File 2186

Transportation: Rekow, Chair; Garman and Warnstadt.

House File 2187

Transportation: Manternach, Chair; Cohoon and Weidman.

House File 2189

Transportation: Johnson, Chair; Heaton and Larkin.

House File 2194

Transportation: Eddie, Chair; Osterhaus and Weidman.

House File 2195

Appropriations: Millage, Chair; Brunkhorst and Mascher.

House File 2198

Education: Carroll, Chair; Grundberg and Wise.

Senate File 2018

Administration and Rules: Carroll, Chair; Dix and Jochum.

Senate File 2034

Judiciary: Grundberg, Chair; Kreiman and Shey.

Senate Concurrent Resolution 101

Administration and Rules: Carroll, Chair; Dix and Jochum.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 600**

Natural Resources: Baudler, Chair; May and Rekow.

House Study Bill 601

Labor and Industrial Relations: Hoffman, Chair; Hansen and Winckler.

House Study Bill 602

Human Resources: Boddicker, Chair; Carroll, Hoversten, Kreiman and Smith.

House Study Bill 603

Local Government: Weidman, Chair; Brauns and Connors.

House Study Bill 604

Education: Grundberg, Chair; Boal and Wise.

House Study Bill 605

Education: Grundberg, Chair; Boal and Wise.

House Study Bill 606

Education: Brunkhorst, Chair; Broers and Foege.

House Study Bill 607

Local Government: Carroll, Chair; Petersen and Van Engelenhoven.

House Study Bill 608

Education: Tymeson, Chair; Boal and Bukta.

House Study Bill 609

Education: Dolecheck, Chair; Hansen and Mascher.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 610 Judiciary

Authorizing sheriffs to appoint civil process servers.

H.S.B. 611 Judiciary

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

H.S.B. 612 Judiciary

Authorizing the department of justice to administer the violence against women program.

H.S.B. 613 Judiciary

Relating to the registration of and confidentiality of records for certain vehicles leased or owned by the state or a political subdivision for undercover law enforcement purposes.

H.S.B. 614 State Government

Relating to the level of full-time equivalent positions authorized for executive branch agencies.

H.S.B. 615 State Government

Providing title restrictions relating to the practice of physical therapy, and providing a penalty.

H.S.B. 616 State Government

Relating to campaign finance law, including electronic filing of disclosure reports by certain candidates, requiring certain supplemental reports, providing for disclosures in relation to certain political telephone communications, requiring disclosure of certain information in conjunction with certain contributions, providing an effective date, and applying a penalty.

H.S.B. 617 State Government

Relating to elected officials, including lobbyist and client reporting, reports of official misconduct, and campaign finance reporting.

H.S.B. 618 Commerce and Regulation

Relating to group health benefit claim and premium disclosures to policyholders.

H.S.B. 619 Commerce and Regulation

Authorizing the utilities board to create and modify a performance assurance plan to assure continuing telecommunications interconnection service quality.

H.S.B. 620 Commerce and Regulation

Relating to electric transmission lines.

H.S.B. 621 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.

H.S.B. 622 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.

H.S.B. 623 Human Resources

Providing for the issuance of out-of-hospital do-not-resuscitate orders and making penalties applicable.

H.S.B. 624 Human Resources

Relating to the collection and deposit of health profession licensing fees.

H.S.B. 625 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.

H.S.B. 626 Appropriations

Relating to energy conservation including making appropriations of petroleum overcharge funds.

H.S.B. 627 Appropriations

Transferring moneys from the title guaranty fund to the general fund of the state.

H.S.B. 628 Appropriations

Relating to and making appropriations to the judicial branch.

H.S.B. 629 Appropriations

Providing for biennial appropriations and providing an effective and applicability date.

H.S.B. 630 Appropriations

Relating to and making appropriations to the department of human services to supplement the appropriations made for the medical assistance program for the fiscal year beginning July 1, 2001, and ending June 30, 2002, and providing an effective date.

H.S.B. 631 Labor and Industrial Relations

Prohibiting extreme fighting contests and providing penalties.

H.S.B. 632 Appropriations

Creating an early childhood programs endowment fund.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House Study Bill 529), relating to use of moneys in the strategic investment fund.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2002.

COMMITTEE ON TRANSPORTATION

House File 268, a bill for an act relating to speed limits for vehicular traffic on interstate and fully controlled-access, divided, multilaned highways.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-8034** February 5, 2002.

COMMITTEE ON WAYS AND MEANS

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8033** February 4, 2002.

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8032** February 4, 2002.

RESOLUTIONS FILED

HCR 110, by Larson, a concurrent resolution to recognize February 6, 2002, as Ronald Reagan Day in the state of Iowa.

Laid over under **Rule 25**.

SCR 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.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8032	S.F.	335	Committee on Ways and Means
H—8033	H.F.	2035	Committee on Ways and Means
H—8034	H.F.	268	Committee on Transportation

On motion by Rants of Woodbury the House adjourned at 3:41 p.m., until 8:45 a.m., Wednesday, February 6, 2002.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 6, 2002

The House met pursuant to adjournment at 8:51 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Doug Helton, pastor of Calvary Baptist Church, St. Charles. He was the guest of Representative Clel Baudler from Adair County.

The Journal of Tuesday, February 5, 2002 was approved.

INTRODUCTION OF BILLS

House File 2219, by Rants, a bill for an act providing for seat belt exemption window decals for motor vehicles operated by certain persons.

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

House File 2220, by Hoffman, Bradley, Hoversten, Johnson, Klemme, Hansen, Boggess, Broers, Jones, Dolecheck, Wilderdyke, Rayhons, Hatch, Arnold, Hahn, and Rants, a bill for an act relating to the disbursement of economic development financial assistance moneys to border cities or counties by state agencies.

Read first time and referred to committee on **economic development**.

House File 2221, by Stevens, Johnson, Kettering, and Alons, a bill for an act relating to the development of model money management curricula for elementary and secondary grades and a statewide model for staff development for teaching money management by the director of the department of education.

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

House File 2222, by Murphy, a bill for an act relating to the determination of time of death and signing of the death certificate by an advanced registered nurse practitioner.

Read first time and referred to committee on **human resources**.

House File 2223, by Stevens, Frevert, Mertz, Dotzler, Warnstadt, Greimann, Lensing, Winckler, Witt, Bukta, Jochum, Cohoon, Atteberry, Larkin, D. Taylor, Smith, May, Huser, Mascher, Chiodo, Kreiman, Ford, Quirk, Petersen, Richardson, Kuhn, Osterhaus, Murphy, Hatch, Shoultz, and Reynolds, a bill for an act relating to liability for contaminating a private water supply or public water supply system.

Read first time and referred to committee on **environmental protection**.

House File 2224, by Warnstadt, 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 and referred to committee on **education**.

House File 2225, by Shoultz, a bill for an act providing for the licensure of individuals to perform press and curl hair straightening procedures and making a penalty applicable.

Read first time and referred to committee on **state government**.

House File 2226, by Kreiman, a bill for an act relating to efforts to reduce the volume of state paperwork.

Read first time and referred to committee on **state government**.

House File 2227, by Kreiman, a bill for an act relating to the creation of a mandatory civil penalty for persons convicted of domestic abuse assault.

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

House File 2228, by Mascher, 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 and referred to committee on **education**.

SPECIAL PRESENTATION

Jenkins of Black Hawk introduced to the House Director General Antonio C.S. Chen, the Director-General of the Taipei Economic and Cultural Office in Chicago, originally from Taichung County, Taiwan, R.O.C. He addressed the House briefly expressing his appreciation for American democracy, freedom and the close friendship between Iowa and Taiwan.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 103

Warnstadt of Woodbury called up for consideration **House Resolution 103**, a resolution honoring Goodwill Industries International in its centennial year, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Rants of Woodbury, the House was recessed at 9:14 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened at 2:34 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bell of Jasper and Myers of Johnson on request of Huser of Polk.

INTRODUCTION OF BILLS

House File 2229, by committee on economic development, a bill for an act relating to use of moneys in the strategic investment fund.

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

House File 2230, by committee on judiciary, a bill for an act relating to sentences of incarceration for third or subsequent operating-while-intoxicated motor vehicle offenses.

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

House File 2231, by Petersen, a bill for an act relating to condemnation of agricultural land for recreational trails in certain counties and providing an effective date.

Read first time and referred to committee on **local government**.

House File 2232, by Wise, a bill for an act appropriating moneys to the department of education for the community college vocational-technical technology improvement program and providing an effective date.

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

House File 2233, by Hoffman, a bill for an act authorizing school districts to dispose of real property through payment of a disposition fee to a county, municipal corporation, school district, township, or area education agency.

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

House File 2234, by Foege, a bill for an act relating to children's product safety and providing civil penalties.

Read first time and referred to committee on **human resources**.

House File 2235, by Hoversten, a bill for an act requesting review of guardian ad litem responsibilities by the Iowa court improvement project.

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

House File 2236, by Metcalf, a bill for an act regulating farmers market stands, providing for fees, making penalties applicable, and providing an effective date.

Read first time and referred to committee on **state government**.

House File 2237, by Mascher, a bill for an act relating to health facilities including staffing requirements, and providing penalties.

Read first time and referred to committee on **human resources**.

House File 2238, by Dotzler, Jenkins, Raecker, Mertz, and Gipp, a bill for an act relating to establishing a presumption that cancer and infectious diseases are work-related for purposes of disability and death benefits under public retirement systems covering public safety employees.

Read first time and referred to committee on **state government**.

House File 2239, by Petersen, a bill for an act exempting from the state sales and use taxes services furnished for the production of master audio, video, film, and digital recordings, providing limited refunds, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2240, by Seng, a bill for an act revising the state general fund expenditure limitation and providing for transfers and an applicability date.

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

House File 2241, by Murphy, a bill for an act relating to the admissibility of prior sexual abuse offenses into evidence in criminal and civil proceedings.

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

House File 2242, by Quirk, a bill for an act relating to notice of lapse or termination of coverage under a policy or contract providing group health benefit coverage.

Read first time and referred to committee on **commerce and regulation**.

House File 2243, by Shoultz, a bill for an act requiring the state capitol to remain open to the public seven days a week.

Read first time and referred to committee on **state government**.

House File 2244, by Gipp, a bill for an act relating to the qualification of property for purposes of the forest reservation property tax exemption and including an applicability date provision.

Read first time and referred to committee on **ways and means**.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 110

Larson of Linn called up for consideration **House Concurrent Resolution 110**, a concurrent resolution to recognize February 6, 2002, as Ronald Reagan Day in the state of Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 2135, a bill for an act relating to the membership of the planning and zoning commission in certain cities, was taken up for consideration.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8021 filed by Wise of Lee on January 31, 2002.

Eddie of Buena Vista offered the following amendment H-8029 filed by him and moved its adoption:

H-8029

1 Amend House File 2135 as follows:
 2 1. Page 1, by striking lines 6 through 12 and
 3 inserting the following: "each by two members. The
 4 planning and zoning commission shall include a member
 5 of the board of supervisors of the affected county and
 6 a resident of the area outside the city limits over
 7 which the zoning jurisdiction is extended. The
 8 additional members of the board of adjustment shall be
 9 residents of the area outside the city limits over
 10 which the zoning jurisdiction is extended. ~~They~~ The
 11 county supervisor and the residents shall be appointed
 12 by the".
 13 2. Page 1, line 16, by inserting after the word
 14 "bodies." the following: "However, if the extended
 15 zoning jurisdiction of a municipality extends into an
 16 adjacent county without a county zoning ordinance, the
 17 boards of supervisors of the affected counties,
 18 jointly, shall appoint one of their members to the
 19 planning and zoning commission."
 20 3. Page 1, by inserting after line 16 the
 21 following:
 22 "Sec. ____ TRANSITION. If, on the effective date
 23 of this Act, a vacancy does not exist in one of the
 24 two seats on the planning and zoning commission,
 25 represented by residents of the area outside the city
 26 limits pursuant to section 414.23, the incumbents may
 27 serve their unexpired terms. Thereafter, one of the
 28 two additional members of the planning and zoning
 29 commission of a city extending its zoning jurisdiction
 30 shall be a member of the board of supervisors of the
 31 affected county pursuant to section 1 of this Act."

Amendment H-8029 was adopted.

Eddie of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2135)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Boal	Boddicker	Boguess	Brauns
Broers	Brunkhorst	Bukta	Carroll
Chiodo	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin

Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Bell	Bradley	Hatch	Myers
O'Brien	Wise		

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

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, was taken up for consideration.

Tymeson of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2183)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Boal	Boddicker	Boggess	Brauns
Broers	Brunkhorst	Bukta	Chiodo
Cohoon	Connors	Cormack	De Boef

Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Bell	Bradley	Carroll	Larson
Myers	O'Brien	Wise	

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

House File 2170, a bill for an act relating to the registration of hunting outfitters or hunting guides and providing a penalty, was taken up for consideration.

Baudler of Adair moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2170)

The ayes were, 81:

Arnold	Baudler	Boal	Boddicker
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Dix	Dolecheck	Dotzler
Eddie	Elgin	Fallon	Finch

Foege	Ford	Frevert	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Klemme
Kuhn	Larkin	Larson	Lensing
Mascher	May	Mertz	Metcalf
Millage	Murphy	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Teig
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Witt
Mr. Speaker			
Siegrist			

The nays were, 15:

Alons	Atteberry	Boggess	Cormack
De Boef	Drake	Eichhorn	Garman
Horbach	Kettering	Kreiman	Manternach
Roberts	Tremmel	Wilderdyke	

Absent or not voting, 4:

Bell	Myers	O'Brien	Wise
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2135, 2170, 2183** and **House Concurrent Resolution 110**.

INTRODUCTION OF BILL

House File 2245, 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 and placed on the **appropriations calendar**.

House File 2191, a bill for an act relating to notarial acts by judicial officers, was taken up for consideration.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2191)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Witt	Mr. Speaker Siegrist

The nays were, none.

Absent or not voting, 4:

Bell	Myers	O'Brien	Wise
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2153, a bill for an act relating to presentation of victim impact statements at criminal sentencing hearings, was taken up for consideration.

Tremmel of Wapello offered the following amendment H-8030 filed by him and moved its adoption:

H-8030

- 1 Amend House File 2153 as follows:
- 2 1. Page 1, line 26, by inserting after the word
- 3 "defendant" the following: ", and at any hearing
- 4 regarding reconsideration of sentence".
- 5 2. Page 1, line 32, by striking the words "on
- 6 video cassette".
- 7 3. Page 1, line 35, by striking the word
- 8 "sentencing" and inserting the following: "sentence".
- 9 4. Page 2, line 2, by inserting after the word
- 10 "statement" the following: "or appear by audio via a
- 11 speakerphone to make a statement,".

Amendment H-8030 was adopted.

Shey of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2153)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Boal	Boddicker	Boguess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow

Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Bell	De Boef	Dix	Myers
O'Brien	Wise		

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2153 and 2191.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 6, 2002. Had I been present, I would have voted "aye" on House File 2183.

CARROLL of Poweshiek

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Three students from Waukee Elementary, Waukee, accompanied by Susan Wouters. By Grundberg of Polk.

Aaron Holmgren and Sam Ites from Johnston High School, Johnston, accompanied by their teacher Mr. Brickley. By Raecker of Polk.

Two students from Carroll Community High School, Carroll, accompanied by Curt Jensen, Kim Lee and Garry Vreeland. By Roberts of Carroll.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT FOR THE BLIND

A report concerning the plastic and recycled content products and the soy-based inks purchased by the department, pursuant to Chapter 216B.3(12)(d), Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

The 2002 Iowa Comprehensive Energy Plan Update, pursuant to Chapter 473.7, Code of Iowa.

DEPARTMENT OF PUBLIC DEFENSE Iowa National Guard

The ICN Savings Report for 2001, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH Domestic Abuse Death Review Team

The Annual Report for Calendar Year 2001, pursuant to Chapter 135.110(1), Code of Iowa.

IOWA WORKFORCE DEVELOPMENT

The Fiscal Year 2001 Annual Report, pursuant to Chapter 86.9, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2002\243 | Genevieve Morrow Folger, New London – For being Iowa's oldest living graduate of Iowa Wesleyan College at age 106. |
| 2002\244 | Virgil Deitchler, Mineola – For celebrating his 80 th birthday. |
| 2002\245 | Isa Schoenig, Mineola – For celebrating her 90 th birthday. |

- 2002\246 Mark Hey, Ankeny – For being the Ankeny Chamber of Commerce 2001 Teacher of the Year.
- 2002\247 Bill Wilharm, Waterloo – For celebrating his 80th birthday.
- 2002\248 Helen Mizner, Waterloo – For celebrating her 85th birthday.
- 2002\249 Dennis Ungs, Waterloo – For celebrating his 80th birthday.
- 2002\250 Esther Harting, Waterloo – For celebrating her 85th birthday.
- 2002\251 Albert Booth, Waterloo – For celebrating his 80th birthday.
- 2002\252 Dorothy Schneider, Waterloo – For celebrating her 85th birthday.
- 2002\253 Don Cook, Waterloo – For celebrating his 80th birthday.
- 2002\254 Helen Blaylock, Waterloo – For celebrating her 80th birthday.
- 2002\255 Roland and Dorothy Gardner, Waterloo – For celebrating their 60th wedding anniversary.
- 2002\256 Dick and Gladys Niedert, Waterloo – For celebrating their 50th wedding anniversary.
- 2002\257 Clair and Wanda Chase, Waterloo – For celebrating their 50th wedding anniversary.
- 2002\258 Eldon and Elaine Angelow, Waterloo – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 2006

Ways and Means: Boal, Chair; Eichhorn and Larkin.

House File 2018

Ways and Means: Boal, Chair; Eichhorn and Larkin.

House File 2068

Ways and Means: Finch, Chair; Richardson and Tymeson.

House File 2125

Labor and Industrial Relations: Wilderdyke, Chair; Hoffman and T. Taylor.

House File 2202

Economic Development: Cormack, Chair; Lensing and Roberts.

House File 2204

Local Government: Sievers, Chair; Hahn and Kuhn.

House File 2211

Human Resources: Tymeson, Chair; De Boef and Witt.

House File 2214

Human Resources: Grundberg, Chair; Atteberry and Broers.

House File 2218

Education: Grundberg, Chair; Boal and Wise.

House File 2221

Education: Boal, Chair; Roberts and Wise.

House File 2222

Human Resources: Roberts, Chair; Boal and Ford.

House File 2228

Education: Carroll, Chair; Grundberg and Wise.

Senate File 2051

Agriculture: Klemme, Chair; Huseman and Kuhn.

Senate File 2052

Agriculture: Klemme, Chair; Huseman and Kuhn.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 610**

Judiciary: Baudler, Chair; Kreiman and Wilderdyke.

House Study Bill 611

Judiciary: Kettering, Chair; Bell and Shey.

House Study Bill 612

Judiciary: Grundberg, Chair; Jochum and Kettering.

House Study Bill 613

Judiciary: Baudler, Chair; Kettering and Kreiman.

House Study Bill 614

State Government: Gipp, Chair; Garman and T. Taylor.

House Study Bill 615

State Government: Metcalf, Chair; Bradley and Reynolds.

House Study Bill 616

State Government: Gipp, Chair; Garman and Jochum.

House Study Bill 617

State Government: Gipp, Chair; Garman and Jochum.

House Study Bill 618

Commerce and Regulation: Hoffman, Chair; Chiodo and Hansen.

House Study Bill 619

Commerce and Regulation: Metcalf, Chair; Jacobs and Warnstadt.

House Study Bill 620

Commerce and Regulation: Metcalf, Chair; Jenkins and D. Taylor.

House Study Bill 622

Human Resources: Boddicker, Chair; Broers and Smith.

House Study Bill 623

Human Resources: Hoversten, Chair; Reynolds and Roberts.

House Study Bill 624

Human Resources: Boddicker, Chair; Hoversten and Smith.

House Study Bill 625

Ways and Means: Teig, Chair; Boal, Hansen, Osterhaus and Shoultz.

House Study Bill 631

Labor and Industrial Relations: Connors, Chair; Raecker and Wilderdyke.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 633 State Government

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.

H.S.B. 634 Local Government

Relating to certain documents indexed and recorded with the county recorder.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

LSB 6667YC, relating to the medical assistance program, making appropriations and transfers of funds, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 2002.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 570), relating to the regulation of health care facilities and the duties of resident advocate committees.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2002.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 580), relating to sentences of incarceration for third or subsequent operating-while-intoxicated motor vehicle offenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2002.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 541), relating to administrative procedures of county treasurers for property taxation and vehicle registration.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2002.

COMMITTEE ON STATE 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.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 2002.

Committee Bill (Formerly House File 141), relating to the designation of a "Bill of Rights Day".

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 2002.

Committee Bill (Formerly House Study Bill 534), relating to the administration of the Iowa lottery by providing for employee and vendor background investigations, marketing materials, and the identification of instant lottery tickets.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 2002.

RESOLUTIONS FILED

HCR 111, by Mascher, a concurrent resolution requesting that the legislative council create an interim study committee to review ways to simplify Iowa's income tax forms.

Laid over under **Rule 25**.

HR 106, by Scherrman, a resolution to amend the permanent rules of the House of Representatives relating to the preservation of order.

Referred to committee on **administration and rules**.

AMENDMENTS FILED

H—8035	H.F.	2208	Kettering of Sac
H—8036	H.F.	2192	Hoversten of Woodbury

On motion by Rants of Woodbury the House adjourned at 3:50 p.m., until 8:45 a.m., Thursday, February 7, 2002.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 7, 2002

The House met pursuant to adjournment at 8:43 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by Reverend Aaron Stevens, pastor of Waukee Christian Church, Waukee. He was the guest of Representative Andra Atteberry from Delaware County.

The Journal of Wednesday, February 6, 2002 was approved.

INTRODUCTION OF BILLS

House File 2246, by committee on local government, a bill for an act relating to administrative procedures of county treasurers for property taxation and vehicle registration.

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

House File 2247, by committee on human resources, a bill for an act relating to the regulation of health care facilities and the duties of resident advocate committees.

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

House File 2248, by committee on state government, a bill for an act relating to the designation of a Bill of Rights Day.

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

House File 2249, by committee on state government, 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 placed on the **calendar**.

House File 2250, by Hatch, T. Taylor, D. Taylor, Dotzler, Larkin, Smith, Tremmel, Foege, Cohoon, Kuhn, Mertz, Fallon, Winckler, Lensing, and Mascher, a bill for an act concerning the department of workforce development by providing for required services at workforce development centers and relating to unemployment compensation benefits and providing an effective date.

Read first time and referred to committee on **labor and industrial relations**.

House File 2251, by Johnson, a bill for an act relating to business relationships between persons involved in the sale of certain vehicles, including franchisers and franchisees of all-terrain vehicles.

Read first time and referred to committee on **commerce and regulation**.

House File 2252, by Seng, a bill for an act authorizing by election the expenditure of local sales and services tax for school infrastructure proceeds for school district operating costs and providing an effective date.

Read first time and referred to committee on **ways and means**.

House File 2253, by Connors, a bill for an act encouraging school districts and accredited nonpublic schools to adopt a religious and cultural tolerance curriculum for students in kindergarten through grade twelve.

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

House File 2254, by Mascher, Lensing, Winckler, and Reeder, a bill for an act relating to a tuition affordability project coordinated by the state board of regents.

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

House File 2255, by Mascher, Lensing, Winckler, and Reeder, a bill for an act establishing a prevention of domestic violence special motor vehicle registration plate and establishing fees.

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

House File 2256, by Mascher, Murphy, Lensing, and Reeder, a bill for an act relating to the management and supervision of nursing care and providing penalties.

Read first time and referred to committee on **human resources**.

House File 2257, by Mascher, Fallon, and Winckler, a bill for an act providing for the restoration of the right to vote for certain persons.

Read first time and referred to committee on **state government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 6, 2002, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 110, a concurrent resolution to recognize February 6, 2002, as Ronald Reagan Day in the State of Iowa.

Also: That the Senate has on February 6, 2002, passed the following bill in which the concurrence of the House is 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 Senate has on February 7, 2002, passed the following bill in which the concurrence of the House is 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 Senate has on February 6, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2100, a bill for an act relating to protection from domestic abuse and including protections for persons in an intimate relationship.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bell of Jasper, Chiodo of Polk and Myers of Johnson on request of Huser of Polk.

Rants of Woodbury asked and received unanimous consent for the immediate consideration of House File 2245 and amendments H-8037 and H-8039.

CONSIDERATION OF BILL Appropriations Calendar

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.

T. Taylor of Linn offered amendment H-8037 filed by Murphy of Dubuque from the floor as follows:

H-8037

- 1 Amend House File 2245 as follows:
- 2 1. Page 2, line 12, by striking the figure
- 3 "2,500,000" and inserting the following: "6,500,000".
- 4 2. Page 4, by striking lines 5 through 26.
- 5 3. By renumbering as necessary.

The House stood at ease at 8:54 a.m., until the fall of the gavel.
(Amendment H-8037 pending)

The House resumed session and consideration of House File 2245 and amendment H-8037 at 10:14 a.m., Speaker pro tempore Sukup in the chair.

Speaker Siegrist in the chair at 10:22 a.m.

Murphy of Dubuque moved the adoption of amendment H-8037.

Amendment H-8037 lost.

Heaton of Henry offered the following amendment H-8039 filed by Heaton, Jacobs of Polk, and Raecker of Polk from the floor and moved its adoption:

H-8039

- 1 Amend House File 2245 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".

Amendment H-8039 was adopted.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2245)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Hahn	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt

Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker Siegrist		

The nays were, none.

Absent or not voting, 6:

Bell	Chiodo	Grundberg	Hansen
Myers	O'Brien		

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2245** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House File 2258, by Siegrist, a bill for an act relating to the issuance of special celebrate agriculture motor vehicle registration plates, establishing fees, and making an appropriation.

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

House File 2259, by Kuhn, Frevert, Reynolds, Dotzler, Mertz, Stevens, Osterhaus, Scherrman, Atteberry, Fallon, Kreiman, May, Greimann, Witt, and Schrader, a bill for an act relating to animal feeding operations, by providing for an economic and environmental consulting organization.

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

House File 2260, by Foege, a bill for an act establishing a children's environmental health and protection advisory council.

Read first time and referred to committee on **human resources**.

SENATE MESSAGES CONSIDERED

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 and **passed on file**.

Senate File 2098, by committee on judiciary, a bill for an act relating to the criminal offense of unauthorized computer access, and criminal mischief, and providing a penalty.

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

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 and **passed on file**.

On motion by Rants of Woodbury, the House was recessed at 10:42 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:05 p.m., Speaker Siegrist in the chair.

INTRODUCTION OF BILL

House File 2261, by Alons, Broers, Finch, De Boef, Brauns, Warnstadt, D. Taylor, Atteberry, Tymeson, Seng, Van Engelenhoven, Shoultz, and Ford, a bill for an act changing the official title of the commandant of the Iowa veterans home.

Read first time and referred to committee on **state government**.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

CONSIDERATION OF BILLS
Regular Calendar

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, was taken up for consideration.

Carroll of Poweshiek asked and received unanimous consent for the immediate consideration of amendment H-8040.

Carroll of Poweshiek offered the following amendment H-8040 filed by Carroll, Kreiman of Davis, and Atteberry of Delaware from the floor and moved its adoption:

H-8040

- 1 Amend House File 2190 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. NEW SECTION. 144.25A CERTIFICATE OF
- 5 BIRTH – FOREIGN AND INTERNATIONAL ADOPTIONS.
- 6 The department shall adopt rules pursuant to
- 7 chapter 17a to establish a procedure for the issuance
- 8 of a certificate of birth for children adopted
- 9 pursuant to section 600.15."
- 10 2. Page 1, by striking lines 6 and 7, and
- 11 inserting the following: "a juvenile court or court
- 12 of any other jurisdiction ~~in~~ within or outside the
- 13 United States shall be".
- 14 3. Page 1, by striking lines 28 through 30.
- 15 4. Title page, line 2, by striking the words
- 16 ",providing for applicability,".
- 17 5. By renumbering as necessary.

Amendment H-8040 was adopted.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2190)

The ayes were, 90:

Alons	Atteberry	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Bukta	Carroll
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Hahn
Hatch	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 10:

Arnold	Bell	Chiodo	Grundberg
Hansen	Heaton	Hoffman	Myers
O'Brien	Wildurdyke		

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

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, was taken up for consideration.

Eddie of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2193)

The ayes were, 89:

Alons	Atteberry	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Bukta	Carroll
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Hahn
Hatch	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 11:

Arnold	Bell	Chiodo	Grundberg
Hansen	Heaton	Hoffman	Myers
O'Brien	Shoultz	Wilderdyke	

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2190 and 2193.**

On motion by Rants of Woodbury, the House was recessed at 1:45 p.m., until 3:30 p.m.

LATE AFTERNOON SESSION

The House reconvened at 3:48 p.m., Speaker Siegrist in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 7, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

MICHAEL E. MARSHALL, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 6, 2002. Had I been present, I would have voted "aye" on House File 2153.

DE BOEF of Mahaska

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 7th day of February, 2002: House File 2245.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF ECONOMIC DEVELOPMENT

The Community Economic Betterment Account Self-Sustaining Progress Report, pursuant to Chapter 15.315, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\259 Julie Logsdon, Keokuk – For being elected 2002 Homecoming Queen for Cardinal Stritch High School.
- 2002\260 Daniel Riney, Keokuk – For being elected 2002 Homecoming King for Cardinal Stritch High School.
- 2002\261 Mike Pribyl, Keokuk – For winning the 2002 Spirit of Keokuk Award.
- 2002\262 Bea McGinnis, Keokuk – For winning the 2002 Spirit of Keokuk Award.
- 2002\263 Abby Etter, Keokuk – For winning the 2002 Spirit of Keokuk Award.
- 2002\264 Wes Pohorsky, Keokuk – For winning the 2002 Spirit of Keokuk Award.
- 2002\265 Tony Lambros, Keokuk – For winning the 2002 Spirit of Keokuk Award.
- 2002\266 Clarence and Edith Gloeckner, Dubuque – For celebrating their 70th wedding anniversary.
- 2002\267 Lynn and Maxine Cottrell, Dubuque – For celebrating their 64th wedding anniversary.
- 2002\268 Merlin and Ruth Daack, Dubuque – For celebrating their 62nd wedding anniversary.
- 2002\269 Ray and Dorothy Hall, Dubuque – For celebrating their 60th wedding anniversary.
- 2002\270 Robert and Kay Schmidt, Dubuque – For celebrating their 60th wedding anniversary.

- 2002\271 Arnold and Lois Green, Dubuque – For celebrating their 55th wedding anniversary.
- 2002\272 Bob and Louise McCarty, Dubuque – For celebrating their 50th wedding anniversary.
- 2002\273 Everett Derby, Sigourney – For commendable service during WWII in helping to liberate France.
- 2002\274 Retha Abrams, Oskaloosa – For celebrating her 90th birthday.
- 2002\275 Eugene and Mary Sukup, Hampton – For celebrating their 50th wedding anniversary.
- 2002\276 Nora (Mom) Baudler, Fontanelle – For celebrating her 89th birthday.
- 2002\277 Harold and Evelyn Queck, Fontanelle – For celebrating their 65th wedding anniversary.
- 2002\278 Earl and Rachel Caviness, Fontanelle – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 64 Reassigned

Transportation: Johnson, Chair; Rayhons and Scherrman.

House File 525

Judiciary: Sukup, Chair; Kreiman and Shey.

House File 2196

Judiciary: Shey, Chair; Jochum and Raecker.

House File 2207

Judiciary: Shey, Chair; Baudler and Mertz.

House File 2213

Labor and Industrial Relations: Millage, Chair; Ford and Horbach.

House File 2215

Transportation: Johnson, Chair; Huser and Klemme.

House File 2217

Labor and Industrial Relations: Millage, Chair; Horbach and Jochum.

House File 2220

Economic Development: Cormack, Chair; Seng and Teig.

House File 2227

Judiciary: Raecker, Chair; Kreiman and Wilderdyke.

House File 2232

Appropriations: Dolecheck, Chair; Dix and Wise.

House File 2233

Education: Broers, Chair; Lensing and Roberts.

House File 2240

Appropriations: Millage, Chair; Brunkhorst and Seng.

House File 2250

Labor and Industrial Relations: Hansen, Chair; Horbach and T. Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 633**

State Government: Metcalf, Chair; Bradley, Gipp, Jochum and T. Taylor.

House Study Bill 634

Local Government: Carroll, Chair; Reeder and Van Engelenhoven.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 635 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.

H.S.B. 636 State Government

Providing for access to the Iowa communications network by homeland security or defense facilities.

H.S.B. 637 Labor and Industrial 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.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

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.

Fiscal Note is not required

Recommended **Amend and Do Pass with amendment H-8038** February 6, 2002.

Senate Concurrent Resolution 101, a concurrent resolution to amend Joint Rule 20 of the joint rules of the senate and the house.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 2002.

COMMITTEE ON TRANSPORTATION

House File 2186, a bill for an act altering the penalties for the crimes of putting debris on a highway and failure to remove injurious material dropped on a highway.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 2002.

RESOLUTION FILED

HR 107, by Grundberg and Foege, a resolution honoring and commemorating the one hundred fiftieth anniversary of Wartburg College.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8038	S.F.	2018	Committee on Administration and Rules
H—8041	S.F.	2048	Dotzler of Black Hawk

On motion by Rants of Woodbury the House adjourned at 3:49 p.m., until 9:00 a.m., Friday, February 8, 2002.

JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 8, 2002

The House met pursuant to adjournment at 9:17 a.m., Myers of Johnson in the chair.

The Journal of Thursday, February 7, 2002 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Alons of Sioux, from one hundred seventy-eight Iowans from the Iowa Veterans Home favoring House File 2261, an act changing the official title of the commandant of the Iowa Veterans Home.

By Foege of Linn, from two hundred forty-eight constituents favoring retaining the bottle deposit and expanding the bill to include all containers and to raise the deposit to ten cents.

INTRODUCTION OF BILLS

House Joint Resolution 2004, by Fallon and Cormack, a joint resolution proposing an amendment to the Constitution of the State of Iowa changing the legislative branch of state government to a nonpartisan unicameral system.

Read first time and referred to committee on **state government**.

House Joint Resolution 2005, by Schrader, a joint resolution proposing an amendment to the Constitution of the State of Iowa to change the length of term of office for members of the Iowa Senate and the Iowa House of Representatives.

Read first time and referred to committee on **state government**.

House File 2262, by Quirk, a bill for an act relating to state fire marshal approval of certain building plan projects.

Read first time and referred to committee on **state government**.

House File 2263, by Baudler, 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 2264, by Boddicker, Hoversten, Tyrrell, Johnson, Garman, Roberts, Rekow, Klemme, Tymeson, Eichhorn, Mertz, Manternach, Quirk, Elgin, Boal, Wilderdyke, Horbach, Brunkhorst, Sukup, Larson, Millage, De Boef, Gipp, Cormack, Huseman, Alons, Boggess, Dix, Rants, Broers, Drake, Jones, Finch, Bradley, Hahn, Dolecheck, Van Engelenhoven, Weidman, Baudler, Sievers, Carroll, Rayhons, Kettering, Hoffman, Eddie, Heaton, Tremmel, Seng, and Chiodo, 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 2265, by Mascher, a bill for an act increasing the fine for failure to yield to a pedestrian.

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

House File 2266, by T. Taylor, a bill for an act eliminating certain time limitations for recovery of benefits for an occupational disease.

Read first time and referred to committee on **labor and industrial relations**.

House File 2267, by Quirk, a bill for an act relating to requirements for establishing a responsible bidder for public improvements.

Read first time and referred to committee on **state government**.

House File 2268, by Reynolds, Mertz, Dotzler, Stevens, Fallon, Hatch, Mascher, Bukta, and D. Taylor, a bill for an act relating to

animal feeding operations by providing for investigations and inspections by county boards of health.

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

House File 2269, by Huser and Horbach, a bill for an act relating to a minimum township property tax levy for fire protection service and emergency medical services and providing an applicability date.

Read first time and referred to committee on **ways and means**.

House File 2270, by Eichhorn, Weidman, Quirk, Mertz, De Boef, Heaton, Rekow, Atteberry, Rayhons, Baudler, Jones, Brauns, Van Engelenhoven, Kuhn, Huseman, Reeder, Drake, Johnson, Roberts, Boddicker, and Wilderdyke, a bill for an act to maintain a clerk of the district court in each county.

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

House File 2271, 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 and placed on the **ways and means calendar**.

House File 2272, by Warnstadt, a bill for an act establishing a pilot project to waive restrictions on placement of traffic devices within cities.

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

House File 2273, by Kreiman, a bill for an act applying child in need of assistance and domestic abuse assault provisions to a child whose parent, guardian, or other member of the household in which the child resides has committed domestic abuse assault in the child's presence.

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

House File 2274, by Eichhorn, Raecker, Richardson, Johnson, Finch, Sievers, Brauns, Dix, Van Fossen, Sukup, Tymeson, Hoffman, Hoversten, Boal, Jones, Larson, and Cormack, a bill for an act

establishing a biennial appropriations process and providing an effective and applicability date.

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

House File 2275, by Larkin, a bill for an act prohibiting trains from blocking private roads and driveways and providing a penalty.

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

House File 2276, by Eichhorn, Mertz, Heaton, Rekow, Atteberry, Rayhons, Baudler, Jones, Brauns, Van Engelenhoven, Huseman, Reeder, Drake, Johnson, Roberts, Boddicker, and Wilderdyke, a bill for an act requiring the clerk of the district court in each county to be open for court business on a uniform basis throughout the state.

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

House File 2277, by Kreiman, a bill for an act relating to the eligibility of persons to serve as trustees of a county public hospital.

Read first time and referred to committee on **local government**.

House File 2278, by Eichhorn, Van Fossen, Sukup, Hoffman, Tymeson, Sievers, Boal, Jones, Larson, Cormack, and Elgin, a bill for an act requiring the budget submissions of state agencies to utilize a zero-base approach.

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

House File 2279, by Larkin, a bill for an act providing retirement benefits to correctional facility employees as a member of a protection occupation under the Iowa public employees' retirement system.

Read first time and referred to committee on **state government**.

House File 2280, by Schrader, a bill for an act delaying 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 2281, by Bradley and Hatch, a bill for an act requiring the licensure of landscape architects.

Read first time and referred to committee on **state government**.

House File 2282, by Kreiman, a bill for an act relating to the jurisdiction of district associate judges in civil actions for money judgment.

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

House File 2283, by Kreiman, a bill for an act relating to the transmission of cautions regarding human immunodeficiency virus information over radio-based communications systems.

Read first time and referred to committee on **human resources**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 7, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2103, a bill for an act relating to financial assistance for school infrastructure pilot projects.

MICHAEL E. MARSHALL, Secretary

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 638 State Government

Relating to access to third-party contracts involving government-funded services.

H.S.B. 639 Judiciary

Relating to the revocation of a health-related professional license based upon noncompliance with the requirements of a loan or scholarship program.

AMENDMENT FILED

H—8042 H.F. 2201 Millage of Scott

On motion by Dotzler of Black Hawk the House adjourned at 9:24 a.m., until 10:00 a.m., Tuesday, February 12, 2002.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 12, 2002

The House met pursuant to adjournment at 10:05 a.m., Speaker Siegrist in the chair.

Prayer was offered and sung by Marcia Anderson and JoEllen McFarland. They are the daughters of the Honorable State Representative Jack Drake, and his wife Shirley, from Pottawattamie County. They sang "The Battle Hymn of the Republic" and "I Surrender All".

The Journal of Friday, February 8, 2002 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the officers, fighter pilots and support staff of the Iowa Air National Guard. They were the guests of Representative Lance Horbach from Tama County.

SPECIAL PRESENTATION

Horbach of Tama introduced to the House the following guests: The 132nd Fighter Wing, home of the "Vipers" which is located in Des Moines. The 132nd Fighter Wing is recognized as one of the top Fighter Wings in the Air Force with six Air Force Outstanding Unit Awards in its 60 year history; The 185th Fighter Wing from Sioux City whose unit was one of the first units that were not on alert status to respond to NORAD on September 11, 2001. After NORAD called they were airborne within thirty minutes with live missiles and guns to fly CAP over Omaha and escorted Air Force One to Andrews Air Force Base on that day; The 133rd Test Squadron from Fort Dodge whose duty is to provide an effective and sustainable war fighting Command and Control capability. It is the only unit of its kind in the Air National Guard. In response to the tragedy of September 11th, the unit developed and deployed an entirely new air traffic surveillance system for NORAD to improve the capabilities of our Air Defense Sectors.

The House rose and expressed its welcome and appreciation.

INTRODUCTION OF BILLS

House File 2284, by Ford, a bill for an act increasing civil and criminal penalties for violations of water quality laws.

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

House File 2285, by Hatch, Stevens, Kreiman, Jochum, Witt, Fallon, Shoultz, and Dotzler, a bill for an act providing for the formation of a business alliance network by the institute for decision making at the university of northern Iowa.

Read first time and referred to committee on **economic development**.

House File 2286, by Ford, a bill for an act relating to child in need of assistance dispositional and review hearings.

Read first time and referred to committee on **human resources**.

SENATE MESSAGE CONSIDERED

Senate File 2103, by Bartz, a bill for an act relating to financial assistance for school infrastructure pilot projects.

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

On motion by Rants of Woodbury, the House was recessed at 10:24 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:02 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bukta of Clinton and Ford of Polk on request of Huser of Polk.

INTRODUCTION OF BILLS

House File 2287, by Finch, a bill for an act relating to the resident advocate committee at the veterans home.

Read first time and referred to committee on **human resources**.

House File 2288, by Petersen, Larson, Finch, Bukta, Dolecheck, Wise, Raecker, Grundberg, Warnstadt, Jacobs, Dotzler, Millage, Witt, Shey, Sievers, and Huser, a bill for an act establishing 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**.

House File 2289, by committee on local government, 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 placed on the **calendar**.

House File 2290, by committee on ways and means, a bill for an act relating to the tax rate on the adjusted gross receipts from gambling games at certain racetrack enclosures.

Read first time and placed on the **ways and means calendar**.

House File 2291, by committee on local government, a bill for an act relating to judgment liens attaching to city real estate.

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

CONSIDERATION OF BILLS

Ways and Means Calendar

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 amendment and passage, was taken up for consideration.

Tymeson of Madison offered the following amendment H-8033 filed by the committee on ways and means and moved its adoption:

H-8033

- 1 Amend House File 2035 as follows:
 2 1. Page 1, line 5, by striking the words and
 3 figure "or division III" and inserting the following:
 4 "~~or division III, or V~~".
 5 2. Page 1, line 13, by inserting after the word
 6 "taxes" the following: "and the franchise tax".
 7 3. Page 1, by inserting after line 17 the
 8 following:
 9 "Sec.____. Section 422.60, Code 2001, is amended
 10 by adding the following new subsection:
 11 NEW SUBSECTION. 4. a. The taxes imposed under
 12 this division shall be reduced by a property
 13 rehabilitation tax credit equal to the amount as
 14 computed under chapter 404A for rehabilitating
 15 eligible property. Any credit in excess of the tax
 16 liability shall be refunded as provided in section
 17 404A.4, subsection 3.
 18 b. For purposes of this subsection, "eligible
 19 property" means the same as used in section 404A.1."
 20 4. By renumbering as necessary.

The committee amendment H-8033 was adopted.

Tymeson of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2035)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cohon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson

Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Bukta	Ford	Johnson
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

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, with report of committee recommending amendment and passage, was taken up for consideration.

Hoffman of Crawford offered the following amendment H-8032 filed by the committee on ways and means and moved its adoption:

H-8032

1 Amend Senate File 335, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 1, by inserting after the "Code"
 4 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".

The committee amendment H-8032 was adopted.

Hoffman of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 335)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng

Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdylke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2035** and **Senate File 335**.

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, was taken up for consideration.

Hoversten of Woodbury offered the following amendment H-8036 filed by him and moved its adoption:

H-8036

1 Amend House File 2192 as follows:
 2 1. Page 1, by striking lines 20 through 22, and
 3 inserting the following:
 4 "3. The work group shall submit bimonthly progress
 5 reports of its findings and recommendations regarding
 6 the establishment of an interstate prescription drug
 7 purchasing cooperative to the oversight committee of
 8 the legislative council. The work group shall also
 9 submit a final report of its findings and
 10 recommendations to the".

Amendment H-8036 was adopted.

Hoversten of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2192)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Bukta	Ford	Johnson
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

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, was taken up for consideration.

Millage of Scott offered the following amendment H-8042 filed by him and moved its adoption:

H-8042

- 1 Amend House File 2201 as follows:
 2 1. Page 2, lines 9 through 11, by striking the
 3 words "if the defendant has not previously provided a
 4 physical specimen for DNA profiling pursuant to
 5 section 901.5 or 902.13" and inserting the following:
 6 "unless the defendant has previously provided a
 7 physical specimen for DNA profiling pursuant to
 8 section 901.5 or 902.13 and the previously submitted
 9 specimen remains available for use".
 10 2. Page 2, by striking lines 17 through 19 and
 11 inserting the following:
 12 "Sec. __. FUNDING. The department of public
 13 safety, the department of corrections, and counties
 14 are not required to comply with this Act by collecting
 15 physical specimens or conducting DNA profiling unless
 16 sufficient funds are appropriated or received to pay
 17 the cost of complying with this Act. If sufficient
 18 funds are not appropriated or received, the court and
 19 the board of parole are not required to order DNA
 20 profiling."
 21 3. Title page, line 2, by striking the words "
 22 and providing for a contingent effective date".

Amendment H-8042 was adopted.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2201)

The ayes were, 98:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins

Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Bukta Ford

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2192 and 2201.**

HOUSE FILE 2174 REREFERRED

The Speaker announced that House File 2174, previously referred to committee on **local government** was rereferred to committee on **state government.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on January 31, February 4, 5, 6 and 7, 2002. Had I been present, I would have voted "aye" on House Files 2112, 2116, 2135, 2138, 2139, 2150, 2151, 2153, 2170, 2183, 2190, 2191, 2193 and 2245.

O'BRIEN of Boone

GOVERNOR'S ITEM VETO MESSAGE

A copy of the following communication was received and placed on file:

February 8, 2002

The Honorable Brent Siegrist
Speaker of the House
State Capitol Building
L O C A L

Dear Speaker Siegrist:

I hereby transmit House File 2245, an Act relating to the medical assistance program, making appropriations and transfers of funds, and providing an effective date.

The medical assistance supplemental bill is vitally important for hundreds of thousands of Iowans. This bill makes significant strides toward addressing the increased demand for medical services by families in need.

However, the bill has several provisions, which I cannot support. I oppose attempts to raise prescription costs on Iowans in need and add an unnecessary, burdensome layer of bureaucracy and cost to the delivery of medical assistance. In addition, the anticipated cost savings for some provisions are overstated. The burdens created for some families and health care providers are also unacceptable.

House File 2245 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 2 in its entirety. This language directs any remaining funds in the hospital trust fund after the first \$7 million is appropriated to replace the \$2.5 million in the tobacco endowment. By vetoing this provision, any funds remaining in the hospital trust fund would be transferred to the senior living trust in accordance with Section 4, subsection 3 of the bill. This veto will improve the balance between resources used by the senior living trust and tobacco settlement endowment. It will also preserve the priority of long-term care transitions over the endowment.

I am unable to approve the item designated as Section 5, subsection 2 in its entirety. This language directs that if certain federal funds are not received during the present fiscal year, the Department of Human Services appropriations will be reduced by up to \$7 million—funds used to protect children and provide health care coverage for uninsured Iowans. The provision punishes children and Iowans in need because of action on the part of the federal government.

I am unable to approve the item designated as Section 7, subsection 1 in its entirety. The Legislature's bill would require additional bureaucracy and associated costs by calling for monthly reporting requirements for those who experience a change in income, mailing address, household composition, or health insurance. In doing so,

the legislature would be creating an additional layer of bureaucracy, and an additional layer of cost to process the monthly reports. This new bureaucratic requirement is particularly unnecessary, considering the Department of Human Services already requires Iowans in need who receive medical assistance to report changes in such factors. This is an example of an area where the projected savings are overstated.

While I am not recommending a veto of the section relating to restrictions on dental services that would be available to medical assistance recipients, as now passed, most of the projected savings have been eliminated. Savings under this proposal are much less than the amount indicated by the Legislature of \$1.6 million for four months.

I am unable to approve the item designated as Section 7, subsection 3 in its entirety. The provision would increase the cost of prescription drugs for Iowans most in need. This, in effect, is a tax on a group—aged, blind, disabled, children, caretakers with very little or no income. Additionally, if the individuals do not have the funds, the pharmacist is required to dispense the drug anyway. This requires pharmacists to subsidize the costs and creates an additional reluctance on the part of pharmacists to handle Medicaid patients.

I am unable to approve the item designated as Section 9 in its entirety. The provision would require nursing facilities to be certified for medicaid and medicare—even if the nursing facility does not take medicare patients. Therefore, I have directed the Department of Human Services to immediately prepare administrative rules to address dual certification for all applicable nursing facilities, thus requiring certification of a nursing facility for both medicare and medicaid when they are, in fact, providing services for clients of each program. The directive avoids unnecessary additional administrative cost for dual certification that would be borne by the state, over 62 nursing facilities (which do not need the dual certification, nor will they in the future serve medicare clients), and Iowans who receive nursing home services.

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 House File 2245 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF JUSTICE

A report concerning receipts and expenditures from the enhanced court collections fund and the court technology fund, pursuant to Chapter 179.1(9), 2001 Acts of the Seventy-ninth General Assembly.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\279 Harold and Bernice Heichel, Winterset – For celebrating their 65th wedding anniversary.
- 2002\280 Russell and Florence Jondle, Callender – For celebrating their 60th wedding anniversary.
- 2002\281 George and Viola Suhrbier, Manson – For celebrating their 60th wedding anniversary.
- 2002\282 Roy and Evelyn Olson, Manson – For celebrating their 60th wedding anniversary.
- 2002\283 Everett and Joyce Hade, Callender – For celebrating their 50th wedding anniversary.
- 2002\284 Warren Mersman, Marshalltown – For celebrating his 81st birthday.
- 2002\285 Andrew Vajgert, Marshalltown – For celebrating his 90th birthday.
- 2002\286 Clara Schrad, Marshalltown – For celebrating her 90th birthday.
- 2002\287 Josephine McNeill, Marshalltown – For celebrating her 101st birthday.
- 2002\288 Julia Cooling, Marshalltown – For celebrating her 93rd birthday.
- 2002\289 Lozetta Baughman, Marshalltown – For celebrating her 94th birthday.
- 2002\290 Lillian Keese, Marshalltown – For celebrating her 96th birthday.
- 2002\291 Ruth Wolke, Marshalltown – For celebrating her 83rd birthday.
- 2002\292 Edra Campbell, Marshalltown – For celebrating her 94th birthday.
- 2002\293 Chester D. "Chet" Stubbs, Marshalltown – For celebrating his 82nd birthday.
- 2002\294 Adra Vreeland, Marshalltown – For celebrating her 81st birthday.

- 2002\295 Don and Connie Lyman, Marshalltown – For celebrating their 50th wedding anniversary.
- 2002\296 Dorothy and Don Peterson, Marshalltown – For celebrating their 58th wedding anniversary.
- 2002\297 L.J. and Adeline Elsberry, Marshalltown – For celebrating their 66th wedding anniversary.
- 2002\298 Fred Wilson, Indianola – For celebrating his 102nd birthday.
- 2002\299 Effie Wilkinson, Brookes – For celebrating her 99th birthday.
- 2002\300 Wayne and Regina Kirby, Essex – For celebrating their 60th wedding anniversary.
- 2002\301 Raymond and Louise Rydberg, Essex – For celebrating their 60th wedding anniversary.
- 2002\302 Lawrence and Esther Heaton, Cedar Falls – For celebrating their 75th wedding anniversary.
- 2002\303 Iva L. Marvin, Leon – For celebrating her 100th birthday.
- 2002\304 Bob and Pat Kellner, Waterloo – For celebrating their 50th wedding anniversary.
- 2002\305 Leora Nye, Clear Lake – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2212

Economic Development: Boggess, Chair; Manternach and Stevens.

House File 2231

Local Government: Dix, Chair; Hahn and Petersen.

House File 2266

Labor and Industrial Relations: Boddicker, Chair; Millage and T. Taylor.

House File 2277

Local Government: Weidman, Chair; Arnold and Huser.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 637

Labor and Industrial Relations: Raecker, Chair; Dotzler and Wilderdyke.

House Study Bill 639

Judiciary: Raecker, Chair; Grundberg and Shoultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 640 Commerce and Regulation**

Providing that certain point-of-service terminals are not regulated as satellite terminals established by financial institutions.

H.S.B. 641 Commerce and Regulation

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.

H.S.B. 642 Commerce and Regulation

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.

H.S.B. 643 Agriculture

Relating to the acquisition and holding of agricultural land by qualified enterprises, providing penalties, and providing an effective date.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

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.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2002.

COMMITTEE ON COMMERCE AND REGULATION

Committee Bill (Formerly House Study Bill 552), relating to vendor contracts for the statewide underground facility notification center.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2002.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2106), relating to the disposition of property by an area education agency.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2002.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2046), relating to determinations of the need for a child's treatment with a psychotropic drug under child in need of assistance procedures and school policies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2002.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 567), relating to a nonresident registering as a sex offender in a county where an institution of higher education is located.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2002.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 559), relating to the preparation and filing of an assessment schedule for abatement of a nuisance by a city.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 2002.

Committee Bill (Formerly House Study Bill 603), relating to judgment liens attaching to city real estate.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 2002.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 538), relating to the tax rate on the adjusted gross receipts from gambling games at certain racetrack enclosures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 2002.

Committee Bill (Formerly House Study Bill 625), creating a tax credit for investments in qualifying businesses and community-based seed capital funds and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 2002.

RESOLUTION FILED

HR 108, by Brauns, a resolution honoring Iowa State Fair Secretary Marion Lucas upon his retirement.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8043	H.F.	2246	Carroll of Poweshiek
H—8044	H.F.	2229	Ford of Polk Hatch of Polk
H—8045	H.F.	2249	Brauns of Muscatine

On motion by Rants of Woodbury the House adjourned at 3:01 p.m., until 8:45 a.m., Wednesday, February 13, 2002.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 13, 2002

The House met pursuant to adjournment at 8:52 a.m., Speaker Siegrist in the chair.

Prayer was offered by Dr. Waldemar Labusga, pastor of St. Aidan's Anglican Church, Des Moines. He was the guest of Representative Chuck Gipp from Winneshiek County.

The Journal of Tuesday, February 12, 2002 was approved.

PETITION FILED

The following petition was received and placed on file:

By Weidman of Cass from three thousand eight hundred thirty-six constituents that believe the current Iowa container deposit law endangers our food supply by directing consumers to take unsanitary beverage containers to supermarkets. They further believe the current deposit law hurts comprehensive recycling and curbside collection efforts by establishing a separate system for recycling of valuable aluminum. They request that the Iowa General Assembly replace the current Iowa deposit law with one that encourages comprehensive recycling.

INTRODUCTION OF BILLS

House File 2292, by Stevens, Fallon, Hatch, Winckler, Bukta, Kuhn, Reynolds, Mertz, Dotzler, Quirk, and Huser, a bill for an act relating to required meetings of members of councils of governments or planning commissions.

Read first time and referred to committee on **local government**.

House File 2293, by Hatch, a bill for an act relating to winter disconnection of service provided by public gas and electric utilities and providing an effective date.

Read first time and referred to committee on **commerce and regulation**.

House File 2294, by Bradley, a bill for an act relating to financial assistance for preliminary engineering studies for alternative wastewater treatment and disposal systems and making an appropriation.

Read first time and referred to committee on **environmental protection**.

House File 2295, by Ford, a bill for an act relating to a research initiative to address medical errors.

Read first time and referred to committee on **human resources**.

House File 2296, by Hatch, Witt, Fallon, Lensing, Atteberry, Foege, Jochum, Connors, Reynolds, and Chiodo, a bill for an act relating to renewable energy purchase requirements by electric utilities.

Read first time and referred to committee on **commerce and regulation**.

House File 2297, by Stevens, Kettering, Winckler, Hatch, Reeder, Lensing, Brunkhorst, Fallon, Mascher, Bukta, Larkin, D. Taylor, Kuhn, Frevert, Reynolds, Mertz, Dotzler, Quirk, and Osterhaus, a bill for an act requiring the department of management to implement a common intake form system for the public to access executive branch services, programs, and other functions.

Read first time and referred to committee on **state government**.

House File 2298, by Eichhorn, 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 2299, by Grundberg, a bill for an act creating a school administrator mentoring and induction program to be administered by the department of education and providing an effective date.

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

House File 2300, by Bradley, 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 and referred to committee on **local government**.

House File 2301, by Connors, a bill for an act providing that city or county civil service commissions hire legal counsel on a per diem basis.

Read first time and referred to committee on **local government**.

House File 2302, by Mascher, a bill for an act relating to the recycling of electronic goods and the disassembling and removing of toxic parts from electronic goods.

Read first time and referred to committee on **environmental protection**.

House File 2303, by Mascher, a bill for an act relating to the student achievement and teacher quality program including requirements regarding professional development contract days, the annual reviews of teachers and individual professional development plans, and the statewide team-based variable pay pilot program, and providing an effective date.

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

House File 2304, by Hahn, a bill for an act relating to the practice of barbering by modifying barbering licensure requirements, establishing an apprentice program for barbers, and making a penalty applicable.

Read first time and referred to committee on **state government**.

House File 2305, by Myers, a bill for an act changing the blood alcohol concentration limit to .08 for motor vehicle operating while intoxicated offenses.

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

House File 2306, by Connors, 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 and referred to committee on **local government**.

House File 2307, by Mascher, a bill for an act concerning appropriations for community college salaries.

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

House File 2308, by Hoversten, a bill for an act providing for qualified state tuition program modifications to maintain consistency with federal law changes, and providing effective and applicability dates.

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

House File 2309, by Hatch, a bill for an act relating to renewable energy, by providing for a renewable energy tax credit for alternative energy property, requiring a report on renewable energy by the utilities board, increasing the requirement for purchase of renewable energy by electric public utilities, and establishing a wind energy assistance fund, and providing for applicability and an effective date.

Read first time and referred to committee on **commerce and regulation**.

House File 2310, by committee on commerce and regulation, a bill for an act relating to vendor contracts for the statewide underground facility notification center.

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

House File 2311, by Richardson, a bill for an act relating to budgeting for state agency rental fees and utility costs.

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

House File 2312, by Stevens, Hatch, Winckler, D. Taylor, Dotzler, and Huser, a bill for an act relating to joint agreements between local governments, including community cluster agreements and metropolitan service area agreements.

Read first time and referred to committee on **state government**.

House File 2313, by Kuhn and Seng, a bill for an act relating to the injury or torment of animals by prohibiting events involving such injury or torment, providing for the disposition of animals, and providing a penalty.

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

SPECIAL PRESENTATION

Speaker Siegrist introduced to the House, the 2002 Miss America, Katie Harman from Gresham, Oregon who is in Iowa promoting the Health Care Access Network and works on behalf of women with breast cancer.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 108

Brauns of Muscatine called up for consideration **House Resolution 108**, a resolution honoring Iowa State Fair Secretary Marion Lucas upon his retirement, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Brauns of Muscatine introduced to the House Marion Lucas, Secretary of the Iowa State Fair.

The House rose and expressed its welcome.

On motion by Rants of Woodbury, the House was recessed at 9:09 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:05 p.m., Gipp of Winneshiek in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-four members present, twenty-six absent.

INTRODUCTION OF BILLS

House File 2314, by Grundberg, a bill for an act requiring the state department of transportation to study annual vehicle registration fees and to make recommendations to the general assembly.

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

House File 2315, by Kuhn, Frevert, Mertz, May, Schrader, Witt, Kreiman, Fallon, Greimann, Mascher, Foege, Lensing, and Shoultz, a bill for an act relating to confinement feeding operations by providing for the issuance of permits by the department of natural resources, making penalties applicable, and providing an effective date.

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

House File 2316, by Dolecheck and Rayhons, 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 and referred to committee on **agriculture**.

House File 2317, by committee on transportation, 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 placed on the **calendar**.

House File 2318, by committee on human resources, 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 placed on the **calendar**.

House File 2319, by committee on education, a bill for an act relating to the disposition of property by an area education agency.

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

House File 2320, by committee on natural resources, 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 and placed on the **calendar**.

House File 2321, by Reynolds, a bill for an act relating to massage therapy by providing for a study regarding the modalities associated with the practice of massage therapy, providing for an extension of time regarding licensure, and providing an effective date.

Read first time and referred to committee on **human resources**.

House File 2322, by Hatch, Kreiman, Dotzler, Schrader, T. Taylor, Huser, Chiodo, Cormack, Warnstadt, and Stevens, a bill for an act relating to a consumer's right to cancel executory wireless communications service contracts of four months or more, limiting recovery by the wireless communications service provider under the contract, and providing an effective date.

Read first time and referred to committee on **commerce and regulation**.

House File 2323, by Reynolds, a bill for an act pertaining to the required percentage of customers voting in favor of approving or

discontinuing extended area service for local telecommunications service.

Read first time and referred to committee on **commerce and regulation**.

House File 2324, by Warnstadt, a bill for an act relating to health care delivery, including staffing requirements, and providing penalties.

Read first time and referred to committee on **human resources**.

House File 2325, by Kuhn, 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 and referred to committee on **ways and means**.

House File 2326, by Warnstadt, a bill for an act relating to the construction of animal feeding operation structures near water sources, providing for fees, and making penalties applicable.

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

House File 2327, by Kreiman, a bill for an act relating to delegation of the duties of an engineer for certain public improvements by cities and counties.

Read first time and referred to committee on **local government**.

House File 2328, by Rekow, Kreiman, Rayhons, Baudler, Finch, Reynolds, Bukta, Foege, Huser, and May, 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 to the 4-H organization and its clubs.

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

House File 2329, by Winckler, Jochum, Greimann, Scherrman, Osterhaus, Witt, Lensing, Atteberry, Foege, Cohoon, Larkin,

D. Taylor, and Frevert, a bill for an act expanding the student achievement and teacher quality program by including school nurses in the program and adding school nurses, counselors, and media specialists to the beginning teacher mentoring and induction component of the program.

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

House File 2330, by Smith, Warnstadt, Stevens, Witt, Lensing, Winckler, Kreiman, Jochum, Foege, Cohoon, Larkin, D. Taylor, and Kuhn, a bill for an act relating to safe and healthy families by providing for mandated health coverage of mental health conditions, community empowerment activities to develop family assets, policy development activities, and creation of an endowment fund for children.

Read first time and referred to committee on **human resources**.

House File 2331, by Bradley, 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 and referred to committee on **state government**.

House File 2332, by Raecker and Boal, a bill for an act relating to the acquisition, enforceability, and purpose of conservation easements.

Read first time and referred to committee on **state government**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk, Frevert of Palo Alto and Winckler of Scott on request of Huser of Polk.

Speaker Siegrist in the chair at 3:16 p.m.

CONSIDERATION OF BILLS
Regular Calendar

House File 2007, 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.

SENATE FILE 2079 SUBSTITUTED FOR HOUSE FILE 2007

May of Worth asked and received unanimous consent to substitute Senate File 2079 for House File 2007.

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, was taken up for consideration.

May of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2079)

The ayes were, 73:

Alons	Arnold	Atteberry	Bell
Boddicker	Bradley	Brauns	Broers
Brunkhorst	Bukta	Carrall	Chiodo
Cohoon	Connors	Cormack	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Foege
Garman	Gipp	Hansen	Hoffman
Horbach	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kuhn	Larkin
Manternach	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Rants
Rayhons	Reeder	Rekow	Reynolds
Roberts	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Warnstadt	Wilderdyke	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, 24:

Baudler	Boal	Boggess	De Boef
Finch	Greimann	Grundberg	Hahn
Hatch	Heaton	Hoversten	Kreiman
Larson	Lensing	Mascher	Raecker
Richardson	Shey	Sievers	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman

Absent or not voting, 3:

Ford	Frevert	Winckler
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

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.

Weidman of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2082)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers

Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Ford	Frevert	Winckler
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2007 WITHDRAWN

May of Worth asked and received unanimous consent to withdraw House File 2007 from further consideration by the House.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2082** and **Senate File 2079**.

House File 2229, a bill for an act relating to use of moneys in the strategic investment fund, was taken up for consideration.

Hatch of Polk asked and received unanimous consent to withdraw amendment H-8044, filed by him and Ford of Polk on February 12, 2002.

Hoffman of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2229)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst

Bukta	Carroll	Chiodo	Cohon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Garman	Gipp	Greimann
Grundberg	Hahn	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdylke	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Ford	Frevert	Hansen	Winckler
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 13, 2002, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on February 13, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2134, a bill for an act relating to the transfer of certain deposit and investment accounts upon the death of the decedent.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

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 and **passed on file**.

House File 2208, 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.

Kettering of Sac offered the following amendment H-8035 filed by him and moved its adoption:

H-8035

1 Amend House File 2208 as follows:
 2 1. Page 1, by striking lines 3 through 21 and
 3 inserting the following:
 4 "8. a state bank may receive deposits from one or
 5 more persons with the provision that upon the death of
 6 the depositors the deposit account shall be the
 7 property of the person or persons designated by the
 8 deceased depositors as shown on the deposit account
 9 records of the state bank. ~~The account is subject to~~
 10 ~~the debts of the deceased depositors and the payment~~
 11 ~~of Iowa inheritance tax provided, that upon the~~
 12 ~~expiration of six months after the date of death of~~
 13 ~~the deceased depositors, the receipt or acquittance of~~
 14 ~~the persons designated is a valid and sufficient~~
 15 ~~release and discharge of the state bank for the~~
 16 ~~delivery of any part or all of the account~~ After
 17 payment by the state bank, the proceeds shall remain
 18 subject to the debts of the decedent and the payment
 19 of Iowa inheritance tax, if any. a state bank paying
 20 the person or persons designated shall not be liable
 21 as a result of that action for any debts of the
 22 decedent or for any estate, inheritance, or succession
 23 taxes which may be due this state."

Amendment H-8035 was adopted.

SENATE FILE 2134 SUBSTITUTED FOR HOUSE FILE 2208

Kettering of Sac asked and received unanimous consent to substitute Senate File 2134 for House File 2208.

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.

Kettering of Sac moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2134)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Brauns	Ford	Frevert	Winckler
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2208 WITHDRAWN

Kettering of Sac asked and received unanimous consent to withdraw House File 2208 from further consideration by the House.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2229** and **Senate File 2134**.

SPONSORS ADDED
(House Resolution 107)

Broers of Cerro Gordo requested to be added as a sponsor of House Resolution 107.

Brunkhorst of Bremer requested to be added as a sponsor of House Resolution 107.

Dix of Butler requested to be added as a sponsor of House Resolution 107.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 7, 2002. Had I been present, I would have voted "aye" on House Files 2190 and 2193.

HEATON of Henry

I was necessarily absent from the House chamber on February 12, 2002. Had I been present, I would have voted "aye" on House Files 2035, 2192, 2201 and Senate File 335.

JOHNSON of Osceola

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF CORRECTIONS

A report regarding offender fees – pay for stay, pursuant to Chapter 904.115, Code of Iowa.

OFFICE OF DRUG CONTROL POLICY

The 2001 ICN cost savings report reflecting the savings of time and travel to grant programs and local levels of government, pursuant to Chapter 8D.10, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\306 | Raymond Delfs, Dysart – For celebrating his 90 th birthday. |
| 2002\307 | Rachel and Larry Barnes, Grundy Center – For celebrating their 60 th wedding anniversary. |
| 2002\308 | Henry Keding, Davenport – For celebrating his 80 th birthday. |
| 2002\309 | Jake Nickel, Keokuk – For being named to the Iowa Football Coaches Association All-Academic All-State Team in Class 3A. |
| 2002\310 | Courtney Clippert, Keokuk – For being honored as Konnection volunteer of the month for December. |
| 2002\311 | Ceegie Davis, Keokuk – For being honored as Konnection volunteer of the month for January. |
| 2002\312 | Grace Kuehl, Elkport – For celebrating her 93 rd birthday. |
| 2002\313 | Ted and Hilda Lubbers, Sioux Center – For celebrating their 75 th wedding anniversary. |
| 2002\314 | Harry and Bernice Leonard, Perry – For celebrating their 69 th wedding anniversary. |
| 2002\315 | Bruce and Arlene Hansel, Sioux City – For celebrating their 50 th wedding anniversary. |
| 2002\316 | John and Pat Meier, Sioux City – For celebrating their 50 th wedding anniversary. |
| 2002\317 | Kevin J. Benes, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

- 2002\318 Don and Dolly Schubert, Wallingford – For celebrating their 50th wedding anniversary.
- 2002\319 Norman and Viola Olson, Estherville – For celebrating their 65th wedding anniversary.
- 2002\320 Mark Goering, Agency – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\321 Phyllis Brotherson, Lake View – For celebrating her 84th birthday.
- 2002\322 Warren and Dorothy Bohenkamp, Lake View – For celebrating their 56th wedding anniversary.
- 2002\323 Rufus and Doris Boes, Carroll – For celebrating their 55th wedding anniversary.
- 2002\324 Fred Harder, Correctionville – For celebrating his 95th birthday.
- 2002\325 Grace Caldwell Levin, Ida Grove – For celebrating her 90th birthday.
- 2002\326 Alfred Wolleson, Lake View – For celebrating his 85th birthday.
- 2002\327 Earl and Florence Evans, Correctionville – For celebrating their 60th wedding anniversary.
- 2002\328 Lloyd and Dorothy Henderson, Cushing – For celebrating their 50th wedding anniversary.
- 2002\329 Richard and Nanette Powell, Camanche – For celebrating their 50th wedding anniversary on the 21st of January 2002.
- 2002\330 Ludwig and Helen Herink, Tama – For celebrating their 60th wedding anniversary.
- 2002\331 Derrick Hass, Sherrill – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\332 Marian and Dwight Pearson, Chariton – For celebrating their 60th wedding anniversary.
- 2002\333 Marie Curtis, Chariton – For celebrating her 100th birthday.
- 2002\334 Rex and Jean Laughery, Bagley – For celebrating their 50th wedding anniversary.
- 2002\335 Louie Ault, Bayard – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2142

Environmental Protection: Gipp, Chair; Schrader and Sievers.

House File 2219

Transportation: Eddie, Chair; Bukta and Weidman.

House File 2241

Judiciary: Shey, Chair; Kreiman and Sukup.

House File 2254

Education: Dolecheck, Chair; Grundberg and Mascher.

House File 2255

Transportation: Weidman, Chair; Eddie and Huser.

House File 2258

Transportation: Klemme, Chair; Quirk and Rayhons.

House File 2292

Local Government: Eddie, Chair; Reynolds and Weidman.

House File 2299

Education: Carroll, Chair; Grundberg and Winckler.

House File 2300

Local Government: Weidman, Chair; Arnold and Connors.

House File 2301

Local Government: Alons, Chair; Connors and Weidman.

House File 2303

Education: Carroll, Chair; Grundberg and Wise.

House File 2306

Local Government: Carroll, Chair; Connors and Klemme.

Senate File 2098

Judiciary: Kettering, Chair; Broers and Kreiman.

Senate File 2103

Education: Boal, Chair; Petersen and Roberts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 640**

Commerce and Regulation: Raecker, Chair; Bradley and Chiodo.

House Study Bill 641

Commerce and Regulation: Hoffman, Chair; Petersen and Van Fossen.

House Study Bill 642

Commerce and Regulation: Hoffman, Chair; Schrader and Van Fossen.

House Study Bill 643

Agriculture: Johnson, Chair; Kreiman and Manternach.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 644 Environmental Protection**

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

H.S.B. 645 Environmental Protection

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

H.S.B. 646 Labor and Industrial Relations

Relating to the payment of overtime to state employees and the applicability of the federal Fair Labor Standards Act.

H.S.B. 647 Natural Resources

Relating to qualifying entities in the energy bank program.

H.S.B. 648 Local Government

Exempting small cities from the requirement to annually report certain street construction and improvement information.

H.S.B. 649 Judiciary

Creating a criminal offense of sexual exploitation by a peace officer or school employee, and providing a penalty.

H.S.B. 650 Education

Relating to the reorganization or dissolution of area education agencies and providing an effective date.

H.S.B. 651 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.

H.S.B. 652 Commerce and Regulation

Establishing a health insurance administration fund relating to the payment of the administrative costs of state health insurance plans.

H.S.B. 653 Judiciary

Relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

H.S.B. 654 Judiciary

Relating to financial services business licensing and regulation, providing criminal and civil penalties, and providing an effective date.

H.S.B. 655 Judiciary

Requiring contract disclosure statements for certain residential real estate installment contracts, providing for a penalty, and providing an applicability date.

H.S.B. 656 Judiciary

Providing for exceptions to municipal tort liability for sledding, snowboarding, canoeing, and kayaking.

H.S.B. 657 Transportation

Relating to the issuance of special political party motor vehicle registration plates, establishing fees, and making an appropriation.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON COMMERCE AND REGULATION

Committee Bill (Formerly House Study Bill 510), relating to the reporting of the findings of health care facility inspections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2002.

Committee Bill (Formerly House Study Bill 620), relating to electric transmission lines.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2002.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2096), providing for the designation of nurse midwives and advanced registered nurse practitioners as primary care health providers for purposes of the center for rural health and primary care.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2002.

Committee Bill (Formerly House Study Bill 597), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 2002.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2052), authorizing the district court to waive the requirement that the state or any of its political subdivisions file a supersedeas bond upon appeal to the Iowa supreme court.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2002.

Committee Bill (Formerly House Study Bill 612), authorizing the department of justice to administer the violence against women program.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 2002.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 165, a bill for an act enacting the Iowa English language reaffirmation Act of 2001.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2002.

COMMITTEE ON NATURAL RESOURCES

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8047** February 12, 2002.

Committee Bill (Formerly House File 642), relating to reciprocal nonresident hunting and fishing fees and hunting seasons with the state of South Dakota.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2002.

Committee Bill (Formerly House File 2065), relating to resident license fees for hunting, fishing, trapping and related activities for members of the armed forces of the United States.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2002.

COMMITTEE ON STATE GOVERNMENT

House File 2009, a bill for an act allowing an assessor to be a candidate for elective public office and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8046** February 12, 2002.

COMMITTEE ON TRANSPORTATION

House File 2054, a bill for an act relating to the posting of close-clearance warning devices by railroads and providing a penalty.

Fiscal Note is required.

Recommended **Do Pass** February 13, 2002.

Committee Bill (Formerly House Study Bill 526), relating to restrictions on advertising devices placed along interstate highways and providing a delayed effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 2002.

RESOLUTION FILED

HCR 112, by Heaton, a concurrent resolution honoring Dr. William Campbell for more than fifty years of service to the people of Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8046	H.F.	2009	Committee on State Government
H—8047	S.F.	437	Committee on Natural Resources
H—8048	H.F.	268	Weidman of Cass
H—8049	H.F.	2271	Shoultz of Black Hawk Jochum of Dubuque Osterhaus of Jackson
H—8050	H.F.	268	Baudler of Adair
H—8051	H.F.	2271	Shoultz of Black Hawk
H—8052	H.F.	2271	Teig of Hamilton

On motion by Rants of Woodbury the House adjourned at 4:08 p.m., until 8:45 a.m., Thursday, February 14, 2002.

PROOF

STATE OF IOWA

House Journal

THURSDAY, FEBRUARY 14, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 14, 2002

The House met pursuant to adjournment at 8:47 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Dan Parsch, pastor of Gloria Dei Lutheran Church, Urbandale. He was the guest of Representative Scott Raecker from Polk County.

The Journal of Wednesday, February 13, 2002 was approved.

PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto, from nine hundred sixty-six citizens opposing the Board of Regents increase of tuition by 18.5% plus the increase in student fees.

INTRODUCTION OF BILLS

House File 2333, by Heaton, a bill for an act providing for the regulation of pharmacies utilizing an internet site or electronic mail, and providing a penalty.

Read first time and referred to committee on **commerce and regulation**.

House File 2334, by Finch, Eichhorn, Alons, and Tymeson, a bill for an act relating to the county commission of veteran affairs by providing for its membership, compensation, and training, for the appointment of officers and employees of the commission, and for the powers and duties of the commission.

Read first time and referred to committee on **local government**.

House File 2335, by Foege, a bill for an act providing for a study of mental health treatment in correctional settings.

Read first time and referred to committee on **human resources**.

House File 2336, by Dix, a bill for an act relating to a property tax credit or rent constituting property taxes paid for military veterans with a service-connected disability, and providing an applicability date.

Read first time and referred to committee on **ways and means**.

House File 2337, by Manternach, a bill for an act providing for refunds of registration fees on unexpired special plates.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 13, 2002, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on February 13, 2002, passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

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 and referred to committee on **local government**.

On motion by Rants of Woodbury, the House was recessed at 8:55 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:13 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk, Ford of Polk and Winckler of Scott on request of Huser of Polk; Larkin of Lee on request of Cohoon of Des Moines.

INTRODUCTION OF BILLS

House File 2338, by committee on judiciary, 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 placed on the **calendar**.

House File 2339, by committee on judiciary, a bill for an act relating to the filing of a supersedeas bond.

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

House File 2340, 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 and placed on the **calendar**.

House File 2341, by committee on commerce and regulation, a bill for an act relating to electric transmission lines.

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

House File 2342, by committee on commerce and regulation, a bill for an act relating to the reporting of the findings of health care facility inspections.

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

House File 2343, by committee on natural resources, a bill for an act relating to reciprocal nonresident pheasant hunting seasons with the state of South Dakota.

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

House File 2344, by committee on labor and industrial relations, a bill for an act relating to the retention of unemployment benefits contested case hearing records.

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

House File 2345, by committee on judiciary, a bill for an act authorizing the department of justice to administer the violence against women program.

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

House File 2346, by Larkin and Osterhaus, a bill for an act relating to the preferred drug formulary to be used by certain state entities.

Read first time and referred to committee on **human resources**.

House File 2347, by Warnstadt, a bill for an act providing for the offense of livestock torture, and providing a penalty.

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

House File 2348, by Jochum, a bill for an act requiring reviews of certain tax exemptions, deductions, and credits to determine if the desired results have been achieved and including an effective date.

Read first time and referred to committee on **ways and means**.

House File 2349, by Shey, Baudler, and Tremmel, a bill for an act allowing any member of a duly organized state, county, or municipal law enforcement unit from another state to carry weapons.

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

House File 2350, by Raecker, 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 2351, by Murphy, a bill for an act relating to the creation of a center for economic development and trade program and fund, including providing bonding authority to the treasurer of state and making an appropriation.

Read first time and referred to committee on **economic development**.

House File 2352, by Elgin and Shey, 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 and referred to committee on **ways and means**.

House File 2353, by Mascher, a bill for an act relating to the operation, regulation, and equipment of watercraft, establishing watercraft safety courses, and making penalties applicable.

Read first time and referred to committee on **natural resources**.

House File 2354, by Larson, a bill for an act providing for an increase in the level of annual contributions to the Iowa educational savings plan trust which are deductible for state income tax purposes, and providing effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2355, by Carroll, a bill for an act relating to county eligibility for state payment of the allowed growth factor adjustment for county mental health, mental retardation, and developmental

disabilities services, and including applicability and transition provisions.

Read first time and referred to committee on **local government**.

House File 2356, by Jenkins, 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 and referred to committee on **commerce and regulation**.

House File 2357, by Larson, a bill for an act providing modifications relating to the qualified state tuition program to maintain consistency with federal law changes, and providing effective and applicability dates.

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

House File 2358, by Warnstadt, Hoversten, and Foege, a bill for an act implementing the federal Indian Child Welfare Act and providing for civil liability and criminal penalties.

Read first time and referred to committee on **human resources**.

House File 2359, by Bell, a bill for an act relating to consent to the name change of a minor child.

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

House File 2360, by Shey, Baudler, and Tremmel, 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**.

SENATE MESSAGE CONSIDERED

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

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

SPECIAL PRESENTATION

Rekow of Allamakee introduced to the House, wildlife artist Ed M. Lawrence accompanied by his wife Chris from McGregor. He briefly spoke about his portrait entitled "Determination" which is being sold and the proceeds are donated to the Red Cross for "Operation: Support Our Troops". He presented print number twenty-nine, symbolizing Iowa being the twenty-ninth state admitted into the union, to the Speaker of the House.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS Ways and Means Calendar

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.

Shoultz of Black Hawk offered the following amendment H-8049 filed by Shoultz, Jochum of Dubuque and Osterhaus of Jackson and moved its adoption:

H-8049

- 1 Amend House File 2271 as follows:
- 2 1. Page 1, line 6, by striking the word "high-
- 3 skilled" and inserting the following: "high-paid".

Amendment H-8049 was adopted.

Teig of Hamilton offered amendment H-8052 filed by him as follows:

H-8052

- 1 Amend House File 2271 as follows:
- 2 1. Page 1, by striking lines 23 through 26 and
- 3 inserting the following: "in a qualifying business or
- 4 a person making a cash investment in a community-based
- 5 seed capital fund. "Investor" does not include a
- 6 person which is an owner, member, or shareholder in a

7 qualified business."

8 2. By striking page 1, line 33, through page 2,
9 line 12, and inserting the following:

10 "1. a. For tax years beginning on or after
11 January 1, 2002, a tax credit shall be allowed against
12 the taxes imposed in chapter 422, division II, for a
13 portion of an individual taxpayer's equity investment,
14 as provided in subsection 2, in a qualified business.
15 An individual shall not claim a tax credit under this
16 paragraph of a partnership, limited liability company,
17 S corporation, estate, or trust electing to have
18 income taxed directly to the individual.

19 b. For tax years beginning on or after January 1,
20 2002, a tax credit shall be allowed against the taxes
21 imposed in chapter 422, divisions II, III, and V, and
22 in chapter 432, and against the moneys and credits tax
23 imposed in section 533.24, for a portion of a
24 taxpayer's equity investment, as provided in
25 subsection 2, in a community-based seed capital fund.
26 An individual may claim a tax credit under this
27 paragraph of a partnership, limited liability company,
28 S corporation, estate, or trust electing to have
29 income taxed directly to the individual. The amount
30 claimed by the individual shall be based upon the pro
31 rata share of the individual's earnings from the
32 partnership, limited liability company, S corporation,
33 estate, or trust.

34 c. A tax credit shall be allowed only for an
35 investment made in the form of cash to purchase equity
36 in a qualifying business or in a community-based seed
37 capital fund. A".

38 3. Page 3, line 28, by inserting after the word
39 "list" the following: "of shareholders who may
40 qualify for the tax credits".

41 4. By striking page 4, line 35, through page 5,
42 line 2, and inserting the following: "imposed
43 pursuant to chapter 422, division II, subject to any
44 conditions".

45 5. Page 5, line 34, by inserting after the word
46 "list" the following: "of limited partners or members
47 who may qualify for the tax credits".

48 6. Page 6, line 11, by inserting after the word
49 "finance" the following: "or a local taxing district,
50 as applicable,".

Teig of Hamilton offered the following amendment H-8054, to amendment H-8052, filed by him from the floor and moved its adoption:

H-8054

- 1 Amend the amendment, H-8052, to House File 2271 as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word "an" and
- 4 inserting the following: "a current or previous".

Amendment H-8054 was adopted.

On motion by Teig of Hamilton amendment H-8052, as amended, was adopted.

Shoultz of Black Hawk offered amendment H-8051 filed by him as follows:

H-8051

- 1 Amend House File 2271 as follows:
- 2 1. Page 3, by inserting after line 18 the
- 3 following:
- 4 "7. The board shall cooperate with the small
- 5 business development centers in an effort to
- 6 disseminate information regarding the availability of
- 7 tax credits for investments in qualifying businesses
- 8 under this division. The board shall also cooperate
- 9 with the small business development centers to develop
- 10 a standard seed capital application form that the
- 11 small business development centers may submit to the
- 12 board on behalf of clients seeking seed capital. The
- 13 board shall distribute copies of the application forms
- 14 to all community-based seed capital funds and
- 15 potential individual investors."
- 16 2. Page 4, by inserting after line 19 the
- 17 following:
- 18 "g. The business has received counseling through a
- 19 small business development center, including an
- 20 assessment of the business plan with a determination
- 21 of the level of any technical assistance necessary to
- 22 aid the business in developing a financially feasible
- 23 project. A small business development center may
- 24 utilize the services of outside providers for all or
- 25 part of the business plan assessment, including
- 26 strategic marketing services at the university of
- 27 northern Iowa for market assessments. The business
- 28 shall submit a copy of the business plan assessment to
- 29 the board."

Shoultz of Black Hawk offered the following amendment H-8055, to amendment H-8051, filed by him and Teig of Hamilton from the floor and moved its adoption:

H-8055

- 1 Amend the amendment, H-8051, to House File 2271 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "shall",
- 4 and inserting the following: "may".
- 5 2. Page 1, line 8, by striking the word "shall",
- 6 and inserting the following: "may".
- 7 3. Page 1, by striking lines 16 through 18 and
- 8 inserting the following:
- 9 "___ Page 4, line 9, by inserting after the word
- 10 "business." the following: "In addition, the owner
- 11 shall receive counseling through a"."
- 12 4. By renumbering as necessary.

Amendment H-8055 was adopted.

On motion by Shoultz of Black Hawk amendment H-8051, as amended, was adopted.

Teig of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2271)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker

Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brunkhorst	Fallon	Ford	Frevert
Larkin	Winckler		

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2271** be immediately messaged to the Senate.

Regular Calendar

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, was taken up for consideration.

Brauns of Muscatine offered the following amendment H-8045 filed by him and moved its adoption:

H-8045

- 1 Amend House File 2249 as follows:
- 2 1. Title page, by striking lines 1 through 3 and
- 3 inserting the following: "An Act relating to criminal
- 4 history checks of applicants for certain licenses,
- 5 lottery employees, and major vendors contracting with
- 6 the".

Amendment H-8045 was adopted.

Brauns of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2249)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brunkhorst	Fallon	Ford	Frevort
Larkin	Winckler		

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

House File 2247, a bill for an act relating to the regulation of health care facilities and the duties of resident advocate committees, was taken up for consideration.

Broers of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2247)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kuhn
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, 1:

Kreiman

Absent or not voting, 6:

Brunkhorst	Fallon	Ford	Frevert
Larkin	Winckler		

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

House File 2230, a bill for an act relating to sentences of incarceration for third or subsequent operating-while-intoxicated motor vehicle offenses, was taken up for consideration.

Shey of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2230)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Teig	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Brunkhorst	Fallon	Ford	Frevort
Hatch	Larkin	Winckler	

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2230, 2247 and 2249.**

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, with report of committee recommending amendment and passage, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-8038 filed by the committee on administration and rules and moved its adoption:

H-8038

- 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.

The committee amendment H-8038 was adopted.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2018)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges

Bradley	Brauns	Broers	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brunkhorst	Fallon	Ford	Frevort
Larkin	Winckler		

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

ADOPTION OF SENATE CONCURRENT RESOLUTION 101

Carroll of Poweshiek called up for consideration Senate Concurrent Resolution 101 as follows and moved its adoption:

- 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.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2018** and **Senate Concurrent Resolution 101**.

House File 2111, 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.

Sukup of Franklin in the chair at 4:43 p.m.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-8017 filed by him on January 29, 2002.

SENATE FILE 2100 SUBSTITUTED FOR HOUSE FILE 2111

Millage of Scott asked and received unanimous consent to substitute Senate File 2100 for House File 2111.

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.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2100)

The ayes were, 91:

Alons	Arnold	Atteberry	Bell
Boal	Boggess	Bradley	Brauns
Broers	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Finch
Foege	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Teig	Tremmel	Tymeson	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Wise	Witt	Sukup, Presiding	

The nays were, 2:

Boddicker Tyrrell

Absent or not voting, 7:

Baudler	Brunkhorst	Fallon	Ford
Frevert	Larkin	Winckler	

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

HOUSE FILE 2111 WITHDRAWN

Millage of Scott asked and received unanimous consent to withdraw House File 2111 from further consideration by the House.

House File 2246, a bill for an act relating to administrative procedures of county treasurers for property taxation and vehicle registration, was taken up for consideration.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-8043 filed by him on February 12, 2002.

RULE 31.8 SUSPENDED

Grundberg of Polk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8056.

Grundberg of Polk offered the following amendment H-8056 filed by her from the floor and moved its adoption:

H-8056

- 1 Amend House File 2246 as follows:
- 2 1. Page 2, by inserting after line 15 the
- 3 following:
- 4 "Sec. __. Section 445.37, unnumbered paragraph 1,
- 5 Code 2001, is amended to read as follows:
- 6 If the semiannual installment of any tax has not
- 7 been paid before October 1 succeeding the levy, that
- 8 amount becomes delinquent from October 1 after due,
- 9 ~~including. However, in~~ those instances when the last
- 10 day of September is a Saturday or Sunday, that amount
- 11 becomes delinquent on the following Monday. If the
- 12 second installment is not paid before April 1
- 13 succeeding its maturity, it becomes delinquent from
- 14 April 1 after due, ~~including. However, in~~ those
- 15 instances when the last day of March is a Saturday or
- 16 Sunday, that amount becomes delinquent on the
- 17 following Monday. This paragraph applies to all taxes
- 18 as defined in section 445.1, subsection 6."
- 19 2. By renumbering as necessary.

Amendment H-8056 was adopted.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2246)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Bukta

Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Teig	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdylke	Wise
Witt	Sukup, Presiding		

The nays were, none.

Absent or not voting, 6:

Brunkhorst	Fallon	Ford	Frevort
Larkin	Winckler		

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2100** be immediately messaged to the Senate.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 5, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Assistant Bill Clerk	Marie A. Kirby	12-4 to 12-5	S-O	02-01-02
Senior Finance Officer II	Debra K. Rex	35-4 to 35-5	P-FT	01-18-02
Indexer II	Kristin L. Wentz	25-5 to 25-6	P-FT	01-18-02
Legislative Secretary	Brendan E. Greiner	18-1 to 17-1	S-O	01-15-02
Legislative Secretary	Dolores M. Horton	15-4	S-O	01-28-02
Legislative Secretary	Karen A. Lischer	15-1 to 16-1	S-O	01-15-02
Legislative Secretary	Twyla L. Miller	17-5+2 to 17-6+2	S-O	02-01-02
Legislative Secretary	Jean Tannatt	16-3 to 16-4	S-O	02-01-02
Legislative Secretary	Kara L. Wilber	16-1 to 16-2	S-O	01-14-02
Legislative Secretary	Nathan T. Willems	18-1 to 17-1	S-O	01-15-02
Legislative Secretary	Courtney E. Winckler	15-1 to 16-1	S-O	01-15-02

The following are resignations from the officers and employees of the House:

Administrative Assistant II to Leader	Gentry T. Collins			02-04-02
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Pursuant to Senate Concurrent Resolution 5, duly adopted, the following is a list of officers and employees of the Joint Senate/House and their recommended classification grades and steps:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Conservation/Restoration Specialist III	Mark S. Lundberg	31-1 to 31-2	P-FT	02-01-02

CARROLL of Poweshiek, Chair

MOTION TO RECONSIDER
(House File 2246)

I move to reconsider the vote by which House File 2246 passed the House on February 14, 2002.

HUSER of Polk

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

SUPREME COURT OF IOWA

The enhanced court collections fund and the court technology fund, pursuant to Chapter 179.1(9), 2001 Acts of the Seventy-ninth General Assembly.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\336 | Burnith and Alma Risetter, Ames – For celebrating their 69 th wedding anniversary. |
| 2002\337 | Loretta Oler, Springville – For celebrating her 90 th birthday. |
| 2002\338 | Eloise Sacre, Indianola – For celebrating her 90 th birthday. |
| 2002\339 | Harold and Millie Anderlik, Riceville – For celebrating their 50 th wedding anniversary. |
| 2002\340 | Christopher Gergen, Waterloo – For being Waterloo's Police Officer of the Year for 2001. |
| 2002\341 | Elma Erb, Wellman – For celebrating her 95 th birthday. |
| 2002\342 | Linda Wagler, Keosauqua – For being nominated for Poet of the Year for 2002. |
| 2002\343 | Helen Elizabeth Beasley, Libertyville – For celebrating her 90 th birthday. |

- 2002\344 Jerri and Dean Manchester, Douds – For celebrating their 50th wedding anniversary.
- 2002\345 Large Group Speech of Ankeny High School, Ankeny – For winning the All State Nomination to perform "The Old Man That Loved Cheese".
- 2002\346 Large Group Speech of Ankeny High School, Ankeny – For winning the All State Nomination for "Dolls".

SUBCOMMITTEE ASSIGNMENTS

House File 2164

Education: Eddie, Chair; Broers and Cohoon.

House File 2223

Environmental Protection: Huseman, Chair; Drake and Stevens.

House File 2235

Judiciary: Wilderdyke, Chair; Eichhorn and Kreiman.

House File 2263

Judiciary: Baudler, Chair; Bell and Boddicker.

House File 2264

Human Resources: Boal, Chair; Boddicker and Foege.

House File 2270

Judiciary: Eichhorn, Chair; Kreiman and Millage.

House File 2273

Judiciary: Boddicker, Chair; Grundberg and Kreiman.

House File 2276

Judiciary: Eichhorn, Chair; Kreiman and Millage.

House File 2282

Judiciary: Kreiman, Chair; Eichhorn and Millage.

House File 2283

Human Resources: Carroll, Chair; Brunkhorst and Kreiman.

House File 2285

Economic Development: Hoversten, Chair; Cormack and Stevens.

House File 2286

Human Resources: Roberts, Chair; Boddicker and Tremmel.

House File 2287

Human Resources: Tymeson, Chair; Broers and Ford.

House File 2288

Education: Grundberg, Chair; Finch, Petersen, Sukup and Wise.

House File 2294

Environmental Protection: Bradley, Chair; Kettering and Stevens.

House File 2298

Judiciary: Eichhorn, Chair; Kreiman and Millage.

House File 2305

Judiciary: Raecker, Chair; Kreiman and Shey.

House File 2308

Education: Roberts, Chair; Bukta and Dolecheck.

House File 2313

Judiciary: Baudler, Chair; Boddicker and Jochum.

House File 2329

Education: Carroll, Chair; Grundberg and Wise.

House File 2331

State Government: Eichhorn, Chair; Bradley, Brauns, Connors and Tremmel.

House File 2332

State Government: Jacobs, Chair; Chiodo and Millage.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 574 Reassigned

Judiciary: Kettering, Chair; Jochum and Sukup.

House Study Bill 614 Reassigned

State Government: Garman, Chair; Bradley and T. Taylor.

House Study Bill 637 Reassigned

Labor and Industrial Relations: Sukup, Chair; Dotzler and Wilderdyke.

House Study Bill 644

Environmental Protection: Bradley, Chair; Kettering and Witt.

House Study Bill 645

Environmental Protection: Kettering, Chair; Drake and Stevens.

House Study Bill 646

Labor and Industrial Relations: Grundberg, Chair; Raecker and D. Taylor.

House Study Bill 648

Local Government: Hahn, Chair; Klemme and Reeder.

House Study Bill 649

Judiciary: Eichhorn, Chair; Baudler and Tremmel.

House Study Bill 652

Commerce and Regulation: Raecker, Chair; Osterhaus and Shey.

House Study Bill 653

Judiciary: Raecker, Chair; Bell and Broers.

House Study Bill 654

Judiciary: Kettering, Chair; Tremmel and Wilderdyke.

House Study Bill 655

Judiciary: Kettering, Chair; Broers and Kreiman.

House Study Bill 656

Judiciary: Kettering, Chair; Kreiman and Sukup.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 658 Environmental Protection**

Relating to the use of moneys appropriated to the department of natural resources for purposes of tire-related initiatives.

H.S.B. 659 Commerce and Regulation

Designating certain insurance practices related to health care providers as unfair methods of competition and practice.

H.S.B. 660 State Government

Relating to voting, including to information contained on abstracts of votes, to the definition of a valid vote for purposes of canvassing ballots after an election and during a recount, and to the procedures for requesting and conducting recounts of votes cast.

H.S.B. 661 Education

Relating to the operations of and programs for school districts, accredited nonpublic schools, and community colleges, and making changes to provisions allowing tax credits and advances to businesses for participating in community college training programs.

H.S.B. 662 Human Resources

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.

H.S.B. 663 Judiciary

Relating to the civil commitment of sexually violent predators.

H.S.B. 664 Commerce and Regulation

Relating to the assessment of telephone utilities for the dual party relay service.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House Study Bill 531), relating to the enterprise zone program and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2002.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 518), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2002.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 592), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2002.

Committee Bill (Formerly House Study Bill 622), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2002.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2196), relating to the possession of firearms or offensive weapons by felons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2002.

Committee Bill (Formerly House Study Bill 610), authorizing sheriffs to appoint civil process servers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2002.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 546), relating to permitted and prohibited occupations for certain child laborers involving motor vehicle cleaning, washing, and polishing, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 2002.

Committee Bill (Formerly House Study Bill 593), relating to the retention of unemployment benefits contested case hearing records.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 2002.

Committee Bill (Formerly House Study Bill 601), designating May 1, 2002, as Iowa Right-to-Work Day.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2002.

Committee Bill (Formerly House Study Bill 631), prohibiting extreme fighting contests and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2002.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 634), relating to certain documents indexed and recorded with the county recorder.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2002.

COMMITTEE ON STATE GOVERNMENT

House File 2008, a bill for an act relating to the election of directors of local school districts, area education agencies, and merged areas on the date of the general election, and including an effective date, applicability, and transition provision.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2002.

Committee Bill (Formerly House File 2141), providing an exemption for the practice of reflexology from the licensure requirements for massage therapy.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2002.

Committee Bill (Formerly House File 2243), requiring the state capitol to remain open to the public seven days a week.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 2002.

Committee Bill (Formerly House Study Bill 614), relating to the level of full-time equivalent positions authorized for executive branch agencies.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2002.

Committee Bill (Formerly House Study Bill 636), providing for access to the Iowa communications network by homeland security or defense facilities.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2002.

Committee Bill (Formerly House Study Bill 638), relating to access to third-party contracts involving government-funded services.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2002.

COMMITTEE ON TRANSPORTATION

House File 2187, a bill for an act creating a rebuttable presumption concerning failure to obey school bus warning devices.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2002.

Committee Bill (Formerly House Study Bill 595), 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.

Fiscal Note is required.

Recommended **Do Pass** February 14, 2002.

RESOLUTION FILED

HR 109, by Warnstadt, a resolution calling on the Commissioner of Insurance to undertake a review of insurance rates in Iowa.

Laid over under **Rule 25**.

AMENDMENT FILED

H—8053 S.F. 2051 Klemme of Plymouth

On motion by Rants of Woodbury the House adjourned at 5:17 p.m., until 8:45 a.m., Friday, February 15, 2002.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day - Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 15, 2002

The House met pursuant to adjournment at 9:18 a.m., Hansen of Pottawattamie in the chair.

Prayer was offered by the Honorable Betty De Boef, state representative from Mahaska County.

The Journal of Thursday, February 14, 2002 was approved.

INTRODUCTION OF BILLS

House File 2361, by committee on labor and industrial 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 and placed on the **calendar**.

House File 2362, 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 and placed on the **calendar**.

House File 2363, by committee on judiciary, a bill for an act relating to the possession of firearms or offensive weapons by felons.

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

House File 2364, by committee on labor and industrial relations, a bill for an act prohibiting extreme fighting contests and providing penalties.

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

House File 2365, by committee on local government, a bill for an act relating to certain documents indexed and recorded with the county recorder.

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

House File 2366, by committee on judiciary, a bill for an act authorizing sheriffs to appoint civil process servers.

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

House File 2367, by Arnold, Van Engelenhoven, Weidman, Richardson, Jones, D. Taylor, Eddie, Reeder, Hahn, Brauns, Reynolds, and Huser, a bill for an act relating to the establishment of multicounty jails, and making an appropriation.

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

House File 2368, by Dix, Grundberg, Foege, Boddicker, Witt, and Heaton, 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 2369, by Weidman, a bill for an act establishing a pilot project to place flashing traffic control signals at certain intersections on highways in the state.

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

House File 2370, by Hatch, a bill for an act relating to manufactured and mobile homes.

Read first time and referred to committee on **local government**.

House File 2371, by Hoffman, Alons, Kettering, Huseman, Johnson, Eddie, Warnstadt, and Stevens, a bill for an act relating to certifying law enforcement training facilities at postsecondary educational institutions, and providing for a fee.

Read first time and referred to committee on **local government**.

House File 2372, by Sukup, a bill for an act relating to a phaseout of the state income tax on certain pension or retirement pay and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2373, by Sukup, a bill for an act phasing out the tax on social security benefits under the state individual income tax and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2374, by Heaton, a bill for an act relating to requirements for executive branch interdepartmental transfers of appropriations.

Read first time and referred to committee on **state government**.

House File 2375, by Stevens, Warnstadt, Lensing, Atteberry, Hatch, Tymeson, Tyrrell, Alons, Bradley, and Eddie, a bill for an act relating to the release of certain military records of Iowa veterans.

Read first time and referred to committee on **local government**.

House File 2376, by Bell, a bill for an act limiting earning restrictions for Iowa public employee retirement system retirees.

Read first time and referred to committee on **state government**.

House File 2377, by committee on state government, a bill for an act relating to the level of full-time equivalent positions authorized for executive branch agencies.

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

House File 2378, by committee on economic development, a bill for an act relating to the enterprise zone program and providing an effective date.

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

House File 2379, 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 and placed on the **calendar**.

House File 2380, by committee on state government, a bill for an act relating to access to third-party contracts involving government-funded services.

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

SENATE MESSAGE CONSIDERED

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 and **passed on file**.

SUBCOMMITTEE ASSIGNMENTS

House File 2274

Appropriations: Brunkhorst, Chair; Hatch and Jacobs.

House File 2278

Appropriations: Brunkhorst, Chair; Hatch and Jacobs.

House File 2302

Environmental Protection: De Boef, Chair; Finch and Mascher.

House File 2307

Appropriations: Millage, Chair; Brunkhorst and Mascher.

House File 2311

Appropriations: Millage, Chair; Brunkhorst and Murphy.

House File 2350

Education: Boal, Chair; Foege and Sukup.

House File 2358

Human Resources: Hoversten, Chair; Boal and Foege.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 651

Education: Finch, Chair; Roberts and Wise.

House Study Bill 658

Environmental Protection: Gipp, Chair; De Boef and Shoultz.

House Study Bill 659

Commerce and Regulation: Hansen, Chair; Chiodo and Van Fossen.

House Study Bill 661

Education: Grundberg, Chair; Brunkhorst and Wise.

House Study Bill 664

Commerce and Regulation: Metcalf, Chair; Hansen and Petersen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 665 Judiciary

Concerning procedures, duties, and fees related to the judicial branch.

H.S.B. 666 Education

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.

H.S.B. 667 Commerce and Regulation

Relating to energy, by providing tax incentives for alternate energy projects, providing for approval of utility power purchase contracts and authorizing related expenditures, changing the voltage threshold for electric line franchises, reassigning responsibilities of the energy bureau of the department of natural resources, and including effective and retroactive applicability dates.

RESOLUTION FILED

HCR 113, by committee on labor and industrial relations, a concurrent resolution designating May 1, 2002, as Iowa Right-to-Work Day.

Laid over under **Rule 25**.

On motion by Roberts of Carroll the House adjourned at 9:26 a.m., until 1:00 p.m., Monday, February 18, 2002.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 18, 2002

The House met pursuant to adjournment at 1:03 p.m., Speaker Siegrist in the chair.

Prayer was offered by Father Dennis Cain, pastor of St. Clement's Catholic Church, Bankston and St. Joseph Catholic Church, Farley. He was the guest of Representative Paul Scherrman from Dubuque County.

The Journal of Friday, February 15, 2002 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by fourteen students of the SODA Group (Students O.K. Without Drugs and Alcohol), accompanied by sponsor, Kevin McCauley and counselor Tony Nichols from Linn-Mar High School in Marion. They were the guests of Representative Jeff Elgin of Linn County.

PETITION FILED

The following petition was received and placed on file:

By Tymeson of Madison from two thousand four hundred sixteen constituents that believe the current Iowa container deposit law endangers our food supply by directing consumers to take unsanitary beverage containers to supermarkets. They further believe the current deposit law hurts comprehensive recycling and curbside collection efforts by establishing a separate system for recycling of valuable aluminum. They request that the Iowa General Assembly replace the current Iowa deposit law with one that encourages comprehensive recycling.

INTRODUCTION OF BILLS

House File 2381, by Tremmel, a bill for an act providing for the establishment of a code of classroom conduct by school districts.

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

House File 2382, by committee on human resources, a bill for an act designating advanced registered nurse practitioners as providers of health care services pursuant to managed care or prepaid services contracts under the medical assistance program.

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

House File 2383, by Tremmel, a bill for an act relating to the placement of a juvenile in detention and to the jurisdiction of the juvenile court.

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

House File 2384, by Hatch, a bill for an act establishing a tax credit against individual and corporate income tax liability for small business guaranty fees paid and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2385, by Tremmel, a bill for an act relating to appeals from involuntary commitment for chronic substance abuse or mental illness.

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

House File 2386, by Stevens, a bill for an act creating a local services committee in each county.

Read first time and referred to committee on **local government**.

House File 2387, by Heaton and Foege, a bill for an act relating to psychiatric medical institutions for children requirements involving complaint response and behavioral health care coverage.

Read first time and referred to committee on **human resources**.

House File 2388, by Hatch, a bill for an act 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.

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

House File 2389, by Myers, Bukta, Foege, Jochum, Kuhn, Warnstadt, Stevens, Reeder, Reynolds, Dotzler, Hatch, Mascher, Atteberry, Larkin, Cohoon, D. Taylor, T. Taylor, May, Bell, Seng, Connors, Osterhaus, Murphy, Quirk, Scherrman, Lensing, Richardson, Shoultz, Wise, and Chiodo, a bill for an act establishing a new economy council.

Read first time and referred to committee on **economic development**.

House File 2390, by committee on state government, 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 placed on the **calendar**.

House File 2391, by Myers, Bukta, Foege, Jochum, Kuhn, Warnstadt, Reeder, Stevens, Reynolds, Dotzler, Mertz, Fallon, Hatch, Larkin, Cohoon, D. Taylor, T. Taylor, May, and Bell, 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**.

House File 2392, by Hoffman, Kettering, Hoversten, Rants, Teig, Wilderdyke, Boal, Drake, Boggess, Roberts, Cormack, Johnson, Alons, Larson, Eichhorn, Weidman, Eddie, Sukup, Dix, Huseman, Horbach, Bradley, Baudler, Gipp, Carroll, Arnold, Hansen, Broers, Heaton, Klemme, Siegrist, Jacobs, Elgin, Jenkins, De Boef, Tymeson, Wise, Reynolds, Connors, and Mertz, 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 and referred to committee on **local government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 15, 2002, passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on February 15, 2002, amended and passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

On motion by Rants of Woodbury, the House was recessed at 1:16 p.m., until 5:30 p.m.

EVENING SESSION

The House reconvened at 5:42 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk on request of Huser of Polk.

SENATE AMENDMENT CONSIDERED

Teig of Hamilton called up for consideration **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, amended by the Senate amendment H-8058 as follows:

H-8058

- 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."

A non-record roll call was requested.

The ayes were 51, nays 39.

The motion prevailed and the House concurred in the Senate amendment H-8058.

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

On the question "Shall the bill pass?" (H.F. 2271)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eichhorn
Elgin	Finch	Foege	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Teig
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen

Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, 2:

Fallon	Tremmel
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Absent or not voting, 3:

Eddie	Ford	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2271** be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Regular Calendar

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 passage, was taken up for consideration.

Metcalf of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2152)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten

Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wildurdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Eddie Ford Taylor, T.

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

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, was taken up for consideration.

Weidman of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2289)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boguess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins

Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wildurdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Eddie	Ford	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2248, a bill for an act relating to the designation of a Bill of Rights Day, was taken up for consideration.

Larkin of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2248)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Gipp	Greimann
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson

Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Teig
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Eddie	Ford	Grundberg	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILLS

House Joint Resolution 2006, by Tremmel, Shey, and Kreiman, a joint resolution proposing an amendment to the Constitution of the State of Iowa providing certain rights to victims of crimes.

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

House Joint Resolution 2007, by Rants and Myers, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

Read first time and referred to committee on **state government**.

House File 2393, by committee on human resources, a bill for an act 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.

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

House File 2394, by committee on education, 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 placed on the **calendar**.

House File 2395, 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 and placed on the **calendar**.

House File 2396, by Tremmel, Kreiman, and Shey, 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 2397, by Hatch, a bill for an act providing that a child who is ten years of age or older, truant, and who refuses to engage in mediation or who violates a truancy mediation agreement commits a delinquent act.

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

House File 2398, by Tremmel, Kreiman, and Shey, a bill for an act relating to the statute of limitations in first and second degree sexual abuse cases.

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

House File 2399, by Grundberg and Heaton, 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 2400, by Winckler, Stevens, Cohoon, Larkin, D. Taylor, Fallon, Frevert, Dotzler, Warnstadt, Lensing, and Mascher, a bill for an act providing for a one-year waiver of the accumulation of professional development credits required for practitioner and administrator license renewal.

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

House File 2401, by Osterhaus, a bill for an act relating to the regulation of pharmacy benefit management companies and making appropriations.

Read first time and referred to committee on **commerce and regulation**.

House File 2402, by Reynolds, 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 **economic development**.

House File 2403, by Hatch, a bill for an act expanding the jurisdiction of the juvenile court to include modifying certain child support orders.

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

House File 2404, by committee on education, 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 **appropriations**.

House File 2405, 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 and placed on the **calendar**.

House File 2406, by Rayhons, 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 referred to committee on **commerce and regulation**.

House File 2407, by Greimann, a bill for an act relating to the medical services that may be provided by health care providers participating in the volunteer health care provider program.

Read first time and referred to committee on **human resources**.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2152, 2248 and 2289**.

Regular Calendar

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.

Klemme of Plymouth offered the following amendment H-8053 filed by him and moved its adoption:

H-8053

- 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".

Amendment H-8053 was adopted.

Klemme of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2051)

The ayes were, 81:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cohoon	Cormack
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Finch	Foege
Frevert	Garman	Gipp	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Manternach	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Petersen	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Sievers	Smith
Stevens	Sukup	Taylor, D.	Teig
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wildurdyke	Wise
Mr. Speaker			
Siegrist			

The nays were, 16:

Bukta	Connors	Dotzler	Fallon
Greimann	Hatch	Huser	Jochum
Lensing	Mascher	Osterhaus	Quirk
Shoultz	Tremmel	Winckler	Witt

Absent or not voting, 3:

Eddie	Ford	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2291, a bill for an act relating to judgment liens attaching to city real estate, was taken up for consideration.

Weidman of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2291)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Eddie	Ford	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

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 amendment and passage, was taken up for consideration.

Jacobs of Polk offered the following amendment H-8046 filed by the committee on state government and moved its adoption:

H-8046

1 Amend House File 2009 as follows:

2 1. Page 1, line 7, by inserting after the word
 3 "assessor," the following: "If an assessor is elected
 4 to a city or county office, to a statewide elective
 5 office, or to the general assembly, the assessor shall
 6 resign as assessor before the beginning of the term of
 7 the office to which the assessor was elected."

The committee amendment H-8046 was adopted.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2009)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wildurdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Eddie	Ford	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2009, 2291** and **Senate File 2051**.

House File 2310, a bill for an act relating to vendor contracts for the statewide underground facility notification center, was taken up for consideration.

Shey of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2310)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Teig	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wildurdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Eddie Ford Taylor, T.

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

House File 2317, a bill for an act relating to restrictions on advertising devices placed along interstate highways and providing a delayed effective date, was taken up for consideration.

Garman of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2317)

The ayes were, 87:

Alons	Arnold	Atteberry	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eichhorn	Elgin
Finch	Foege	Frevert	Garman
Gipp	Grundberg	Hahn	Hansen
Hatch	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Roberts
Scherrman	Schrader	Seng	Shey
Sievers	Stevens	Sukup	Taylor, D.
Teig	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Siegrist	

The nays were, 10:

Baudler	Fallon	Greimann	Heaton
Reynolds	Richardson	Shoultz	Smith
Tremmel	Witt		

Absent or not voting, 3:

Eddie	Ford	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2310 and 2317.**

HOUSE FILE 2367 REREFERRED

The Speaker announced that House File 2367, previously referred to committee on **appropriations** was rereferred to committee on **local government.**

SPONSOR WITHDRAWN (House File 2178)

Heaton of Henry requested to be withdrawn as a sponsor of House File 2178.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 14 and 15, 2002. Had I been present, I would have voted "aye" on House Files 2018, 2082, 2229, 2230, 2246, 2247, 2249, 2271 and Senate Files 2079 and 2134.

FREVERT of Palo Alto

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ECONOMIC DEVELOPMENT

The Community Economic Betterment Account Annual Report for Fiscal Year 2001, pursuant to Chapter 15.315, Code of Iowa.

IOWA HIGHER EDUCATION LOAN AUTHORITY

The 2001 Annual Report, pursuant to Chapter 261A.21, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\347 | Marian and Dwight Pearson, Corydon – For celebrating their 60 th wedding anniversary. |
| 2002\348 | Melissa Henschel, Dubuque – For being a winner of the Daughters of the American Revolution History Essay Contest. |
| 2002\349 | Sarah Elkatid, Dubuque – For being a winner of the Daughters of the American Revolution History Essay Contest. |
| 2002\350 | Ashley Roguls, Dubuque – For being a winner of the Daughters of the American Revolution History Essay Contest. |
| 2002\351 | Anna Beek, George – For celebrating her 95 th birthday. |
| 2002\352 | Don and Betty Maasen, Westside – For celebrating their 60 th wedding anniversary. |
| 2002\353 | Alfred and Emgard Hagemann, Charter Oak – For celebrating their 65 th wedding anniversary. |
| 2002\354 | John H. Hansen, Denison – For celebrating his 85 th birthday. |
| 2002\355 | Laverne Zage, Denison – For celebrating her 85 th birthday. |
| 2002\356 | Andrew South, Castana – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

- 2002\357 Milly (Peters) Corbin, Perry – For celebrating her 90th birthday.
- 2002\358 Maxine Hastie, Earlham – For celebrating her 80th birthday.
- 2002\359 Ethel Calkins, Mount Etna – For celebrating her 90th birthday.
- 2002\360 Paul Gauthier, Corning – For winning the Distinguished Service Award for his dedication to the newspaper and his community.
- 2002\361 Alice Miligan, Manchester – For celebrating her 90th birthday.
- 2002\362 Ernest Quint, Marion – For celebrating his 80th birthday.
- 2002\363 Pauline Boll, Manchester – For celebrating her 96th birthday.
- 2002\364 Lester and Eleanor Justice, Manchester – For celebrating their 65th wedding anniversary.
- 2002\365 Thomas and Patricia Ackerman, Sabula – For celebrating their 50th wedding anniversary.
- 2002\366 Isabelle Youngblood, Marshalltown – For celebrating her 88th birthday.
- 2002\367 Edra Campbell, Marshalltown – For celebrating his 94th birthday.
- 2002\368 Lillian Blakey, Marshalltown – For celebrating her 83rd birthday.
- 2002\369 Beulah Buchwald, Marshalltown – For celebrating her 91st birthday.
- 2002\370 Margaret Franey, Marshalltown – For celebrating her 90th birthday.
- 2002\371 John Beaty, Marshalltown – For celebrating his 90th birthday.
- 2002\372 Russell Nichols, Marshalltown – For celebrating his 89th birthday.
- 2002\373 Donald Gaffney, Marshalltown – For celebrating his 88th birthday.
- 2002\374 Geraldine Ploak, Marshalltown – For celebrating her 87th birthday.
- 2002\375 Irene Dubois, Marshalltown – For celebrating her 86th birthday.
- 2002\376 Frances Heuer, Marshalltown – For celebrating her 86th birthday.
- 2002\377 Earl Keyser, Marshalltown – For celebrating his 85th birthday.
- 2002\378 Inez Rohenkohl, Marshalltown – For celebrating her 84th birthday.
- 2002\379 Beatrice Little, Marshalltown – For celebrating her 84th birthday.

- 2002\380 Helen Reiss, Marshalltown – For celebrating her 84th birthday.
- 2002\381 Henrietta Halpunik, Marshalltown – For celebrating her 83rd birthday.
- 2002\382 Lovilah Mathiason, Marshalltown – For celebrating her 83rd birthday.
- 2002\383 Blanche Feld, Marshalltown – For celebrating her 83rd birthday.
- 2002\384 Ruth Nash, Marshalltown – For celebrating her 81st birthday.
- 2002\385 Fran Klatt, Mason City – For celebrating her 90th birthday.
- 2002\386 LeRoy and Lorraine French, Clear Lake – For celebrating their 50th wedding anniversary.
- 2002\387 Ray and Alice Harris, Rockwell – For celebrating their 60th wedding anniversary.
- 2002\388 Bill Logan, Keokuk – For being named to the University of Iowa's all-century basketball team.
- 2002\389 Robert and Loretta Grasty, Dexter – For celebrating their 50th wedding anniversary.
- 2002\390 Bill and Norma Huff, Fontanelle – For celebrating their 50th wedding anniversary.
- 2002\391 Dale and Mildred Harris, Guthrie Center – For celebrating their 55th wedding anniversary.
- 2002\392 Mac and Donna McNeill, Jamaica – For celebrating their 50th wedding anniversary.
- 2002\393 Laura Boots Chambers, Bayard – For celebrating her 80th birthday.
- 2002\394 Chris Nelson, Stuart – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\395 Mr. and Mrs. Howard Goettsch, Davenport – For celebrating their 60th wedding anniversary.
- 2002\396 Etta Garms, Pleasant Valley – For celebrating her 100th birthday.
- 2002\397 Paul Macumber, Davenport – For celebrating his 90th birthday.
- 2002\398 Dolores and John Kopsa, Tama – For celebrating their 50th wedding anniversary.
- 2002\399 Kelly Linquist, Fonda – For receiving a 2002 Prudential Spirit of Community Award.

SUBCOMMITTEE ASSIGNMENTS

House File 2161

Commerce and Regulation: Jacobs, Chair; Chiodo and Hansen.

House File 2188

Commerce and Regulation: Bradley, Chair; Johnson and Seng.

House File 2209

Commerce and Regulation: Hoffman, Chair; Osterhaus and Van Fossen.

House File 2242

Commerce and Regulation: Hoffman, Chair; Jenkins and Quirk.

House File 2251

Commerce and Regulation: Johnson, Chair; Schrader and Shey.

House File 2293

Commerce and Regulation: Metcalf, Chair; Jenkins and D. Taylor.

House File 2296

Commerce and Regulation: Jenkins, Chair; Chiodo and Metcalf.

House File 2309

Commerce and Regulation: Jenkins, Chair; Metcalf and Wise.

House File 2322

Commerce and Regulation: Metcalf, Chair; Kettering and Warnstadt.

House File 2323

Commerce and Regulation: Dix, Chair; Shey and Wise.

House File 2333

Commerce and Regulation: Bradley, Chair; Jacobs and Osterhaus.

House File 2349

Judiciary: Shey, Chair; Baudler and Tremmel.

House File 2356

Commerce and Regulation: Jenkins, Chair; Chiodo and Metcalf.

House File 2360

Judiciary: Shey, Chair; Baudler and Tremmel.

House File 2388

Education: Grundberg, Chair; Boal and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 556

State Government: Jacobs, Chair; Boddicker, Eichhorn, Jochum and Reynolds.

House Study Bill 557

State Government: Gipp, Chair; Reynolds and Van Engelenhoven.

House Study Bill 650

Education: Brunkhorst, Chair; Eddie and Foege.

House Study Bill 666

Education: Grundberg, Chair; Finch, Petersen, Sukup and Wise.

House Study Bill 667

Commerce and Regulation: Jenkins, Chair; Chiodo and Metcalf.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 668 Agriculture

Relating to animal agriculture, providing for fees and appropriations, and providing for penalties.

H.S.B. 669 Education

Relating to the amount of additional weighting provided for limited English proficient students.

H.S.B. 670 State Government

Relating to public retirement systems and providing effective and retroactive applicability dates.

H.S.B. 671 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.

H.S.B. 672 Judiciary

Making certain amendments to the Iowa trust code.

H.S.B. 673 Judiciary

Relating to reorganizing judicial districts and judicial election districts.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 643), relating to the acquisition and holding of agricultural land by qualified enterprises, providing penalties, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 18, 2002.

COMMITTEE ON COMMERCE AND REGULATION

Committee Bill (Formerly House Study Bill 575), relating to the Iowa energy center, including changes relating to salary adjustments, and promotion and administration of the alternative energy revolving loan program.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 2002.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 650), relating to the reorganization or dissolution of area education agencies and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 2002.

Committee Bill (Formerly House Study Bill 669), relating to the amount of additional weighting provided for limited English proficient students.

Fiscal Note is not required.

Recommended **Do Pass** February 18, 2002.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2114), relating to mental health and developmental disability services and involuntary hospitalization requirements.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 18, 2002.

COMMITTEE ON STATE GOVERNMENT

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8062** February 18, 2002.

Committee Bill (Formerly House File 2084), relating to the applicability of the thermal efficiency energy conservation standards in the state building code.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 2002.

RESOLUTION FILED

HCR 114, by Tyrrell, a concurrent resolution designating May 1, 2002, as Right-to-Work Day in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8057	H.F.	2341	Metcalf of Polk
H—8059	H.F.	2342	Chiodo of Polk
H—8060	H.F.	2366	Baudler of Adair
H—8062	H.F.	2109	Committee on State Government
H—8063	H.F.	2338	Tremmel of Wapello

On motion by Rants of Woodbury the House adjourned at 6:46 p.m., until 8:45 a.m., Tuesday, February 19, 2002.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 19, 2002

The House met pursuant to adjournment at 8:47 a.m., Speaker Siegrist in the chair.

Prayer was offered by the Honorable Henry Rayhons, state representative from Hancock County.

The Journal of Monday, February 18, 2002 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk on request of Huser of Polk; Garman of Story and Teig of Hamilton on request of Rants of Woodbury.

INTRODUCTION OF BILLS

House File 2408, by Alons, a bill for an act prohibiting the cancellation or nonrenewal of property and casualty insurance policies due to certain claims involving no fault of the insureds.

Read first time and referred to committee on **commerce and regulation**.

House File 2409, by Jacobs, 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 2410, by Alons, a bill for an act requiring a watercraft rental company to offer a collision damage waiver to customers and providing penalties.

Read first time and referred to committee on **commerce and regulation**.

House File 2411, 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 and placed on the **calendar**.

House File 2412, by Chiodo, Hatch, Kreiman, and Fallon, a bill for an act relating to consumer credit transactions secured by an interest in real or personal property used as a primary dwelling, making related changes, and providing a penalty.

Read first time and referred to committee on **commerce and regulation**.

House File 2413, by Mascher, a bill for an act creating a wetlands program and providing penalties.

Read first time and referred to committee on **environmental protection**.

House File 2414, by Grundberg, a bill for an act permitting the juvenile court to modify certain child support orders.

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

House File 2415, by Myers, a bill for an act to provide for a comprehensive review of Iowa's state and local fiscal structure and making an appropriation.

Read first time and referred to committee on **ways and means**.

On motion by Rants of Woodbury, the House was recessed at 8:51 a.m., until 5:00 p.m.

EVENING SESSION

The House reconvened at 5:05 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar on request of Bradley of Clinton; O'Brien of Boone on request of Huser of Polk.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

The House stood at ease at 5:11 p.m., until the fall of the gavel.

The House resumed session at 5:44 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Richardson of Warren on request of T. Taylor of Linn.

INTRODUCTION OF BILLS

House File 2416, by committee on human resources, a bill for an act relating to mental health and developmental disability services requirements.

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

House File 2417, by committee on environmental protection, 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 placed on the **calendar**.

House File 2418, by committee on state government, 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 placed on the **calendar**.

House File 2419, by Foege, Myers, Bukta, Kuhn, Warnstadt, Reeder, Stevens, Dotzler, Reynolds, Fallon, Mertz, Hatch, Mascher, Smith, Atteberry, Cohoon, D. Taylor, T. Taylor, May, Bell, Seng, Connors, Tremmel, Osterhaus, Murphy, Scherrman, Lensing, Richardson, Schrader, Chiodo, Huser, and Witt, a bill for an act relating to mental health and substance abuse treatment coverage, and providing for applicability.

Read first time and referred to committee on **commerce and regulation**.

House File 2420, by Murphy, 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 2421, by Foege, Myers, Bukta, Jochum, Kuhn, Reeder, Stevens, Reynolds, Dotzler, Mertz, Hatch, Mascher, Smith, Atteberry, Larkin, Cohoon, D. Taylor, T. Taylor, May, Bell, Seng, Connors, Osterhaus, Murphy, Quirk, Scherrman, Lensing, Richardson, Shoultz, and Witt, a bill for an act creating an early childhood programs endowment fund.

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

House File 2422, by Warnstadt, a bill for an act relating to educational, tax, homebuyer, and welfare benefits and protections for members and families of Iowa national guard or United States reserve forces during activation for federal service or active state service, providing for other properly related matters, and providing for appropriations.

Read first time and referred to committee on **economic development**.

CONSIDERATION OF BILLS
Regular Calendar

House File 2344, a bill for an act relating to the retention of unemployment benefits contested case hearing records, was taken up for consideration.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2344)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Boddicker	Ford	Garman	O'Brien
Richardson	Teig		

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

House File 2341, a bill for an act relating to electric transmission lines, was taken up for consideration.

Metcalf of Polk offered the following amendment H-8057 filed by her and moved its adoption:

H-8057

- 1 Amend House File 2341 as follows:
- 2 1. Page 1, line 12, by striking the word "so" and
- 3 inserting the following: "with the intent".

Amendment H-8057 was adopted.

Metcalf of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2341)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt

Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Boddicker	Ford	Garman	O'Brien
Richardson	Teig		

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

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.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2345)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt

Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker Siegrist		

The nays were, none.

Absent or not voting, 6:

Boddicker	Ford	Garman	O'Brien
Richardson	Teig		

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2341, 2344 and 2345.**

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, with report of committee recommending amendment and passage, was taken up for consideration.

Rayhons of Hancock offered the following amendment H-8047 filed by the committee on natural resources and moved its adoption:

H-8047

- 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".

The committee amendment H-8047 was adopted.

Cormack of Webster asked and received unanimous consent to withdraw amendment H-1435 filed by him on April 5, 2001.

Quirk of Chickasaw offered amendment H-1424 filed by him as follows:

H-1424

1 Amend Senate File 437, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 35 the
4 following:

5 "Sec. ___. Section 321G.7, unnumbered paragraph 2,
6 Code 2001, is amended to read as follows:

7 The department shall remit the fees to the
8 treasurer of state, who shall place the money in a
9 special conservation fund. The special conservation
10 fund shall also include moneys transferred to the fund
11 pursuant to section 452A.84. The ~~money is~~ moneys in
12 the fund are appropriated to the department for the
13 all-terrain vehicle and snowmobile programs of the
14 state. All-terrain vehicle fees shall be used only
15 for all-terrain vehicle programs and snowmobile fees
16 shall be used only for snowmobile programs. Joint
17 programs shall be supported from both types of fees on
18 a usage basis. The all-terrain vehicle and snowmobile
19 programs shall include grants, subgrants, contracts,
20 or cost-sharing of all-terrain vehicle and snowmobile
21 programs with political subdivisions or incorporated
22 private organizations or both in accordance with rules
23 adopted by the commission. All all-terrain vehicle
24 programs using cost-sharing, grants, subgrants, or
25 contracts shall establish and implement a safety
26 instruction program either singly or in cooperation
27 with other all-terrain vehicle programs. At least
28 fifty percent of the special fund shall be available
29 for political subdivisions or incorporated private
30 organizations or both. Moneys from the special fund
31 not used by the political subdivisions or incorporated
32 private organizations or both shall remain in the all-
33 terrain vehicle or snowmobile accounts. The
34 department may use funds from these accounts for the
35 administration of the all-terrain vehicle and
36 snowmobile programs."

37 2. Page 5, by inserting after line 28 the
38 following:

39 "Sec. ___. Section 452A.79, Code 2001, is amended
40 to read as follows:

41 452A.79 USE OF REVENUE.

42 1. The Except as otherwise provided in this
43 section, the net proceeds of the excise tax on the
44 diesel special fuel and the excise tax on motor fuel
45 and other special fuel, and penalties collected under
46 the provision of this chapter, shall be credited to

47 the road use tax fund.
 48 2. Annually, the first four hundred eleven
 49 thousand three hundred eleven dollars derived from the
 50 excise tax on the sale of motor fuel used in

Page 2

1 watercraft, computed pursuant to section 452A.84,
 2 shall be deposited in the general fund of the state.
 3 The moneys in excess of four hundred eleven thousand
 4 three hundred eleven dollars shall be deposited in the
 5 rebuild Iowa infrastructure fund. Moneys deposited to
 6 the general fund and to the rebuild Iowa
 7 infrastructure fund under this ~~section~~ subsection and
 8 section 452A.84 are subject to the requirements of
 9 section 8.60 and are subject to appropriation by the
 10 general assembly to the department of natural
 11 resources for use in its recreational boating program,
 12 which may include but is not limited to:
 13 1. ~~a.~~ Dredging and renovation of lakes of this
 14 state.
 15 2. ~~b.~~ Acquisition, development, and maintenance of
 16 access to public boating waters.
 17 3. ~~c.~~ Development and maintenance of boating
 18 facilities and navigation aids.
 19 4. ~~d.~~ Administration, operation, and maintenance
 20 of recreational boating activities of the department
 21 of natural resources.
 22 5. ~~e.~~ Acquisition, development, and maintenance of
 23 recreation facilities associated with recreational
 24 boating.
 25 3. Annually, the moneys derived from the excise
 26 tax on the sale of motor fuels used in all-terrain
 27 vehicles and snowmobiles, computed pursuant to section
 28 452A.84, shall be transferred to the special
 29 conservation fund created in section 321G.7.
 30 Sec. . Section 452A.84, Code 2001, is amended
 31 to read as follows:
 32 452A.84 TRANSFER TO STATE GENERAL FUND FUNDS.
 33 1. The treasurer of state shall transfer from the
 34 motor fuel tax fund to the general fund of the state
 35 that portion of moneys collected under this chapter
 36 attributable to motor fuel used in watercraft computed
 37 as follows:
 38 1. ~~a.~~ Determine monthly the total amount of motor
 39 fuel tax collected under this chapter and multiply the
 40 amount by nine-tenths of one percent.
 41 2. ~~b.~~ Subtract from the figure computed pursuant
 42 to ~~subsection 1 of this section~~ paragraph "a", three
 43 percent of the figure for administrative costs and
 44 further subtract from the figure the amounts refunded
 45 to commercial fishers pursuant to section 452A.17,

46 subsection 1, paragraph "a", subparagraph (7). All
 47 moneys remaining after claims for refund and the cost
 48 of administration have been made shall be transferred
 49 to the general fund of the state.

50 2. The treasurer of state shall transfer from the

Page 3

1 motor fuel tax fund to the special conservation fund
 2 credited in section 321G.7 that portion of moneys
 3 collected under this chapter attributable to motor
 4 fuel used in all-terrain vehicles and snowmobiles
 5 computed as follows:

6 a. Determine monthly the total amount of motor
 7 fuel tax collected under this chapter and multiply the
 8 amount by twenty-five hundredths of one percent.

9 b. Subtract from the figure computed pursuant to
 10 paragraph "a", three percent of the figure for
 11 administrative costs."

12 3. Title page, line 2, by inserting after the
 13 word "snowmobiles" the following: "and authorizing
 14 funding for all-terrain vehicle and snowmobile trails
 15 and programs".

16 4. By renumbering as necessary.

Quirk of Chickasaw offered the following amendment H-8067, to amendment H-1424, filed by him from the floor and moved its adoption:

H-8067

1 Amend the amendment, H-1424, to Senate File 437, as
 2 passed by the Senate, as follows:

3 1. By striking page 1, line 3, through page 4,
 4 line 15, and inserting the following:

5 " . Page 3, by inserting after line 4 the
 6 following:

7 "Sec. . Section 321G.13, subsection 10, Code
 8 Supplement 2001, is amended by striking the
 9 subsection.

10 Sec. . Section 321G.13, Code Supplement 2001,
 11 is amended by adding the following new unnumbered
 12 paragraph:

13 NEW UNNUMBERED PARAGRAPH. a person shall not drive
 14 or operate a snowmobile on public land without a
 15 measurable snow cover."

16 2. Page 4, by inserting before line 16 the
 17 following:

18 " . Title page, line 2, by inserting after the
 19 word "snowmobile" the following: "and removing the

20 restriction on the use of an all-terrain vehicle on
 21 public land without a measurable snow cover".

Amendment H-8067 was adopted.

On motion by Quirk of Chickasaw amendment H-1424, as amended, was adopted.

Rayhons of Hancock moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 437)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Frevert
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, 1:

Fallon

Absent or not voting, 6:

Boddicker	Ford	Garman	O'Brien
Richardson	Teig		

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

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.

Tremmel of Wapello offered amendment H-8063 filed by him as follows:

H-8063

- 1 Amend House File 2338 as follows:
- 2 1. Page 2, line 13, by striking the word
- 3 "knowingly" and inserting the following: "~~knowingly~~".
- 4 2. Page 2, line 17, by striking the word
- 5 "~~knowingly~~".
- 6 3. Page 2, line 21, by striking the word
- 7 "knowingly" and inserting the following: "~~knowingly~~".
- 8 4. Page 2, line 30, by striking the word
- 9 "knowing" and inserting the following: "~~knowing~~".

Tremmel of Wapello offered the following amendment H-8071, to amendment H-8063, filed by Tremmel, Shey of Linn and Kreiman of Davis from the floor and moved its adoption:

H-8071

- 1 Amend the amendment, H-8063, to House File 2338 as
- 2 follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 " _____. Page 2, line 35, by inserting after the
- 6 word "release." the following: "For purposes of this
- 7 subsection, a violation occurs when a person knows or
- 8 reasonably should know of the duty to fulfill a
- 9 requirement specified in the offense charged."
- 10 2. By renumbering as necessary.

Amendment H-8071 was adopted.

On motion by Tremmel of Wapello amendment H-8063, as amended, was adopted.

Raecker of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2338)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyeke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Boddicker	Ford	Garman	O'Brien
Richardson	Teig		

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

House File 2339, a bill for an act relating to the filing of a supersedeas bond, was taken up for consideration.

Broers of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2339)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Boddicker	Ford	Garman	O'Brien
Richardson	Teig		

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2338, 2339** and **Senate File 437**.

INTRODUCTION OF BILLS

House File 2423, by Tremmel, Shey, and Kreiman, a bill for an act relating to lifetime registration as a sex offender and second or subsequent violations for failing to properly register as a sex offender.

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

House File 2424, by Wise, a bill for an act relating to the distribution of federal training or retraining moneys by the department of workforce development.

Read first time and referred to committee on **economic development**.

House File 2425, by Quirk, a bill for an act exempting withdrawals of deferred savings accounts during the time the Iowa national guard or federal reserve forces are on active state or federal service and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2426, by Kreiman, a bill for an act relating to the rights, duties, and responsibilities of a person providing family foster care.

Read first time and referred to committee on **human resources**.

House File 2427, by Huser, Raecker, Hatch, Jacobs, Fallon, Grundberg, Boal, Metcalf, Chiodo, Petersen, and Connors, a bill for an act providing for the redistricting of county supervisor districts for certain counties.

Read first time and referred to committee on **state government**.

House File 2428, by Klemme, Teig, Arnold, Eddie, Mertz, Drake, Huseman, Dolecheck, Johnson, Manternach, Alons, May, and Frevert, a bill for an act creating a township fire department fund and allocating a certain portion of insurance premiums tax to the township fire department fund, making an appropriation, and including a retroactive applicability date provision.

Read first time and referred to committee on **local government**.

House File 2429, by Kuhn, 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 and referred to committee on **judiciary**.

House File 2430, by Carroll, 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 2431, by committee on state government, a bill for an act requiring the state capitol to remain open to the public seven days a week.

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

House File 2432, by committee on commerce and regulation, 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**.

House File 2433, by Baudler, 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 2434, by Dix, a bill for an act requiring the department of personnel to establish an alternative defined contribution retirement system for members of the general assembly.

Read first time and referred to committee on **state government**.

House File 2435, by Finch, a bill for an act relating to property taxes collected in a tax increment financing district of an urban renewal area and including an applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2436, by Petersen, a bill for an act relating to condemnation, including service of notice when appealing an appraisal of damages in a condemnation proceeding and application for payment of certain fees and costs associated with a condemnation of property.

Read first time and referred to committee on **local government**.

House File 2437, by Kuhn and Mertz, 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 and referred to committee on **agriculture**.

House File 2438, by Kuhn and Mertz, 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 and referred to committee on **agriculture**.

House File 2439, by Heaton, a bill for an act requiring physical and mental health assessment and screening information to be developed for children involved with juvenile justice, child in need of assistance, and voluntary foster care placement proceedings.

Read first time and referred to committee on **human resources**.

House File 2440, by Stevens, Lensing, and Hatch, a bill for an act establishing the Iowa communications network as a state-owned public utility with an expanded authorized user base.

Read first time and referred to committee on **commerce and regulation**.

House File 2441, by Bradley, 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 and referred to committee on **ways and means**.

House File 2442, by Murphy, a bill for an act relating to the law on homeowners' associations.

Read first time and referred to committee on **commerce and regulation**.

House File 2443, by Grundberg, a bill for an act relating to the taxation of income from a small business by allowing an additional deduction in computing income and providing an income tax credit for the hiring of the first full-time employee and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2444, by Stevens, a bill for an act relating to city ordinances regulating the application of fertilizers and soil conditioners on land not used to produce agricultural commodities.

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

House File 2445, by Foege, a bill for an act relating to child care home registration requirements and including effective date and applicability provisions.

Read first time and referred to committee on **human resources**.

HOUSE FILE 453 WITHDRAWN

Rayhons of Hancock asked and received unanimous consent to withdraw House File 453 from further consideration by the House.

HOUSE FILE 754 WITHDRAWN

Hoffman of Crawford asked and received unanimous consent to withdraw House File 754 from further consideration by the House.

HOUSE FILE 2392 REREFERRED

The Speaker announced that House File 2392, previously referred to committee on **local government** was rereferred to committee on **economic development**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\400 | Minnie T. Kruse, Hull – For celebrating her 90 th birthday. |
| 2002\401 | John Wiersma, Hull – For celebrating his 91 st birthday. |
| 2002\402 | Marie Wegter, Hull – For celebrating her 91 st birthday. |
| 2002\403 | Margaret Riphagen, Hull – For celebrating her 92 nd birthday. |
| 2002\404 | Christina Boogerd, Hull – For celebrating her 95 th birthday. |
| 2002\405 | Fred W. Jantzen, Hull – For celebrating his 96 th birthday. |
| 2002\406 | Naomi Hohman, Inwood – For celebrating her 95 th birthday. |
| 2002\407 | Lilith Kickbush, Guttenburg – For celebrating her 90 th birthday. |
| 2002\408 | Donald and Mary Zook, Evensdale – For celebrating their 50 th wedding anniversary. |
| 2002\409 | Patrick and Jeannine Enwright, Waterloo – For celebrating their 50 th wedding anniversary. |

- 2002\410 Edgar Homann, Waterloo – For celebrating his 80th birthday.
- 2002\411 Wanda R. Borgwardt, Waterloo – For celebrating her 80th birthday.
- 2002\412 Edna Ames, Waterloo – For celebrating her 90th birthday.
- 2002\413 Joseph and Darlene Shirk, Waterloo – For celebrating their 60th wedding anniversary.
- 2002\414 Robert and Shirley Nemmers, Waterloo – For celebrating their 60th wedding anniversary.
- 2002\415 Robert and Viola Lies, Waterloo – For celebrating their 55th wedding anniversary.
- 2002\416 Glen and Mary Sullivan, Waterloo – For celebrating their 50th wedding anniversary.
- 2002\417 Ralph and Maurine Mohr, Lake View – For celebrating their 55th wedding anniversary.
- 2002\418 Dorothy Weddell, Sac City – For celebrating her 80th birthday.
- 2002\419 Emma Pecina, Iowa City – For celebrating her 90th birthday.
- 2002\420 Rick Stanley, Douds – For being runner-up for the prestigious Traditional Arts Award.
- 2002\421 Dorothy House, Iowa City – For celebrating her 90th birthday.
- 2002\422 Ralph and Dorothy Johnson, Chariton – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2007

State Government: Gipp, Chair; Jochum and Metcalf.

House File 496

Transportation: Johnson, Chair; Bukta and Heaton.

House File 2355

Local Government: Carroll, Chair; Arnold and Petersen.

House File 2367

Local Government: Arnold, Chair; Reynolds and Weidman.

House File 2369

Transportation: Weidman, Chair; Osterhaus and Rayhons.

House File 2374

State Government: Millage, Chair; Jacobs and Jochum.

House File 2375

Local Government: Alons, Chair; Eddie and D. Taylor.

House File 2383

Judiciary: Tremmel, Chair; Baudler and Broers.

House File 2385

Judiciary: Tremmel, Chair; Baudler and Broers.

House File 2387

Human Resources: Grundberg, Chair; Carroll and Foege.

House File 2391

Human Resources: Boddicker, Chair; Carroll and Smith.

House File 2397

Education: Boal, Chair; Finch and Lensing.

House File 2399

Human Resources: Grundberg, Chair; Atteberry and Carroll.

House File 2401

Commerce and Regulation: Metcalf, Chair; Osterhaus and Raecker.

House File 2406

Commerce and Regulation: Johnson, Chair; Jenkins and Wise.

House File 2407

Human Resources: Hoversten, Chair; Atteberry and Roberts.

House File 2409

State Government: Jacobs, Chair; Boddicker, Eichhorn, Jochum and Reynolds.

Senate File 2032

Judiciary: Tremmel, Chair; Baudler and Broers.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 554

State Government: Jacobs, Chair; Boddicker, Eichhorn, Jochum and Reynolds.

House Study Bill 555

State Government: Eichhorn, Chair; Gipp and T. Taylor.

House Study Bill 665

Judiciary: Raecker, Chair; Eichhorn and Kreiman.

House Study Bill 668

Agriculture: Klemme, Chair; Frevert, Kuhn, Manternach and Teig.

House Study Bill 669

Education: Grundberg, Chair; Eddie and Wise.

House Study Bill 670

State Government: Elgin, Chair; Connors, Gipp, Larkin and Metcalf.

House Study Bill 671

Judiciary: Kreiman, Chair; Grundberg and Kettering.

House Study Bill 672

Judiciary: Kreiman, Chair; Grundberg and Kettering.

House Study Bill 673

Judiciary: Raecker, Chair; Eichhorn and Kreiman.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 674 Commerce and Regulation

Relating to the designation of specific children's hospitals as qualified hospitals under the medical assistance disproportionate share hospital payment program.

H.S.B. 675 Commerce and Regulation

Relating to the marketing of motor fuel and providing an effective date.

H.S.B. 676 Agriculture

Providing for the identification of goats moved to or within an exhibition.

H.S.B. 677 Judiciary

Creating new criminal offenses, providing for enhancements and penalties, and providing an effective date.

H.S.B. 678 Education

Relating to the student achievement and teacher quality program and providing an effective date.

H.S.B. 679 Appropriations

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.

H.S.B. 680 Commerce and Regulation

Relating to the proposed uniform computer information transactions Act.

H.S.B. 681 Commerce and Regulation

Relating to the provision of construction management services on public works projects.

H.S.B. 682 Commerce and Regulation

Regarding business corporations, and providing an effective date.

H.S.B. 683 State Government

Relating to enhanced 911 emergency telephone systems by providing an exemption to public access of an electronic recording of a 911 telephone call, and by providing for a limitation on causes of action related to the provision of 911 services.

H.S.B. 684 State Government

Relating to the reorganization of the administrative structure of the department of natural resources.

H.S.B. 685 Commerce and Regulation

To amend Iowa Code chapter 535B to include individuals that act as mortgage bankers or mortgage brokers.

H.S.B. 686 Agriculture

Providing for the control of pseudorabies, and making penalties applicable.

H.S.B. 687 Agriculture

Relating to the indemnification of owners of animals with a contagious disease under a plan of eradication.

H.S.B. 688 Agriculture

Relating to the regulation of milk and milk products, by providing for permits, fees, and penalties, making penalties applicable, and providing an effective date.

H.S.B. 689 Education

Relating to the duties and operation of the department of education.

H.S.B. 690 Judiciary

Classifying the criminal offense of assault as a general intent crime.

H.S.B. 691 Judiciary

Making sexual abuse in the third degree committed between spouses a forcible felony.

H.S.B. 692 Commerce and Regulation

Relating to charges imposed on unclaimed gift certificates.

H.S.B. 693 Judiciary

Relating to the continuance of stays or other temporary remedies during the pendency of appeals of final judgments of judicial review proceedings.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 617, a bill for an act relating to farm deer and providing for an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 550), restricting investment tax credits related to confinement feeding operations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 564), relating to the movement of bovine animals from livestock markets, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 565), relating to the creation of a forest and fruit tree indemnity fund and providing compensation for tree, fruit, and nut crop losses.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 668), relating to animal agriculture, providing for fees and appropriations, and providing for penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

COMMITTEE ON COMMERCE AND REGULATION

Committee Bill (Formerly House File 2333), providing for the regulation of pharmacies utilizing an internet site or electronic mail, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 680), relating to the proposed uniform computer information transactions Act.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2062), providing for licensure sanctions against defaulters of designated loan and scholarship programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House File 2098), relating to the daily observance of a minute of silence in each accredited public and nonpublic school classroom.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House File 2350), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 651), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 644), relating to statewide standards, site-specific cleanup standards, and public participation in the Iowa land recycling and environmental remediation standards Act.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

COMMITTEE ON HUMAN RESOURCES

Senate File 374, a bill for an act relating to the qualifications and authorization of therapeutically certified optometrists engaged in the practice of optometry.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8066** February 18, 2002.

Committee Bill (Formerly House Study Bill 596), relating to the offices of the state and county medical examiners, establishing fees, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 623), providing for the issuance of out-of-hospital do-not-resuscitate orders and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 302), relating to the award of joint physical care of a child.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House File 525), relating to the imposition of a sentence for an additional term of years for persons convicted of certain criminal offenses.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

Committee Bill (Formerly House File 2060), relating to the criminal offense of making a false report and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House File 2126), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 649), creating a criminal offense of sexual exploitation by a peace officer or school employee, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

COMMITTEE ON LOCAL GOVERNMENT

House File 2181, a bill for an act relating to optional private retention of inspectors when inspections are required pursuant to building regulations applicable in a governmental subdivision.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

House File 2375, a bill for an act relating to the release of certain military records of Iowa veterans.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

Committee Bill (Formerly House File 2169), relating to the authority of city hospital and health care facility boards of trustees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House File 2178), relating to state and local land management and planning, and providing effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House File 2204), relating to secured transactions, by providing for landlord liens and their priority.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 514), prohibiting the inclusion of federal social security numbers in documents prepared for recording in the office of county recorder.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House Study Bill 600), relating to the operation, regulation, and equipment of watercraft, establishing watercraft safety courses, and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 2002.

AMENDMENTS FILED

H—8064	H.F.	2361	Dolecheck of Ringgold
H—8065	H.F.	2318	Atteberry of Delaware
H—8066	S.F.	374	Committee on Human Resources
H—8068	H.F.	2366	Baudler of Adair Kreiman of Davis

H—8069	S.F.	2121	Dotzler of Black Hawk
H—8070	H.F.	2246	Huser of Polk Grundberg of Polk
H—8072	H.F.	2363	Baudler of Adair
H—8073	S.F.	2121	Dotzler of Black Hawk

On motion by Rants of Woodbury the House adjourned at 6:57 p.m., until 8:45 a.m., Wednesday, February 20, 2002.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 20, 2002

The House met pursuant to adjournment at 8:44 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Kerry Jech, pastor of New Hope Christian Church, Marshalltown. He was the guest of Representative Mark Smith from Marshall County.

The Journal of Tuesday, February 19, 2002 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk and O'Brien of Boone on request of Huser of Polk; Teig of Hamilton on request of Rants of Woodbury.

INTRODUCTION OF BILLS

House File 2446, by committee on commerce and regulation, a bill for an act relating to the proposed uniform computer information transactions Act.

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

House File 2447, by committee on natural resources, 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 placed on the **calendar**.

House File 2448, by Huser, 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 2449, by Murphy, a bill for an act relating to a power of attorney for the conveyance or encumbrance of homestead property.

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

House File 2450, 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 and placed on the **calendar**.

House File 2451, by Dix, a bill for an act exempting certain agricultural vehicles from maximum gross weight requirements per axle during certain times of the year and providing penalties.

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

House File 2452, by committee on commerce and regulation, a bill for an act providing for the regulation of pharmacies utilizing an internet site or electronic mail, and providing a penalty.

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

House File 2453, by committee on human resources, 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 placed on the **calendar**.

On motion by Rants of Woodbury, the House was recessed at 8:55 a.m., until 5:00 p.m.

EVENING SESSION

The House reconvened at 5:12 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Klemme of Plymouth and Teig of Hamilton on request of Speaker Siegrist; Osterhaus of Jackson on request of Huser of Polk.

INTRODUCTION OF BILLS

House Joint Resolution 2008, by Wise, a joint resolution to nullify an administrative rule of the workforce development board reducing the amount of an individual training account and providing an effective date.

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

House File 2454, by committee on education, 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 placed on the **calendar**.

House File 2455, by committee on local government, 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 placed on the **calendar**.

House File 2456, 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 and placed on the **calendar**.

House File 2457, by Larkin, a bill for an act permitting an inmate at a correctional institution to perform certain services, and providing for a fee.

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

House File 2458, by T. Taylor, a bill for an act establishing discipline and discharge procedures for school boards and their nonprobationary, nonteacher employees who are covered under collective bargaining agreements without discipline or discharge provisions.

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

House File 2459, by committee on local government, a bill for an act relating to the authority of city hospital and health care facility boards of trustees.

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

House File 2460, by committee on natural resources, a bill for an act providing a method for issuing registration certificates for certain watercraft for which ownership has not been conclusively established.

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

House File 2461, by committee on local government, a bill for an act relating to secured transactions, by providing for landlord liens.

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

House File 2462, by Frevert, a bill for an act requiring every insurer offering group health insurance to provide coverage for certain enteral formulas.

Read first time and referred to committee on **commerce and regulation**.

House File 2463, by Drake, a bill for an act relating to grants awarded to counties for the testing of private rural water supply wells, private rural water supply well sealing, and the proper closure of private rural abandoned wells and cisterns.

Read first time and referred to committee on **environmental protection**.

House File 2464, by Tremmel, a bill for an act relating to the prohibition of prescription drug price discrimination and providing penalties.

Read first time and referred to committee on **human resources**.

House File 2465, by committee on agriculture, a bill for an act relating to the creation of a forest and fruit tree indemnity fund and providing compensation for tree, fruit, and nut crop losses.

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

House File 2466, by committee on judiciary, a bill for an act relating to the award of joint physical care of a child.

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

House File 2467, by committee on education, a bill for an act providing for licensure sanctions against defaulters of designated loan and scholarship programs.

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

House File 2468, by committee on agriculture, a bill for an act relating to animal agriculture.

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

House File 2469, by committee on environmental protection, 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 and placed on the **calendar**.

House File 2470, by Myers, a bill for an act relating to the Iowa public employees' retirement system and providing a retroactive applicability date.

Read first time and referred to committee on **state government**.

House File 2471, by Eichhorn, Van Fossen, Hoffman, Tymeson, Boal, Jones, Larson, and Cormack, a bill for an act revising the requirements for the state general fund expenditure limitation and providing an applicability date.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy members present, thirty absent.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 109

Rekow of Allamakee called up for consideration **House Concurrent Resolution 109**, 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.

Rekow of Allamakee offered the following amendment H-8028 filed by him and moved its adoption:

H-8028

- 1 Amend House Concurrent Resolution 109, as passed by
- 2 the Senate, as follows:
- 3 1. Page 3, by striking lines 9 through 12, and
- 4 inserting the following:
- 5 "WHEREAS, the expansion and modernization of locks
- 6 has been proven nationwide as the best method of
- 7 optimizing efficiency, reducing congestion, and
- 8 providing for additional safety of inland waterway
- 9 administration; and".

Amendment H-8028 was adopted.

SENATE CONCURRENT RESOLUTION 104 SUBSTITUTED FOR HOUSE CONCURRENT RESOLUTION 109

Rekow of Allamakee asked and received unanimous consent to substitute Senate Concurrent Resolution 104 for House Concurrent Resolution 109.

Rekow of Allamakee called up for consideration **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, and moved its adoption.

A non-record roll call was requested.

The ayes were 64, nays 21.

The motion prevailed and the resolution was adopted.

MOTION TO RECONSIDER PREVAILED

Huser of Polk called up for consideration the motion to reconsider House File 2246, filed on February 14, 2002, and moved to reconsider the vote by which **House File 2246**, a bill for an act relating to administrative procedures of county treasurers for property taxation and vehicle registration, passed the House and was placed on its last reading on February 14, 2002.

The motion prevailed and the House reconsidered House File 2246.

Grundberg of Polk asked for unanimous consent to reconsider the vote by which amendment H-8056, (found on page 361 of the House Journal) was adopted by the House.

The motion prevailed and the House reconsidered amendment H-8056.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8056 filed by her on February 14, 2002.

Huser of Polk offered the following amendment H-8070 filed by her and Grundberg of Polk and moved its adoption:

H-8070

- 1 Amend House File 2246 as follows:
- 2 1. Page 1, by inserting after line 19 the
- 3 following:
- 4 "Sec. ___. Section 321.134, subsection 1, Code
- 5 2001, is amended to read as follows:

6 1. On the first day of the second month following
7 the beginning of each registration year a penalty of
8 five percent of the annual registration fee shall be
9 added to the registration fees not paid by that date
10 and an additional penalty of five percent shall be
11 added the first day of each succeeding month, until
12 the fee is paid. a penalty shall not be less than
13 five dollars. If the owner of a vehicle surrenders
14 the registration plates for a vehicle prior to the
15 plates becoming delinquent, to the county treasurer of
16 the county where the vehicle is registered, or to the
17 department if the vehicle is registered under chapter
18 326, the owner may register the vehicle any time
19 thereafter upon payment of the registration fee for
20 the registration year without penalty. The penalty on
21 vehicles registered under chapter 326 shall accrue
22 February 1 of each year. To avoid a penalty or an
23 additional penalty in the case of a delinquent
24 registration, if the last calendar day of a month
25 falls on Saturday, Sunday, or a holiday, the payment
26 deadline is extended to include the first business day
27 of the following month. However, an electronic
28 payment must be initiated by midnight on the last
29 business day of the month preceding the delinquent
30 date."

31 2. Page 2, by inserting after line 15 the
32 following:

33 "Sec.____. Section 445.37, unnumbered paragraphs
34 1, 3, and 4, Code Supplement 2001, are amended to read
35 as follows:

36 If the semiannual installment of any tax has not
37 been paid before October 1 succeeding the levy, that
38 amount becomes delinquent from October 1 after due,
39 ~~including.~~ However, in those instances when the last
40 day of September is a Saturday or Sunday, that amount
41 becomes delinquent on the second business day of
42 October. If the second installment is not paid before
43 April 1 succeeding its maturity, it becomes delinquent
44 from April 1 after due, ~~including.~~ However, in those
45 instances when the last day of March is a Saturday or
46 Sunday, that amount becomes delinquent on the second
47 business day of April. This paragraph applies to all
48 taxes as defined in section 445.1, subsection 6.

49 To avoid interest on delinquent taxes, a payment
50 must be received by the treasurer on or before the

Page 2

1 last business day of the month preceding the
2 delinquent date, or mailed with appropriate postage
3 and applicable fees paid, and a United States postal
4 service postmark affixed to the payment envelope, with

5 the postmark bearing a date preceding the delinquent
6 date. Items returned to the sender by the United
7 States postal service for insufficient postage or
8 applicable fees shall be assessed interest, unless the
9 appropriate postage and fees are paid and the items
10 are postmarked again before the delinquent date.
11 However, if the last calendar day of a month falls on
12 a Saturday, Sunday, or a holiday, that amount becomes
13 delinquent on the second business day of the following
14 month.
15 To avoid interest on delinquent taxes, an
16 electronic payment must be ~~received in the treasurer's~~
17 ~~account initiated by midnight~~ on the ~~first last~~
18 business day of the ~~delinquency~~ month preceding the
19 delinquent date."
20 3. By renumbering as necessary.

Amendment H-8070 was adopted.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2246)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell

Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdike	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Ford	Klemme	O'Brien	Osterhaus
Richardson	Sukup	Teig	

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

CONSIDERATION OF BILLS Regular Calendar

House File 2054, a bill for an act relating to the posting of close-clearance warning devices by railroads and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Garman of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2054)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow

Reynolds	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 8:

Brauns	Ford	Klemme	O'Brien
Osterhaus	Richardson	Sukup	Teig

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2054, 2246** and **Senate Concurrent Resolution 104**.

House File 2361, 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.

The House stood at ease at 5:47 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2361 at 6:53 p.m., Gipp of Winneshiek in the chair.

Dolecheck of Ringgold offered the following amendment H-8064 filed by him and moved its adoption:

H-8064

- 1 Amend House File 2361 as follows:
- 2 1. Page 1, by striking lines 9 and 10, and
- 3 inserting the following: "equipment as needed; and
- 4 provided the person shall not be employed or permitted
- 5 to combine the".

Amendment H-8064 was adopted.

SENATE FILE 2121 SUBSTITUTED FOR HOUSE FILE 2361

Dolecheck of Ringgold asked and received unanimous consent to substitute Senate File 2121 for House File 2361.

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.

Dotzler of Black Hawk asked and received unanimous consent that amendment H-8069 be deferred.

Dotzler of Black Hawk offered the following amendment H-8073 filed by him and moved its adoption:

H-8073

- 1 Amend Senate File 2121, as amended, passed, and
- 2 reprinted by the Senate, as follows
- 3 1. Page 1, line 6, by inserting after the word
- 4 "protectants" the following: ", with a national fire
- 5 protection association health rating for chemicals or
- 6 working solutions of two or less."
- 7 2. Page 1, line 8, by inserting after the word
- 8 "employed" the following: "is at least sixteen years
- 9 of age and".

Roll call was requested by Dotzler of Black Hawk and Myers of Johnson.

On the question "Shall amendment H-8073 be adopted?" (S.F. 2121)

The ayes were, 40:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Frevert	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	Petersen
Quirk	Reeder	Reynolds	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carrall	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Sievers	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Wilderdyke	Gipp,	
		Presiding	

Absent or not voting, 9:

Ford	Klemme	O'Brien	Osterhaus
Richardson	Siegrist, Spkr.	Sukup	Teig
Weidman			

Amendment H-8073 lost.

Dotzler of Black Hawk offered amendment H-8069, previously deferred, filed by him as follows:

H-8069

- 1 Amend Senate File 2121, as amended, passed, and
- 2 reprinted by the Senate, as follows
- 3 1. Page 1, line 6, by inserting after the word
- 4 "protectants" the following: "with a national fire
- 5 protection association health rating of less than
- 6 three".
- 7 2. Page 1, line 8, by inserting after the word
- 8 "employed" the following: "is at least sixteen years
- 9 of age and".

Dotzler of Black Hawk offered the following amendment H-8076, to amendment H-8069, filed by him from the floor and moved its adoption:

H-8076

- 1 Amend the amendment, H-8069, to Senate File 2121,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 9 and

5 inserting the following:

6 "____. Page 1, by inserting after line 18 the
7 following:

8 "A child employed in an occupation involving motor
9 vehicle cleaning, washing, and polishing as provided
10 in this subsection shall have an informed consent form
11 signed by the person's parent or guardian. The
12 department shall develop and make available an
13 informed consent form to be used by an employer to
14 inform the parent or guardian of a child employed in
15 an occupation involving motor vehicle cleaning,
16 washing, and polishing in accordance with this
17 subsection of the hazardous chemicals that may be used
18 on the job and the health effects of exposure to the
19 chemicals. The employer shall maintain a copy of the
20 signed consent form for each such person employed in
21 accordance with this subsection on file, which shall
22 be made available to the labor commissioner upon
23 request."

24 2. By renumbering as necessary.

Roll call was requested by Dotzler of Black Hawk and Myers of Johnson.

On the question "Shall amendment H-8076 to amendment H-8069 be adopted?" (S.F. 2121)

The ayes were, 84:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Chiodo	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eichhorn	Elgin	Fallon
Finch	Foege	Frevort	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Jones	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	Petersen
Quirk	Raecker	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shultz
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrrell

Van Engelenhoven Winckler	Van Fossen Wise	Warnstadt Witt	Wilderdyke Gipp, Presiding
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The nays were, 5:

Eddie Rants	Garman	Johnson	Kettering
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Absent or not voting, 11:

Bukta O'Brien Sukup	Carroll Osterhaus Teig	Ford Richardson Weidman	Klemme Siegrist, Spkr.
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Amendment H-8076 was adopted.

Dotzler of Black Hawk moved the adoption of amendment H-8069, as amended.

Roll call was requested by Dotzler of Black Hawk and Brunkhorst of Bremer.

On the question "Shall amendment H-8069, as amended, be adopted?" (S.F. 2121)

The ayes were, 40:

Atteberry Cohoon Foege Huser Larkin Mertz Quirk Schrader Stevens Warnstadt	Bell Connors Frevort Jochum Lensing Murphy Reeder Seng Taylor, D. Winckler	Bukta Dotzler Greimann Kreiman Mascher Myers Reynolds Shoultz Taylor, T. Wise	Chiodo Fallon Hatch Kuhn May Petersen Scherrman Smith Tremmel Witt
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The nays were, 51:

Alons Boddicker Broers De Boef Eddie Garman Heaton Huseman	Arnold Boggess Brunkhorst Dix Eichhorn Grundberg Hoffman Jacobs	Baudler Bradley Carroll Dolecheck Elgin Hahn Horbach Jenkins	Boal Brauns Cormack Drake Finch Hansen Hoversten Johnson
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Jones	Kettering	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Sievers	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Wilderdyke	Gipp, Presiding	

Absent or not voting, 9:

Ford	Klemme	O'Brien	Osterhaus
Richardson	Siegrist, Spkr.	Sukup	Teig
Weidman			

Amendment H-8069 lost.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2121)

The ayes were, 59:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Johnson
Jones	Kettering	Larson	Manternach
May	Metcalf	Millage	Myers
Quirk	Raecker	Rants	Rayhons
Rekow	Roberts	Scherrman	Shey
Sievers	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Wilderdyke	Gipp, Presiding	

The nays were, 31:

Bukta	Cohoon	Connors	Dotzler
Fallon	Foege	Frevert	Greimann
Hatch	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	Mertz
Murphy	Petersen	Reeder	Reynolds
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	

Absent or not voting, 10:

Ford	Klemme	O'Brien	Osterhaus
Richardson	Siegrist, Spkr.	Sukup	Teig
Weidman	Witt		

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2121** be immediately messaged to the Senate.

HOUSE FILE 2361 WITHDRAWN

Dolecheck of Ringgold asked and received unanimous consent to withdraw House File 2361 from further consideration by the House.

HOUSE CONCURRENT RESOLUTION 109 WITHDRAWN

Rekow of Allamakee asked and received unanimous consent to withdraw House Concurrent Resolution 109 from further consideration by the House.

HOUSE FILE 2404 PLACED ON CALENDAR

The Speaker announced that House File 2404, previously referred to committee on **appropriations** is placed on the **calendar**.

HOUSE FILE 2434 REREFERRED

The Speaker announced that House File 2434, previously referred to committee on **state government** was rereferred to committee on **appropriations**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2002\423 Clara Kilson, Dysart – For celebrating her 95th birthday.

2002\424 Malinda Offt, Dysart – For celebrating her 90th birthday.

- 2002\425 Leo and Anna Heineman, Readlyn – For celebrating their 64th wedding anniversary.
- 2002\426 Leon and Lois Schutte, Readlyn – For celebrating their 50th wedding anniversary.
- 2002\427 George and Rita Stahl, Williamsburg – For celebrating their 50th wedding anniversary.
- 2002\428 Leona Klever, Williamsburg – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2006

Judiciary: Tremmel, Chair; Eichhorn and Shey.

House File 2155

Economic Development: Cormack, Chair; Hatch and Hoversten.

House File 2351

Economic Development: Cormack, Chair; Hatch and Hoversten.

House File 2389

Economic Development: Cormack, Chair; Hoversten and Lensing.

House File 2392

Economic Development: Hoffman, Chair; Hoversten and Quirk.

House File 2396

Judiciary: Tremmel, Chair; Eichhorn and Shey.

House File 2398

Judiciary: Tremmel, Chair; Eichhorn and Shey.

House File 2402

Economic Development: Roberts, Chair; Cormack and Lensing.

House File 2403

Judiciary: Kreiman, Chair; Eichhorn and Larson.

House File 2404

Appropriations: Dolecheck, Chair; Brunkhorst and Wise.

House File 2414

Judiciary: Kreiman, Chair; Eichhorn and Larson.

House File 2420

Judiciary: Tremmel, Chair; Eichhorn and Shey.

House File 2421

Appropriations: Millage, Chair; Brunkhorst and Murphy.

House File 2422

Economic Development: Cormack, Chair; Cohoon and Van Fossen.

House File 2423

Judiciary: Tremmel, Chair; Eichhorn and Shey.

House File 2424

Economic Development: Cormack, Chair; Dotzler and Van Fossen.

House File 2428

Local Government: Eddie, Chair; Arnold and Huser.

House File 2429

Judiciary: Eichhorn, Chair; Kreiman and Shey.

House File 2430

Local Government: Carroll, Chair; Jones and Petersen.

House File 2433

Judiciary: Baudler, Chair; Shey and Tremmel.

House File 2436

Local Government: Alons, Chair; Petersen and Weidman.

House File 2448

Local Government: Eddie, Chair; Huser and Weidman.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 674

Commerce and Regulation: Metcalf, Chair; Chiodo and Raecker.

House Study Bill 675

Commerce and Regulation: Van Fossen, Chair; Bradley and Schrader.

House Study Bill 676

Agriculture: Baudler, Chair; Jones and Mertz.

House Study Bill 677

Judiciary: Tremmel, Chair; Kettering and Shey.

House Study Bill 678

Education: Carroll, Chair; Grundberg and Wise.

House Study Bill 680

Commerce and Regulation: Jacobs, Chair; Chiodo and Hansen.

House Study Bill 681

Commerce and Regulation: Johnson, Chair; Kettering and Quirk.

House Study Bill 682

Commerce and Regulation: Shey, Chair; Raecker and Warnstadt.

House Study Bill 683

State Government: Metcalf, Chair; Bradley and Reeder.

House Study Bill 684

State Government: Brauns, Chair; Garman and Reeder.

House Study Bill 685

Commerce and Regulation: Kettering, Chair; Bradley and Chiodo.

House Study Bill 686

Agriculture: Manternach, Chair; Frevert and Johnson.

House Study Bill 687

Agriculture: Manternach, Chair; Frevert and Johnson.

House Study Bill 688

Agriculture: Rekow, Chair; Boggess and Kuhn.

House Study Bill 689

Education: Brunkhorst, Chair; Boal and Cohoon.

House Study Bill 690

Judiciary: Shey, Chair; Baudler and Tremmel.

House Study Bill 691

Judiciary: Shey, Chair; Baudler and Kreiman.

House Study Bill 692

Commerce and Regulation: Raecker, Chair; Schrader and Shey.

House Study Bill 693

Judiciary: Tremmel, Chair; Kettering and Raecker.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 694 Appropriations**

Relating to requirements for executive branch interdepartmental transfers of appropriations.

H.S.B. 695 Natural Resources

Relating to an increase in the resident hunting license fee and establishing a pheasant and quail restoration program and making an appropriation.

H.S.B. 696 Human Resources

Relating to the rendering of disaster and emergency care by physician assistants.

H.S.B. 697 Human Resources

Relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

H.S.B. 698 State Government

Relating to a referendum to determine the type of gambling to be conducted at horse racetrack enclosures, creating a governing board, and specifying the duties of the governing board.

H.S.B. 699 Agriculture

Relating to agricultural contracts, providing for penalties, and providing for an immediate effective date.

H.S.B. 700 Judiciary

Creating criminal offenses and modifying criminal penalties for acts of terrorism by creating the offenses of soliciting or providing material support or resources for acts of terrorism, by creating the offense of threat of terrorism, by creating the offense of obstruction of terrorism prosecution, and by providing for life imprisonment for certain acts of terrorism.

H.S.B. 701 Human Resources

Abolishing the licensure and regulation of birth centers.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 676), providing for the identification of goats moved to or within an exhibition.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 687), relating to the indemnification of owners of animals with a contagious disease under a plan of eradication.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 688), relating to the regulation of milk and milk products, by providing for permits, fees, and penalties, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 589), providing for the establishment and perfection of a security interest in certain education loans.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 608), expanding the board of educational examiners' authority with regard to licensee disciplinary investigations and proceedings.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 661), relating to the operations of and programs for school districts, accredited nonpublic schools, and community colleges, and making changes to provisions allowing tax credits and advances to businesses for participating in community college training programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 689), relating to the duties and operation of the department of education.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

COMMITTEE ON ENVIRONMENTAL PROTECTION

House File 2302, a bill for an act relating to the recycling of electronic goods and the disassembling and removing of toxic parts from electronic goods.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 590), relating to terminology and eligibility for assistance under the sewage treatment and drinking water facilities financing program.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2263), prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting controlled substances and providing for penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House File 2298), authorizing the district court to enter judgment based upon the parties' stipulated agreement in civil actions.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House File 2349), allowing any member of a duly organized state, county, or municipal law enforcement unit from another state to carry weapons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House File 2360), creating a criminal offense for possession or distribution of anthrax, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House File 2396), providing for the issuance of no-contact orders against persons who are arrested for the crime of sexual abuse.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House File 2398), relating to the statute of limitations in first and second degree sexual abuse cases.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House File 2403), expanding the jurisdiction of the juvenile court to include modifying certain child support orders.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House File 2420), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 655), requiring contract disclosure statements for certain residential real estate installment contracts, providing for a penalty, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 671), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 672), making certain amendments to the Iowa trust code.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House File 2148), permitting the use of residential elevators in certain public locations to transport persons with disabilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

COMMITTEE ON LOCAL GOVERNMENT

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.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House File 2355), relating to county eligibility for state payment of the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities services, and including applicability and transition provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 2033), providing a method for issuing certificates of title for snowmobiles and all-terrain vehicles, and registration certificates for certain watercraft, for which ownership has not been conclusively established.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 695), relating to an increase in the resident hunting license fee and establishing a pheasant and quail restoration program and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

COMMITTEE ON STATE GOVERNMENT

House File 2332, a bill for an act relating to the acquisition, enforceability, and purpose of conservation easements.

Fiscal Note is not required

Recommended **Do Pass** February 19, 2002.

Committee Bill (Formerly House File 2236), regulating farmers market stands, providing for fees, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 556), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 557), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

Committee Bill (Formerly House Study Bill 633), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 19, 2002.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 496), relating to requirements for securing children transported in certain motor vehicles and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House File 2219), providing for seat belt exemption window decals for motor vehicles operated by certain persons.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House File 2369), establishing a pilot project to place flashing traffic control signals at certain intersections on highways in the state.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 20, 2002.

RESOLUTION FILED

HCR 115, by Greimann, a concurrent resolution encouraging the implementation and support of asset development programs.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8074	H.F.	2394	Dolecheck of Ringgold
H—8075	H.F.	2319	Sievers of Scott
H—8077	H.F.	2395	Millage of Scott

On motion by Rants of Woodbury the House adjourned at 8:04 p.m., until 8:45 a.m., Thursday, February 21, 2002.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 21, 2002

The House met pursuant to adjournment at 8:52 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Dennis St. Lawrence, pastor of Grace Baptist Church, Chariton. He was the guest of Representative Richard Arnold of Lucas County.

The Journal of Wednesday, February 20, 2002 was approved.

PETITION FILED

The following petition was received and placed on file:

By Shoultz of Black Hawk, from ninety students from Logan Middle School in Waterloo opposing the repeal of our current Bottle Bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk, O'Brien of Boone and Osterhaus of Jackson on request of Huser of Polk; Teig of Hamilton on request of Rants of Woodbury.

INTRODUCTION OF BILLS

House File 2472, by committee on state government, 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 placed on the **calendar**.

House File 2473, by Kuhn, Myers, Huser, T. Taylor, Bukta, Jochum, Foege, Tremmel, Scherrman, Atteberry, Dotzler, Frevert, Greimann, May, Murphy, Shoultz, Mertz, Larkin, Cohoon, Lensing,

Hatch, Mascher, Reeder, Reynolds, Quirk, Witt, Kreiman Seng, Petersen, Schrader, Connors, D. Taylor, and Warnstadt, a bill for an act relating to animal feeding operations, by providing for the approval of permits for the construction of animal feeding operation structures associated with confinement feeding operations, the application of manure based on phosphorous use levels, and providing for the assessment of fees and the appropriation of moneys for purposes of administration and enforcement.

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

House File 2474, by Eichhorn, Rekow, Boggess, Reeder, Tyrrell, and Tymeson, a bill for an act relating to maintaining a magistrate court in a city other than the county seat.

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

House File 2475, 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 and placed on the **calendar**.

House File 2476, by Warnstadt, a bill for an act establishing a school infrastructure assistance program, and making an appropriation.

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

House File 2477, by Mascher, a bill for an act relating to approval of urban renewal plans and including effective and applicability date provisions.

Read first time and referred to committee on **local government**.

House File 2478, by Myers, a bill for an act relating to the reorganization of the administrative structure of the department of natural resources.

Read first time and referred to committee on **state government**.

House File 2479, by Mascher, a bill for an act providing individual and corporate income tax credits to businesses that provide apprenticeships and internships for students at community colleges or board of regents institutions and for subsequent employment, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

On motion by Rants of Woodbury, the House was recessed at 8:58 a.m., until 5:00 p.m.

EVENING SESSION

The House reconvened at 4:59 p.m., Gipp of Winneshiek in the chair.

SENATE FILE 165 PLACED ON THE UNFINISHED BUSINESS CALENDAR

Rants of Woodbury asked and received unanimous consent that Senate File 165 be placed on the unfinished business calendar.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 21st day of February, 2002: House File 2035.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 21, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 2035, an act relating to the state historic property rehabilitation tax credit and including effective and retroactive applicability date provisions.

Senate File 2079, 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, an act relating to the transfer of certain deposit and investment accounts upon the death of the decedent.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\429 Kristin Bentz, Dubuque – For winning the Daughters of the American Revolution Good Citizen Award.
- 2002\430 Lesley Sheridan, Dubuque – For winning the Daughters of the American Revolution Good Citizen Award.
- 2002\431 Megan Frieburger, Dubuque – For winning the Daughters of the American Revolution Good Citizen Award.
- 2002\432 Clinton Brandon, Osage – For celebrating his 90th birthday.
- 2002\433 Bob Howard, Sigourney – For being named Iowa Football Coaches Association "State and District Coach of the Year".
- 2002\434 Jeni Lewis, North English – For receiving 1st Place in the Best News Feature Story at the 2002 Iowa Newspaper Association Annual Convention.

SUBCOMMITTEE ASSIGNMENTS

House File 2176

Human Resources: Broers, Chair; Boddicker and Murphy.

House File 2281

State Government: Bradley, Chair; Connors and Elgin.

House File 2359

Judiciary: Kreiman, Chair; Boddicker and Shey.

House File 2432

Appropriations: Jenkins, Chair; Jacobs and Mascher.

House File 2434

Appropriations: Dix, Chair; Jacobs and T. Taylor.

House File 2449

Judiciary: Eichhorn, Chair; Kreiman and Millage.

House File 2471

Appropriations: Brunkhorst, Chair; Hatch and Raecker.

House File 2476

Appropriations: Millage, Chair; Brunkhorst and Warnstadt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 660**

State Government: Jacobs, Chair; Boddicker, Eichhorn, Jochum and Reynolds.

House Study Bill 662

Human Resources: Boal, Chair; Boddicker and Smith.

House Study Bill 684 Reassigned

State Government: Metcalf, Chair; Garman and Tremmel.

House Study Bill 695

Natural Resources: Arnold, Chair; Bell, Dotzler and Weidman.

House Study Bill 696

Human Resources: Tymeson, Chair; Boddicker and Smith.

House Study Bill 697

Human Resources: Roberts, Chair; Boddicker and Kreiman.

House Study Bill 700

Judiciary: Millage, Chair; Bell and Sukup.

House Study Bill 701

Human Resources: Boddicker, Chair; Carroll and Reynolds.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 702 Judiciary**

Providing for the creation of the position of identity theft advocate.

H.S.B. 703 Judiciary

Relating to legal representation of an indigent person in a parole proceeding.

H.S.B. 704 Judiciary

Relating to certain agricultural liens.

H.S.B. 705 Judiciary

Relating to the provision of tobacco, tobacco products, or cigarettes to minors, and providing penalties.

H.S.B. 706 Judiciary

Relating to the repeal of the sixth judicial district pilot project concerning probation revocation hearings, and providing an effective date.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 686), providing for the control of pseudorabies, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

COMMITTEE ON COMMERCE AND REGULATION

Committee Bill (Formerly House File 2251), relating to business relationships between persons involved in the sale of certain vehicles, including franchisers and franchisees of all-terrain vehicles.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House File 2406), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 664), relating to the assessment of telephone utilities for the dual party relay service.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 667), relating to energy, by providing tax incentives for alternate energy projects, providing for approval of utility power purchase contracts and authorizing related expenditures, changing the voltage threshold for electric line franchises, reassigning responsibilities of the energy bureau of the department of natural resources, and including effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 674), relating to the designation of specific children's hospitals as qualified hospitals under the medical assistance disproportionate share hospital payment program.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 682), regarding business corporations, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 685), to amend Iowa Code chapter 535B to include individuals that act as mortgage bankers or mortgage brokers.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 692), relating to charges imposed on unclaimed gift certificates.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

COMMITTEE ON ENVIRONMENTAL PROTECTION

House File 2294, a bill for an act relating to financial assistance for preliminary engineering studies for alternative wastewater treatment and disposal systems and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 658), relating to the use of moneys appropriated to the department of natural resources for purposes of tire-related initiatives.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2055), providing for access by licensed chiropractors to designated hospital services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 576), relating to child foster care and adoption requirements involving licensing periods, foster parent training, annual reports, and foreign adoptions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 598), relating to the department of elder affairs including provisions relating to the elder Iowans Act, elder family homes, elder group homes, and assisted living programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 662), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 2217, a bill for an act relating to the payment of overtime to state employees and the applicability of the federal Fair Labor Standards Act and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8079** February 21, 2002.

COMMITTEE ON LOCAL GOVERNMENT

House File 2436, a bill for an act relating to condemnation, including service of notice when appealing an appraisal of damages in a condemnation proceeding and application for payment of certain fees and costs associated with a condemnation of property.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

House File 2448, a bill for an act relating to diverting township taxes to a municipality providing emergency services to the township.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House Study Bill 695), relating to an increase in the resident hunting license fee and establishing a pheasant and quail restoration program and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

COMMITTEE ON STATE GOVERNMENT

House File 2409, a bill for an act relating to election misconduct and providing criminal penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 617), relating to elected officials, including lobbyist and client reporting, reports of official misconduct, and campaign finance reporting.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 670), relating to public retirement systems and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 2002.

Committee Bill (Formerly House Study Bill 683), relating to enhanced 911 emergency telephone systems by providing an exemption to public access of an electronic recording of a 911 telephone call, and by providing for a limitation on causes of action related to the provision of 911 services.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 2002.

COMMITTEE ON TRANSPORTATION

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8078** February 21, 2002.

Committee Bill (Formerly House Study Bill 509), relating to driving a motor vehicle on a highway while suspended, denied, revoked, or barred for an operating while intoxicated violation.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

AMENDMENTS FILED

H—8078	S.F.	144	Committee on Transportation
H—8079	H.F.	2217	Committee on Labor and Industrial Relations

On motion by Rants of Woodbury the House adjourned at 5:11 p.m., until 9:00 a.m., Friday, February 22, 2002.

PROOF

STATE OF IOWA

House Journal

FRIDAY, FEBRUARY 22, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fortieth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 22, 2002

The House met pursuant to adjournment at 9:05 a.m., Gipp of Winneshiek in the chair.

The Journal of Thursday, February 21, 2002 was approved.

INTRODUCTION OF BILLS

House File 2480, by committee on natural resources, 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**.

House File 2481, 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, and providing an effective date.

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

House File 2482, by committee on education, a bill for an act expanding the board of educational examiners' authority with regard to licensee disciplinary investigations and proceedings.

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

House File 2483, by committee on labor and industrial relations, a bill for an act permitting the use of residential elevators in certain churches to transport persons with disabilities.

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

House File 2484, by committee on transportation, a bill for an act relating to motor vehicle seat belt exemptions.

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

House File 2485, by Manternach, a bill for an act relating to cancer eye affecting bovine animals, and making penalties applicable.

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

House File 2486, by committee on state government, 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 placed on the **calendar**.

House File 2487, by committee on commerce and regulation, 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 placed on the **calendar**.

House File 2488, by committee on human resources, a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act.

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

House File 2489, by committee on commerce and regulation, a bill for an act relating to business relationships between persons involved in the sale of certain vehicles, including franchisers and franchisees of all-terrain vehicles.

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

House File 2490, by committee on commerce and regulation, a bill for an act relating to the assessment of telephone utilities for the dual party relay service.

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

House File 2491, by committee on state government, a bill for an act relating to enhanced 911 emergency telephone systems by providing an exemption to public access of an electronic recording of a 911 telephone call, and by providing for a limitation on causes of action related to the provision of 911 services.

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

House File 2492, by committee on commerce and regulation, 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 placed on the **calendar**.

House File 2493, by committee on judiciary, a bill for an act creating a criminal offense of sexual exploitation by a peace officer or school employee, and providing a penalty.

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

House File 2494, by committee on judiciary, 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 placed on the **calendar**.

House File 2495, by committee on judiciary, 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 placed on the **calendar**.

House File 2496, by committee on judiciary, 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 placed on the **calendar**.

House File 2497, by committee on commerce and regulation, a bill for an act relating to charges imposed on unclaimed gift certificates.

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

House File 2498, by committee on transportation, a bill for an act establishing a pilot project to place flashing traffic control signals at certain intersections on highways in the state.

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

House File 2499, by committee on transportation, 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 placed on the **calendar**.

House File 2500, by committee on commerce and regulation, a bill for an act to amend Iowa Code chapter 535B to include individuals that act as mortgage bankers or mortgage brokers.

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

House File 2501, by committee on judiciary, a bill for an act expanding the jurisdiction of the juvenile court to include modifying certain child support orders.

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

House File 2502, by committee on judiciary, a bill for an act relating to the statute of limitations in first and second degree sexual abuse cases.

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

SUBCOMMITTEE ASSIGNMENT

House File 2474

Judiciary: Eichhorn, Chair; Larson and Tremmel.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 698

State Government: Metcalf, Chair; Bradley and Larkin.

House Study Bill 702

Judiciary: Shey, Chair; Baudler and Jochum.

House Study Bill 703

Judiciary: Tremmel, Chair; Larson and Shey.

House Study Bill 704

Judiciary: Eichhorn, Chair; Kreiman and Larson.

House Study Bill 706

Judiciary: Larson, Chair; Shey and Shoultz.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House File 2392), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House File 2402), creating a century small business program to recognize and honor small businesses with one hundred consecutive years of continuous family ownership.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 197), relating to private activity bond allocations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 666), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 678), relating to the student achievement and teacher quality program and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

COMMITTEE ON HUMAN RESOURCES

House File 2176, a bill for an act relating to the establishment of a continuing quality improvement program.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

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.

Fiscal Note is required.

Recommended **Do Pass** February 21, 2002.

House File 2287, a bill for an act relating to the resident advocate committee at the veterans home.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

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.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

House File 2439, a bill for an act requiring physical and mental health assessment and screening information to be developed for children involved with juvenile justice, child in need of assistance, and voluntary foster care placement proceedings.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House File 648), relating to the delivery of services by certain health care professionals and health facilities and providing definitions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House File 2358, implementing the federal Indian Child Welfare Act and providing for civil liability and criminal penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House File 2368), relating to the resource limits applicable to certain employed persons with disabilities under the medical assistance program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 588), relating to the recording of certain interviews conducted in association with a child abuse assessment.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 602), relating to child protection confidentiality requirements involving the department of human services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 696), relating to the rendering of disaster and emergency care by physician assistants.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 697), relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 2122), concerning examination of information about closed sessions of a governmental body by members of the governmental body.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House File 2359), relating to consent to the name change of a minor child.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House File 2385), relating to appeals from involuntary commitment for chronic substance abuse or mental illness.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House File 2433), relating to conducting searches of persons on probation or parole and providing information to local law enforcement agencies and the state department of transportation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House File 2449), relating to a power of attorney for the conveyance or encumbrance of homestead property.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House File 2474), relating to maintaining a magistrate court in a city other than the county seat.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002

Committee Bill (Formerly House Study Bill 677), creating new criminal offenses, providing for enhancements and penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 690), classifying the criminal offense of assault as a general intent crime.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 693), relating to the continuance of stays or other temporary remedies during the pendency of appeals of final judgments of judicial review proceedings.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 700), creating criminal offenses and modifying criminal penalties for acts of terrorism by creating the offenses of soliciting or providing material support or resources for acts of terrorism, by creating the offense of threat of terrorism, by creating the offense of obstruction of terrorism prosecution, and by providing for life imprisonment for certain acts of terrorism.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 703), relating to legal representation of an indigent person in a parole proceeding.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 704), relating to certain agricultural liens.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 706), relating to the repeal of the sixth judicial district pilot project concerning probation revocation hearings, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 2428), creating a township fire department fund and allocating a certain portion of insurance premiums tax to the township fire department fund, making an appropriation, and including a retroactive applicability date provision.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 21, 2002.

AMENDMENTS FILED

H—8080	S.F.	165	Warnstadt of Woodbury
H—8081	S.F.	165	Peterson of Polk
			T. Taylor of Linn
			Bukta of Clinton
			Chiodo of Polk
			Atteberry of Delaware
			Dotzler of Black Hawk
			Frevert of Palo Alto
			Lensing of Johnson
			Jochum of Dubuque
			Reynolds of Van Buren
			Fallon of Polk
H—8082	S.F.	165	Petersen of Polk
			Hatch of Polk
			Myers of Johnson
			Foege of Linn
			Mascher of Johnson
			Stevens of Dickinson
			Dotzler of Black Hawk
			Frevert of Palo Alto
			Greimann of Story
			Jochum of Dubuque
			Reynolds of Van Buren

Shoultz of Black Hawk			Huser of Polk
Fallon of Polk			
H—8083	S.F.	165	Warnstadt of Woodbury
Hatch of Polk			D. Taylor of Linn
T. Taylor of Linn			Myers of Johnson
Chiodo of Polk			Mascher of Johnson
H—8084	S.F.	165	Warnstadt of Woodbury
H—8085	S.F.	165	Myers of Johnson
H—8086	S.F.	165	Fallon of Polk
Warnstadt of Woodbury			Hatch of Polk
T. Taylor of Linn			Myers of Johnson
Bukta of Clinton			Foege of Linn
Chiodo of Polk			Mascher of Johnson
Petersen of Polk			Atteberry of Delaware
Stevens of Dickinson			Witt of Black Hawk
Dotzler of Black Hawk			Connors of Polk
Frevert of Palo Alto			Winckler of Scott
Lensing of Johnson			Greimann of Story
Bell of Jasper			Jochum of Dubuque
Reeder of Fayette			Reynolds of Van Buren
Shoultz of Black Hawk			Huser of Polk
H—8087	S.F.	165	Hatch of Polk
Smith of Marshall			T. Taylor of Linn
Myers of Johnson			Bukta of Clinton
Chiodo of Polk			Mascher of Johnson
Petersen of Polk			Atteberry of Delaware
Stevens of Dickinson			Witt of Black Hawk
Dotzler of Black Hawk			Connors of Polk
Frevert of Palo Alto			Winckler of Scott
Lensing of Johnson			Greimann of Story
Bell of Jasper			Jochum of Dubuque
Reynolds of Van Buren			Reeder of Fayette
Shoultz of Black Hawk			Murphy of Dubuque
Huser of Polk			

On motion by Hansen of Pottawattamie the House adjourned at 9:09 a.m., until 1:00 p.m., Monday, February 25, 2002.

JOURNAL OF THE HOUSE

Forty-third Calendar Day - Twentieth-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 25, 2002

The House met pursuant to adjournment at 1:00 p.m., Gipp of Winneshiek in the chair.

Prayer was offered and sung by the Brown Family; Keith the father, Shelly, the mother and the children, Jessica, Michaela, Adam and Andrew, of Merrill. They were the guests of Representative Ralph Klemme of Plymouth County.

The Journal of Friday, February 22, 2002 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from Anson Elementary School from Marshalltown. They were the guests of Representative Mark Smith from Marshall County.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Murphy of Dubuque on request of Myers of Johnson; Witt of Black Hawk, until his arrival, on request of Bell of Jasper; Teig of Hamilton on request of Rants of Woodbury.

INTRODUCTION OF BILLS

House File 2503, by Winckler, Bukta, Cohoon, Larkin, Stevens, Atteberry, Greimann, Reynolds, Mascher, Connors, Wise, Foege, Petersen, Frevert, Lensing, and Kreiman, a bill for an act requiring the insurance division of the department of commerce to establish a school health insurance reform team study and to make recommendations to the general assembly.

Read first time and referred to committee on **commerce and regulation**.

House File 2504, by Heaton, a bill for an act relating to a juvenile in the youthful offender program or foster care and to the jurisdiction of the juvenile court.

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

House File 2505, by committee on judiciary, a bill for an act allowing any certified law enforcement officer who is a current member in good standing of a duly organized governmental law enforcement agency from another state to carry weapons.

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

House File 2506, by committee on judiciary, 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 placed on the **calendar**.

House File 2507, by committee on judiciary, a bill for an act creating a criminal offense for possession or distribution of anthrax, and providing a penalty.

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

House File 2508, by committee on judiciary, a bill for an act relating to the admissibility of evidence in a child in need of assistance proceeding.

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

House File 2509, by committee on commerce and regulation, a bill for an act regarding business corporations, and providing an effective date.

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

House File 2510, by committee on agriculture, a bill for an act relating to the movement of dairy cattle from livestock markets, and making penalties applicable.

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

House File 2511, by committee on transportation, a bill for an act relating to driving a motor vehicle on a highway while suspended, denied, revoked, or barred for an operating while intoxicated violation.

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

House File 2512, by committee on agriculture, a bill for an act providing for the identification of goats moved to or within an exhibition.

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

House File 2513, by committee on human resources, a bill for an act designating chiropractors as licensed practitioners to whom clinical privileges cannot be denied by a hospital under specified circumstances.

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

House File 2514, by committee on agriculture, 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 placed on the **calendar**.

House File 2515, by committee on education, a bill for an act relating to the duties and operation of the department of education and providing an effective date.

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

House File 2516, by committee on education, a bill for an act relating to the daily observance of a minute of silence in a school district.

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

House File 2517, by committee on education, 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 placed on the **calendar**.

House File 2518, by committee on human resources, 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 placed on the **calendar**.

House File 2519, by Tremmel, Kreiman, and Shey, a bill for an act expanding the penalty provisions for first-time offenders and for repeat offenders of certain civil protective orders and criminal no-contact orders.

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

House File 2520, by Sukup, a bill for an act relating to reading programs, reading assessments, professional development relating to reading instruction, and to on-site visits by an accreditation team or committee if a school district or school fails to meet local student achievement levels in reading.

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

House File 2521, by Warnstadt, a bill for an act making changes in allocations from the road use tax fund.

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

House File 2522, by Teig, a bill for an act relating to tax credits under the new jobs and income program for farmers' cooperatives that own ethanol-producing facilities and including a retroactive applicability date.

Read first time and referred to committee on **ways and means**.

House File 2523, by committee on agriculture, a bill for an act restricting investment tax credits related to confinement feeding

operations, providing for an effective date, and providing for the Act's retroactive applicability.

Read first time and referred to committee on **ways and means**.

House File 2524, by committee on agriculture, 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**.

House File 2525, by committee on judiciary, a bill for an act relating to the criminal offenses of making a false report and homicide or serious injury by vehicle.

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

House File 2526, by Elgin, a bill for an act modifying allocations and apportionments of road use tax funds.

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

House File 2527, by committee on state government, a bill for an act relating to elected officials, including reports of official misconduct, and campaign finance reporting.

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

House File 2528, by Myers, a bill for an act relating to energy, by providing for submission of energy reports by certain utilities, expanding the applicability of the moratorium on utility disconnections during the winter, and providing energy assistance for low-income consumers.

Read first time and referred to committee on **commerce and regulation**.

CONSIDERATION OF BILLS
Regular Calendar

House File 2404, a bill for an act relating to the amount of additional weighting provided for limited English proficient students, was taken up for consideration.

The House stood at ease at 1:13 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2404, at 2:37 p.m., Gipp of Winneshiek in the chair.

Eddie of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2404)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Gipp, Presiding

The nays were, none.

Absent or not voting, 4:

Bradley	Murphy	Teig	Witt
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

Senate File 165, a bill for an act enacting the Iowa English language reaffirmation Act of 2001, with report of committee recommending passage, was taken up for consideration.

The following amendments to Senate File 165 were withdrawn by unanimous consent:

Amendment H-1430 filed by the committee on local government on April 4, 2001.

Amendment H-1771 filed by Hatch of Polk on April 30, 2001.

Amendment H-1779 filed by Fallon of Polk on April 30, 2001.

Amendment H-1780 filed by Fallon of Polk on April 30, 2001.

Amendment H-1781 filed by Fallon of Polk on April 30, 2001.

Amendment H-1782 filed by Fallon of Polk on April 30, 2001.

Amendment H-1783 filed by Fallon of Polk on April 30, 2001.

Amendment H-1784 filed by Fallon of Polk on April 30, 2001.

Amendment H-1785 filed by Fallon of Polk on April 30, 2001.

Amendment H-1786 filed by Fallon of Polk on April 30, 2001.

Amendment H-1787 filed by Fallon of Polk on April 30, 2001.

Amendment H-1788 filed by Petersen of Polk on April 30, 2001.

Amendment H-1790 filed by Petersen of Polk on April 30, 2001.

Amendment H-1791 filed by Petersen of Polk on April 30, 2001.

Amendment H-1803 filed by Connors of Polk on May 1, 2001.

Amendment H-1805 filed by Reynolds of Van Buren on May 1, 2001.

Amendment H-1806 filed by Reynolds of Van Buren on May 1, 2001.

Amendment H-1807 filed by Reynolds of Van Buren on May 1, 2001.

Amendment H-1814 filed by Fallon of Polk, et al., on May 1, 2001.

Amendment H-1821 filed by Warnstadt of Woodbury on May 1, 2001.

Amendment H-1822 filed by Richardson of Warren on May 2, 2001.

Amendment H-1938 filed by Warnstadt of Woodbury on May 2, 2001.

Amendment H-1944 filed by Reynolds of Van Buren on May 3, 2001.

Amendment H-1945 filed by Richardson of Warren on May 3, 2001.

Amendment H-1947 filed by Dotzler of Black Hawk on May 3, 2001.
Amendment H-1948 filed by Dotzler of Black Hawk on May 3, 2001.
Amendment H-1949 filed by Dotzler of Black Hawk on May 3, 2001.
Amendment H-1950 filed by Dotzler of Black Hawk on May 3, 2001.
Amendment H-1951 filed by Richardson of Warren on May 3, 2001.
Amendment H-1952 filed by Richardson of Warren on May 3, 2001.
Amendment H-1953 filed by Kreiman of Davis on May 3, 2001.
Amendment H-1954 filed by Kreiman of Davis on May 3, 2001.
Amendment H-1956 filed by Quirk of Chickasaw on May 3, 2001.
Amendment H-1957 filed by Kuhn of Floyd on May 3, 2001.
Amendment H-1964 filed by Fallon of Polk on May 3, 2001.
Amendment H-1965 filed by Fallon of Polk on May 3, 2001.
Amendment H-1966 filed by Lensing of Johnson on May 3, 2001.
Amendment H-1967 filed by Frevert of Palo Alto on May 3, 2001.
Amendment H-1968 filed by Lensing of Johnson on May 3, 2001.
Amendment H-1969 filed by Petersen of Polk on May 3, 2001.
Amendment H-1970 filed by Peterson of Polk on May 3, 2001.
Amendment H-1972 filed by Fallon of Polk and O'Brien of Boone on May 3, 2001.
Amendment H-1973 filed by Greimann of Story on May 3, 2001.
Amendment H-1974 filed by Greimann of Story on May 3, 2001.
Amendment H-1975 filed by Fallon of Polk on May 3, 2001.
Amendment H-1976 filed by Bukta of Clinton on May 3, 2001.
Amendment H-1977 filed by Fallon of Polk and Bukta of Clinton on May 3, 2001.
Amendment H-1978 filed by Mascher of Johnson on May 3, 2001.
Amendment H-2009 filed by Fallon of Polk on May 4, 2001.
Amendment H-2010 filed by Fallon of Polk on May 4, 2001.
Amendment H-2012 filed by Fallon of Polk on May 4, 2001.
Amendment H-8080 filed by Warnstadt of Woodbury on February 22, 2001.
Amendment H-8081 filed by Petersen of Polk, et al., on February 22, 2002.
Amendment H-8083 filed by Warnstadt of Woodbury, et al., on February 22, 2002.
Amendment H-8084 filed by Warnstadt of Woodbury on February 22, 2002.

Myers of Johnson asked and received unanimous consent that amendment H-8085 be deferred.

Fallon of Polk asked and received unanimous consent that amendment H-8086 be deferred.

Hatch of Polk offered the following amendment H-8087 filed by Hatch, et al., and moved its adoption:

H-8087

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 1, line 1 through page 3,
4 line 12, and inserting the following:
5 "Section 1. NEW SECTION. 1.18 ENGLISH PLUS
6 AFFIRMATION.
7 1. The general assembly of the state of Iowa finds
8 and declares the following:
9 a. English is and will remain the primary language
10 of the state of Iowa, and all members of the state
11 recognize the importance of English to state life,
12 individual accomplishment, and personal enrichment.
13 b. Many United States citizens have native
14 languages other than English, including many languages
15 indigenous to the North American continent, and many
16 members of society have not had an equal opportunity
17 to learn English.
18 c. The ability to communicate in English and other
19 languages has promoted and can further enhance Iowa's
20 economic, political, and cultural vitality, and
21 contributes to the state's productivity and nationwide
22 competitiveness.
23 d. Fundamental values and state and national
24 documents ensure tolerance and respect for diversity
25 and guarantee all persons equal protection under the
26 law.
27 e. A need exists for a vastly expanded network of
28 facilities for comprehensive English language
29 instruction and services to ensure that all persons in
30 the state have the ability to exercise the rights and
31 responsibilities of full participation in society. A
32 need exists to offer English as a primary language in
33 classes at Iowa community colleges, state
34 universities, and public schools.
35 f. A need exists to foster multiple language
36 skills among all people in the state in order to
37 promote Iowa's position in the world marketplace and
38 to strengthen Iowa's conduct of relations with other
39 countries.
40 g. A need exists to endorse the concept of English
41 Plus in order to promote public civility and the
42 fundamental values and objectives of society.

43 2. Laws containing restrictionist language shall
 44 not be enacted in Iowa that will impede a citizen's
 45 right to vote, infringe on a citizen's civil rights,
 46 foster governmental interference in private activity
 47 and free commerce, or cause social disunity."
 48 2. Title page, by striking lines 1 and 2 and
 49 inserting the following: "An Act endorsing the
 50 concept of multiple language skills in the state of

Page 2

1 Iowa."

Roll call was requested by Hatch of Polk and Foege of Linn.

On the question "Shall amendment H-8087 be adopted?" (S.F. 165)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise		

The nays were, 55:

Alons	Arnold	Baudler	Boal
Boddicker	Bogess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Sukup
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wilderdyke	Gipp,	
		Presiding	

Absent or not voting, 3:

Murphy Teig Witt

Amendment H-8087 lost.

Petersen of Polk asked and received unanimous consent that amendment H-8082 be deferred.

Petersen of Polk offered the following amendment H-8082, previously deferred, filed by Petersen, et al., and moved its adoption:

H-8082

1 Amend Senate File 165, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 16 the
 4 following:
 5 "d. The state of Iowa recognizes that encouraging
 6 future generations to learn not only English but
 7 multiple languages and to embrace diverse cultures
 8 will help to modernize Iowa's economy and to prepare
 9 Iowa to grow and prosper in the global marketplace."

Sukup of Franklin in the chair at 4:19 p.m.

Roll call was requested by Mascher of Johnson and Bukta of Clinton.

On the question "Shall amendment H-8082 be adopted?" (S.F. 165)

The ayes were, 45:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Finch	Foegel	Ford	Frevert
Greimann	Grundberg	Hatch	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reeder	Reynolds	Richardson
Scherman	Schrader	Seng	Shultz
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Garman
Gipp	Hahn	Hansen	Heaton
Hoffman	Horbach	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyke	Sukup, Presiding

Absent or not voting, 3:

Hoversten	Murphy	Teig
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Amendment H-8082 lost.

Mascher of Johnson offered the following amendment H-1971 filed by her and moved its adoption:

H-1971

1 Amend Senate File 165, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 29 the
 4 following:
 5 "In designating the English language as the
 6 official language of the state for such reports and
 7 publications, it is not the intent of the general
 8 assembly to discourage residents of the state from
 9 learning, or maintaining proficiency in, a language
 10 other than the English language. The general assembly
 11 encourages bilingualism to facilitate a better
 12 understanding of other cultures, to enhance
 13 appreciation for the diversity and heritage of the
 14 citizens of this state, and to promote state tourism
 15 and international commerce."

Roll call was requested by Myers of Johnson and Osterhaus of Jackson.

On the question "Shall amendment H-1971 be adopted?" (S.F. 165)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carrall	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdyke	Sukup, Presiding		

Absent or not voting, 3:

Grundberg	Murphy	Teig
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Amendment H-1971 lost.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-1793 filed by her on April 30, 2001.

Warnstadt of Woodbury offered amendment H-8085, previously deferred, filed by Myers of Johnson.

Division was requested as follows:

H-8085

1 Amend Senate File 165, as amended, passed, and
2 reprinted by the Senate, as follows:

H-8085A

3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 1.18 GOVERNMENT
6 OFFICIAL ACTION LANGUAGE.
7 1. Except as otherwise provided for in subsections
8 2 and 3, the English language shall be the language of
9 government in Iowa. All official documents,
10 regulations, orders, transactions, proceedings,
11 programs, meetings, publications, or actions taken or
12 issued, which are conducted or regulated by, or on
13 behalf of, or representing the state and all of its
14 political subdivisions shall be in the English
15 language.
16 For the purposes of this section, "official action"
17 means any action taken by the government in Iowa or by
18 an authorized officer or agent of the government in
19 Iowa that does any of the following:
20 a. Binds the government.
21 b. Is required by law.
22 c. Is otherwise subject to scrutiny by either the
23 press or the public.
24 2. This section shall not apply to:
25 a. The teaching of languages.
26 b. Requirements under the federal Individuals with
27 Disabilities Education Act.
28 c. Actions, documents, or policies necessary for
29 trade, tourism, or commerce.
30 d. Actions or documents that protect the public
31 health and safety.
32 e. Actions or documents that facilitate activities
33 pertaining to compiling any census of populations.
34 f. Actions or documents that protect the rights of
35 victims of crimes or criminal defendants.
36 g. Use of proper names, terms of art, or phrases
37 from languages other than English.
38 h. Any language usage required by or necessary to
39 secure the rights guaranteed by the Constitution and
40 laws of the United States of America or the
41 Constitution of the State of Iowa.

H-8085B

42 i. Any oral or written communications,
43 examinations, or publications produced or utilized by
44 a driver's license station, provided public safety is

H-8085B

45 not jeopardized except that examinations for
 46 commercial driver's licenses shall be given only in
 47 the English language.

H-8085A

48 3. Nothing in this section shall be construed to
 49 do any of the following:
 50 a. Prohibit an individual member of the general

Page 2

1 assembly or officer of state government, while
 2 performing official business, from communicating
 3 through any medium with another person in a language
 4 other than English, if that member or officer deems it
 5 necessary or desirable to do so.

6 b. Limit the preservation or use of Native
 7 American languages, as defined in the federal Native
 8 American Languages Act of 1992.

9 c. Disparage any language other than English or
 10 discourage any person from learning or using a
 11 language other than English.

12 Sec. 2. NEW SECTION. 4.14 GENERAL RULES OF
 13 CONSTRUCTION FOR ENGLISH LANGUAGE LAWS.

14 It is presumed that English language requirements
 15 in the public sector are consistent with the laws of
 16 Iowa and any ambiguity in the English language text of
 17 the laws of Iowa shall be resolved, in accordance with
 18 the ninth and tenth amendments of the Constitution of
 19 the United States, not to deny or disparage rights
 20 retained by the people, and to reserve powers to the
 21 states or to the people.

22 Sec. 3. CITATION. This Act may be cited as the
 23 "Government Official Action Language Act of 2002".

24 2. Title page, by striking lines 1 and 2, and
 25 inserting the following: "An Act relating to the
 26 government official action language Act of 2002."

Richardson of Warren asked and received unanimous consent that amendment H-8085A be deferred.

Richardson of Warren moved the adoption of amendment H-8085B.

Roll call was requested by Myers of Johnson and Fallon of Polk.

On the question "Shall amendment H-8085B be adopted?" (S.F. 165)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Broers	Brunkhorst	Carroll
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wilderdyke	Sukup, Presiding	

Absent or not voting, 6:

Boguess	Bradley	Brauns	Finch
Murphy	Teig		

Amendment H-8085B lost.

Myers of Johnson asked and received unanimous consent to withdraw amendment H-8085A.

Fallon of Polk offered the following amendment H-8086, previously deferred, filed by Fallon, et al., and moved its adoption:

H-8086

- 1 Amend Senate File 165, 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. 1.18 ENGLISH – IOWA'S
 6 COMMON LANGUAGE.
 7 The general assembly of the state of Iowa
 8 recognizes that English is the common language used in
 9 Iowa and recognizes that fluency in English is
 10 necessary for full integration into the American
 11 culture."
 12 2. Title page, by striking lines 1 and 2 and
 13 inserting the following: "An Act affirming that
 14 English is Iowa's common language."

Speaker Siegrist in the chair at 5:38 p.m.

Roll call was requested by Myers of Johnson and Fallon of Polk.

On the question "Shall amendment H-8086 be adopted?" (S.F. 165)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Shultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

The nays were, 55:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow

Roberts	Shey	Sievers	Sukup
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wilderdyke	Mr. Speaker	
		Siegrist	

Absent or not voting, 2:

Murphy	Teig
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Amendment H-8086 lost.

Sukup of Franklin in the chair at 7:24 p.m.

Speaker Siegrist in the chair at 7:28 p.m.

Connors of Polk asked unanimous consent to reconsider the vote by which amendment H-8086 failed to pass the House.

Objection was raised.

Alons of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 165)

The ayes were, 56:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Carroll	Cormack	De Boef	Dix
Dolecheck	Drake	Eddie	Eichhorn
Finch	Garman	Gipp	Grundberg
Hahn	Hansen	Hoffman	Horbach
Hoversten	Huseman	Huser	Johnson
Jones	Kettering	Klemme	Kreiman
Larson	Manternach	Mertz	Millage
Rants	Rayhons	Reeder	Rekow
Roberts	Shey	Sievers	Sukup
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyke	Mr. Speaker
			Siegrist

The nays were, 42:

Bukta	Chiodo	Cohoon	Connors
Dotzler	Elgin	Fallon	Foege
Ford	Frevert	Greimann	Hatch
Heaton	Jacobs	Jenkins	Jochum
Kuhn	Larkin	Lensing	Mascher
May	Metcalf	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Reynolds	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Warnstadt	Winckler
Wise	Witt		

Absent or not voting, 2:

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2404** and **Senate File 165**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 25, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on February 25, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on February 25, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on February 25, 2002, passed the following bill in which the concurrence of the House is 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 Senate has on February 25, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2116, a bill for an act relating to the preservation and enhancement of the state capitol.

Also: That the Senate has on February 25, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2140, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Also: That the Senate has on February 25, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2141, a bill for an act authorizing sheriffs to appoint civil process servers.

Also: That the Senate has on February 25, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on February 25, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2206, a bill for an act relating to the issuance or renewal of sanitary disposal project permits.

Also: That the Senate has on February 25, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2207, a bill for an act relating to the acquisition, enforceability, and purpose of conservation easements.

Also: That the Senate has on February 25, 2002, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on February 25, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2231, a bill for an act providing for hospital access to abuse registries for purposes of employment checks.

Also: That the Senate has on February 25, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2260, a bill for an act relating to the reorganization or dissolution of area education agencies and providing an effective date.

MICHAEL E. MARSHALL, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 19 and 20, 2002. Had I been present, I would have voted "aye" on House Files 2054, 2246, 2338, 2339, 2341, 2344, 2345 and Senate Files 437 and 2121.

O'BRIEN of Boone

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 22, 2002, he approved and transmitted to the Secretary of State the following bill:

Senate File 2100, an act relating to protection from domestic abuse and including protections for persons in an intimate relationship.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\435 Leo Ingraham, Cedar Rapids – For celebrating his 88th birthday.
- 2002\436 Verna Clute, Cedar Rapids – For celebrating his 80th birthday.
- 2002\437 Charles and Hope Pyle, Cedar Rapids – For celebrating their 60th wedding anniversary.
- 2002\438 Edward and Josephine Henry, Barnes City – For celebrating their 60th wedding anniversary.
- 2002\439 James Manatt, Malcom – For celebrating his 80th birthday.
- 2002\440 Ruth and Fred Martin, Grinnell – For celebrating their 60th wedding anniversary.
- 2002\441 Lillian Davidson, Brooklyn – For celebrating her 80th birthday.
- 2002\442 Esther Cunningham, Grinnell – For celebrating her 90th birthday.
- 2002\443 Herman and Irene Meiners, Manilla – For celebrating their 50th wedding anniversary.
- 2002\444 Frances Allen, Denison – For celebrating her 90th birthday.
- 2002\445 Leona Savery, Soldier – For celebrating her 88th birthday.
- 2002\446 Irene Hadden, Soldier – For celebrating her 88th birthday.
- 2002\447 Gladys Boyens, Manilla – For celebrating her 80th birthday.
- 2002\448 Lena Roushi, Perry – For celebrating her 85th birthday.
- 2002\449 Agnes Bock, Perry – For celebrating her 90th birthday.
- 2002\450 Rex and Beulah Bissell, Corning – For celebrating their 60th wedding anniversary.
- 2002\451 Joshua O. Eberly, Corning – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\452 Clara Fenstermann, Cedar Falls – For celebrating her 90th birthday.
- 2002\453 Cy Gavin, Manchester – For celebrating his 88th birthday.
- 2002\454 Erma K. Adix, Manchester – For celebrating her 90th birthday.
- 2002\455 Brent Wessel, Colesburg – For earning his American FFA degree.
- 2002\456 Roger Johnson, Hawarden – For his 30 years of dedicated leadership to the Boy Scouts of America.

- 2002\457 Sioux County Index-Reporter and Editor Randy Cauthron, Hull – For being awarded First Place in General Excellence among the Class 1 Weeklies, and for receiving First Place in Best Editorial Page, Best News Story, Best Special Section, Best Sports Story, Best Series, Sports Columnist, and Best Sports Photo.
- 2002\458 Bert and Charlotte Auten, Newton – For celebrating their 60th wedding anniversary.
- 2002\459 Vernon and Vickie Balmer, Kellogg – For celebrating their 60th wedding anniversary.
- 2002\460 Newell "Mac" and Verla McIntyre, West Union – For celebrating their 50th wedding anniversary.
- 2002\461 Kenneth and Gloria Schatz, West Union – For celebrating their 50th wedding anniversary.
- 2002\462 Adeline Mohrhauser, Danbury – For celebrating her 90th birthday.
- 2002\463 Raymond and Joyce Saxon, Pierson – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 2015

Ways and Means: Tymeson, Chair; Larson and Winckler.

House File 2203

Ways and Means: Tymeson, Chair; Larson and Winckler.

House File 2336

Ways and Means: Tymeson, Chair; Larson and Winckler.

House File 2441

Ways and Means: Tymeson, Chair; Larson and Winckler.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY

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.

Fiscal Note is not required.

Recommended **Do Pass** February 19, 2002.

COMMITTEE ON STATE GOVERNMENT

House File 2281, a bill for an act requiring the licensure of landscape architects.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

Committee Bill (Formerly House File 2005), relating to governmental preferences for services from service providers located within the state of Iowa and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House File 2174), requiring formation of local government consolidation committees and amending certain procedures for local government consolidation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 635), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 660), relating to voting, including to information contained on abstracts of votes, to the definition of a valid vote for purposes of canvassing ballots after an election and during a recount, and to the procedures for requesting and conducting recounts of votes cast.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2002.

Committee Bill (Formerly House Study Bill 698), relating to a referendum to determine the type of gambling to be conducted at horse racetrack enclosures, creating a governing board, and specifying the duties of the governing board.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

LSB 6922YC, 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.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

AMENDMENTS FILED

H—8088	H.F.	2417	Bradley of Clinton
H—8089	H.F.	2447	Baudler of Adair
H—8090	H.F.	2109	Raecker of Polk Garman of Story

On motion by Rants of Woodbury the House adjourned at 8:47 p.m., until 8:45 a.m., Tuesday, February 26, 2002.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 26, 2002

The House met pursuant to adjournment at 8:43 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Jeff Caswell, pastor of Central Christian Church, Marshalltown. He was the guest of Representative Mark Smith of Marshall County.

The Journal of Monday, February 25, 2002 was approved.

INTRODUCTION OF BILLS

House File 2529, by Tyrrell, a bill for an act requiring a credit reporting agency to provide a credit report to a consumer each year without charge.

Read first time and referred to committee on **commerce and regulation**.

House File 2530, by committee on agriculture, a bill for an act providing for the control of pseudorabies, and making penalties applicable.

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

House File 2531, by committee on judiciary, a bill for an act making certain amendments to the Iowa trust code.

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

House File 2532, by committee on state government, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates.

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

House File 2533, by committee on judiciary, a bill for an act relating to consent to the name change of a minor child.

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

House File 2534, by committee on human resources, a bill for an act relating to the rendering of disaster and emergency care by physician assistants.

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

House File 2535, by committee on state government, a bill for an act 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.

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

House File 2536, by committee on state government, a bill for an act relating to advertisements for requests for bids and proposals by state government.

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

House File 2537, by committee on environmental protection, a bill for an act relating to financial assistance for preliminary engineering studies for alternative wastewater treatment and disposal systems and making an appropriation.

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

House File 2538, by committee on state government, 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 placed on the **calendar**.

House File 2539, by committee on judiciary, 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 placed on the **calendar**.

House File 2540, by committee on state government, a bill for an act requiring formation of local government consolidation committees and amending certain procedures for local government consolidation.

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

House File 2541, by committee on judiciary, a bill for an act relating to maintaining a magistrate court in a city other than the county seat.

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

House File 2542, by committee on human resources, a bill for an act relating to the delivery of services by certain health care providers and quality assessment and assurance committee records of such providers.

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

House File 2543, by committee on economic development, 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 and referred to committee on **ways and means**.

House File 2544, by committee on judiciary, a bill for an act relating to the repeal of the sixth judicial district pilot project concerning probation revocation hearings, and providing an effective date.

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

House File 2545, by Brunkhorst, Tymeson, Dix, and T. Taylor, a bill for an act governing the regulation of elevators and other conveyances and providing penalties.

Read first time and referred to committee on **labor and industrial relations**.

House File 2546, by committee on judiciary, a bill for an act classifying the criminal offense of assault as a general intent crime.

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

House File 2547, by committee on human resources, 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 placed on the **calendar**.

House File 2548, by committee on economic development, a bill for an act relating to private activity bond allocations.

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

House File 2549, by committee on education, a bill for an act relating to the student achievement and teacher quality program and providing an effective date.

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

House File 2550, by committee on state government, a bill for an act relating to voting, including to information contained on abstracts of votes, to the definition of a valid vote for purposes of canvassing ballots after an election and during a recount, and to the procedures for requesting and conducting recounts of votes cast.

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

House File 2551, by committee on judiciary, a bill for an act concerning examination of information about closed sessions of a governmental body by members of the governmental body.

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

House File 2552, by committee on human resources, a bill for an act relating to interviews conducted in association with a child abuse assessment.

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

House File 2553, by committee on judiciary, 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 placed on the **calendar**.

House File 2554, by committee on environmental protection, 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 placed on the **calendar**.

House File 2555, by committee on judiciary, a bill for an act creating new criminal offenses, providing for enhancements and penalties, and providing an effective date.

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

House File 2556, by committee on state government, a bill for an act 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.

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

SENATE MESSAGES CONSIDERED

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 and referred to committee on **commerce and regulation**.

Senate File 2116, by Jensen, a bill for an act relating to the preservation and enhancement of the state capitol.

Read first time and referred to committee on **state government**.

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 and referred to committee on **appropriations**.

Senate File 2141, by committee on judiciary, a bill for an act authorizing sheriffs to appoint civil process servers.

Read first time and **passed on file**.

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 and **passed on file**.

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, the certification of certain tax-exempt organizations that operate solid waste diversion and recycling programs, and the retention of tonnage fees by planning areas.

Read first time and referred to committee on **environmental protection**.

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 and **passed on file**.

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 and referred to committee on **human resources**.

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 and **passed on file**.

On motion by Rants of Woodbury, the House was recessed at 8:56 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:48 p.m., Speaker pro tempore Sukup in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Teig of Hamilton, until his return, on request of Rants of Woodbury.

CONSIDERATION OF BILLS

Regular Calendar

House File 2363, a bill for an act relating to the possession of firearms or offensive weapons by felons, was taken up for consideration.

Baudler of Adair offered the following amendment H-8072 filed by him and moved its adoption:

H-8072

1 Amend House File 2363 as follows:

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

4 "Section 1. Section 724.10, Code 2001, is amended
5 to read as follows:

6 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS –
7 CRIMINAL HISTORY CHECK REQUIRED.

8 A person shall not be issued a permit to carry
9 weapons unless the person has completed and signed an
10 application on a form to be prescribed and published
11 by the commissioner of public safety. The application
12 shall state the full name, ~~social security number~~
13 ~~(optional) driver's license or nonoperator's~~
14 ~~identification card number~~, residence, and age of the
15 applicant, and shall state whether the applicant has
16 ever been convicted of a felony, whether the person is
17 addicted to the use of alcohol or any controlled
18 substance, and whether the person has any history of
19 mental illness or repeated acts of violence. The
20 applicant shall also display an identification card
21 that bears a distinguishing number assigned to the
22 card holder, the full name, date of birth, sex,
23 residence address, and a brief description and colored
24 photograph of the card holder. ~~Upon notification that~~
25 ~~criminal history data is available but not later than~~
26 ~~July 1, 1991, the~~ The sheriff shall conduct
27 immediately a criminal history check concerning each
28 applicant by obtaining criminal history data from the
29 department of public safety. a person who knowingly
30 makes a false statement of material fact on the
31 application commits a class "D" felony.

32 Sec. 2. Section 724.17, Code 2001, is amended to
33 read as follows:

34 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE –
35 CRIMINAL HISTORY CHECK REQUIRED.

36 The application for an annual permit to acquire
37 pistols or revolvers may be made to the sheriff of the
38 county of the applicant's residence and shall be on a
39 form prescribed and published by the commissioner of
40 public safety. The application shall state the full
41 name of the applicant, the ~~social security~~ ~~driver's~~
42 ~~license or nonoperator's identification card~~ number of
43 the applicant, the residence of the applicant, and the
44 age of the applicant. The applicant shall also
45 display an identification card that bears a
46 distinguishing number assigned to the cardholder, the

47 full name, date of birth, sex, residence address, and
 48 brief description and colored photograph of the
 49 cardholder, or other identification as specified by
 50 rule of the department of public safety. Upon

Page 2

1 ~~notification that criminal history data is available~~
 2 ~~but not later than July 1, 1991, the~~ The sheriff shall
 3 conduct a criminal history check concerning each
 4 applicant by obtaining criminal history data from the
 5 department of public safety. A person who knowingly
 6 makes a false statement of material fact on the
 7 application commits a class "D" felony.

8 Sec. 3. Section 724.19, Code 2001, is amended to
 9 read as follows:

10 724.19 ISSUANCE OF ANNUAL PERMIT TO ACQUIRE.

11 The annual permit to acquire pistols or revolvers
 12 shall be issued to the applicant immediately upon
 13 completion of the application unless the applicant is
 14 disqualified under the provisions of section 724.15
 15 and shall be on a form prescribed and published by the
 16 commissioner of public safety. The permit shall
 17 contain the name of the permittee, ~~the social security~~
 18 ~~number of the permittee~~, the residence of the
 19 permittee, and the effective date of the permit."

20 2. Page 1, by inserting after line 12 the
 21 following:

22 "Sec.____. Section 724.24, Code 2001, is
 23 repealed."

24 3. Title page, by striking lines 1 and 2 and
 25 inserting the following: "An Act relating to permits
 26 for and the possession of weapons and providing
 27 penalties."

28 4. By renumbering as necessary.

Amendment H-8072 was adopted.

They of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2363)

The ayes were, 99:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon

Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Sukup, Presiding	

The nays were, none.

Absent or not voting, 1:

Teig

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

House File 2319, a bill for an act relating to the disposition of property by an area education agency, was taken up for consideration.

Sievers of Scott offered the following amendment H-8075 filed by him and moved its adoption:

H-8075

- 1 Amend House File 2319 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 273.3, subsection 21, Code
- 5 2001, is amended to read as follows:
- 6 21. Be authorized to sell, lease, ~~or~~ dispose of,
- 7 or give away, in whole or in part, property belonging
- 8 to the area education agency. Before the area

9 education agency may sell property belonging to the
 10 agency, the board of directors shall comply with the
 11 requirements set forth in section 297.22. The notice
 12 and public hearing provisions of section 297.22,
 13 subsection 1, however, shall not apply to a sale of
 14 property other than real property, with a value less
 15 than or equal to one thousand dollars, if the sale is
 16 made to a school district located within the area
 17 education agency. Before the board of directors of an
 18 area education agency may lease property belonging to
 19 the agency, the board shall obtain the approval of the
 20 director of the department of education."

Amendment H-8075 was adopted.

Sievers of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2319)

The ayes were, 99:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Wardman	Wilderdyke	Winckler
Wise	Witt	Sukup,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Teig

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2319** and **2363**.

The House stood at ease at 2:12 p.m., until the fall of the gavel.

The House resumed session at 4:26 p.m., Klemme of Plymouth in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2179, a bill for an act relating to female genital mutilation, and providing a penalty.

Also: That the Senate has on February 26, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2203, a bill for an act providing for access to the Iowa communications network by homeland security or defense facilities.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-eight members present, thirty-two absent.

Dix of Butler in the chair at 4:32 p.m.

Regular Calendar

House File 2377, a bill for an act relating to the level of full-time equivalent positions authorized for executive branch agencies, was taken up for consideration.

Garman of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2377)

The ayes were, 98:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Dix,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Richardson Teig

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

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, was taken up for consideration.

Atteberry of Delaware offered the following amendment H-8065 filed by her and moved its adoption:

H-8065

1 Amend House File 2318 as follows:
 2 1. Page 1, by striking lines 21 through 26 and
 3 inserting the following: "and rules shall prohibit
 4 the school employee from suggesting that the child use
 5 a specific prescription drug unless the school
 6 employee is a health professional who is authorized by
 7 law to prescribe the prescription drug. The policy
 8 and".

Speaker Siegrist in the chair at 4:45 p.m.

Amendment H-8065 was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2318)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kuhn

Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, 1:

Kreiman

Absent or not voting, 2:

Richardson Teig

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

INTRODUCTION OF BILL

House File 2557, 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 and placed on the **appropriations calendar**.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2318** and **2377**.

APPOINTMENTS

Speaker Siegrist announced the following temporary committee assignments until the return of Representative Teig:

Administration and Rules Barry Brauns

AgricultureDavid Heaton
Economic Development David Johnson
Ways and Means Jim Hahn
Economic Development Appropriations Jamie Van Fossen
Subcommittee

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of February, 2002: House Files 2078 and 2271.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\464 Ryan Phillips, Burlington High School – For winning the Class 3-A, 215 lb. State Wrestling Championship.
- 2002\465 Ruth Nash, Dubuque – For being named the state's No. 1 arts advocate by the Iowa Arts Council.
- 2002\466 Donald and Elsie Babcock, Maquoketa – For celebrating their 55th wedding anniversary.
- 2002\467 John and Christina Nolting, Preston – For celebrating their 50th wedding anniversary.
- 2002\468 Lena Roush, Perry – For celebrating her 85th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 2086

Ways and Means: Shey, Chair; Huser and Jones.

House File 2137

Ways and Means: Finch, Chair; Kuhn and Sievers.

House File 2184

Ways and Means: Boal, Chair; Sievers and Winckler.

House File 2244

Ways and Means: Finch, Chair; Sievers and D. Taylor.

House File 2368

Human Resources: Witt, Chair; Carroll and Grundberg.

House File 2372

Ways and Means: Sukup, Chair; Jochum and Sievers.

House File 2521

Appropriations: Gipp, Chair; Dix and Warnstadt.

House File 2526

Appropriations: Gipp, Chair; Dix and Warnstadt.

Senate File 2140

Appropriations: Roberts, Chair; Dix and Reeder.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

LSB6876HC, 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.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2002.

COMMITTEE ON ECONOMIC DEVELOPMENT

House File 2202, a bill for an act establishing an economic development commission.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8094**, February 21, 2002

COMMITTEE ON HUMAN RESOURCES

House File 2387, a bill for an act relating to psychiatric medical institutions for children requirements involving complaint response and behavioral health care coverage.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2002.

COMMITTEE ON STATE GOVERNMENT (AMENDED)

House File 2236, a bill for an act regulating farmers market stands, providing for fees, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8098**, February 19, 2002

RESOLUTIONS FILED

HCR 116, by Smith, a concurrent resolution requesting the legislative council to authorize a comprehensive study of Iowa's system of taxation.

Laid over under **Rule 25**.

HCR 117, by Johnson, a concurrent resolution requesting the legislative council to authorize the personal privacy issues study committee to continue deliberations during the 2002 legislative interim.

Laid over under **Rule 25**

AMENDMENTS FILED

H—8091	H.F.	2469	Kettering of Sac
H—8092	H.F.	2394	Dolecheck of Ringgold
H—8093	H.F.	2516	Rayhons of Hancock
H—8094	H.F.	2202	Committee on Economic Development
H—8095	S.F.	2141	Baudler of Adair
H—8096	H.F.	2362	Weidman of Cass
H—8097	H.F.	2217	Millage of Scott
H—8098	H.F.	2236	Committee on State Government
H—8099	H.F.	2394	Mascher of Johnson
H—8100	H.F.	2394	Mascher of Johnson
H—8101	H.F.	2491	Carroll of Poweshiek

On motion by Rants of Woodbury the House adjourned at 5:06 p.m., until 8:45 a.m., Wednesday, February 27, 2002.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 27, 2002

The House met pursuant to adjournment at 8:45 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the retired Reverend Bob Roof of the Presbyterian Church, Cedar Falls. He was the guest of Representative Willard Jenkins from Black Hawk County.

The Journal of Tuesday, February 26, 2002 was approved.

PETITION FILED

The following petition was received and placed on file:

By Jochum of Dubuque, from one hundred thirty-one concerned Dubuque County citizens requesting the Rainy Day Fund be used to support child welfare, education and health, instead of making additional budget cuts for FY 2002. They also requested that child welfare, education and health be treated as one unit, as a reduction in one area directly influences the ability of the other two to provide adequate assistance to families.

INTRODUCTION OF BILLS

House File 2558, by committee on judiciary, 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 placed on the **calendar**.

House File 2559, by committee on human resources, a bill for an act relating to child protection confidentiality requirements involving the department of human services.

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

House File 2560, by committee on judiciary, a bill for an act creating criminal offenses and modifying criminal penalties for acts of terrorism by creating the offenses of soliciting or providing material support or resources for acts of terrorism, by creating the offense of threat of terrorism, by creating the offense of obstruction of terrorism prosecution, and by providing for life imprisonment for certain acts of terrorism.

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

House File 2561, by committee on human resources, a bill for an act 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 the unit for civil commitment of sexually violent predators to be moved and colocated at another state institution, and making an appropriation of certain grants and gifts, and providing an effective date.

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

House File 2562, by committee on commerce and regulation, a bill for an act relating to energy, by providing tax incentives for alternate energy projects, providing for approval of utility power purchase contracts and authorizing related expenditures, changing the voltage threshold for electric line franchises, reassigning responsibilities of the energy bureau of the department of natural resources, providing for ownership of alternate energy production facilities or small hydro facilities by public electric utilities, and including effective and retroactive applicability dates.

Read first time and referred to committee on **ways and means**.

House File 2563, by committee on judiciary, a bill for an act relating to legal representation of an indigent person in a parole proceeding.

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

House File 2564, by committee on judiciary, a bill for an act relating to appeals from involuntary commitment for chronic substance abuse or mental illness.

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

House File 2565, by committee on judiciary, 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 placed on the **calendar**.

House File 2566, by committee on judiciary, a bill for an act relating to a power of attorney for the conveyance or encumbrance of homestead property.

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

House File 2567, by committee on local government, a bill for an act relating to state and local land management and planning, and providing effective dates.

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

House File 2568, by committee on judiciary, a bill for an act relating to certain agricultural liens.

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

House File 2569, by committee on local government, a bill for an act relating to county eligibility for state payment of the allowed growth factor adjustment for county mental health, mental retardation, and developmental disabilities services for the fiscal year beginning July 1, 2002, and providing an effective date.

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

House File 2570, by committee on local government, a bill for an act relating to volunteer fire fighters by creating a township fire department fund and allocating a certain portion of insurance

premiums tax to the township fire department fund, establishing a volunteer fire fighter pension task force, making an appropriation, and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2571, by committee on education, 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 placed on the **calendar**.

House File 2572, by committee on human resources, a bill for an act implementing the federal Indian Child Welfare Act.

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

House File 2573, by Myers, a bill for an act 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.

Read first time and referred to committee on **state government**.

House File 2574, by committee on economic development, 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 placed on the **calendar**.

House File 2575, by Greimann, a bill for an act requiring secondary school students to complete at least one-half unit of family and consumer sciences instruction.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on February 26, 2002, adopted the following resolution in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

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 and referred to committee on **human resources**.

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 and **passed on file**.

On motion by Jacobs of Polk, the House was recessed at 8:54 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:14 p.m., Speaker pro tempore Sukup in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

Speaker Siegrist in the chair at 2:15 p.m.

Speaker pro tempore Sukup in the chair at 2:19 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Frevert of Palo Alto on request of Myers of Johnson.

INTRODUCTION OF BILLS

House File 2576, by Foege, a bill for an act relating to restitution paid to a public entity for the costs of a chemical test of a specimen from a person operating a motor vehicle while intoxicated.

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

House File 2577, by Jochum, a bill for an act relating to the council of co-owners of apartments in a horizontal property regime.

Read first time and referred to committee on **local government**.

House File 2578, by committee on human resources, 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 placed on the **calendar**.

House File 2579, by Rayhons and Dolecheck, a bill for an act establishing the assessment of fees and the creation of a fund to support producers of corn and soybeans suffering losses due to contamination of their crops.

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

SENATE MESSAGES CONSIDERED

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 and **passed on file**.

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 and **passed on file**.

HOUSE JOINT RESOLUTION 2008 AND
HOUSE FILE 2424 WITHDRAWN

Wise of Lee asked and received unanimous consent to withdraw House Joint Resolution 2008 and House File 2424 from further consideration by the House.

CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 118

Carroll of Poweshiek asked and received unanimous consent for the immediate consideration **House Concurrent Resolution 118**, 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, and moved its adoption.

SENATE CONCURRENT RESOLUTION 114 SUBSTITUTED FOR
HOUSE CONCURRENT RESOLUTION 118

Carroll of Poweshiek asked and received unanimous consent to substitute Senate Concurrent Resolution 114 for House Concurrent Resolution 118.

ADOPTION OF SENATE CONCURRENT RESOLUTION 114

Carroll of Poweshiek called up for consideration **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, and moved its adoption.

The motion prevailed and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION 118 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House Concurrent Resolution 118 from further consideration by the House.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

LSB7043HV, 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.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 2002.

Rants of Woodbury asked and received unanimous consent for the immediate consideration of House File 2557.

Speaker Siegrist in the chair at 2:42 p.m.

CONSIDERATION OF BILLS
Appropriations Calendar

House File 2557, 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.

Millage of Scott offered the following amendment H-8113 filed by him from the floor and moved its adoption:

H-8113

1 Amend House File 2557 as follows:

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

4 "DIVISION I

5 IOWA ECONOMIC EMERGENCY FUND

6 Section 1. SCHOOL FOUNDATION AID. There is
7 appropriated from the Iowa economic emergency fund
8 created in section 8.55 to the department of
9 management for the fiscal year beginning July 1, 2001,
10 and ending June 30, 2002, the following amount, or so
11 much thereof as is necessary, to be used for the
12 purpose designated:

13 For supplanting an equal amount from the
14 appropriation made from the general fund of the state
15 for the fiscal year beginning July 1, 2001, pursuant
16 to section 257.16, to pay that part of foundation aid
17 which represents the allowable growth amounts for all
18 school districts:
19 \$ 44,852,353

20 Sec. 2. EMERGENCY EXPENDITURES. The moneys
21 appropriated in this division of this Act are declared
22 to be appropriated for emergency expenditures as
23 required in section 8.55, subsection 3, paragraph "a".

24 Sec. 3. EFFECT OF APPROPRIATIONS. An
25 appropriation from the general fund of the state,
26 which is supplanted by an appropriation from the Iowa
27 economic emergency fund made in this division of this
28 Act, shall be reduced by the amount of the
29 appropriation which supplants it.

30 DIVISION II

31 UNIFORM REDUCTION EXEMPTION

32 Sec. 4. APPROPRIATIONS EXEMPT. The appropriations
33 made from the general fund of the state for the fiscal
34 year beginning July 1, 2001, and ending June 30, 2002,
35 for the following designated purposes are exempt from

36 the uniform appropriation reduction made pursuant to
37 this Act for the executive branch:

38 1. For medical assistance in 2001 Iowa Acts,
39 chapter 191, section 7.

40 2. For child and family services in 2001 Iowa
41 Acts, chapter 191, section 14.

42 3. For department of corrections facilities in
43 2001 Iowa Acts, chapter 186, section 4, and 2001 Iowa
44 Acts, Second Extraordinary Session, chapter 6, section
45 7, subsection 1.

46 4. For community colleges in 2001 Iowa Acts,
47 chapter 181, section 6, subsection 14, and 2001 Iowa
48 Acts, Second Extraordinary Session, chapter 6, section
49 4.

50 5. For the college student aid commission in

Page 2

1 sections 261.25 and 261.85, and 2001 Iowa Acts,
2 chapter 181, section 1.

3 6. For payments in lieu of tuition allocated by
4 the state board of regents in 2001 Iowa Acts, chapter
5 176, section 19, and 2001 Iowa Acts, Second
6 Extraordinary Session, chapter 6, section 5,
7 subsection 1.

8 7. For the family development and self-sufficiency
9 grant program administered by the department of human
10 services.

11 8. For the following tax reimbursements: personal
12 property tax replacement in section 405A.8, franchise
13 tax revenue allocation in section 405A.10, livestock
14 production tax credit refund in section 422.121,
15 homestead tax credit in section 425.1, extraordinary
16 property tax credit and reimbursement in section
17 425.39, family farm tax credit and agricultural land
18 tax credit in sections 425A.1 and 426.1, military
19 service tax credit in section 426A.1A, property tax
20 relief in section 426B.1 and 2001 Iowa Acts, Second
21 Extraordinary Session, chapter 6, section 1,
22 subsection 13, industrial machinery, equipment and
23 computers property tax replacement in section
24 427B.19A, and cigarette and little cigar tax stamps in
25 section 453A.8.

26 9. For the following education-related purposes:
27 Iowa early intervention block grant program in section
28 256D.5, subsection 1; foundation and supplementary aid
29 under section 257.16; instructional support state aid
30 to school districts in section 257.20; tuition grants
31 in section 261.25, subsection 1; child development
32 grants and other programs for at-risk children in
33 section 279.51; educational excellence in section
34 294A.25; school improvement technology in section

35 256D.5, subsection 2; nonpublic school transportation
 36 in section 285.2; department of education for
 37 distribution to area education agency XVI in 2001 Iowa
 38 Acts, Second Extraordinary Session, chapter 6, section
 39 18, subsection 2; and including but not limited to any
 40 of the purposes listed in this subsection that also
 41 received an appropriation in 2001 Iowa Acts, Second
 42 Extraordinary Session, chapter 6.
 43 10. For Iowa communications network debt service
 44 in 2001 Iowa Acts, chapter 176, section 21, and 2001
 45 Iowa Acts, Second Extraordinary Session, chapter 6,
 46 section 2.
 47 11. For the department of commerce in 2001 Iowa
 48 Acts, chapter 187, section 3, and in standing
 49 appropriations and statutory provisions authorizing
 50 the department or its divisions to utilize fees for

Page 3

1 regulatory activities for the fiscal year beginning
 2 July 1, 2001.
 3 12. For the department of human services for the
 4 family investment program in 2001 Iowa Acts, chapter
 5 191, section 4.
 6 13. For state unemployment compensation under
 7 chapter 96.
 8 14. For legal services to persons in poverty
 9 grants in 2001 Iowa Acts, chapter 186, section 1,
 10 subsection 11, and for the state public defender in
 11 2001 Iowa Acts, chapter 186, section 9, and for
 12 payment of special court costs and attorney fees under
 13 section 815.1.
 14 15. For payments authorized in accordance with law
 15 by the state appeal board.
 16 16. For the statewide fire and police retirement
 17 system in section 411.20, as limited by section 8.59.
 18 17. For the deferred compensation program
 19 established for state employees under section 509A.12.
 20 18. For deposit in the school ready children
 21 grants account of the Iowa empowerment fund in 2001
 22 Iowa Acts, chapter 181, section 6, subsection 10.
 23 19. For the department of public defense in 2001
 24 Iowa Acts, chapter 186, section 12, and 2001 Iowa
 25 Acts, Second Extraordinary Session, chapter 6, section
 26 9.
 27 20. For the state school for the deaf and the Iowa
 28 braille and sight saving school in 2001 Iowa Acts,
 29 chapter 181, section 8, subsections 5 and 6, and 2001
 30 Iowa Acts, Second Extraordinary Session, chapter 6,
 31 section 5, subsections 3 and 4.

DIVISION III

32
 33 TRANSFERS OF APPROPRIATIONS

34 Sec. 5. RISK POOL. Notwithstanding sections
 35 426B.1 and 426B.5, subsection 2, paragraph "d",
 36 subparagraph (6), there is transferred from the
 37 property tax relief fund risk pool created in section
 38 426B.5, subsection 2, to the general fund of the state
 39 for the fiscal year beginning July 1, 2001, and ending
 40 June 30, 2002, the following amount:

41 \$ 1,500,000

42 Sec. 6. DEPRECIATION FUND. Notwithstanding
 43 section 18.120, there is transferred from the
 44 depreciation fund created in section 18.120 for the
 45 purchase of replacement motor vehicles and additions
 46 to the fleet, to the general fund of the state for the
 47 fiscal year beginning July 1, 2001, and ending June
 48 30, 2002, the following amount:

49 \$ 2,200,000

50 Sec. 7. REGENTS INFRASTRUCTURE. Of the moneys

Page 4

1 appropriated to the state board of regents in 1997
 2 Iowa Acts, chapter 215, section 23, subsection 1,
 3 paragraph "a", and allocated for construction of the
 4 livestock infectious disease isolation facility, there
 5 is transferred to the general fund of the state for
 6 the fiscal year beginning July 1, 2001, and ending
 7 June 30, 2002, the following amount:

8 \$ 2,797,000

9 Sec. 8. TRAILS. Of the moneys appropriated to the
 10 state department of transportation for trail projects
 11 in 1997 Iowa Acts, chapter 215, sections 12 and 13,
 12 and 1999 Iowa Acts, chapter 204, section 11,
 13 subsection 3, there is transferred to the general fund
 14 of the state for the fiscal year beginning July 1,
 15 2001, and ending June 30, 2002, the following amount:

16 \$ 5,500,000

17 Sec. 9. AVIATION HANGARS. Of the moneys
 18 appropriated to the state department of transportation
 19 for general aviation hangar projects in 2000 Iowa
 20 Acts, chapter 1225, section 16, and deposited in an
 21 aviation hangar revolving loan fund, there is
 22 transferred to the general fund of the state for the
 23 fiscal year beginning July 1, 2001, and ending June
 24 30, 2002, the following amount:

25 \$ 360,000

26 Sec. 10. HEALTHY IOWANS TOBACCO TRUST.
 27 Notwithstanding sections 12.65 and 12E.12, there is
 28 transferred from the healthy Iowans tobacco trust
 29 created in section 12.65 to the general fund of the
 30 state for the fiscal year beginning July 1, 2001, and
 31 ending June 30, 2002, the following amount:

32 \$ 6,000,000

33 Moneys transferred pursuant to this section shall
 34 be from moneys deposited in the healthy Iowans tobacco
 35 trust which are not from proceeds from the tax-exempt
 36 bonds issued pursuant to chapter 12E.

37 Sec. 11. STRATEGIC INVESTMENT FUND.
 38 Notwithstanding section 15.313, subsection 2, there is
 39 transferred from the strategic investment fund created
 40 in section 15.313 to the general fund of the state for
 41 the fiscal year beginning July 1, 2001, and ending
 42 June 30, 2002, the following amount:
 43 \$ 1,000,000

44 Sec. 12. VALUE-ADDED AGRICULTURAL PRODUCTS.
 45 Notwithstanding section 15E.112, subsection 1, there
 46 is transferred from the value-added agricultural
 47 products and processes financial assistance fund
 48 created in section 15E.112 to the general fund of the
 49 state for the fiscal year beginning July 1, 2001, and
 50 ending June 30, 2002, the following amount:

Page 5

1 \$ 500,000
 2 Sec. 13. BRUCELLOSIS AND TUBERCULOSIS ERADICATION
 3 FUND. Notwithstanding section 165.18, subsection 1,
 4 there is transferred from the brucellosis and
 5 tuberculosis eradication fund created in section
 6 165.18 to the general fund of the state for the fiscal
 7 year beginning July 1, 2001, and ending June 30, 2002,
 8 the following amount:

9 \$ 1,000,000
 10 Sec. 14. REAP. Notwithstanding section 455A.19,
 11 there is transferred from the Iowa resources
 12 enhancement and protection fund created in section
 13 455A.18 to the general fund of the state for the
 14 fiscal year beginning July 1, 2001, and ending June
 15 30, 2002, the following amount:

16 \$ 2,800,000
 17 Sec. 15. ENVIRONMENT FIRST FUND. Notwithstanding
 18 section 8.57A, subsection 3, there is transferred from
 19 the environment first fund created in section 8.57a to
 20 the general fund of the state for the fiscal year
 21 beginning July 1, 2001, and ending June 30, 2002, the
 22 following amount:

23 \$ 3,000,000
 24 Sec. 16. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT.
 25 Notwithstanding 2001 Iowa Acts, chapter 174, section
 26 1, there is transferred from the endowment for Iowa's
 27 health account of the tobacco settlement trust fund
 28 created in section 12E.12 to the general fund of the
 29 state for the fiscal year beginning July 1, 2001, and
 30 ending June 30, 2002, the following amounts:
 31 1. From the appropriation made for the fiscal year

32 beginning July 1, 2001, from moneys received pursuant
 33 to sections 99D.17 and 99F.11 in 2001 Iowa Acts,
 34 chapter 174, section 1, subsection 1:
 35 \$ 15,000,000
 36 2. From the appropriation made for the fiscal year
 37 beginning July 1, 2001, from the general fund of the
 38 state in 2001 Iowa Acts, chapter 174, section 1,
 39 subsection 2:
 40 \$ 7,000,000
 41 Sec. 17. POOLED TECHNOLOGY ACCOUNT.
 42 Notwithstanding 2001 Iowa Acts, chapter 189, section
 43 5, there is transferred from the pooled technology
 44 account established in the office of the treasurer of
 45 state under the control of the information technology
 46 department to the general fund of the state for the
 47 fiscal year beginning July 1, 2001, and ending June
 48 30, 2002, the following amount:
 49 \$ 700,000
 50 Sec. 18. TRANSFER DATE. The transfers specified

Page 6

1 in this division of this Act shall begin on the
2 effective date of this Act.

3 DIVISION IV

4 JUDICIAL BRANCH

5 Sec. 19. 2001 Iowa Acts, chapter 179, section 1,
6 unnumbered paragraph 2, as amended by 2001 Iowa Acts,
7 Second Extraordinary Session, chapter 6, section 16,
8 is amended to read as follows:

9 For salaries of supreme court justices, appellate
 10 court judges, district court judges, district
 11 associate judges, judicial magistrates and staff,
 12 state court administrator, clerk of the supreme court,
 13 district court administrators, clerks of the district
 14 court, juvenile court officers, board of law examiners
 15 and board of examiners of shorthand reporters and
 16 judicial qualifications commission, receipt and
 17 disbursement of child support payments, reimbursement
 18 of the auditor of state for expenses incurred in
 19 completing audits of the offices of the clerks of the
 20 district court during the fiscal year beginning July
 21 1, 2001, and maintenance, equipment, and miscellaneous
 22 purposes:
 23 \$108,688,725
 24 107,552,799

25 Sec. 20. 2001 Iowa Acts, chapter 179, section 2,
26 as amended by 2001 Iowa Acts, Second Extraordinary
27 Session, chapter 6, section 17, is amended to read as
28 follows:

29 SEC. 2. JUDICIAL RETIREMENT FUND. There is
30 appropriated from the general fund of the state to the

31 judicial retirement fund for the fiscal year beginning
 32 July 1, 2001, and ending June 30, 2002, the following
 33 amount, or so much thereof as is necessary, to be used
 34 for the purpose designated:

35 Notwithstanding section 602.9104, subsection 4,
 36 paragraph "b", for the state's contribution to the
 37 judicial retirement fund in the amount of 15.9 percent
 38 of the basic salaries of the judges covered under
 39 chapter 602, article 9:
 40 \$ ~~3,069,897~~
 41 3,039,198

42 Sec. 21. JUDICIAL BRANCH – FURLOUGHS.

43 1. In addition to the appropriation reduction made
 44 in this division of this Act, the appropriations and
 45 distributions from the general fund of the state to
 46 the judicial branch for the fiscal year beginning July
 47 1, 2001, and ending June 30, 2002, are reduced by the
 48 following amount:
 49 \$ 1,100,700
 50 2. In order to implement the reduction made in

Page 7

1 subsection 1, the judicial branch shall implement
 2 furloughs of judicial branch employees other than
 3 justices, judges, and magistrates in a manner so as to
 4 produce cost savings equivalent to a furlough of one-
 5 half day per employee per pay period.

6 3. As part of implementing the reduction made in
 7 this subsection 1, notwithstanding the annual salary
 8 rates authorized for justices, judges, and magistrates
 9 in 2001 Iowa Acts, chapter 190, section 1, for the
 10 fiscal year beginning July 1, 2001, those salary rates
 11 shall be reduced by applying a 5 percent reduction to
 12 the portion of annual salary attributable to the
 13 period beginning on the effective date of this Act
 14 through June 30, 2002.

15 4. Notwithstanding the uses listed in section
 16 602.1304, subsection 2, paragraph "c", the judicial
 17 branch may use not more than \$1,000,000 of the moneys
 18 available to the judicial branch in the enhanced court
 19 collections fund for the fiscal year beginning July 1,
 20 2001, to supplant the reduction made in subsection 1.

DIVISION V

LEGISLATIVE BRANCH

23 Sec. 22. APPROPRIATIONS REDUCTION.

24 1. The appropriations made from the general fund
 25 of the state in section 2.12 to the general assembly
 26 for the fiscal year beginning July 1, 2001, and ending
 27 June 30, 2002, shall be reduced by 2.6 percent.

28 2. In order to implement the reductions required
 29 by this section for the fiscal year beginning July 1,

30 2001, in addition to employee furloughs and other
 31 expense reductions, notwithstanding the annual salary
 32 rates authorized for members of the general assembly
 33 in section 2.10, the salary rates for such members
 34 shall be reduced by applying a 5 percent reduction to
 35 the portion of annual salary attributable to the
 36 period beginning on the effective date of this Act
 37 through June 30, 2002, as if the members were all paid
 38 a salary under section 2.10, subsection 4, paragraph
 39 "a".

40 DIVISION VI

41 UNIFORM EXECUTIVE BRANCH APPROPRIATION REDUCTIONS

42 Sec. 23. EXECUTIVE BRANCH. Except for those
 43 appropriations made for the purposes specified in
 44 division I of this Act and those appropriations exempt
 45 from this section under division II of this Act, after
 46 applying the uniform reductions made pursuant to
 47 executive order number 24, the appropriations made
 48 from the general fund of the state to the executive
 49 branch for the fiscal year beginning July 1, 2001, and
 50 ending June 30, 2002, are reduced by 1 percent.

Page 8

1 Sec. 24. SALARY ADJUSTMENT FUND. The
 2 appropriation made in section 455G.3, subsection 6,
 3 paragraph "b", to the salary adjustment fund from the
 4 unassigned revenue fund administered by the Iowa
 5 comprehensive tank fund board is reduced by 4.3
 6 percent. That appropriation shall be considered to be
 7 an appropriation made from the general fund of the
 8 state for purposes of the uniform reductions to
 9 appropriations made pursuant to this division of this
 10 Act or pursuant to any later enactment of the Seventy-
 11 ninth General Assembly, 2002 Session, making a uniform
 12 reduction to appropriations from the general fund of
 13 the state for the fiscal year beginning July 1, 2001,
 14 or pursuant to an executive order of the governor
 15 issued after the effective date of this Act.

16 DIVISION VII

17 EXECUTIVE BRANCH FURLOUGHS

18 Sec. 25. EXECUTIVE BRANCH. The appropriations
 19 made from the general fund of the state to the
 20 departments and establishments of the executive
 21 branch, as defined in section 8.2, including but not
 22 limited to the appropriations to the state board of
 23 regents, for purposes of state employee compensation
 24 for the fiscal year beginning July 1, 2001, and ending
 25 June 30, 2002, are reduced by the following amount:
 26 \$ 11,702,872
 27 1. The department of management shall apply the
 28 reduction made in accordance with this section in a

29 manner so that an appropriation providing for state
30 employee compensation is reduced in proportion to the
31 amount that the compensation costs in that
32 appropriation bears to the total amount of
33 compensation costs in all appropriations from the
34 general fund to executive branch departments and
35 establishments.

36 2. In order to implement the reduction made in
37 this section, the departments and establishments shall
38 implement furloughs for those employees whose
39 compensation is paid from the general fund of the
40 state, in a manner to produce cost savings equivalent
41 to a furlough of one-half day per employee per pay
42 period.

43 3. As part of implementing the reduction made in
44 this section, notwithstanding the annual salary rates
45 authorized for elective executive branch officials in
46 2000 Iowa Acts, chapter 1219, section 3, for the
47 fiscal year beginning July 1, 2001, the salary rates
48 for such officials shall be reduced by applying a 5
49 percent reduction to the portion of annual salary
50 attributable to the period beginning on the effective

Page 9

1 date of this Act through June 30, 2002.

2 4. As part of implementing the reduction made in
3 this section, notwithstanding the annual salaries
4 established under 2001 Iowa Acts, chapter 190, section
5 3, for the fiscal year beginning July 1, 2001, each of
6 those salaries shall be reduced by applying a 5
7 percent reduction to the portion of the salary
8 attributable to the period beginning on the effective
9 date of this Act through June 30, 2002.

10 5. The appropriations reductions made pursuant to
11 this section are in addition to the appropriations
12 reductions made pursuant to division VI of this Act.

DIVISION VIII

EFFECTIVE DATE

15 Sec. 26. EFFECTIVE DATE. This Act, being deemed
16 of immediate importance, takes effect upon enactment."

Amendment H-8113 was adopted.

Amendment H-8102 filed by Murphy of Dubuque from the floor
was placed out of order.

SENATE FILE 2304 SUBSTITUTED FOR HOUSE FILE 2557

Millage of Scott asked and received unanimous consent to substitute Senate File 2304 for House File 2557.

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.

Murphy of Dubuque asked and received unanimous consent for the immediate consideration of amendment H-8104.

Murphy of Dubuque offered the following amendment H-8104 filed by him from the floor and moved its adoption:

H-8104

1 Amend Senate File 2304, 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. IOWA ECONOMIC EMERGENCY FUND.
6 1. There is appropriated from the Iowa economic
7 emergency fund created in section 8.55 to the general
8 fund of the state for the fiscal year beginning July
9 1, 2001, and ending June 30, 2002, the following
10 amount, or so much thereof as is necessary, to be used
11 for the purpose designated:
12 For providing necessary funding to the general fund
13 of the state:
14 \$121,707,641
15 2. The moneys appropriated in this section are
16 declared to be appropriated for emergency expenditures
17 as required in section 8.55, subsection 3, paragraph
18 "a".
19 Sec. 2. LEGISLATIVE APPROPRIATIONS REDUCTION.
20 1. The appropriations made from the general fund
21 of the state in section 2.12 to the general assembly
22 for the fiscal year beginning July 1, 2001, and ending
23 June 30, 2002, shall be reduced by 2.6 percent.
24 2. In order to implement the reductions required
25 by this section for the fiscal year beginning July 1,
26 2001, in addition to employee furloughs and other
27 expense reductions, notwithstanding the annual salary
28 rates authorized for members of the general assembly
29 in section 2.10, the salary rates for such members
30 shall be reduced by applying a 5 percent reduction to
31 the portion of annual salary attributable to the
32 period beginning on the effective date of this Act

33 through June 30, 2002, as if the members were all paid
 34 a salary under section 2.10, subsection 4, paragraph
 35 "a".
 36 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
 37 immediate importance, takes effect upon enactment."
 38 2. Title page, by striking lines 1 through 4 and
 39 inserting the following: "An Act making an
 40 appropriation to the general fund of the state for the
 41 fiscal year beginning July 1, 2001, reducing
 42 appropriations to the legislative branch for that
 43 fiscal year, and providing an effective date."

Roll call was requested by Murphy of Dubuque and Atteberry of Delaware.

Rule 75 was invoked.

On the question "Shall amendment H-8104 be adopted?" (S.F. 2304)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Greimann	Hatch
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reeder	Reynolds
Richardson	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 55:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Sukup
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wildurdyke	Mr. Speaker	
		Siegrist	

Absent or not voting, 3:

Frevert

Huser

Teig

Amendment H-8104 lost.

Wise of Lee asked and received unanimous consent for the immediate consideration of amendment H-8112.

Wise of Lee offered amendment H-8112 filed by Wise, Bell of Jasper, Myers of Johnson, Reeder of Fayette, Atteberry of Delaware, Winckler of Scott, Foege of Linn, Greimann of Story, Warnstadt of Woodbury, Bukta of Clinton, Huser of Polk, Jochum of Dubuque, Smith of Marshall, T. Taylor of Linn, Larkin of Lee, Shoultz of Black Hawk, Witt of Black Hawk, Mascher of Johnson, Lensing of Johnson, Petersen of Polk, Ford of Polk, Fallon of Polk, Connors of Polk, Chiodo of Polk and D. Taylor of Linn, from the floor as follows:

H-8112

- 1 Amend Senate File 2304, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 14 the
- 4 following:
- 5 "Sec. ___. GENERAL FUND. There is appropriated
- 6 from the Iowa economic emergency fund created in
- 7 section 8.55 to the general fund for the fiscal year
- 8 beginning July 1, 2001, and ending June 30, 2002, the
- 9 following amount, or so much thereof as is necessary,
- 10 to be used for the purpose designated:
- 11 For providing necessary funding to the general fund
- 12 of the state in order to prevent furlough or layoff of
- 13 officers and others providing public protection
- 14 services, members of the national guard, nurses,
- 15 hospital workers, prison guards, child protection
- 16 workers, and other state employees who all provide
- 17 important services to the people of Iowa:
- 18 \$ 12,803,572"
- 19 2. Page 8, by striking lines 7 through 32.
- 20 3. By striking page 10, line 3, through page 11,
- 21 line 8.
- 22 4. By renumbering as necessary.

Speaker pro tempore Sukup in the chair at 4:12 p.m.

The House stood at ease at 4:41 p.m., until the fall of the gavel. (Senate File 2304 and amendment H-8112 pending.)

The House resumed session at 6:07 p.m., Speaker Siegrist in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on February 27, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on February 27, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on February 27, 2002, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on February 27, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2201, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

Also: That the Senate has on February 27, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2232, a bill for an act relating to administrative sanctions for fraudulent acts involving publicly funded child care.

Also: That the Senate has on February 27, 2002, passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

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 and referred to committee on **transportation**

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 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 and referred to committee on **education**.

The House resumed consideration of Senate File 2304 and amendment H-8112. (pending)

Dix of Butler in the chair at 6:58 p.m.

Wise of Lee moved the adoption of amendment H-8112.

Roll call was requested by Myers of Johnson and Murphy of Dubuque.

On the question "Shall amendment H-8112 be adopted?" (S.F. 2304)

The ayes were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 55:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Sukup
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wildurdyke	Dix,	
		Presiding	

Absent or not voting, 1:

Teig

Amendment H-8112 lost.

RULE 31.8 SUSPENDED

Jenkins of Black Hawk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8121.

Jenkins of Black Hawk offered the following amendment H-8121 filed by Jenkins, Finch of Story, Millage of Scott, Brunkhorst of Bremer and Grundberg of Polk from the floor and moved its adoption:

H-8121

- 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."

Speaker Siegrist in the chair at 7:27 p.m.

On motion by Jenkins of Black Hawk amendment H-8121 was adopted, placing out of order amendment H-8117 filed by Jenkins of Black Hawk and Finch of Story from the floor.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2304)

The ayes were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carrroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdike	Mr. Speaker		
	Siegrist		

The nays were, 45:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

Absent or not voting, 1:

Teig

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2304** and **Senate Concurrent Resolution 114**.

Regular Calendar

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.

Boal of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2340)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, T.	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Mr. Speaker Siegrist

The nays were, 3:

Kreiman	Taylor, D.	Tremmel
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Absent or not voting, 1:

Teig

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

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 amendment and passage, was taken up for consideration.

Brauns of Muscatine offered the following amendment H-8062 filed by the committee on state government and moved its adoption:

H-8062

- 1 Amend House File 2109 as follows:
- 2 1. Page 4, by striking lines 18 through 27 and
- 3 inserting the following:
- 4 "Sec. __. Section 99B.7, subsection 7, paragraphs
- 5 a and c, Code 2001, are amended by striking the
- 6 paragraphs."
- 7 2. By renumbering as necessary.

The committee amendment H-8062 was adopted.

Raecker of Polk offered the following amendment H-8090 filed by him and Garman of Story and moved its adoption:

H-8090

- 1 Amend House File 2109 as follows:
- 2 1. By striking page 4, line 28 through page 5,
- 3 line 1.
- 4 2. By renumbering as necessary.

Amendment H-8090 was adopted.

Brauns of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2109)

The ayes were, 79:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Chiodo	Cohoon	Connors	Dix
Dolecheck	Dotzler	Drake	Eddie
Elgin	Finch	Foege	Frevert
Gipp	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Scherrman	Schrader	Seng	Shultz
Sievers	Stevens	Taylor, T.	Tymeson
Tyrrell	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Siegrist	

The nays were, 19:

Boddicker	Carroll	Cormack	De Boef
Eichhorn	Fallon	Ford	Garman
Greimann	Grundberg	Raecker	Roberts
Shey	Smith	Sukup	Taylor, D.
Tremmel	Van Engelenhoven	Witt	

Absent or not voting, 2:

Teig	Van Fossen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2557 WITHDRAWN

Millage of Scott asked and received unanimous consent to withdraw House File 2557 from further consideration by the House.

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, was taken up for consideration.

Mascher of Johnson offered the following amendment H-8100 filed by her and moved its adoption:

H-8100

- 1 Amend House File 2394 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. LEGISLATIVE INTENT.
- 5 1. It is the intent of the general assembly to
- 6 appropriate two million dollars to the department of
- 7 education for the fiscal year beginning July 1, 2002,
- 8 and ending June 30, 2003, which the department shall
- 9 distribute to community colleges in accordance with
- 10 the community college funding plan adopted by rule by
- 11 the state board of education.
- 12 2. If the general assembly does not appropriate at
- 13 least the amount specified in this section for the
- 14 fiscal year beginning July 1, 2002, and ending June
- 15 30, 2003, each community college shall reallocate the
- 16 resources in its budget to provide an equivalent
- 17 amount to the amount of state assistance the community
- 18 college would have received if the general assembly
- 19 had appropriated moneys as provided in subsection 1.
- 20 However, the community college may deduct from the
- 21 amount it must reallocate the total amount budgeted
- 22 for purposes of professional development for the
- 23 fiscal year beginning July 1, 2002, and ending June
- 24 30, 2003.
- 25 3. Moneys distributed to, or reallocated by, the
- 26 community colleges in accordance with this section
- 27 shall be used for professional development designed to
- 28 directly support best teaching practices."
- 29 2. By renumbering as necessary.

Amendment H-8100 lost.

Mascher of Johnson offered the following amendment H-8099 filed by her and moved its adoption:

H-8099

- 1 Amend House File 2394 as follows:
- 2 1. Page 1, line 8, by striking the word
- 3 "instructors" and inserting the following:
- 4 "professional employees".
- 5 2. Page 1, line 11, by striking the word
- 6 "instructors" and inserting the following:
- 7 "professional employees".

Amendment H-8099 was adopted.

Dolecheck of Ringgold asked and received unanimous consent to withdraw amendment H-8074 filed by him on February 20, 2002.

Dolecheck of Ringgold offered the following amendment H-8092 filed by him and moved its adoption:

H-8092

1 Amend House File 2394 as follows:

2 1. Page 3, by striking lines 6 and 7, and
3 inserting the following: "of education shall conduct
4 on-site visits to ensure each community college's".

5 2. Page 3, line 8, by inserting before the word
6 "By" the following: "At minimum, the department shall
7 visit five colleges each year until the department has
8 conducted on-site visits at each community college."

9 3. Page 5, by striking lines 1 through 14, and
10 inserting the following: "adopted shall at a minimum
11 require that full-time community college instructors
12 meet the following requirements:

13 a. Instructors in the subject area of career and
14 technical education shall be registered, certified, or
15 licensed in the occupational area in which the state
16 requires registration, certification, or licensure,
17 and shall hold the appropriate registration,
18 certificate, or license for the occupational area in
19 which the instructor is teaching, and shall meet
20 either of the following qualifications:

21 (1) A baccalaureate or graduate degree in the area
22 or a related area of study or occupational area in
23 which the instructor is teaching classes.

24 (2) Special training and at least six thousand
25 hours of recent and relevant work experience in the
26 occupational area or related occupational area in
27 which the instructor teaches classes if the instructor
28 possesses less than a baccalaureate degree.

29 b. Instructors in the subject area of arts and
30 sciences shall meet either of the following
31 qualifications:

32 (1) Possess a master's degree from a regionally
33 accredited graduate school, and has successfully
34 completed a minimum of twelve credit hours of graduate
35 level courses in each field of instruction in which
36 the instructor is teaching classes.

37 (2) Has two or more years of successful experience

- 38 in a professional field or area in which the
 39 instructor is teaching classes and in which
 40 postbaccalaureate recognition or professional
 41 licensure is necessary for practice, including but not
 42 limited to the fields or areas of accounting,
 43 engineering, law, law enforcement, and medicine."
 44 4. By renumbering as necessary.

Amendment H-8092 was adopted.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2394)

The ayes were, 98:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Teig

Van Fossen

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

House File 2365, a bill for an act relating to certain documents indexed and recorded with the county recorder, was taken up for consideration.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2365)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Sukymon
Tyrrell	Van Engelenhoven	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, 1:

Rants

Absent or not voting, 2:

Teig

Van Fossen

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

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.

Johnson of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2492)

The ayes were, 98:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Teig

Van Fossen

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2109, 2340, 2365, 2394 and 2492.**

HOUSE FILE 2236 REFERRED

The Speaker announced that House File 2236, presently placed on the **calendar** was referred to committee on **ways and means.**

HOUSE FILE 2556 REFERRED

The Speaker announced that House File 2556, presently placed on the **calendar** was referred to committee on **state government.**

SENATE FILE 2084 PASSED ON FILE

The Speaker announced that Senate File 2084, previously referred to committee on **commerce and regulation** was **passed on file.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 27, 2002. Had I been present, I would have voted "aye" on Senate File 2304 and amendment H-8104.

HUSER of Polk

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\469 Harriet Onthank, Grinnell – For celebrating her 80th birthday.
- 2002\470 Willis and Delores Montgomery, Brooklyn – For celebrating their 50th wedding anniversary.
- 2002\471 Ken and Kathryn Thompson, Brooklyn – For celebrating their 50th wedding anniversary.
- 2002\472 John Peak, Grinnell – For celebrating his 80th birthday.
- 2002\473 Everett and Nellie Jansen, Sully – For celebrating their 65th wedding anniversary.
- 2002\474 Kasey Deaver, Indianola – For winning the Class 3-A, 275 lb. State Wrestling Championship.
- 2002\475 Charles and Neva Hungerford, Osage – For celebrating their 50th wedding anniversary.
- 2002\476 Christina Thurnau, Osage – For celebrating her 100th birthday.
- 2002\477 Lawrence and Helen Peters, Charles City – For celebrating their 60th wedding anniversary.
- 2002\478 Bill and Lois Cross, Charles City – For celebrating their 60th wedding anniversary.
- 2002\479 Walt Vining, Osage – For celebrating his 90th birthday.
- 2002\480 Mr. and Mrs. John Coyle, Monticello – For celebrating their 50th wedding anniversary.
- 2002\481 Mr. and Mrs. Merlin Moore, Anamosa – For celebrating their 50th wedding anniversary.
- 2002\482 Mr. and Mrs. Edwin Bergfeld, Cascade – For celebrating their 50th wedding anniversary.
- 2002\483 Zachary Lane Spangler, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\484 Christopher J. Koppes, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\485 Dan Klenske, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\486 John Pilkington, North English – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\487 Scott Greene, North English – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2002\488 Boyd Parrish, Guthrie Center – For celebrating his 90th birthday.
- 2002\489 Bernard and Marjorie Grubbs, Adair – For celebrating their 50th wedding anniversary.
- 2002\490 Marguerite Sheppard, Estherville – For celebrating her 87th birthday.
- 2002\491 Loretta Spoo, Estherville – For celebrating her 81st birthday.
- 2002\492 Elbert Clark, Lake Park – For celebrating his 90th birthday.
- 2002\493 Einer and Mary Jo Jensen, Estherville – For celebrating their 60th wedding anniversary.
- 2002\494 Jerry and Pat Caughron, Cantril – For celebrating their 50th wedding anniversary.
- 2002\495 Frances Hite, Batavia – For celebrating her 100th birthday.
- 2002\496 Jonathan Cohen, Fairfield – For being awarded the Emblem of Faith.
- 2002\497 Leona Sidwell, Fairfield – For celebrating her 92nd birthday.
- 2002\498 Lester Hootman, Douds – For celebrating his 90th birthday.
- 2002\499 Julia Cullum, Fairfield – For celebrating her 99th birthday.
- 2002\500 Grace Morelock, Waterloo – For celebrating her 88th birthday.
- 2002\501 Charles and Beverly Jean Hyke, Waterloo – For celebrating their 50th wedding anniversary.
- 2002\502 Lois Tooman, Waterloo – For celebrating her 90th birthday.
- 2002\503 Donald Waskow, Waterloo – For celebrating his 80th birthday.
- 2002\504 Edith Allen, Waterloo – For celebrating her 99th birthday.
- 2002\505 Marlyn and Reka Seehusen Flater, Waterloo – For celebrating their 50th wedding anniversary.
- 2002\506 Eric Lindeen, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\507 David Lindeen, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\508 John Murphy, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2002\509 Jason Bollman, Waukon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\510 Clint Sellers, Chariton – For winning the Class 2-A, 189 lb. State Wrestling Championship.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2206

Environmental Protection: Elgin, Chair; Cormack and Shoultz.

Senate File 2231

Human Resources: Hoversten, Chair; Kreiman and Roberts.

RESOLUTIONS FILED

HR 110, by Smith, Alons, Arnold, Atteberry, Bell, Boggess, Bradley, Broers, Bukta, Chiodo, Cohoon, Connors, Cormack, Dolecheck, Dotzler, Drake, Eichhorn, Fallon, Finch, Foege, Ford, Frevert, Garman, Greimann, Grundberg, Hahn, Hatch, Heaton, Hoffman, Horbach, Hoversten, Huser, Jenkins, Jochum, Johnson, Kettering, Kreiman, Kuhn, Larkin, Lensing, Mascher, May, Mertz, Metcalf, Millage, Murphy, Myers, Osterhaus, Petersen, Quirk, Raecker, Rayhons, Reeder, Rekow, Reynolds, Richardson, Roberts, Scherrman, Schrader, Seng, Shoultz, Siegrist, Sievers, Stevens, Sukup, D. Taylor, T. Taylor, Teig, Tremmel, Tymeson, Tyrrell, Van Engelenhoven, Wilderdyke, Winckler, Wise, and Witt, a resolution recognizing the centennial of 4-H clubs.

Laid over under **Rule 25**.

HR 111, by Hoffman, a resolution congratulating Ms. Carissa Meadows for receiving a 2002 Prudential Spirit of Community Award.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8103	H.F.	2493	Baudler of Adair Bell of Jasper
H—8105	H.F.	2549	Wise of Lee

H—8106	H.F.	2382	Boddicker of Cedar Kreiman of Davis Reynolds of Van Buren
H—8107	H.F.	2549	Mascher of Johnson
H—8108	H.F.	2516	Lensing of Johnson
H—8109	H.F.	2378	Jenkins of Black Hawk
H—8110	H.F.	2549	Stevens of Dickinson
H—8111	H.F.	2290	Brunkhorst of Bremer
H—8114	H.F.	2549	Mascher of Johnson
H—8115	H.F.	2453	Horbach of Tama
H—8116	H.F.	2489	Johnson of Osceola
H—8118	H.F.	2181	Sievers of Scott Richardson of Warren
H—8119	H.F.	2366	Baudler of Adair
H—8120	H.F.	2491	Metcalf of Polk
H—8122	H.F.	2532	Dotzler of Black Hawk
H—8123	H.F.	2453	Johnson of Osceola
H—8124	H.F.	2405	Fallon of Polk
H—8125	H.F.	2554	Gipp of Winneshiek
H—8126	H.F.	2515	Richardson of Warren Mertz of Kossuth Hoffman of Crawford Johnson of Osceola
			Reynolds of Van Buren
			Kreiman of Davis
			Kettering of Sac
H—8127	S.F.	2210	Fallon of Polk

On motion by Rants of Woodbury the House adjourned at 9:32 p.m., until 8:30 a.m., Thursday, February 28, 2002.

PROOF

STATE OF IOWA

House Journal

THURSDAY, FEBRUARY 28, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 28, 2002

The House met pursuant to adjournment at 8:30 a.m., Speaker Siegrist in the chair.

Prayer was offered by the Honorable Danny Carroll, state representative from Poweshiek County.

The Journal of Wednesday, February 27, 2002 was approved.

INTRODUCTION OF BILLS

House File 2580, by Gipp and Hatch, a bill for an act establishing a pilot program to provide awards to Iowa students to attend an Iowa community college or postsecondary college or university, providing for the issuance of bonds to fund the program, appropriating certain gambling revenues to repay the bonds, providing for individual and corporate income tax deductions for contributions to the program, and providing an individual income tax credit for certain graduates of Iowa's community colleges or postsecondary colleges and universities who are employed within the state and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

House File 2581, by committee on state government, a bill for an act relating to a referendum to determine the type of gambling to be conducted at horse racetrack enclosures, creating a governing board, and specifying the duties of the governing board.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 2002, amended and passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

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 and referred to committee on **commerce and regulation**.

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 and referred to committee on **commerce and regulation**.

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 and referred to committee on **human resources**.

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 and referred to committee on **human resources**.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\511 | Elliot Smith, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\512 | Beulah Lewandowski, Bettendorf – For celebrating her 90 th birthday. |
| 2002\513 | Mr. and Mrs. Leonard Austin, Anamosa – For celebrating their 50 th wedding anniversary. |
| 2002\514 | Emmetsburg/Armstrong-Ringsted Wrestling Team and Coach Kenny, Emmetsburg/Armstrong-Ringsted High School – For winning the class 2-A, 2002 State High School Wrestling Championship. |
| 2002\515 | Matthew Robert Klein, Kiron – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\516 | Anthony John Crabb, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\517 | David Rowen Franck, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\518 | David Andrew Assman, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\519 | Mr. and Mrs. Dwayne Guy, Indianola – For celebrating their 55 th wedding anniversary. |

SUBCOMMITTEE ASSIGNMENTS

House File 2556

State Government: Elgin, Chair; Bradley, Gipp, Jochum and T. Taylor.

Senate File 2116

State Government: Gipp, Chair; Connors and Cormack.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 679

Appropriations: Roberts, Chair; Jacobs and Reeder.

AMENDMENTS FILED

H—8128	H.F.	681	Senate Amendment
H—8129	H.F.	2496	Kreiman of Davis Baudler of Adair
H—8130	H.F.	2518	Carroll of Poweshiek
H—8131	H.F.	2534	Tymeson of Madison
H—8132	H.F.	2516	Sukup of Franklin Cormack of Webster

On motion by Rants of Woodbury the House adjourned at 8:44 a.m., until 9:00 a.m., Friday, March 1, 2002.

PROOF

STATE OF IOWA

House Journal

FRIDAY, MARCH 1, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day - Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 1, 2002

The House met pursuant to adjournment at 9:01 a.m., Cormack of Webster in the chair.

Prayer was offered by Susan Severino, Administrative Assistant to the Speaker of the House.

The Journal of Thursday, February 28, 2002 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 28, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on February 28, 2002, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on February 28, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2273, a bill for an act relating to the designation of a Juneteenth National Freedom Day.

Also: That the Senate has on February 28, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

MICHAEL E. MARSHALL, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 28, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 2078, 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 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 a retroactive applicability date provision.

House File 2271, 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.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\520 Timothy Buchholz, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\521 Nancy Siegrist, Council Bluffs – For celebrating her 80th birthday, despite three ornery boys and one virtuous daughter.

AMENDMENTS FILED

H—8133	H.F.	2532	Wise of Lee
H—8134	H.F.	2517	Grundberg of Polk
H—8138	H.F.	2542	Tremmel of Wapello
H—8139	H.F.	2542	Kreiman of Davis
H—8140	H.F.	2542	Reynolds of Van Buren
H—8141	H.F.	2264	Kreiman of Davis
H—8142	H.F.	2264	Grundberg of Polk
H—8143	H.F.	2542	Tremmel of Wapello
H—8144	H.F.	2542	Tremmel of Wapello
H—8145	H.F.	2542	Kreiman of Davis
H—8146	H.F.	2542	Kreiman of Davis

H—8147	H.F.	2542	Kreiman of Davis
H—8148	H.F.	2542	Kreiman of Davis
H—8149	H.F.	2517	Dotzler of Black Hawk
H—8150	H.F.	2542	Dotzler of Black Hawk
H—8151	H.F.	2549	Mascher of Johnson
H—8152	H.F.	2542	Dotzler of Black Hawk
H—8153	H.F.	2542	Kreiman of Davis
H—8154	H.F.	2542	Dotzler of Black Hawk
H—8155	H.F.	2542	Dotzler of Black Hawk

On motion by Alons of Sioux the House adjourned at 9:03 a.m., until 1:00 p.m., Monday, March 4, 2002.

PROOF

STATE OF IOWA

House Journal

MONDAY, MARCH 4, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fiftieth Calendar Day - Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 4, 2002

The House met pursuant to adjournment at 1:04 p.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Lil Johnston, pastor of Trinity Lutheran Church, Alta. She was the guest of Representative Dan Huseman of Cherokee County.

The Journal of Friday, March 1, 2002 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by fifteen Girl Scouts from Troop 106 in the Mapleton area, accompanied by their leaders; Colleen Sulsberger, Jennifer Davis and Darla Lloyd. They were the guests of Representative Clarence Hoffman of Crawford County. Prior to session the Girl Scouts gave their rendition of the story of the "Star Spangled Banner".

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Klemme of Plymouth on request of Rants of Woodbury; Larkin of Lee, until his arrival, on request of Huser of Polk.

SENATE MESSAGES CONSIDERED

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 and **passed on file**.

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 and referred to committee on **commerce and regulation**.

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 and referred to committee on **state government**.

On motion by Metcalf of Polk, the House was recessed at 1:12 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:39 p.m., Speaker Siegrist in the chair.

CONSIDERATION OF BILLS Regular Calendar

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.

Boddicker of Cedar offered the following amendment H-8077 filed by Millage of Scott and moved its adoption:

H-8077

- 1 Amend House File 2395 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.

Amendment H-8077 was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2395)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers

Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

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

The House stood at ease at 3:56 p.m., until the fall of the gavel.

The House resumed session at 5:05 p.m., Speaker Siegrist in the chair.

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, with report of committee recommending passage, was taken up for consideration.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8142 filed by her on March 1, 2002.

Kreiman of Davis offered amendment H-8141 filed by him as follows:

H-8141

1 Amend House File 2264 as follows:

2 1. Page 5, by striking lines 30 and 31, and

3 inserting the following:

4 "Sec. 100. APPROPRIATION – IOWA DEPARTMENT OF

5 PUBLIC HEALTH – PREGNANCY PREVENTION GRANTS. There

6 is appropriated from the general fund of the state to

7 the Iowa department of public health for the fiscal

8 year beginning July 1, 2002, and ending June 30, 2003,

9 the following amount, or so much thereof as is

10 necessary, to be used for the purpose designated:

11 For abstinence-based adolescent pregnancy

12 prevention project grants:

13\$ 96,000

14 Sec. 101. EFFECTIVE DATE – CONTINGENCY. This Act
 15 takes effect October 1, 2002, only if section 100 of
 16 this Act is enacted prior to that date and only if
 17 funding is appropriated and available to the
 18 department of public health in a sufficient amount to
 19 cover the costs of the development, printing,
 20 reprinting, and mailing of required materials, and the
 21 costs of staffing resources associated with this Act
 22 prior to that date."
 23 2. Title page, by striking line 2, and inserting
 24 the following: "a criminal penalty, providing an
 25 appropriation, and providing a contingent effective
 26 date."

Boal of Polk rose on a point of order that amendment H-8141 was not germane.

The Speaker ruled the point well taken and amendment H-8141 not germane.

Kreiman of Davis moved to suspend the rules to consider amendment H-8141.

A non-record roll call was requested.

The ayes were 38, nays 51.

The motion to suspend the rules lost.

Amendment H-8156 filed by Boal of Polk from the floor was placed out of order.

Boal of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2264)

The ayes were, 70:

Alons	Arnold	Atteberry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Frevert

Garman	Gipp	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jenkins	Johnson
Jones	Kettering	Klemme	Kuhn
Larson	Manternach	May	Mertz
Millage	Murphy	O'Brien	Osterhaus
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Roberts	Scherrman
Seng	Shey	Sievers	Stevens
Sukup	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Mr. Speaker		
	Siegrist		

The nays were, 29:

Bell	Cohoon	Connors	Dotzler
Fallon	Foege	Ford	Greimann
Grundberg	Hatch	Jacobs	Jochum
Kreiman	Larkin	Lensing	Mascher
Metcalf	Myers	Petersen	Reynolds
Richardson	Schrader	Shoultz	Smith
Taylor, D.	Taylor, T.	Winckler	Wise
Witt			

Absent or not voting, 1:

Teig

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2264** and **2395**.

House File 2446, a bill for an act relating to the proposed uniform computer information transactions Act, was taken up for consideration.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2446)

The ayes were, 99:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boguess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, none.

Absent or not voting, 1:

Teig

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

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, was taken up for consideration.

Tremmel of Wapello asked and received unanimous consent to withdraw amendment H-1229 filed by him on March 13, 2001.

Tremmel of Wapello offered the following amendment H-1273 filed by him and moved its adoption:

H-1273

- 1 Amend House File 525 as follows:
- 2 1. Page 1, line 30, by inserting before the word
3 "term" the following: "indeterminate".
- 4 2. Page 2, line 17, by inserting before the word
5 "term" the following: "indeterminate".
- 6 3. Page 2, line 34, by inserting before the word
7 "term" the following: "indeterminate".
- 8 4. Page 3, by striking lines 29 through 33 and
9 inserting the following: "terminate the person's
10 sentence. If a person has been sentenced to an
11 additional term of years under chapter 901A, or
12 section 902.13 or 903.2A, the person may be discharged
13 from the term in the same manner as a person on
14 parole. However, a person convicted of a violation".
- 15 5. Title page, line 2, by inserting before the
16 word "term" the following: "indeterminate".
- 17 6. Title page, line 2, by inserting after the
18 word "years" the following: "not to exceed two
19 years".

Amendment H-1273 was adopted.

RULE 31.8 SUSPENDED

Sukup of Franklin asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8167.

Sukup of Franklin offered the following amendment H-8167 filed by him and Kreiman of Davis from the floor and moved its adoption:

H-8167

- 1 Amend House File 525 as follows:
- 2 1. Page 4, by inserting after line 9 the
3 following:
- 4 "Sec. __. ADDITIONAL TERM OF YEARS – REPORT.
5 The department of corrections and the eight judicial
6 district departments of correctional services, in
7 cooperation with the division of criminal and juvenile
8 justice planning of the department of human rights,
9 the state public defender, and the office of the
10 prosecuting attorneys training coordinator in the
11 department of justice, shall compile and provide a
12 report regarding offenders serving an additional term
13 of years, to the general assembly, cochairpersons and
14 ranking members of the joint appropriations

15 subcommittee on the justice system, and the
 16 legislative fiscal bureau on or before January 15,
 17 2003. The report shall include the actual number of
 18 offenders sentenced to serve an additional term of
 19 years from July 1, 2002, through December 31, 2002, in
 20 each judicial district, including each offender's race
 21 and gender. The report shall also include the
 22 anticipated number of offenders who will be serving an
 23 additional term of years in each judicial district in
 24 the fiscal year beginning July 1, 2002, and ending
 25 June 30, 2003, and the fiscal year beginning July 1,
 26 2003, and ending June 30, 2004. The report shall
 27 detail the number of probation and parole officers and
 28 staff needed to supervise offenders serving an
 29 additional term of years and the capacity to supervise
 30 such offenders in each judicial district. The report
 31 shall detail actual expenditures related to
 32 supervising offenders serving an additional term of
 33 years for the fiscal year beginning July 1, 2002, and
 34 ending June 30, 2003, and the revenue source and
 35 budgeted expenditures for the fiscal year beginning
 36 July 1, 2003, and ending June 30, 2004. The report
 37 shall include any quantitative measures analyzing
 38 persons serving an additional term of years."
 39 2. By renumbering as necessary.

Amendment H-8167 was adopted.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 525)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Finch	Foege
Ford	Frevert	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher

May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wildurdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, 2:

Fallon Garman

Absent or not voting, 1:

Teig

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 2002, amended and passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on March 4, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2155, a bill for an act providing for the issuance of out-of-hospital do-not-resuscitate orders and making penalties applicable.

Also: That the Senate has on March 4, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2190, a bill for an act concerning workers' compensation.

Also: That the Senate has on March 4, 2002, passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

House File 2517, a bill for an act relating to the operations of and programs for school districts, accredited nonpublic schools, and community colleges, was taken up for consideration.

Grundberg of Polk offered amendment H-8134 filed by her as follows:

H-8134

1 Amend House File 2517 as follows:
2 1. Page 2, line 22, by striking the words
3 "designate a school district" and inserting the
4 following: "upon".
5 2. Page 2, by striking lines 26 and 27 and
6 inserting the following: "designate that a school
7 district be the fiscal agent for an eligible local
8 grant. Whenever possible, the grant applicant school
9 district shall collaborate with a".
10 3. Page 2, by striking lines 30 through 32 and
11 inserting the following: "establishing a community
12 learning center. The department shall give priority
13 to applications for programs serving students
14 determined through research-based methods to be in the
15 greatest need of eligible services."

Grundberg of Polk offered the following amendment H-8161, to amendment H-8134, filed by her from the floor and moved its adoption:

H-8161

1 Amend the amendment, H-8134, to House File 2517 as
2 follows:
3 1. Page 1, by inserting after line 15 the
4 following:
5 "___ Title page, by striking lines 2 and 3 and
6 inserting the following: "districts and accredited
7 nonpublic schools.""

Amendment H-8161 was adopted.

On motion by Grundberg of Polk amendment H-8134, as amended, was adopted.

Dotzler of Black Hawk offered amendment H-8149 filed by him as follows:

H-8149

1 Amend House File 2517 as follows:
 2 1. Page 4, by inserting after line 29 the
 3 following:
 4 "Sec. __. Section 280.12, subsection 2, Code
 5 2001, is amended by adding the following new
 6 paragraphs:
 7 NEW PARAGRAPH. f. Opportunities to build stronger
 8 partnerships between the schools and minority and low-
 9 income families.
 10 NEW PARAGRAPH. g. Methods to eliminate the
 11 achievement gap between the general school population
 12 and minority and low-income students.
 13 NEW PARAGRAPH. h. Strategies to expand early
 14 childhood educational opportunities for children from
 15 birth to four years of age.
 16 NEW PARAGRAPH. i. Current and future needs to
 17 establish or expand youth development programs and
 18 after-school and summer school programming that
 19 provide tutoring and mentoring activities.
 20 NEW PARAGRAPH. j. Methods for improving
 21 communication between schools, families, and community
 22 service organizations and for maintaining minority and
 23 low-income family connections to their school."
 24 2. By renumbering as necessary.

Ford of Polk offered the following amendment H-8168, to amendment H-8149, filed by him from the floor and moved its adoption:

H-8168

1 Amend the amendment, H-8149, to House File 2517, as
 2 follows:
 3 1. Page 1, by striking lines 4 through 23, and
 4 inserting the following:
 5 ""Sec. __. Section 280.12, subsection 2,
 6 paragraph d, Code Supplement 2001, is amended to read
 7 as follows:
 8 d. Desired levels of student performance,
 9 including methods to eliminate the achievement gap
 10 between the general school population and minority and
 11 low-income students.""

Amendment H-8168 was adopted.

On motion by Dotzler of Black Hawk amendment H-8149, as amended, was adopted.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2517)

The ayes were, 87:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Ford
Gipp	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Manternach	May
Metcalf	Millage	Murphy	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Schrader
Seng	Shey	Shoultz	Sievers
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Siegrist	

The nays were, 12:

Atteberry	Foege	Frevert	Garman
Greimann	Lensing	Mascher	Mertz
Myers	Scherrman	Smith	Witt

Absent or not voting, 1:

Teig

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 525, 2446 and 2517.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 2002, passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on March 4, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2160, a bill for an act relating to the dry fire hydrant and rural water supply education and demonstration project.

MICHAEL E. MARSHALL, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 1, 2002, he approved and transmitted to the Secretary of State the following bills:

Senate File 165, an act enacting the Iowa English language reaffirmation Act of 2001.

Senate File 2018, 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, and including effective date and retroactive applicability provisions.

Senate File 2051, an act relating to the creation of a state interagency Missouri river authority and specifying its powers and duties.

Senate File 2304, 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.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

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 issued 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 reference 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

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\522 | Wayne and Valera Cary, Villisca – For celebrating their 60 th wedding anniversary. |
| 2002\523 | Brady Blazek, Corning – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\524 | Deane and Marilyn Werger, Garnavillo – For celebrating their 50 th wedding anniversary. |
| 2002\525 | Sarah Schultz, Luana – For winning 1st place in the 2002 Pheasants Forever youth art contest. |
| 2002\526 | Bob Hansel, Edgewood – For 50 years of continuous membership to American Legion Post #512. |
| 2002\527 | Norman and Katharine Scar, Earlham – For celebrating their 50 th wedding anniversary. |
| 2002\528 | Gerald and Joan Bartley, Tama – For celebrating their 50 th wedding anniversary. |
| 2002\529 | Helen Jannssen, Traer – For celebrating her 90 th birthday. |
| 2002\530 | William Hein, Dysart – For celebrating his 92 nd birthday. |
| 2002\531 | Helen Dreessen, Gladbrook – For celebrating her 90 th birthday. |
| 2002\532 | Jacob Fogle, What Cheer – For celebrating his 90 th birthday. |
| 2002\533 | Alfina Jones, Mason City – For celebrating her 90 th birthday. |
| 2002\534 | Vivian Bell, Mason City – For celebrating her 80 th birthday. |

2002\535 Robert and Florence Riggs, Clear Lake – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENT

Senate File 2258

Education: Grundberg, Chair; Finch and Mascher.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 707 Ways and Means

Allowing a tax credit for equity investments in venture capital funds and including an effective and retroactive applicability date provision.

H.S.B. 708 Ways and Means

Relating to the method of computing the taxable income of a member of a limited liability company and including a retroactive applicability date provision.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2140, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2002.

Committee Bill (Formerly House Study Bill 679), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2002.

COMMITTEE ON EDUCATION

Senate File 240, a bill for an act providing for a school investment partnership pilot program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8164** March 4, 2002.

AMENDMENTS FILED

H—8157	H.F.	2493	Tremmel of Wapello
H—8158	H.F.	2472	Grundberg of Polk Jacobs of Polk Jochum of Dubuque
H—8159	H.F.	2472	Scherrman of Dubuque
H—8160	H.F.	2418	Bradley of Clinton
H—8162	H.F.	2571	Wise of Lee
H—8163	H.F.	2571	Grundberg of Polk
H—8164	S.F.	240	Committee on Education
H—8165	H.F.	2549	Winckler of Scott Greimann of Story Lensing of Johnson Mascher of Johnson Bukta of Clinton Petersen of Polk Cohoon of Des Moines
H—8166	H.F.	2549	Winckler of Scott Greimann of Story Lensing of Johnson Petersen of Polk Cohoon of Des Moines
H—8169	H.F.	2532	Elgin of Linn
H—8170	H.F.	2456	Richardson of Warren
H—8171	H.F.	2549	Mascher of Johnson
H—8172	H.F.	2472	Tremmel of Wapello
H—8173	H.F.	2486	Huser of Polk
H—8174	H.F.	2138	Senate Amendment
H—8175	H.F.	2393	Kreiman of Davis Brunkhorst of Bremer

H—8176	H.F.	2453	Roberts of Carroll Tremmel of Wapello Kreiman of Davis
H—8177	H.F.	2486	Metcalf of Polk
H—8178	H.F.	2532	Larkin of Lee Greimann of Story
H—8179	H.F.	2447	Baudler of Adair
H—8180	H.F.	2484	Baudler of Adair

On motion by Rants of Woodbury the House adjourned at 7:10 p.m., until 8:45 a.m., Tuesday, March 5, 2002.

PROOF

STATE OF IOWA

House Journal

TUESDAY, MARCH 5, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 5, 2002

The House met pursuant to adjournment at 8:47 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Steve Pike, pastor of the Martelle Christian Church, Martelle. He was the guest of Representative Gene Manternach from Jones County.

The Journal of Monday, March 4, 2002 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2345, a bill for an act authorizing the department of justice to administer the violence against women program.

Also: That the Senate has on March 4, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 4, 2002, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 4, 2002, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

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 and **passed on file**.

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 and referred to committee on **economic development**.

Senate File 2190, by committee on business and labor relations, a bill for an act concerning workers' compensation.

Read first time and referred to committee on **labor and industrial relations**.

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 and referred to committee on **judiciary**.

On motion by Rants of Woodbury, the House was recessed at 8:55 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:14 p.m., Speaker Siegrist in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-two members present, thirty-eight absent.

SENATE MESSAGES CONSIDERED

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 and referred to committee on **education**

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 and **passed on file**.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Siegrist invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-ninth General Assembly were presented to the following Pages by Speaker Siegrist, Majority Leader Christopher Rants of Woodbury and Minority Leader Dick Myers of Johnson:

Tosha Anderson
 Brad Bell
 Drew Hjelm
 Melissa Juhl
 Morgan Kass
 Thomas Mason

Casey Palmersheim
 Christopher Skoog
 Danelle Tippie
 Tina Tran
 Kylene Wentland

The House stood at ease at 3:25 p.m., until the fall of the gavel.

The House resumed session at 4:57 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Myers of Johnson on request of Huser of Polk.

CONSIDERATION OF BILLS
Regular Calendar

House File 2489, a bill for an act relating to business relationships between persons involved in the sale of certain vehicles, including franchisers and franchisees of all-terrain vehicles, was taken up for consideration.

Johnson of Osceola offered the following amendment H-8116 filed by him and moved its adoption:

H-8116

1 Amend House File 2489 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 322D.1, Code 2001, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 01. "All-terrain vehicle" means
7 the same as defined in section 321G.1.
8 Sec. 2. Section 322D.1, subsection 1, Code 2001,
9 is amended to read as follows:
10 1. "Attachment" means a machine or part of a
11 machine designed to be used on and in conjunction with
12 a farm implement, ~~or a motorcycle,~~ or all-terrain
13 vehicle.
14 Sec. 3. Section 322D.1, subsection 3, paragraphs b
15 and e, Code 2001, are amended to read as follows:
16 b. The franchisee is granted the right to offer
17 and sell farm implements, ~~or motorcycles,~~ all-terrain
18 vehicles, or related parts or attachments manufactured
19 or distributed by the franchiser.
20 e. The operation of the franchisee's business is
21 substantially reliant on the franchiser for the
22 continued supply of farm implements, motorcycles, all-
23 terrain vehicles, or related parts, or attachments.
24 Sec. 4. Section 322D.1, subsections 4 through 6,
25 Code 2001, are amended to read as follows:
26 4. "Franchisee" means a person who receives farm
27 implements, ~~or motorcycles,~~ all-terrain vehicles, or
28 related parts for farm implements or motorcycles or
29 attachments from the franchiser under a franchise and

30 who offers and sells the farm implements, ~~or~~
 31 motorcycles, all-terrain vehicles, or their related
 32 parts or attachments to the general public.
 33 5. "Franchiser" means a person who manufactures,
 34 wholesales, or distributes farm implements, ~~or~~
 35 motorcycles, all-terrain vehicles, or related parts
 36 for farm implements or motorcycles or attachments, and
 37 who enters into a franchise.
 38 6. "Motorcycle" ~~has the same meaning means a motor~~
 39 vehicle as defined in section 321.1, subsection 40,
 40 paragraph "a" other than an all-terrain vehicle, which
 41 has a saddle or seat for the use of a rider and that
 42 is designed to travel on not more than two wheels in
 43 contact with the ground, but excluding a motorized
 44 bicycle as defined in section 321.1.
 45 Sec. 5. Section 322D.2, Code 2001, is amended to
 46 read as follows:
 47 322D.2 FRANCHISEE'S RIGHTS TO PAYMENT.
 48 1. A franchisee who enters into a written
 49 franchise with a franchiser to maintain a stock of
 50 farm implements, motorcycles, all-terrain vehicles, or

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1 related parts, or attachments, farm implements, or
 2 motorcycles has the following rights to payment, at
 3 the option of the franchisee, if the franchise is
 4 terminated:
 5 a. One hundred percent of the net cost of new
 6 unused complete farm implements, ~~or~~ motorcycles,
 7 including all-terrain vehicles, or related
 8 attachments, which were purchased from the franchiser,
 9 and in. In addition, the franchisee shall have a
 10 right of payment for transportation charges on the
 11 farm implements, ~~or~~ motorcycles, or all-terrain
 12 vehicles which have been paid by the franchisee.
 13 b. Eighty-five percent of the net prices of any
 14 repair parts, including superseded parts, which were
 15 purchased from the franchiser and held by the
 16 franchisee on the date of that the termination of the
 17 franchise terminated.
 18 c. Five percent of the net prices of the parts
 19 resold under paragraph "b" for handling, packing, and
 20 loading of the parts except that. However, this
 21 payment shall not be due to the franchisee if the
 22 franchiser elects to perform the handling, packing,
 23 and loading.
 24 2. Upon receipt of the payments due under
 25 subsection 1, the franchiser is entitled to possession
 26 of and title to the farm implements, motorcycles, all-
 27 terrain vehicles, or related parts or attachments, ~~or~~
 28 parts.

29 3. The cost of farm implements, motorcycles, all-
 30 terrain vehicles, or related attachments and the price
 31 of repair parts shall be determined by reference to
 32 the franchiser's price list or catalog in effect at
 33 the time of the franchise termination.

34 Sec. 6. Section 322D.3, subsections 7 and 9, Code
 35 2001, are amended to read as follows:

36 7. A farm implement, ~~or motorcycle,~~ or all-terrain
 37 vehicle which is not in new, unused, undamaged, or
 38 complete condition.

39 9. A farm implement, ~~or motorcycle,~~ or all-terrain
 40 vehicle which was purchased twenty-four months or more
 41 prior to the termination of the franchise.

42 Sec. 7. NEW SECTION. 322D.9 APPLICATION – ALL-
 43 TERRAIN VEHICLES.

44 1. This chapter applies to a franchise for all-
 45 terrain vehicles only if chapter 322F does not apply
 46 to a dealership engaged in the retail sale of
 47 equipment designed to be principally used for
 48 agricultural operations under chapter 322F.

49 2. The rights under section 322D.2, subsection 1,
 50 shall apply to a franchise for all-terrain vehicles as

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1 follows:

2 a. All franchises in effect on the effective date
 3 of this Act that have no expiration date and are
 4 continuing franchises.

5 b. Franchises that have been executed or renewed
 6 on or after the effective date of this Act, but only
 7 for all-terrain vehicles and related parts or
 8 attachments purchased on or after the effective date
 9 of this Act.

10 Sec. 8. Section 322F.1, Code 2001, is amended by
 11 adding the following new subsection:

12 NEW SUBSECTION. 01. "All-terrain vehicle" means
 13 the same as defined in section 321G.1.

14 Sec. 9. Section 322F.1, subsections 1 and 3, Code
 15 2001, are amended to read as follows:

16 1. "Dealer" or "dealership" means a person engaged
 17 in the retail sale of equipment, if the person sells
 18 equipment designed to be principally used for
 19 agricultural ~~or horticultural~~ operations, ~~or raising~~
 20 livestock including but not limited to livestock or
 21 crop production or horticulture.

22 3. a. "Equipment" means ~~a~~ any of the following:
 23 (1) A device or part of a device designed to be
 24 used for any purpose related to agriculture, including
 25 but not limited to livestock or crop production or
 26 horticulture, or livestock raising. Equipment
 27 "Equipment" includes but is not limited to tractors,

28 trailers, combines, tillage, planting, and cultivating
 29 implements, balers, and irrigation implements.

30 (2) All-terrain vehicles, as defined in section
 31 321G.1.

32 b. Equipment also includes attachments to For
 33 purposes of this chapter, attachments to equipment
 34 shall be deemed equipment.

35 c. Equipment does not include self-propelled
 36 machines designed primarily for the transportation of
 37 persons or property on a street or highway.

38 Sec. 10. Section 322F.9, Code 2001, is amended to
 39 read as follows:

40 322F.9 APPLICABILITY.

41 1. A term of a dealership agreement which that is
 42 inconsistent with the terms of this chapter is void
 43 and unenforceable and does not waive any rights which
 44 that are provided to a person provided by this
 45 chapter.

46 2. a. This For all dealership agreements other
 47 than those for all-terrain vehicles, this chapter
 48 applies to all those dealership agreements in effect
 49 which that have no expiration date and all other
 50 agreements entered into or renewed on or after July 1,

Page 4

1 1990. Any such dealership agreement in effect on June
 2 30, 1990, which by its own terms will terminate on a
 3 subsequent date, shall be governed by the law as it
 4 existed prior to July 1, 1990.

5 b. For all dealership agreements for all-terrain
 6 vehicles, this chapter applies to those dealership
 7 agreements in effect that have no expiration date and
 8 all other such dealership agreements entered into or
 9 renewed on or after the effective date of this Act.
 10 Any such dealership agreement in effect on the
 11 effective date of this Act, which by its own terms
 12 will terminate on a subsequent date, shall be governed
 13 by the law as it existed prior to the effective date
 14 of this Act."

15 2. Title page, line 3, by striking the words
 16 "franchisers and franchisees" and inserting the
 17 following: "suppliers and dealers".

Amendment H-8116 was adopted.

SENATE FILE 2084 SUBSTITUTED FOR HOUSE FILE 2489

Johnson of Osceola asked and received unanimous consent to substitute Senate File 2084 for House File 2489.

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, was taken up for consideration.

Johnson of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2084)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Hatch	Myers	Sukup	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2532, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates, was taken up for consideration.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendment H-8122 filed by him on February 27, 2002, placing out of order amendment H-8182 filed by Dotzler of Black Hawk from the floor.

Elgin of Linn offered the following amendment H-8169 filed by him and moved its adoption:

H-8169

1 Amend House File 2532 as follows:

2 1. Page 17, line 30, by striking the words

3 "paragraph "c"" and inserting the following:

4 "paragraph "a", "b", "c", or "e", or paragraph "d",

5 subparagraph (1)".

6 2. Page 17, line 31, by striking the word "that"

7 and inserting the following: "the selected".

8 3. Page 17, line 32, by inserting after the word

9 "paragraph" the following: "or subparagraph".

10 4. Page 18, line 3, by inserting after the word

11 "benefit" the following: "based upon the member's

12 account".

13 5. Page 18, lines 9 and 10, by striking the words

14 "certified record of the member's wage history from

15 social security" and inserting the following: "copy

16 of the estimate provided by the federal social

17 security administration of the member's monthly

18 federal social security benefit that would be payable

19 on the date the member would be first eligible to

20 receive a reduced social security pension benefit".

21 6. Page 20, line 5, by inserting after the word

22 "payee" the following: " , who is a spouse or former

23 spouse".

24 7. Page 24, line 26, by inserting after the word

25 "eligible" the following: "governmental".

26 8. Page 32, by striking lines 25 through 27.

27 9. Page 32, line 28, by striking the figure "2."

28 10. Page 32, by inserting after line 32 the

29 following:

30 "Sec. . **NEW SECTION. 602.9107C IOWA PUBLIC**

31 **EMPLOYEES' RETIREMENT SYSTEM – SERVICE CREDIT.**

32 1. A judge under this system who has at least six

33 years of service as a judge of any of the courts

34 included in this article and who was a member of the

35 Iowa public employees' retirement system as provided

36 in chapter 97B, but who was not retired under that
 37 system, upon submitting verification of membership and
 38 service in the Iowa public employees' retirement
 39 system to the court administrator, including proof
 40 that the judge has no further claim upon a retirement
 41 benefit from that public system, may make
 42 contributions as provided by this section to the
 43 system either for the entire period of service in the
 44 other public system, or for partial service in the
 45 other public system in increments of one or more
 46 calendar quarters, and receive credit for that service
 47 under the system.

48 2. The contributions required to be made for
 49 purposes of this section shall be in an amount equal
 50 to the actuarial cost of the service purchase. For

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1 purposes of this subsection, the actuarial cost of the
 2 service purchase is an amount determined by the court
 3 administrator in accordance with actuarial tables, as
 4 reported to the court administrator by the system's
 5 actuary, which reflects the actuarial cost necessary
 6 to fund an increased retirement annuity resulting from
 7 the purchase of additional service.

8 3. A judge eligible for an increased retirement
 9 annuity because of the payment of contributions under
 10 this section is entitled to receipt of retroactive
 11 adjustment payments for no more than six months
 12 immediately preceding the month in which the judge
 13 pays contributions under this section.

14 4. The court administrator shall ensure that the
 15 judge, in exercising an option provided in this
 16 section, does not exceed the amount of annual
 17 additions to a judge's account permitted pursuant to
 18 section 415 of the Internal Revenue Code."

19 11. By renumbering as necessary.

Amendment H-8169 was adopted.

Wise of Lee offered the following amendment H-8133 filed by him
 and moved its adoption:

H-8133

1 Amend House File 2532 as follows:
 2 1. Page 18, by inserting after line 23 the
 3 following:
 4 "Sec. __. Section 97B.52A, subsection 1,
 5 paragraph c, Code 2001, is amended to read as follows:
 6 c. For a member whose first month of entitlement

7 is July 2000 or later, the member does not return to
 8 any employment with a covered employer until the
 9 member has qualified for at least one calendar month
 10 of retirement benefits, and the member does not return
 11 to covered employment until the member has qualified
 12 for no fewer than four calendar months of retirement
 13 benefits. For purposes of this paragraph, effective
 14 July 1, 2000, any employment with a covered employer
 15 does not include employment as an elective official or
 16 member of the general assembly if the member is not
 17 covered under this chapter for that employment. For
 18 purposes of this paragraph, effective July 1, 2002,
 19 covered employment does not include employment with an
 20 employer that did not employ the member immediately
 21 prior to retirement or with the same employer that
 22 employed the member immediately prior to retirement if
 23 the employment is not in the same or similar position
 24 as the member held prior to retirement."
 25 2. By renumbering as necessary.

Roll call was requested by Wise of Lee and Reynolds of Van Buren.

On the question "Shall amendment H-8133 be adopted?" (H.F. 2532)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson

Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Wilderdyke
Mr. Speaker			
Siegrist			

Absent or not voting, 4:

Hansen	Myers	Sukup	Teig
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Amendment H-8133 lost.

Larkin of Lee asked and received unanimous consent to withdraw amendment H-8178 filed by him and Greimann of Story on March 4, 2002, placing out of order amendment H-8183 filed by Larkin of Lee from the floor.

Wise of Lee asked unanimous consent for the immediate consideration of amendment H-8184 filed by him from the floor.

Objection was raised.

Elgin of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the questions "Shall the bill pass?" (H.F. 2532)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	O'Brien

Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shultz
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Myers	Sukup	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2489 WITHDRAWN

Johnson of Osceola asked and received unanimous consent to withdraw House File 2489 from further consideration by the House.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2532** and **Senate File 2084**.

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, was taken up for consideration.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2538)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Mr. Speaker Siegrist

The nays were, none.

Absent or not voting, 4:

Myers	Sukup	Taylor, D.	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

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, was taken up for consideration.

Scherrman of Dubuque offered the following amendment H-8159 filed by him and moved its adoption:

H-8159

- 1 Amend House File 2472 as follows:
- 2 1. Page 1, by inserting before line 9, the

3 following:

4 "Sec. ___. NEW SECTION. 39.2A MAIL BALLOT
5 ELECTIONS.

6 All mail ballot elections shall be conducted
7 pursuant to chapter 49B."

8 2. Page 18, by inserting after line 31, the
9 following:

10 "Sec. ___. NEW SECTION. 49B.1 MAIL BALLOT
11 ELECTIONS – PILOT PROJECT.

12 1. The state commissioner of elections shall
13 implement a pilot project applying the provisions of
14 this chapter to eligible cities in one county in the
15 state. The county selected for the pilot project
16 shall be a county with a population of more than
17 eighty-five thousand but less than ninety thousand and
18 which has five or more cities with a population of two
19 hundred or less.

20 2. A mail ballot election may be conducted in a
21 city with a population of two hundred or less that is
22 located in the pilot project county as provided in
23 this chapter.

24 Sec. ___. NEW SECTION. 49B.2 DEFINITIONS.
25 As used in this chapter, unless the context
26 otherwise requires:

27 1. "Election day" is the date established by law
28 on which a particular election would be held if that
29 election were being conducted by means other than a
30 mail ballot election.

31 2. "Return verification envelope" means an
32 envelope that contains a secrecy envelope and that is
33 designed to allow election officials, upon examination
34 of the outside of the envelope, to determine that the
35 ballot is being submitted by someone who is in fact a
36 registered voter and who has not already voted.

37 3. "Secrecy envelope" means an envelope that is
38 used to contain the elector's ballot and that is
39 designed to conceal the voter's vote and to prevent
40 the voter's ballot from being distinguished from the
41 ballots of other voters.

42 Sec. ___. NEW SECTION. 49B.3 MAIL BALLOT
43 ELECTION PROCEDURE.

44 The state commissioner of elections shall prescribe
45 uniform procedures and forms to be used in the conduct
46 of mail ballot elections.

47 Sec. ___. NEW SECTION. 49B.4 INITIATION BY
48 GOVERNING BODY.

49 1. If the city council of a city with a population
50 of two hundred or less determines that it is

Page 2

1 economically and administratively feasible to conduct

2 the regular city election or a special city election
3 by mail, the city council, by resolution, may require
4 the county commissioner of elections to conduct the
5 election under this chapter by filing the resolution
6 with the county commissioner not later than ninety
7 days before the date of the election.

8 2. After the resolution is filed, the county
9 commissioner shall prepare a written plan for conduct
10 of the election as provided in section 49B.5. At
11 least seventy-one days before the date set for the
12 election, the county commissioner shall forward a copy
13 of the written plan to the city council concerned.
14 Sec. __. NEW SECTION. 49B.5 WRITTEN PLAN FOR
15 CONDUCT OF ELECTION – AMENDMENTS – APPROVAL
16 PROCEDURE.

17 1. The county commissioner shall prepare a written
18 plan, including a timetable, for the conduct of a mail
19 ballot election and shall submit it to the state
20 commissioner of elections at least seventy-one days
21 before the date of the election.

22 2. The plan may be amended by the county
23 commissioner any time before the sixty-fourth day
24 before the date of the election by notifying the state
25 commissioner of elections in writing of any changes.

26 3. Within five days after receiving the plan, and
27 as soon as possible after receiving any amendments,
28 the state commissioner of elections shall approve,
29 disapprove, or recommend changes to the plan or
30 amendments. The final plan shall be approved and
31 available to the public at least two days before the
32 deadline for candidates to file nomination papers in
33 the office of the city clerk.

34 4. When the written plan has been approved, the
35 county commissioner shall proceed to conduct the
36 election according to the approved plan.

37 Sec. __. NEW SECTION. 49B.6 PUBLICATION OF
38 NOTICE.

39 The county commissioner shall, not more than ten
40 days and not less than four days before the date that
41 ballots are to be mailed, publish notice that a mail
42 ballot election will be conducted. The notice shall
43 be published in a newspaper of general circulation in
44 each city for which the mail ballot election will be
45 conducted. The notice shall include all of the
46 following information:

- 47 1. The date ballots will be mailed.
- 48 2. The last day that a voter can request an
49 absentee ballot.
- 50 3. Voter registration deadlines.

Page 3

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

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

6 The county commissioner is not required to publish
7 a sample ballot.

8 Sec. NEW SECTION. 49B.7 MAILING BALLOTS.

9 1. Official ballots for a mail ballot election
10 shall be prepared and all other initial procedures for
11 elections shall be followed as otherwise provided by
12 law.

13 2. The county commissioner of elections shall mail
14 an official ballot to every registered voter of the
15 city conducting the election on a date not sooner than
16 the twentieth day before the date of the election and
17 not later than the tenth day before the date of the
18 election. An exception shall be made for those
19 ballots delivered as prescribed in section 49B.12.

20 3. All ballots shall be mailed by first class
21 mail.

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

26 5. The ballot shall contain the following warning:
27 "Any person who, by use of violence, threats of
28 violence, or any means of duress, procures the vote of
29 a voter for or against any measure or candidate is
30 subject, upon conviction, to imprisonment or to a
31 fine, or both."

32 Sec. NEW SECTION. 49B.8 REGISTRATION.

33 The county commissioner shall not mail a ballot
34 under this chapter to any voter not registered thirty
35 days before the date of the election. Voters
36 registered less than thirty days before the date of
37 the election, but before the close of registration,
38 may apply for a ballot under section 49B.9.

39 Sec. NEW SECTION. 49B.9 REPLACEMENT
40 BALLOTS.

41 If the mail ballot is destroyed, spoiled, lost, or
42 not received by the voter, the voter may obtain a
43 replacement ballot from the county commissioner as
44 provided in this section. a voter seeking a
45 replacement ballot shall sign a statement, on a form
46 prescribed by the state commissioner, that the ballot
47 was destroyed, spoiled, lost, or not received. The
48 voter or the voter's designee shall deliver the
49 statement to the county commissioner before noon on
50 the date of the election. The voter may mail the

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1 statement to the county commissioner. However, a
2 county commissioner shall not transmit a ballot by
3 mail under this section unless the statement is
4 received before five p.m. on the fourth day before the
5 date of the election. When a statement is timely
6 received under this section, the county commissioner
7 shall give the ballot to the voter if the voter is
8 present in the office of the county commissioner, or
9 promptly mail the ballot to the voter at the address
10 contained in the statement, except when prohibited by
11 this section. If the voter is present in the county
12 commissioner's office, the ballot shall be voted at
13 that time. The county commissioner shall keep a
14 record of each replacement ballot provided under this
15 section. If a voter, having received and voted a
16 replacement ballot as provided under this section,
17 later finds the lost ballot, the voter shall return
18 the lost ballot to the county commissioner.

19 Sec. __. NEW SECTION. 49B.10 VOTING AND RETURN
20 OF BALLOT.

21 1. A registered voter, upon receipt of a mail
22 ballot, shall mark the ballot in such a manner that no
23 other person will know how the ballot is marked and
24 shall place it in the secrecy envelope provided with
25 the ballot.

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

29 2. The voter shall place the secrecy envelope
30 containing the ballot in the return verification
31 envelope and sign and securely seal the return
32 verification envelope. The sealed return verification
33 envelope shall be returned to the county commissioner
34 by one of the following methods:

35 a. The sealed return verification envelope may be
36 delivered by the registered voter or the voter's
37 designee to the county commissioner's office or a
38 place designated by the commissioner no later than the
39 time the polls close on election day.

40 b. The sealed return verification envelope may be
41 mailed, postage paid, to the county commissioner. In
42 order for the ballot to be counted, the return
43 verification envelope must be clearly postmarked by an
44 officially authorized postal service not later than
45 the day before the election and received by the county
46 commissioner not later than the time established for
47 the canvass by the board of supervisors for that
48 election. The county commissioner shall contact the
49 post office serving the county commissioner's office
50 at the latest practical hour before the canvass by the

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1 board of supervisors for that election, and shall
2 arrange for return verification envelopes received in
3 that post office but not yet delivered to the
4 commissioner's office to be brought to the
5 commissioner's office before the canvass for that
6 election by the board of supervisors.

7 Sec. __. NEW SECTION. 49B.11 ABSENTEE BALLOTS.

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

11 a. Vote in person in the county commissioner's
12 office as soon as ballots are available and until noon
13 the day before the ballots are scheduled to be mailed.

14 b. Make a written request, signed by the voter and
15 addressed to the county commissioner, that the ballot
16 be mailed to an address other than that which appears
17 on the voter's registration record. Written requests
18 shall be accepted until noon the day before the
19 ballots are scheduled to be mailed.

20 2. Ballots mailed to voters pursuant to this
21 section shall be mailed the same day that all other
22 ballots are mailed.

23 Sec. __. NEW SECTION. 49B.12 BALLOTING BY
24 CONFINED PERSONS.

25 A person who is a resident or patient in a health
26 care facility or hospital located in the county in
27 which the election is to be held shall not be mailed a
28 ballot but shall have a ballot delivered in the manner
29 prescribed by section 53.22, subsection 1.

30 Sec. __. NEW SECTION. 49B.13 PERSONAL DELIVERY
31 OF MAIL BALLOT – BALLOT DROPOFF STATIONS.

32 A ballot dropoff station for the deposit of mail
33 ballots may be established in the city conducting the
34 mail ballot election at the direction of the county
35 commissioner. a ballot dropoff station established at
36 the direction of the commissioner shall be open from
37 eight a.m. until five p.m. on the day of the election.

38 Sec. __. NEW SECTION. 49B.14 RECEIPT OF BALLOT
39 – SIGNATURE VERIFICATION.

40 When a mail ballot is returned, the county
41 commissioner, or the county commissioner's designees,
42 shall first examine the return verification envelope
43 to determine whether it was submitted by a registered
44 voter who has not previously voted. a ballot shall be
45 counted only if it is returned in the return
46 verification envelope, the envelope is signed by the
47 voter to whom the ballot is issued, and the signature
48 has been verified as provided in this section.

49 The county commissioner or the county
50 commissioner's designees shall verify the signature of

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1 each voter on the return verification envelope with
2 the signature in the voter's registration records and
3 may commence verification at any time before election
4 day. If a voter to whom a replacement ballot has been
5 issued under section 49B.9 returns more than one
6 ballot, only the replacement ballot shall be counted.

7 If the voter's signature is verified and the ballot
8 is otherwise valid, the county commissioner or the
9 county commissioner's designees shall deposit the
10 ballot unopened in an official ballot box.

11 Sec. __. NEW SECTION. 49B.15 PROCEDURE FOR
12 INVALID BALLOTS.

13 If the county commissioner is not convinced that
14 the individual who signed the return verification
15 envelope is the voter whose name appears on the
16 registration card, the county commissioner shall not
17 deposit the ballot in a ballot box but shall do all of
18 the following:

19 1. Give notice to the voter as follows:

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

24 b. Inform the voter that the voter may appear in
25 person at the county commissioner's office before the
26 close of the polls on election day and verify the
27 signature.

28 2. Permit any voter appearing pursuant to
29 subsection 1, paragraph "b", to:

30 a. Verify the voter's signature, after proof of
31 identification, by affirming that the signature is in
32 fact the voter's or by completing a new registration
33 card containing the voter's current signature.

34 b. If necessary, request and receive a replacement
35 ballot and vote at that time.

36 3. If the discrepancy is not rectified to the
37 county commissioner's satisfaction, present the
38 unopened envelope and the registration card to the
39 special precinct election board for a determination.
40 If the election board is unable to resolve the issue
41 to its satisfaction, the ballot shall not be counted.

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

43 Mail ballots shall be counted in the manner
44 prescribed by section 53.23 for absentee ballots. The
45 county commissioner shall supervise the procedures for
46 the handling, counting, and canvassing of ballots to
47 ensure the safety and confidentiality of all ballots.

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

49 Votes cast pursuant to this chapter may be
50 challenged in the manner prescribed by section 53.31

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1 for absentee ballots.
2 Sec. __. NEW SECTION. 49B.18 CANVASS OF VOTES.
3 The provisions of chapter 50 relating to canvass of
4 votes apply to this chapter only to the extent they do
5 not conflict with this chapter.
6 Sec. __. NEW SECTION. 49B.19 OTHER LAWS.
7 All laws which apply to elections apply to mail
8 ballot elections held under this chapter to the extent
9 applicable.
10 Sec. __. NEW SECTION. 49B.20 RULES.
11 The state commissioner of elections shall adopt
12 rules pursuant to chapter 17a to govern the procedures
13 and forms necessary to administer this chapter. The
14 authority of the state commissioner to adopt rules
15 under this chapter shall be liberally construed.
16 Sec. __. NEW SECTION. 49B.21 MISCONDUCT –
17 VIOLATIONS – PENALTIES.
18 1. A person who, by use of violence, threats of
19 violence, or any means of duress, procures or
20 endeavors to procure the vote of a voter for or
21 against any measure or candidate commits an aggravated
22 misdemeanor.
23 2. A person who violates or attempts to violate
24 any provision or requirement of this chapter for which
25 a penalty is not otherwise provided commits a simple
26 misdemeanor."
27 3. Title page, line 2, by inserting after the
28 word "state" the following: ", including the
29 establishment of a pilot project in certain counties
30 allowing elections in cities with a population of two
31 hundred or less to be conducted by mail ballots and
32 providing penalties,".
33 4. By renumbering as necessary.

Roll call was requested by Scherrman of Dubuque and T. Taylor of Linn.

On the question "Shall amendment H-8159 be adopted?" (H.F. 2472)

The ayes were, 44:

Atteberry	Bell	Brauns	Bukta
Chiodo	Cohoon	Connors	Dotzler
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy

O'Brien	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Broers
Brunkhorst	Carroll	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Wilderdyke
Mr. Speaker			
Siegrist			

Absent or not voting, 3:

Myers	Sukup	Teig
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Amendment H-8159 lost.

Grundberg of Polk offered the following amendment H-8158 filed by Grundberg, et al., and moved its adoption:

H-8158

1 Amend House File 2472 as follows:
 2 1. Page 11, by inserting after line 2, the
 3 following:
 4 "Sec. ___. Section 48A.2, subsection 3, Code 2001,
 5 is amended to read as follows:
 6 3. "Person who is ~~mentally~~ incompetent to vote"
 7 means a person who has been found to lack the mental
 8 capacity to vote by reason of mental retardation in a
 9 proceeding held pursuant to section 222.31 or
 10 633.556."
 11 Sec. ___. Section 48A.6, subsection 2, Code 2001,
 12 is amended to read as follows:
 13 2. A person who is ~~mentally~~ incompetent to vote.
 14 Certification by the clerk of the district court that
 15 any such person has been found no longer incompetent
 16 by a court shall qualify such person to again be an

17 elector, subject to the other provisions of this
18 chapter."

19 2. Page 11, by inserting after line 10, the
20 following:

21 "Sec.____. Section 48A.10, Code 2001 is amended to
22 read as follows:

23 48A.10 REGISTRATION REQUIRED.

24 If a registered voter moves to a different county,
25 the person shall submit a completed voter registration
26 form to the commissioner in order to be qualified to
27 vote in that county. An otherwise eligible elector
28 whose right to vote has been restored pursuant to
29 chapter 914 or who has been found not to be a person
30 who is ~~mentally~~ incompetent to vote may register to
31 vote."

32 3. Page 11, by inserting after line 16, the
33 following:

34 "Sec.____. Section 48A.14, subsection 1, paragraph
35 f, Code 2001, is amended to read as follows:

36 f. The challenged registrant has been adjudged by
37 a court of law to be a person who is ~~mentally~~
38 incompetent to vote and no subsequent proceeding has
39 reversed that finding."

40 4. Page 13, by inserting after line 32, the
41 following:

42 "Sec.____. Section 48A.30, subsection 1, paragraph
43 e, Code 2001, is amended to read as follows:

44 e. The clerk of the district court or the state
45 registrar sends notice that the registered voter has
46 been declared a person who is ~~mentally~~ incompetent to
47 vote under state law."

48 5. Page 53, by inserting after line 12, the
49 following:

50 "Sec.____. Section 602.8102, subsection 15, Code

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1 Supplement 2001, is amended to read as follows:

2 15. Monthly, notify the county commissioner of
3 registration and the state registrar of voters of
4 persons seventeen and one-half years of age and older
5 who have been convicted of a felony during the
6 preceding calendar month or persons who at any time
7 during the preceding calendar month have been legally
8 declared to be ~~mentally a person who is~~ incompetent to
9 vote as that term is defined in section 48A.2.

10 Sec.____. Section 633.556, subsection 1, Code
11 2001, is amended to read as follows:

12 1. If the allegations of the petition as to the
13 status of the proposed ward and the necessity for the
14 appointment of a guardian are proved by clear and
15 convincing evidence, the court may appoint a guardian.

16 If the court appoints a guardian based upon mental
 17 incapacity by reason of mental retardation of the
 18 proposed ward, the court shall make a separate
 19 determination as to the ward's competency to vote.
 20 The court shall find a ward incompetent to vote only
 21 upon determining that the person lacks sufficient
 22 mental capacity to comprehend and exercise the right
 23 to vote."
 24 6. By renumbering as necessary.

Amendment H-8158 was adopted.

Tremmel of Wapello offered the following amendment H-8172 filed by him and moved its adoption:

H-8172

1 Amend House File 2472 as follows:
 2 1. Page 18, by striking lines 8 and 9, and
 3 inserting the following: "the names of one or more
 4 candidates for any office, only the votes cast
 5 separately for individual".

Amendment H-8172 was adopted.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2472)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	O'Brien

Osterhaus	Petersen	Quirk	Raecker
Rants	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdye
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Myers	Rayhons	Sukup	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rayhons of Hancock on request of Brunkhorst of Bremer.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2472** and **2538**.

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, was taken up for consideration.

Metcalf of Polk offered amendment H-8177 filed by her as follows:

H-8177

- 1 Amend House File 2486 as follows:
- 2 1. Page 8, line 17, by striking the word
- 3 "Establish", and inserting the following: "Adopt
- 4 rules establishing".
- 5 2. Page 8, line 18, by inserting after the word
- 6 "reviewing" the following: "and investigating".

7 3. Page 8, line 21, by striking the word
8 "described", and inserting the following: "defined".
9 4. Page 8, line 22, by striking the figure
10 "42.4", and inserting the following: "331.210A".
11 5. Page 8, line 24, by striking the word
12 "section" and inserting the following: "sections
13 68B.32C and".
14 6. Page 8, by inserting after line 25 the
15 following:
16 "Sec. ____ Section 331.209, subsection 1, Code
17 2001, is amended to read as follows:
18 1. ~~Not later than ninety days after~~ After the
19 redistricting of congressional and legislative
20 districts becomes law, or October 15 of and no later
21 than the date set by the state commissioner of
22 elections in the year immediately following each the
23 year in which the federal decennial census is taken,
24 ~~whichever is later,~~ the temporary county redistricting
25 commission shall divide the county into a number of
26 supervisor districts corresponding to the number of
27 supervisors in the county. However, if the plan is
28 selected pursuant to section 331.207, the temporary
29 county redistricting commission shall divide the
30 county before February 15 of the election year. The
31 supervisor districts shall be drawn, to the extent
32 applicable, in compliance with the redistricting
33 standards provided for senatorial and representative
34 districts in section 42.4, and if a supervisor
35 redistricting plan is challenged in court, the
36 requirement of justifying any variance in excess of
37 one percent contained in section 42.4, subsection 1,
38 paragraph "c" applies to the board. If the temporary
39 county redistricting commission adopts a supervisor
40 redistricting plan with a variance in excess of one
41 percent, the board shall publish the justification for
42 the variance in one or more official newspapers as
43 provided in chapter 349 within ten days after the
44 action is taken. If more than one incumbent
45 supervisor resides in the same supervisor district
46 after the districts have been redrawn following the
47 federal decennial census, the terms of office of those
48 supervisors shall expire on the first day of January
49 that is not a Sunday or a holiday following the next
50 general election."

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1 7. By striking page 8, line 28, through page 9,
2 line 11, and inserting the following:
3 "e. The plan approved by the board of supervisors
4 shall be submitted to the state commissioner of
5 elections for review and approval as provided in

6 ~~subsection 5. If the plan does not meet the standards~~
7 ~~of section 42.4, the state commissioner shall reject~~
8 ~~the plan, and the board of supervisors shall direct~~
9 ~~the commission to prepare and adopt an acceptable~~
10 ~~plan."~~

11 8. Page 9, by inserting after line 17, the
12 following:

13 "Sec. ___. Section 331.210A, Code 2001, is amended
14 by adding the following new subsection:

15 NEW SUBSECTION. 5. SUPERVISOR REPRESENTATION PLAN
16 REVIEW.

17 a. A supervisor representation plan approved by
18 the board of supervisors under this section shall be
19 submitted to the state commissioner of elections for
20 review and approval. The state commissioner shall
21 determine if all legal requirements applicable to the
22 plan have been met, including compliance with the
23 standards of section 42.4, prior to approving the
24 plan. If the applicable legal requirements have not
25 been met, the state commissioner shall make or cause
26 to be made the necessary changes as permitted by
27 section 321.209, subsection 4, or shall require the
28 board of supervisors to direct the commission to
29 prepare and adopt an acceptable plan.

30 b. (1) For purposes of determining whether a
31 supervisor representation plan has met the statutory
32 requirement that a plan not be drawn for improper
33 political reasons, an eligible elector may file a
34 complaint with the state commissioner of elections
35 within fourteen days after a plan has been approved by
36 the board of supervisors of the county in which the
37 eligible elector resides, on a form prescribed by the
38 state commissioner, alleging that the plan was drawn
39 for improper political reasons. The eligible elector
40 filing a complaint under this paragraph shall post a
41 bond in the amount of two hundred dollars. For
42 purposes of this paragraph, "a plan drawn for improper
43 political reasons" means a plan approved by the board
44 that contains at least one district that has been
45 drawn for one or more of the purposes prohibited in
46 section 42.4, subsection 5, or a plan approved by the
47 board in which consideration was given to one or more
48 prohibited factors listed in section 49.3, subsection
49 4, paragraph "d".

50 (2) If a complaint is filed with the state

Page 3

1 commissioner of elections under this paragraph "b",
2 the state commissioner shall promptly forward the
3 complaint to the ethics and campaign disclosure board
4 established in section 68B.32 for its review and

5 investigation. Following completion of its review and
6 investigation, the ethics and campaign disclosure
7 board shall report its findings to the state
8 commissioner of elections, including notification of
9 whether probable cause exists to believe the plan was
10 drawn for improper political reasons. If the ethics
11 and campaign disclosure board finds probable cause to
12 believe the plan was drawn for improper political
13 reasons, the state commissioner shall reject the plan.

14 (3) If a plan is rejected pursuant to this
15 paragraph "b", the bond posted shall be returned to
16 the eligible elector who filed the complaint. If a
17 plan is not rejected pursuant to this paragraph "b",
18 the bond shall be deposited in the general fund of the
19 state."

20 9. By renumbering as necessary.

Metcalf of Polk offered the following amendment H-8187, to amendment H-8177, filed by her from the floor and moved its adoption:

H-8187

1 Amend the amendment, H-8177, to House File 2486 as
2 follows:

- 3 1. Page 2, line 27, by striking the figure
4 "321.209", and inserting the following: "331.209".
- 5 2. Page 2, line 39, by inserting after the word
6 "reasons." the following: "The state commissioner
7 shall establish by rule the procedure for the filing
8 and processing of complaints under this paragraph."
- 9 3. Page 3, line 9, by striking the words
10 "probable cause exists to believe", and inserting the
11 following: "the board found, by the preponderance of
12 the evidence, that".
- 13 4. Page 3, lines 11 and 12, by striking the words
14 "probable cause to believe", and inserting the
15 following: ", by a preponderance of the evidence,
16 that".

Amendment H-8187 was adopted.

On motion by Metcalf of Polk, amendment H-8177, as amended, was adopted.

Huser of Polk offered the following amendment H-8173 filed by her and moved its adoption:

H-8173

- 1 Amend House File 2486 as follows:
 2 1. Page 9, by inserting after line 17 the
 3 following:
 4 "Sec. ___. Section 331.210A, subsection 2, Code
 5 2001, is amended by adding the following new
 6 paragraph:
 7 NEW PARAGRAPH. f. Notwithstanding the provisions
 8 of this section to the contrary, for a county with a
 9 population of ninety-five thousand or more that is
 10 required to draw a plan "three" supervisor
 11 representation plan, the legislative service bureau,
 12 and not the temporary county redistricting commission,
 13 shall draw a first plan as required by paragraph "a".
 14 The plan drawn by the legislative service bureau shall
 15 be based upon the precinct plan adopted for use by the
 16 county and shall be drawn in accordance with section
 17 42.4. The plan drawn by the legislative service
 18 bureau shall be submitted to the temporary county
 19 redistricting commission which shall perform the
 20 duties required by paragraphs "b" and "c" concerning
 21 the plan. After the requirements of paragraphs "b"
 22 and "c" have been met, the plan drawn by the
 23 legislative service bureau shall be submitted to the
 24 board or supervisors for its approval or rejection.
 25 If the plan drawn by the legislative service bureau is
 26 rejected by the board of supervisors, the board of
 27 supervisors shall direct the temporary county
 28 redistricting commission to prepare a second plan as
 29 provided by paragraph "d".
 30 2. Title page, line 2, by inserting after the
 31 word "redistricting," the following: "the
 32 redistricting of county supervisor districts for
 33 certain counties,".
 34 3. By renumbering as necessary.

Amendment H-8173 was adopted.

Metcalf of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2486)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst

Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Myers	Rayhons	Sukup	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

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, was taken up for consideration.

Gipp of Winneshiek offered the following amendment H-8125 filed by him and moved its adoption:

H-8125

- 1 Amend House File 2554 as follows:
- 2 1. Page 2, line 7, by inserting after the words
- 3 "of the" the following: "department of natural
- 4 resources or the".

Amendment H-8125 was adopted.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2554)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Millage	Murphy	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Metcalf	Myers	Rayhons	Schrader
Sukup	Teig		

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2486** and **2554**.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA UTILITIES BOARD

A report comparing direct and remainder assessments to parties made under the previous statute, pursuant to Chapter 9.2, 2001 Acts of Seventy-ninth General Assembly.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2002\536 | Russell and Jeannette Wetzler, Osceola – For celebrating their 65 th wedding anniversary. |
| 2002\537 | Dan Klenske, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\538 | Madeline McTasney, Odebolt – For celebrating her 80 th birthday. |
| 2002\539 | Dolly Watson, Schaller – For celebrating her 90 th birthday. |
| 2002\540 | Bernice Nafe, Pierson – For celebrating her 80 th birthday. |
| 2002\541 | Frieda Schade, Sac City – For celebrating her 90 th birthday. |
| 2002\542 | Roger and Marlene Glasnapp, Lytton – For celebrating their 50 th wedding anniversary. |
| 2002\543 | John Barker, Lake View – For celebrating his 80 th birthday. |
| 2002\544 | Lenore Henrich, Lake View – For celebrating her 91 st birthday. |
| 2002\545 | Kenneth Long, Lake View – For celebrating his 81 st birthday. |

- 2002\546 Margaret Hendrickson, Early – For celebrating her 84th birthday.
- 2002\547 Travis Ferris – For his dedicated service to the Legislative Information Office.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2086

Commerce and Regulation: Jenkins, Chair; Metcalf and Wise

Senate File 2133

Commerce and Regulation: Hansen, Chair; Chiodo and Van Fossen.

Senate File 2160

Economic Development: Johnson, Chair; Atteberry and Manternach.

Senate File 2167

Commerce and Regulation: Raecker, Chair; Petersen and Shey.

Senate File 2179

Human Resources: Smith, Chair; Boddicker and Reynolds.

Senate File 2192

Transportation: Brauns, Chair; Arnold, Eddie, Huser and May.

Senate File 2195

Human Resources: Tymeson, Chair; Boal and Smith.

Senate File 2201

Judiciary: Eichhorn, Chair; Chiodo and Wilderdyke.

Senate File 2232

Human Resources: Brunkhorst, Chair; Broers and Murphy.

Senate File 2273

State Government: Jacobs, Chair; Brauns and Tremmel.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 709 Ways and Means

Providing modifications relating to the qualified state tuition program to maintain consistency with federal law changes, and providing effective and applicability dates.

AMENDMENTS FILED

H—8185	H.F.	2456	Richardson of Warren
H—8186	H.F.	2455	Alons of Sioux
H—8188	H.F.	268	Warnstadt of Woodbury
H—8189	H.F.	2416	Kreiman of Davis
H—8190	H.F.	2416	Kreiman of Davis
H—8191	H.F.	2539	Kreiman of Davis Kettering of Sac
H—8192	H.F.	2453	Roberts of Carroll
H—8193	H.F.	2418	Bradley of Clinton
H—8194	S.F.	2048	Richardson of Warren
H—8195	H.F.	2567	Reynolds of Van Buren Carroll of Poweshiek Fallon of Polk
H—8196	H.F.	2090	Richardson of Warren
H—8197	H.F.	2515	Richardson of Warren Reynolds of Van Buren Kreiman of Davis Kettering of Sac
			Mertz of Kossuth Hoffman of Crawford Johnson of Osceola

On motion by Rants of Woodbury the House adjourned at 6:58 p.m., until 8:45 a.m., Wednesday, March 6, 2002.

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MARCH 6, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 6, 2002

The House met pursuant to adjournment at 8:47 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by Reverend Danny Peterson, pastor of the United Church of Christ, Minden. He was the guest of Representative Jack Drake of Pottawattamie County.

The Journal of Tuesday, March 5, 2002 was approved.

PETITION FILED

The following petition was received and placed on file:

From Arnold of Lucas from eight hundred sixty-four constituents opposing any effort to change the limit, scope or effectiveness of the beverage container bill, also favoring an increase for handling the containers.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Heaton of Henry, until his arrival, on request of Rants of Woodbury.

INTRODUCTION OF BILL

House File 2582, by committee on appropriations, 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 placed on the **appropriations calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 5, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on March 5, 2002, passed the following bill in which the concurrence of the House is 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 Senate has on March 5, 2002, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 5, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on March 5, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2288, a bill for an act relating to the appointment of an acting or a temporary county attorney.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS
Regular Calendar

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, was taken up for consideration.

Boal of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2454)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Wildurdyke
Winckler	Wise	Witt	Gipp,
			Presiding

The nays were, none.

Absent or not voting, 8:

Drake	Heaton	Jones	Murphy
Siegrist, Spkr.	Sukup	Teig	Weidman

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

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, was taken up for consideration.

Elgin of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2390)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Wilderdyke
Winckler	Wise	Witt	Gipp, Presiding

The nays were, none.

Absent or not voting, 8:

Heaton	Jones	Murphy	Myers
Siegrist, Spkr.	Sukup	Teig	Weidman

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2390 and 2454.**

House File 2531, a bill for an act making certain amendments to the Iowa trust code, was taken up for consideration.

Kreiman of Davis moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2531)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens

Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Wilderdyke	Winckler	Wise	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 7:

Heaton	Murphy	Myers	Siegrist, Spkr.
Sukup	Teig	Weidman	

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

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, was taken up for consideration.

Bradley of Clinton offered the following amendment H-8088 filed by him and moved its adoption:

H-8088

1 Amend House File 2417 as follows:
 2 1. Page 3, line 15, by inserting after the word
 3 "program." the following: "The notification shall not
 4 be required before the participant has had the
 5 opportunity to collect basic information
 6 characterizing the nature and extent of the
 7 contamination but the notification shall be required
 8 in a timely manner allowing appropriate parties to
 9 have input in the formulation of the response action."

Amendment H-8088 was adopted.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2417)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalfe	Millage
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Wilderdyke	Winckler	Wise	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 7:

Heaton	Murphy	Myers	Siegrist, Spkr.
Sukup	Teig	Weidman	

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2417 and 2531.**

On motion by Rants of Woodbury, the House was recessed at 9:26 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:18 p.m., Gipp of Winneshiek in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque, for the remainder of the day and for Thursday, March 7, 2002, on request of Huser of Polk.

INTRODUCTION OF BILL

House File 2583, by Warnstadt, a bill for an act establishing a county jail overcrowding grant program and fund, and making an appropriation.

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

SENATE MESSAGES CONSIDERED

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 and referred to committee on **human resources**.

Senate File 2146, by committee on judiciary, a bill for an act establishing criminal offenses for an acts of terrorism, changing related criminal penalties, and providing a penalty.

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

Senate File 2169, by committee on natural resources and environment, a bill for an act relating to the regulation and protection of wildlife by restricting the taking of mussels with a sport fishing license and including black bears and mountain lions as fur-bearing animals.

Read first time and referred to committee on **natural resources**.

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 and **passed on file**.

The House stood at ease at 3:19 p.m., until the fall of the gavel.

The House resumed session at 4:47 p.m., Gipp of Winneshiek in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-eight members present, forty-two absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 2378, a bill for an act relating to the enterprise zone program and providing an effective date, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment H-8109 filed by him and moved its adoption:

H-8109

- 1 Amend House File 2378 as follows:
- 2 1. Page 3, line 31, by striking the figure "5",
- 3 and inserting the following: "2, 5,".
- 4 2. Page 3, by inserting after line 32 the
- 5 following:
- 6 "2. An eligible development business includes a
- 7 developer or development contractor that constructs,
- 8 expands, or rehabilitates a building space within a
- 9 designated enterprise zone with a minimum capital
- 10 investment of at least five hundred thousand dollars
- 11 ~~in that part of a city or county in which there is a~~
- 12 ~~designated enterprise zone. A development business is~~
- 13 eligible to receive incentives and assistance under
- 14 this section if businesses locating into the building

15 space have not closed or reduced its operation in one
16 area of the state or a city and relocated
17 substantially the same operation in the enterprise
18 zone. An eligible development business is eligible
19 for one, but not both, of the following exemptions to
20 the capital investment requirements:

21 a. For an eligible development business purchasing
22 a vacant building suitable for industrial use, the
23 fair market value of the building and land, not to
24 exceed two hundred fifty thousand dollars, as
25 determined by the local enterprise zone commission,
26 shall be deducted from the capital investment
27 requirement.

28 b. For an eligible development business that
29 rehabilitates a building space that has been in an
30 enterprise zone for at least five years, the fair
31 market value as established by an appraisal of the
32 building, not to exceed two hundred fifty thousand
33 dollars, shall be deducted from the capital investment
34 requirement."

35 3. Page 4, by striking lines 2 through 6 and
36 inserting the following: "period of at least five
37 years. Nonretail businesses locating in a building
38 space must together occupy at least seventy-five
39 percent of the total building space, create at least
40 ten full-time positions, meet the criteria provided in
41 section 15E.193, subsection 1, paragraphs "a", "b",
42 and "c", and not share common ownership or common
43 management with the development business. The
44 development business shall only receive incentives and
45 assistance for the portion of the building that is
46 leased to nonretail businesses."

47 4. Page 4, by inserting after line 11 the
48 following:
49 "Sec. ____ Section 15E.193C, Code Supplement 2001,
50 is amended by adding the following new subsection:

Page 2

1 NEW SUBSECTION. 12. An approved development
2 business shall submit an annual report to the
3 department of economic development detailing and
4 certifying the number of signed leases, jobs created,
5 and total occupancy of the building. An approved
6 development business shall begin submitting annual
7 reports the year upon approval of the application and
8 shall continue to submit annual reports until
9 incentives and assistance provided pursuant to this
10 section are no longer received by the approved
11 development business."

12 5. By renumbering as necessary.

Amendment H-8109 was adopted.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2378)

The ayes were, 74:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Cohoon	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Foege	Frevert	Garman	Greimann
Grundberg	Hahn	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Kuhn	Larkin	Larson
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Roberts	Scherrman
Schrader	Shy	Sievers	Stevens
Sukup	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Wise	Gipp,		
	Presiding		

The nays were, 22:

Chiodo	Connors	Dotzler	Fallon
Ford	Hatch	Huser	Kreiman
Lensing	O'Brien	Osterhaus	Petersen
Reynolds	Richardson	Seng	Shoultz
Smith	Taylor, D.	Taylor, T.	Tremmel
Winckler	Witt		

Absent or not voting, 4:

Hansen	Jochum	Siegrist, Spkr.	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 6, 2002, passed the following bill in which the concurrence of the Senate was asked:

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, providing an effective date, and providing for retroactive applicability.

Also: That the Senate has on March 6, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2101, a bill for an act relating to monetary penalties for contempt of court.

Also: That the Senate has on March 6, 2002, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 6, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on March 6, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2228, a bill for an act relating to utilization of school district moneys for physical plant and equipment levy purposes.

MICHAEL E. MARSHALL, Secretary

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, was taken up for consideration.

Metcalfe of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2487)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Huseman	Huser
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 7:

Dotzler	Grundberg	Hoversten	Jochum
Siegrist, Spkr.	Teig	Van Engelenhoven	

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

House File 2536, a bill for an act relating to advertisements for requests for bids and proposals by state government, was taken up for consideration.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2536)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 3:

Jochum Siegrist, Spkr. Teig

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone, for the remainder of the day, on request of Huser of Polk.

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, was taken up for consideration.

Johnson of Osceola asked and received unanimous consent to withdraw amendment H-8123 filed by him on February 27, 2002.

Roberts of Carroll offered amendment H-8176 filed by Roberts, et al., as follows:

H-8176

1 Amend House File 2453 as follows:

2 1. Page 1, by striking lines 6 through 8, and
3 inserting the following: "reports. However, medical
4 examiner records and reports shall be released to a
5 law enforcement agency that is investigating the
6 death, upon the request of the law enforcement agency,
7 and autopsy reports shall be released to the
8 decedent's immediate next of kin upon the request of
9 the decedent's immediate next of kin unless disclosure
10 to the decedent's immediate next of kin would
11 jeopardize an investigation or pose a clear and
12 present danger to the public safety or the safety of
13 an individual. Information regarding the cause and".

14 2. By striking page 1, line 27 through page 2,
15 line 3, and inserting the following:

16 "Sec. ____ Section 331.802, subsection 3,
17 paragraph g, Code 2001, is amended by striking the
18 paragraph and inserting in lieu thereof the following:
19 g. Death of a person who was not under the care of
20 a physician, who did not have a physician or
21 registered nurse in attendance within thirty days at
22 the time of death, and who was a prediagnosed terminal
23 or bedfast case; and death of a terminally ill patient
24 who was admitted to and had received services from a
25 hospice program as defined in section 135J.1, if a
26 physician or registered nurse employed by the program
27 was not in attendance within thirty days preceding
28 death."

Roberts of Carroll offered the following amendment H-8192, to amendment H-8176, filed by him and moved its adoption:

H-8192

1 Amend the amendment, H-8176, to House File 2453 as
2 follows:

3 1. Page 1, by striking lines 19 through 28, and
4 inserting the following:

5 "g. Death of a person who was prediagnosed as a
6 terminal or bedfast case who did not have a physician
7 in attendance within the preceding thirty days; or
8 death of a person who was admitted to and had received

9 services from a hospice program as defined in section
 10 135J.1, if a physician or registered nurse employed by
 11 the program was not in attendance within thirty days
 12 preceding death.""

Amendment H-8192 was adopted.

On motion by Roberts of Carroll amendment H-8176, as amended,
 was adopted.

Horbach of Tama offered the following amendment H-8115 filed by
 him and moved its adoption:

H-8115

- 1 Amend House File 2453 as follows:
- 2 1. Page 3, line 2, by striking the figure "1".
- 3 2. Page 3, by striking lines 26 through 35.
- 4 3. By renumbering as necessary.

Amendment H-8115 was adopted.

Roberts of Carroll moved that the bill be read a last time now and
 placed upon its passage which motion prevailed and the bill was read
 a last time.

On the question "Shall the bill pass?" (H.F. 2453)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson

Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Wilderdyke	Winckler
Wise	Witt	Gipp, Presiding	

The nays were, none.

Absent or not voting, 5:

Jochum	O'Brien	Siegrist, Spkr.	Teig
Weidman			

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 6, 2002, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

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.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2399)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Wilderdyke	Winckler
Wise	Witt	Gipp,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Jochum	O'Brien	Siegrist, Spkr.	Teig
Weidman			

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

House File 2366, a bill for an act authorizing sheriffs to appoint civil process servers, was taken up for consideration.

Baudler of Adair asked and received unanimous consent to withdraw amendment H-8060 filed by him on February 18, 2002.

Baudler of Adair asked and received unanimous consent to withdraw amendment H-8068 filed by him and Kreiman of Davis on February 19, 2002.

Baudler of Adair offered the following amendment H-8119 filed by him and moved its adoption:

H-8119

- 1 Amend House File 2366 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "e. A civil process server shall receive forty
- 5 hours of initial training and twenty hours of annual
- 6 training. All training shall be provided by certified
- 7 peace officers who are members of the Iowa state
- 8 sheriffs' and deputies' association."

Amendment H-8119 was adopted.

SENATE FILE 2141 SUBSTITUTED FOR HOUSE FILE 2366

Baudler of Adair asked and received unanimous consent to substitute Senate File 2141 for House File 2366.

Senate File 2141, a bill for an act authorizing sheriffs to appoint civil process servers, was taken up for consideration.

Baudler of Adair offered the following amendment H-8095 filed by him and moved its adoption:

H-8095

- 1 Amend Senate File 2141, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 18 through 21.

Amendment H-8095 was adopted.

Baudler of Adair moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2141)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Wilderdye	Winckler	Wise	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 7:

Jochum	Murphy	O'Brien	Siegrist, Spkr.
Taylor, D.	Teig	Weidman	

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

HOUSE FILE 2366 WITHDRAWN

Baudler of Adair asked and received unanimous consent to withdraw House File 2366 from further consideration by the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair, for the remainder of the day, on request of Rants of Woodbury.

House File 2332, a bill for an act relating to the acquisition, enforceability, and purpose of conservation easements, with report of committee recommending passage, was taken up for consideration.

SENATE FILE 2207 SUBSTITUTED FOR HOUSE FILE 2332

Jacobs of Polk asked and received unanimous consent to substitute Senate File 2207 for House File 2332.

Senate File 2207, a bill for an act relating to the acquisition, enforceability, and purpose of conservation easements, was taken up for consideration.

Speaker pro tempore Sukup in the chair at 6:31 p.m.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2207)

The ayes were, 87:

Alons	Atteberry	Bell	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	Dix
Dolecheck	Dotzler	Drake	Eddie
Elgin	Fallon	Finch	Foege
Ford	Frevert	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shultz
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Fossen	Warnstadt	Wilderdyke	Winckler
Wise	Witt	Sukup,	
		Presiding	

The nays were, 7:

Arnold	Brunkhorst	De Boef	Eichhorn
Garman	Manternach	Van Engelenhoven	

Absent or not voting, 6:

Baudler	Jochum	O'Brien	Siegrist, Spkr.
Teig	Weidman		

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

HOUSE FILE 2332 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House File 2332 from further consideration by the House.

House File 2467, a bill for an act providing for licensure sanctions against defaulters of designated loan and scholarship programs, was taken up for consideration.

Hansen of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2467)

The ayes were, 92:

Alons	Arnold	Atteberry	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder

Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Wilderdylke	Winckler	Wise	Sukup, Presiding

The nays were, none.

Absent or not voting, 8:

Baudler	Heaton	Jochum	O'Brien
Siegrist, Spkr.	Teig	Weidman	Witt

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2378, 2399, 2453, 2467, 2487, 2536** and **Senate Files 2141 and 2207**.

House File 2217, a bill for an act relating to the payment of overtime to state employees and the applicability of the federal Fair Labor Standards Act and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Millage of Scott offered amendment H-8079 filed by the committee on labor and industrial relations as follows:

H-8079

- 1 Amend House File 2217 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 70A.1, unnumbered paragraph 1,
- 5 Code 2001, is amended to read as follows:
- 6 Salaries specifically provided for in an
- 7 appropriation Act of the general assembly shall be in
- 8 lieu of existing statutory salaries, for the positions
- 9 provided for in the Act, and all salaries, including
- 10 longevity where applicable by express provision in the
- 11 Code, shall be paid according to the provisions of

12 chapter 91A and shall be in full compensation of all
13 services, including any service on committees, boards,
14 commissions or similar duty for Iowa government,
15 except for members of the general assembly. A state
16 employee on an annual salary shall not be paid for a
17 pay period an amount which exceeds the employee's
18 annual salary transposed into a rate applicable to the
19 pay period by dividing the annual salary by the number
20 of pay periods in the fiscal year. Salaries for state
21 employees covered by the overtime payment provisions
22 of the federal Fair Labor Standards Act shall be
23 established on an hourly basis. However, the state
24 does not and has never intended to waive sovereign
25 immunity from claims arising under the federal Fair
26 Labor Standards Act by any state employee employed in
27 a bona fide managerial capacity as defined in this
28 section.

29 Sec. 2. Section 70A.1, Code 2001, is amended by
30 adding the following new unnumbered paragraph:
31 NEW UNNUMBERED PARAGRAPH. For purposes of this
32 section, a "state employee employed in a bona fide
33 managerial capacity" means a state employee employed
34 in a position in which the employee performs the
35 duties of a bona fide executive, bona fide
36 administrator, or a bona fide professional, as those
37 duties are described in 29 C.F.R. § 541.1, 541.2, and
38 541.3. The status of an employee employed in a bona
39 fide managerial capacity is unaffected by the
40 disciplinary policies applicable to such an employee,
41 including, but not limited to, policies that may
42 result in suspension from employment without pay.

43 Sec. 3. EFFECTIVE DATE – RETROACTIVE
44 APPLICABILITY. This Act, being deemed of immediate
45 importance, takes effect upon enactment, and is
46 retroactively applicable to claims arising on or after
47 January 1, 1990, and applies to all litigation pending
48 on the effective date of this Act."

49 2. Title page, by striking lines 1 through 3, and
50 inserting the following: "An Act relating to the

Page 2

1 applicability of the federal Fair Labor Standards Act
2 to certain state employees and including an effective
3 date and retroactive applicability provision."

Millage of Scott offered the following amendment H-8097, to
amendment H-8079, filed by him and moved its adoption:

H-8097

- 1 Amend the amendment, H-8079, to House File 2217 as
2 follows:
3 1. Page 1, line 27, by striking the word
4 "managerial", and inserting the following:
5 "executive, administrative, or professional".
6 2. Page 1, line 33, by striking the word
7 "managerial", and inserting the following:
8 "executive, administrative, or professional".
9 3. Page 1, by striking lines 38 through 40, and
10 inserting the following: "541.3. An employee's
11 status as an employee employed in a bona fide
12 executive, administrative, or professional capacity is
13 unaffected by employment policies that permit
14 deductions from the employee's pay for absences from
15 work,".
16 4. Page 1, line 41, by inserting before the word
17 "policies" the following: "disciplinary".

Amendment H-8097 was adopted.

Millage of Scott offered the following amendment H-8199, to amendment H-8079, filed by him from the floor and moved its adoption:

H-8199

- 1 Amend the amendment, H-8079, to House File 2217 as
2 follows:
3 1. Page 1, lines 46 and 47, by striking the words
4 "on or after January 1, 1990" and inserting the
5 following: "prior to the effective date of this Act".

Amendment H-8199 was adopted.

On motion by Millage of Scott the committee amendment H-8079, as amended, was adopted.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2217)

The ayes were, 44:

Alons	Arnold	Boal	Boddicker
Boggess	Bradley	Brauns	Broers
Brunkhorst	Carroll	Cormack	De Boef
Dolecheck	Drake	Eddie	Elgin
Gipp	Grundberg	Hahn	Hansen
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Larson	Metcalf
Millage	Raecker	Rants	Rekow
Shey	Sievers	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Wilderdyke	Sukup, Presiding

The nays were, 49:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dix	Dotzler
Eichhorn	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Hatch	Heaton	Huser	Kreiman
Kuhn	Larkin	Lensing	Manternach
Mascher	May	Mertz	Murphy
Myers	Osterhaus	Petersen	Quirk
Rayhons	Reeder	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise			

Absent or not voting, 7:

Baudler	Jochum	O'Brien	Siegrist, Spkr.
Teig	Weidman	Witt	

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

House File 2469, 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.

Kettering of Sac offered the following amendment H-8091 filed by him and moved its adoption:

H-8091

1 Amend House File 2469 as follows:

- 2 1. Page 3, line 24, by inserting after the word
 3 "water" the following: "pollution".

Amendment H-8091 was adopted.

SENATE FILE 2145 SUBSTITUTED FOR HOUSE FILE 2469

Kettering of Sac asked and received unanimous consent to substitute Senate File 2145 for House File 2469.

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.

Kettering of Sac moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2145)

The ayes were, 93:

Alons	Arnold	Atteberry	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Wilderdyke	Winckler	Wise
Sukup, Presiding			

The nays were, none.

Absent or not voting, 7:

Baudler	Jochum	O'Brien	Siegrist, Spkr.
Teig	Weidman	Witt	

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

HOUSE FILE 2469 WITHDRAWN

Kettering of Sac asked and received unanimous consent to withdraw House File 2469 from further consideration by the House.

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.

Boal of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2475)

The ayes were, 93:

Alons	Arnold	Atteberry	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith

Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Wilderdyke	Winckler	Wise
Sukup, Presiding			

The nays were, none.

Absent or not voting, 7:

Baudler	Jochum	O'Brien	Siegrist, Spkr.
Teig	Weidman	Witt	

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

SENATE MESSAGE CONSIDERED

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 and referred to committee on **local government**.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2475** and **Senate File 2145**.

SENATE FILE 2288 REREFERRED

The Speaker announced that Senate File 2288, previously referred to committee on **local government** was rereferred to committee on **judiciary**.

MOTION TO RECONSIDER (House File 2217)

I move to reconsider the vote by which House File 2217 failed to pass the House on March 6, 2002.

DIX of Butler

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 6, 2002. Had I been present, I would have voted "aye" on House File 2454.

DRAKE of Pottawattamie

I was necessarily absent from the House chamber on March 6, 2002. Had I been present, I would have voted "aye" on House Files 2390 and 2454.

JONES of Mills

I was necessarily absent from the House chamber on March 5, 2002. Had I been present, I would have voted "aye" on House Files 2472, 2486, 2554 and amendments H-8158, H-8172 to House File 2472; H-8173, H-8177, H-8187 to House File 2486; H-8125 to House File 2554.

RAYHONS of Hancock

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 6, 2002, he approved and transmitted to the Secretary of State the following bill:

Senate File 335, an act 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.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirteen foreign exchange students from Carlisle, Indianola, Des Moines Roosevelt and Martensdale/St. Mary's, accompanied by Cathy Smith of Carlisle. By Richardson of Warren.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\548 | Forest Loonan, Waterloo – For celebrating his 85 th birthday. |
| 2002\549 | Dennis and Mary Anderson, Waterloo – For celebrating their 50 th wedding anniversary. |
| 2002\550 | Keith and Jeanann Stokes, Waterloo – For celebrating their 50 th wedding anniversary. |
| 2002\551 | Euarda Lichty, Waterloo – For celebrating her 94 th birthday. |
| 2002\552 | Iva Cutsforth, Evansdale – For celebrating her 90 th birthday. |
| 2002\553 | Sam Heinselman, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\554 | Vivian Tague, Davenport – For celebrating her 90 th birthday. |
| 2002\555 | Kenneth Meade, Davenport – For celebrating his 80 th birthday. |
| 2002\556 | Robert Boussetot, Davenport – For celebrating his 80 th birthday. |
| 2002\557 | Thomas Prachar, Davenport – For celebrating his 80 th birthday. |
| 2002\558 | Wilma Schick, Davenport – For celebrating her 80 th birthday. |
| 2002\559 | Betty Foster, Davenport – For celebrating her 80 th birthday. |
| 2002\560 | Jayne Jeys, Davenport – For celebrating her 80 th birthday. |
| 2002\561 | Russel Van Arnun, Davenport – For celebrating his 80 th birthday. |
| 2002\562 | William and Velma Butterbrodt, Tipton – For celebrating their 70 th wedding anniversary. |
| 2002\563 | Phyllis Hughes, Manchester – For celebrating her 90 th birthday. |
| 2002\564 | Josephine Jochum, Alton – For celebrating her 100 th birthday. |
| 2002\565 | Simon Post, Doon – For celebrating his 90 th birthday. |
| 2002\566 | Clayton County Pheasants Forever, Elkader – For winning the 2002 National "Outstanding Chapter Award". |

- 2002\567 Arnold and Evange Kuester, Adair – For celebrating their 60th wedding anniversary.
- 2002\568 Kathryn M. Skilton, Nashua – For achieving second place in the Write Women Back Into History Essay Contest Grades 6-7.
- 2002\569 Johanna Eysink, Sully – For celebrating her 100th birthday.
- 2002\570 Berniece Maas, Amana – For celebrating her 85th birthday.
- 2002\571 Mark Meek, Bonaparte – For his 25 years of service with the United States Postal Service.
- 2002\572 Harry Eliassen, Charles City – For celebrating his 90th birthday.
- 2002\573 Elsie Seifert, Amana – For celebrating her 95th birthday.
- 2002\574 Orville and Lillian Wichmann, Homestead – For celebrating their 60th wedding anniversary.
- 2002\575 Don and Lucille Harper, Webster – For celebrating their 55th wedding anniversary.
- 2002\576 Sister Mary Benedict Phelan, Dubuque – For celebrating her 100th birthday.
- 2002\577 Marian Ressler, Clarksville – For celebrating her 90th birthday.
- 2002\578 Ashley McMahan, Keokuk – For being selected Most Valuable Player of the Southeast Conference in girls basketball.
- 2002\579 Bobbi Rose, Keokuk – For being chosen to be on the first team of the girl's basketball Southeast Conference.
- 2002\580 Kimber Tinder, Keokuk – For being chosen to be on the second team of the girl's basketball Southeast Conference.
- 2002\581 Trista Mayer, Keokuk – For being chosen to be on the second team of the girl's basketball Southeast Conference.
- 2002\582 Emily Boyd, Keokuk – For being chosen to be on the second team of the girl's basketball Southeast Conference.
- 2002\583 Amy Ames, Keokuk – For being chosen an Honorable Mention Player for the girl's basketball Southeast Conference.
- 2002\584 Sally Hakes, Keokuk – For being chosen an Honorable Mention Player for the girl's basketball Southeast Conference.
- 2002\585 Rachel Moander, Keokuk – For being chosen an Honorable Mention Player for the girl's basketball Southeast Conference.

SUBCOMMITTEE ASSIGNMENT

Senate File 2190

Labor and Industrial Relations: Horbach, Chair; Dotzler and Millage.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 710 Ways and Means

Relating to assessment of subdivided lots for purposes of property taxation and providing an applicability date.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Senate File 2116, a bill for an act relating to the preservation and enhancement of the state capitol.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2002.

Senate File 2273, a bill for an act relating to the designation of a Juneteenth National Freedom Day.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 2002

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2068), relating to assessment of certain vineyards for purposes of property taxation and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 2002.

AMENDMENTS FILED

H—8198	H.F.	2535	Cormack of Webster
H—8200	S.F.	2048	Richardson of Warren
H—8201	H.F.	2540	Elgin of Linn
H—8202	H.F.	2551	Shey of Linn
H—8203	H.F.	661	Drake of Pottawattamie Lensing of Johnson Sievers of Scott Baudler of Adair Cormack of Webster
H—8204	H.F.	2549	Carroll of Poweshiek
H—8205	H.F.	2539	Kreiman of Davis

On motion by Rants of Woodbury the House adjourned at 7:35 p.m., until 8:45 a.m., Thursday, March 7, 2002.

PROOF

STATE OF IOWA

House Journal

THURSDAY, MARCH 7, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 7, 2002

The House met pursuant to adjournment at 8:49 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by Reverend Damon Hall, pastor of Grace Baptist Church, Waverly. He was the guest of Representatives Bob Brunkhorst of Bremer County and Bill Dix of Butler County.

The Journal of Wednesday, March 6, 2002 was approved.

INTRODUCTION OF BILL

House File 2584, by committee on ways and means, 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 placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2101, by committee on judiciary, a bill for an act relating to contempt of court and monetary penalties for contempt.

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

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 and referred to committee on **commerce and regulation**

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 and referred to committee on **judiciary**.

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 and referred to committee on **education**.

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 and referred to committee on **commerce and regulation**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2144, a bill for an act providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

Also: That the Senate has on March 6, 2002, passed the following bill in which the concurrence of the House is 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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk, until his arrival, on request of Huser of Polk; Rants of Woodbury, Speaker Siegrist and Weidman of Cass on request of Gipp of Winneshiek.

SPECIAL PRESENTATION

Smith of Marshall introduced to the House Commandant Jack Dack of the Iowa Veterans Home, accompanied by several Marshall County residents.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 105

Smith of Marshall called up for consideration **House Resolution 105**, a resolution honoring Commandant Jack Dack of the Iowa Veterans Home upon his retirement, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

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, was taken up for consideration.

Kreiman of Davis moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2558)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggest
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Wilderdyke	Winckler	Wise	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 7:

Ford	Jochum	Rants	Siegrist, Spkr.
Smith	Teig	Weidman	

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

House File 2497, a bill for an act relating to charges imposed on unclaimed gift certificates, was taken up for consideration.

Raecker of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2497)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Wilderdyke	Winckler	Wise
Witt	Gipp, Presiding		

The nays were, none.

Absent or not voting, 6:

Ford	Jochum	Rants	Siegrist, Spkr.
Teig	Weidman		

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

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.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2409)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Wilderdyke	Winckler	Wise
Witt	Gipp, Presiding		

The nays were, none.

Absent or not voting, 6:

Ford	Jochum	Rants	Siegrist, Spkr.
Teig	Weidman		

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Mahaska on request of Gipp of Winneshiek.

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, was taken up for consideration.

Wise of Lee offered the following amendment H-8162 filed by him and moved its adoption:

H-8162

1 Amend House File 2571 as follows:
 2 1. Page 3, line 29, by inserting after the word
 3 "corporation." the following: "Any assets received by
 4 the trust fund from federal or private sources shall
 5 at all times be preserved, invested, and expended
 6 solely for the purposes of the trust fund and shall be
 7 held in trust as provided for in this section. No
 8 property rights in the assets received by the trust
 9 fund from federal or private sources shall exist in
 10 favor of the state."

Amendment H-8162 was adopted, placing out of order amendment H-8163 filed by Grundberg of Polk on March 4, 2002.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2571)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts

Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Wilderdyke	Winckler	Wise
Witt	Gipp, Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Jochum	Rants	Siegrist, Spkr.
Teig	Weidman		

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

SENATE MESSAGES CONSIDERED

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 and referred to committee on **judiciary**.

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 and referred to committee on **agriculture**.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2409, 2497, 2558 and 2571**.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following correction was made:

House File 2395

1. Page 13, line 17 – By changing the word "year" to "years".

MARGARET A. THOMSON
Chief Clerk of the House

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 6, 2002. Had I been present, I would have voted "nay" on House File 2217.

BAUDLER of Adair

I was necessarily absent from the House chamber on March 6, 2002. Had I been present, I would have voted "aye" on House Files 2390, 2417, 2454, 2467 and 2531.

HEATON of Henry

I was necessarily absent from the House chamber on March 6, 2002. Had I been present, I would have voted "aye" on House Files 2399, 2453, 2467, 2475, Senate Files 2141, 2145, 2207 and "nay" on House File 2217.

O'BRIEN of Boone

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\586 | August and Bertha Koster, Onawa – For celebrating their 55 th wedding anniversary. |
| 2002\587 | Ervin and Marie Kuhlmann, Charter Oak – For celebrating their 55 th wedding anniversary. |
| 2002\588 | Pinkie Galbreath, Onawa – For celebrating her 104 th birthday. |
| 2002\589 | Joe Uker, Osage – For receiving 2 nd place in the 145 lb. weight class in the Class 2-A Division of the 2002 State Wrestling Tournament. |

- 2002\590 Reed Kuper, Osage – For winning the 160 lb. weight class in the Class 2-A Division of the 2002 State Wrestling Tournament.
- 2002\591 Osage Wrestling Team and Coach Brent Jennings, Osage – For receiving 2nd place in the Class 2-A, 2002 State High School Wrestling Championship.
- 2002\592 Julia Lande, Spirit Lake – For celebrating her 90th birthday.
- 2002\593 George and Violet Weber, Estherville – For celebrating their 60th wedding anniversary.
- 2002\594 Clarence and Dorothy Henderson, Estherville – For celebrating their 65th wedding anniversary.
- 2002\595 Roland and Dorothy Chamberlain, Spencer – For celebrating their 65th wedding anniversary.
- 2002\596 Stephanie Robinson, Clio – For winning the Herbert Hoover Uncommon Student Award for revitalizing a park in her hometown of Clio, Iowa.
- 2002\597 Chester and Mary Miller, Onawa – For celebrating their 50th wedding anniversary.
- 2002\598 Robert Darner, Marshalltown – For celebrating his 80th birthday.
- 2002\599 Edward Halverson, Marshalltown – For celebrating his 80th birthday.
- 2002\600 Charlotte Hunt, Marshalltown – For celebrating her 80th birthday.
- 2002\601 Keith Lunsford, Marshalltown – For celebrating his 80th birthday.
- 2002\602 Jay Gould, Marshalltown – For celebrating his 81st birthday.
- 2002\603 Albert Macauley, Marshalltown – For celebrating his 82nd birthday.
- 2002\604 Floyd Herzog, Marshalltown – For celebrating his 82nd birthday.
- 2002\605 Helen Jones, Marshalltown – For celebrating her 82nd birthday.
- 2002\606 Jack Beehler, Marshalltown – For celebrating his 83rd birthday.
- 2002\607 Helen Fiscus, Marshalltown – For celebrating her 83rd birthday.
- 2002\608 Irene Grimes, Marshalltown – for celebrating her 85th birthday.
- 2002\609 Evelyn Klinefelter, Marshalltown – For celebrating her 85th birthday.
- 2002\610 Irene Bunting, Marshalltown – For celebrating her 86th birthday.

- 2002\611 Anthony Giarratano, Marshalltown – For celebrating his 87th birthday.
- 2002\612 Alice Hitchings, Marshallton – For celebrating her 94th birthday.
- 2002\613 Martha Judge, Marshalltown – For celebrating her 96th birthday.
- 2002\614 Ruth Bailey, Marshalltown – For celebrating her 99th birthday.
- 2002\615 Melvin Peterson, Marshalltown – For celebrating his 94th birthday.
- 2002\616 Sarah Morain, Marshalltown – For celebrating her 93rd birthday.
- 2002\617 Zelda Dankbar, Marshalltown – For celebrating her 92nd birthday.
- 2002\618 Gail Everist, Marshalltown – For celebrating her 91st birthday.
- 2002\619 Lester Biggs, Marshalltown – For celebrating his 90th birthday.
- 2002\620 Mildred Fraker, Marshalltown – For celebrating her 90th birthday.
- 2002\621 Neoma Pettingill, Marshalltown – For celebrating her 89th birthday.
- 2002\622 Christine Hill, Marshalltown – For celebrating her 88th birthday.
- 2002\623 Harold Ralf, Marshalltown – For celebrating his 87th birthday.
- 2002\624 James Cagwin, Marshalltown – For celebrating his 88th birthday.
- 2002\625 Fern Johnson, Marshalltown – For celebrating his 87th birthday.
- 2002\626 Jeanette Allison, Marshalltown – For celebrating her 86th birthday.
- 2002\627 Donald Shrader, Marshalltown – For celebrating his 85th birthday.
- 2002\628 Ruth Kelley, Marshalltown – For celebrating her 85th birthday.
- 2002\629 Olga Menter, Marshalltown – For celebrating her 83rd birthday.
- 2002\630 Iver Gooding, Marshalltown – For celebrating his 84th birthday.
- 2002\631 Doris Cullor, Marshalltown – For celebrating her 81st birthday.
- 2002\632 William Huber, Marshalltown – For celebrating his 80th birthday.
- 2002\633 Rose Zednichek, Marshalltown – For celebrating her 85th birthday.
- 2002\634 Pearl Larson Blair, Marshalltown – For celebrating her 80th birthday.
- 2002\635 Bernice Ceaser, Marshalltown – For celebrating her 85th birthday.

- 2002\636 Wayne and Norma Richard, Estherville – For celebrating their 50th wedding anniversary.
- 2002\637 Virgil and Helen Bonner, Estherville – For celebrating their 50th wedding anniversary.
- 2002\638 Pearl Fry, Estherville – For celebrating her 80th birthday.
- 2002\639 South Tama High School Wrestlers, Tama – For being the Class 2-A Team Dual State Champions.

SUBCOMMITTEE ASSIGNMENTS

House File 2480

Ways and Means: Sievers, Chair; Hahn and Richardson.

House File 2583

Appropriations: Millage, Chair; Brunkhorst and Warnstadt.

Senate File 2107

Commerce and Regulation: Kettering, Chair; Johnson and Osterhaus.

Senate File 2118

Human Resources: Boddicker, Chair; Carroll, Hoversten, Kreiman and Smith.

Senate File 2169

Natural Resources: Baudler, Chair; Huseman and O'Brien.

Senate File 2272

Judiciary: Broers, Chair; Mertz and Wilderdyke.

Senate File 2279

Commerce and Regulation: Hoffman, Chair; Schrader and Van Fossen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 707

Ways and Means: Sievers, Chair; Finch, Hoversten, Osterhaus and Winckler.

House Study Bill 708

Ways and Means: Eichhorn, Chair; Richardson and Tymeson.

House Study Bill 709

Ways and Means: Eichhorn, Chair; Frevert and Larson.

House Study Bill 710

Ways and Means: Boal, Chair; Fallon and Tymeson.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON COMMERCE AND REGULATION

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8210** March 7, 2002.

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.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 2002.

COMMITTEE ON EDUCATION

Senate File 348, a bill for an act relating to the establishment of Iowa charter schools and providing for a conditional effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8206** March 6, 2002.

COMMITTEE ON HUMAN RESOURCES

Senate File 2179, a bill for an act relating to female genital mutilation, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 2002.

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.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 2002.

Senate File 2231, a bill for an act providing for hospital access to abuse registries for purposes of employment checks.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 2002.

RESOLUTIONS FILED

HCR 119, by Wilderdyke, a concurrent resolution requesting the Supreme Court to direct the Iowa Court Improvement Project to review and develop options to improve performance of guardian ad litem duties.

Laid over under **Rule 25**.

HCR 120, by Warnstadt, a concurrent resolution requesting the legislative council to create an interim committee to review licensure, certification, accreditation, and claim processes relating to health care personnel, health facilities, and health care services.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8206	S.F.	348	Committee on Education
H—8207	H.F.	2393	Chiodo of Polk
H—8208	H.F.	2540	Elgin of Linn
H—8209	H.F.	2582	Murphy of Dubuque
H—8210	S.F.	429	Committee on Commerce and Regulation
H—8211	H.F.	2515	Cohon of Des Moines

H—8212	H.F.	2459	Alons of Sioux Klemme of Plymouth
H—8213	H.F.	2515	Cohon of Des Moines

On motion by Jacobs of Polk the House adjourned at 9:46 a.m., until 9:00 a.m., Friday, March 8, 2002.

PROOF

STATE OF IOWA

House Journal

FRIDAY, MARCH 8, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 8, 2002

The House met pursuant to adjournment at 9:00 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Gene Manternach, state representative from Jones County.

The Journal of Thursday, March 7, 2002 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2139, a bill for an act to increase the maximum amount of a vocational-technical tuition grant.

Also: That the Senate has on March 6, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2106, a bill for an act establishing covenant marriages and providing an effective date.

Also: That the Senate has on March 7, 2002, passed the following bill in which the concurrence of the House is 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 anticompetition provisions, increasing a standing appropriation, providing criminal penalties for violations, and providing effective dates.

Also: That the Senate has on March 7, 2002, passed the following bill in which the concurrence of the House is 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 Senate has on March 7, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2286, a bill for an act relating to the civil commitment of sexually violent predators.

MICHAEL E. MARSHALL, Secretary

SUBCOMMITTEE ASSIGNMENTS

Senate File 225

Judiciary: Shey, Chair; Millage and Tremmel.

Senate File 241 Reassigned

Judiciary: Shey, Chair; Jochum and Wilderdyke.

Senate File 415 Reassigned

Judiciary: Eichhorn, Chair; Broers and Kreiman.

Senate File 494 Reassigned

Judiciary: Eichhorn, Chair; Kreiman and Millage.

Senate File 2101

Judiciary: Eichhorn, Chair; Kreiman and Shey.

Senate File 2146

Judiciary: Millage, Chair; Bell and Sukup.

Senate File 2197

Judiciary: Tremmel, Chair; Eichhorn and Shey.

Senate File 2288

Judiciary: Shey, Chair; Eichhorn and Tremmel.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

Senate File 2160, a bill for an act relating to the dry fire hydrant and rural water supply education and demonstration project.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 2002.

COMMITTEE ON JUDICIARY

Senate File 2201, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 2002.

AMENDMENTS FILED

H—8214	H.F.	2456	Cohoon of Des Moines
H—8215	H.F.	2515	Brunkhorst of Bremer Cohoon of Des Moines
H—8216	H.F.	2090	Richardson of Warren
H—8217	H.F.	2090	Richardson of Warren
H—8218	H.F.	2090	Richardson of Warren
H—8219	S.F.	2048	Richardson of Warren
H—8220	S.F.	2048	Richardson of Warren
H—8221	H.F.	2090	Richardson of Warren
H—8222	S.F.	2048	Dotzler of Black Hawk
			T. Taylor of Linn
			Connors of Polk
			Ford of Polk
			Myers of Johnson
			Murphy of Dubuque
			Smith of Marshall
			Winckler of Scott
			Shoultz of Black Hawk
			Foege of Linn

H—8223	H.F.	2090	Dotzler of Black Hawk
	T. Taylor of Linn		Connors of Polk
	Ford of Polk		Myers of Johnson
	Murphy of Dubuque		Smith of Marshall
	Winckler of Scott		Shoultz of Black Hawk
	Foege of Linn		

On motion by Hansen of Pottawattamie the House adjourned at 9:05 a.m., until 1:00 p.m., Monday, March 11, 2002.

PROOF

STATE OF IOWA

House Journal

MONDAY, MARCH 11, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 11, 2002

The House met pursuant to adjournment at 1:02 p.m., Speaker Siegrist in the chair.

Prayer was offered by the Honorable Bob Osterhaus, state representative from Jackson County.

The Journal of Friday, March 8, 2002 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by fifth grade students from Fisher Elementary School in Marshalltown. They were the guests of Representative Mark Smith of Marshall County. The "Star Spangled Banner" was sung by Joni Carroll. She is the daughter of Representative Danny Carroll of Poweshiek County.

SENATE MESSAGES CONSIDERED

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 and referred to committee on **state government**.

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 and referred to committee on **judiciary**

Senate File 2286, by committee on judiciary, a bill for an act relating to the civil commitment of sexually violent predators, and providing an effective date.

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

SPECIAL PRESENTATION

In celebration of “March Women Back Into History Month” the following representatives sang “Bread and Roses” with a brief explanation regarding women’s suffrage by the Honorable Pam Jochum, state representative from Dubuque County:

Atteberry of Delaware, Bukta of Clinton, Garman of Story, Greimann of Story, Lensing of Johnson, Mascher of Johnson, Mertz of Kossuth, Petersen of Polk, Reeder of Fayette, Reynolds of Van Buren and Winckler of Scott.

On motion by Rants of Woodbury, the House was recessed at 1:16 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:34 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tyrrell of Iowa on request of Rants of Woodbury.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-three members present, thirty-seven absent.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 374, a bill for an act relating to the qualifications and authorization of therapeutically certified optometrists engaged in the practice of optometry, with report of committee recommending amendment and passage, was taken up for consideration.

The House stood at ease at 3:39 p.m., until the fall of the gavel.

The House resumed session at 4:53 p.m., Carroll of Poweshiek in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rayhons of Hancock on request of Rants of Woodbury.

Gipp of Winneshiek in the chair at 4:57 p.m.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

The House resumed consideration of Senate File 374.

Boddicker of Cedar offered the following amendment H-8066 filed by the committee on human resources and moved its adoption:

H-8066

- 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".

The committee amendment H-8066 was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 374)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Gipp, Presiding

The nays were, 2:

Metcalf Witt

Absent or not voting, 6:

De Boef	Rayhons	Sukup	Teig
Tyrrell	Wilderdyke		

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

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.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2281)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boguess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tyemeson
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Gipp, Presiding

The nays were, 2:

Garman	Hoversten
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Absent or not voting, 6:

De Boef	Rayhons	Sukup	Teig
Tyrrell	Wilderdyke		

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

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, was taken up for consideration.

Kreiman of Davis offered the following amendment H-8129 filed by him and Baudler of Adair and moved its adoption:

H-8129

- 1 Amend House File 2496 as follows:
- 2 1. Page 1, line 5, by striking the words "a
- 3 controlled" and inserting the following: "an illegal
- 4 controlled".
- 5 2. Page 1, line 10, by striking the words "a
- 6 controlled" and inserting the following: "an illegal
- 7 controlled".
- 8 3. Page 1, line 23, by striking the words "a
- 9 controlled" and inserting the following: "an illegal
- 10 controlled".
- 11 4. Title page, line 2, by inserting after the
- 12 word "transporting" the following: "illegal".

Amendment H-8129 was adopted.

Baudler of Adair moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2496)

The ayes were, 90:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Ford
Frevert	Garman	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme

Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Siegrist, Spkr.
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Winckler
Wise	Gipp, Presiding		

The nays were, 4:

Fallon	Mascher	Shoultz	Witt
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Absent or not voting, 6:

De Boef	Rayhons	Sukup	Teig
Tyrrell	Wildurdyke		

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

House File 2534, a bill for an act relating to the rendering of disaster and emergency care by physician assistants, was taken up for consideration.

Tymeson of Madison offered the following amendment H-8131 filed by her and moved its adoption:

H-8131

1 Amend House File 2534 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 147A.10, Code 2001, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 4. A physician, physician's
 7 designee, advanced registered nurse practitioner, or
 8 physician assistant who voluntarily and gratuitously,
 9 and other than in the ordinary course of employment or
 10 practice, responds to a need for medical care created
 11 by an emergency or a state or local disaster, is not
 12 subject to criminal liability by reason of having
 13 issued or executed the orders for such care that the
 14 physician, physician's designee, advanced registered
 15 nurse practitioner, or physician assistant is
 16 authorized to provide, and is not liable for civil

- 17 damages for acts or omissions relating to the issuance
 18 or execution of the orders unless the acts or
 19 omissions constitute recklessness."
 20 2. Page 1, line 19, by striking the letter "a."
 21 3. By striking page 1, line 33 through page 2,
 22 line 10.
 23 4. Title page, line 2, by striking the words "by
 24 physician assistants".
 25 5. By renumbering as necessary.

Amendment H-8131 was adopted.

Tymeson of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2534)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Murphy
Millage	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Gipp,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

De Boef	Rayhons	Sukup	Teig
Tyrrell	Wilderdyke		

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

House File 2494, a bill for an act authorizing the district court to enter judgment based upon the parties' stipulated agreement in civil actions, was taken up for consideration.

Speaker Siegrist in the chair at 5:48 p.m.

Eichhorn of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2494)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Cormack	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Connors	De Boef	Rayhons	Sukup
Teig	Tyrrell	Wilderdyke	

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

House File 2530, a bill for an act providing for the control of pseudorabies, and making penalties applicable, was taken up for consideration.

Manternach of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2530)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Cormack	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Connors	De Boef	Rayhons	Sukup
Teig	Tyrrell	Wilderdyke	

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

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, was taken up for consideration.

Tremmel of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2495)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Cormack	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Connors	De Boef	Rayhons	Sukup
Teig	Tyrrell	Wilderdyke	

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

SENATE FILE 2146 PASSED ON FILE

The Speaker announced that Senate File 2146, previously referred to committee on **judiciary** was **passed on file**.

House File 2560, a bill for an act creating criminal offenses and modifying criminal penalties for acts of terrorism by creating the offenses of soliciting or providing material support or resources for acts of terrorism, by creating the offense of threat of terrorism, by creating the offense of obstruction of terrorism prosecution, and by providing for life imprisonment for certain acts of terrorism, was taken up for consideration.

RULE 31.8 SUSPENDED

Millage of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8227.

Millage of Scott offered the following amendment H-8227 filed by him from the floor and moved its adoption:

H-8227

- 1 Amend House File 2560 as follows:
- 2 1. Page 1 by striking lines 1 through 30.
- 3 2. Page 1, by striking line 31 and inserting the
- 4 following:
- 5 "DIVISION I"
- 6 3. Page 2, line 4, by inserting after the word
- 7 "means" the following: "knowingly".
- 8 4. Page 2, line 9, by inserting after the word
- 9 "materials" the following: ", for the purpose of
- 10 assisting a person in the commission of an act of
- 11 terrorism".
- 12 5. Page 2, by striking lines 30 and 31.

- 13 6. Page 2, lines 34 and 35, by striking the words
 14 "or to affect the conduct of a unit of government" and
 15 inserting the following: "by shooting, throwing,
 16 launching, discharging, or otherwise using a dangerous
 17 weapon at, into, or in a building, vehicle, airplane,
 18 railroad engine, railroad car, or boat, occupied by
 19 another person, or within an assembly of people".
 20 7. Page 4, by striking line 6 and inserting the
 21 following:
 22 "DIVISION II"
 23 8. Page 4, line 10, by striking the letter "'C'"
 24 and inserting the following: "'C" "B"
 25 9. Page 4, line 19, by striking the letter "'D'"
 26 and inserting the following: "'D" "C"
 27 10. Title page, by striking lines 1 through 7 and
 28 inserting the following: "An Act establishing
 29 criminal offenses for acts of terrorism, changing
 30 related penalties, and providing a penalty."
 31 11. By renumbering as necessary.

Amendment H-8227 was adopted.

SENATE FILE 2146 SUBSTITUTED FOR HOUSE FILE 2560

Millage of Scott asked and received unanimous consent to substitute Senate File 2146 for House File 2560.

Senate File 2146, a bill for an act establishing a criminal offense for acts of terrorism, changing related criminal penalties, and providing a penalty, was taken up for consideration.

RULE 31.8 SUSPENDED

Millage of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8231.

Millage of Scott offered the following amendment H-8231 filed by him from the floor and moved its adoption:

H-8231

- 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"".

Amendment H-8231 was adopted.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2146)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Taylor, D.	Taylor, T	Tremmel
Tymeson	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, 1:

Fallon

Absent or not voting, 6:

De Boef
Tyrrell

Rayhons
Wilderdyke

Sukup

Teig

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

HOUSE FILE 2560 WITHDRAWN

Millage of Scott asked and received unanimous consent to withdraw House File 2560 from further consideration by the House.

House File 2516, a bill for an act relating to the daily observance of a minute of silence in a school district, was taken up for consideration.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-8093 filed by Rayhons of Hancock on February 26, 2002.

Lensing of Johnson asked and received unanimous consent to withdraw amendment H-8108 filed by her on February 27, 2002.

Cormack of Webster offered amendment H-8132 filed by him and Sukup of Franklin as follows:

H-8132

1 Amend House File 2516 as follows:

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

4 "Sec. 101. NEW SECTION. 279.60 DISPLAY OF UNITED
5 STATES FLAG IN CLASSROOMS.

6 In addition to the requirements of section 280.5,
7 the board of directors of each school district shall
8 cause a United States flag in good condition to be
9 displayed during school hours in each public school
10 classroom in the district. The size of the flag shall
11 be not less than two feet by three feet."

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

14 "Sec.____. STATE MANDATE FUNDING SPECIFIED. In

15 accordance with section 25B.2, subsection 3, the state
 16 cost of requiring compliance with any state mandate
 17 included in this Act shall be paid by a school
 18 district from state school foundation aid received by
 19 the school district under section 257.16. This
 20 specification of the payment of the state cost shall
 21 be deemed to meet all the state funding-related
 22 requirements of section 25B.2, subsection 3, and no
 23 additional state funding shall be necessary for the
 24 full implementation of this Act by and enforcement of
 25 this Act against all affected school districts.
 26 Sec. __. EFFECTIVE DATE. Section 101 of this Act
 27 takes effect July 1, 2003."
 28 3. Title page, line 1, by inserting after the
 29 words "relating to" the following: "the display of a
 30 United States flag in each classroom during school
 31 hours and".
 32 4. Title page, line 2, by inserting after the
 33 word "district" the following: ", and providing an
 34 effective date".

Grundberg of Polk offered the following amendment H-8230, to amendment H-8132, filed by her from the floor and moved its adoption:

H-8230

1 Amend the amendment, H-8132, to House File 2516, as
 2 follows:
 3 1. Page 1, by striking lines 10 and 11 and
 4 inserting the following: "classroom in the
 5 district.""

Amendment H-8230 was adopted.

Division of amendment H-8132 was requested as follows:

Lines 2 through 11, Division A.
 Lines 12 through 27, Division B.
 Lines 28 through 34 Division A.

Rants of Woodbury asked and received unanimous consent that House File 2516 be temporarily deferred (Amendment H-8132A, as amended, and Division B, pending)

INTRODUCTION OF BILL

House File 2585, by committee on ways and means, 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 the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2106, a bill for an act relating to marriage including premarital education marriage license fees.

Read first time and referred to committee on **human resources**.

House File 2482, a bill for an act expanding the board of educational examiners' authority with regard to licensee disciplinary investigations and proceedings, was taken up for consideration.

Tymeson of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2482)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien

Osterhaus	Petersen	Quirk	Rants
Reeder	Rekow	Reynolds	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Mr. Speake
			Siegrist

The nays were, none.

Absent or not voting, 8:

De Boef	Raecker	Rayhons	Richardson
Sukup	Teig	Tyrrell	Wilderdyke

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk on request of Rants of Woodbury.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2281, 2482, 2494, 2495, 2496, 2530, 2534, Senate Files 374 and 2146.**

The House resumed consideration of House File 2516, amendment H-8132 Division A, as amended, and Division B.

Cormack of Webster asked and received unanimous consent that amendment H-8132A, as amended, be deferred.

Cormack of Webster asked and received unanimous consent to withdraw amendment H-8132B.

Huser of Polk offered amendment H-8236, to amendment H-8132A, filed by her from the floor and requested division as follows:

H-8236

- 1 Amend the amendment, H-8132, to House File 2516, as
- 2 follows:

H-8236A

- 3 1. Page 1, line 7, by striking the word "shall"
- 4 and inserting the following: "may".

H-8236B

- 5 2. Page 1, line 8, by inserting before the word
- 6 "United" the following: "American-made".

On motion by Mascher of Johnson, amendment H-8236A lost.

On motion by Huser of Polk, amendment H-8236B was adopted.

On motion by Cormack of Webster amendment H-8132A, previously deferred, as amended, was adopted.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2516)

The ayes were, 73:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Carroll	Chiodo	Cohoon	Connors
Cormack	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Ford	Frevert	Garman	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Manternach
May	Mertz	Millage	O'Brien
Quirk	Rants	Reeder	Rekow
Roberts	Seng	Shey	Sievers
Smith	Stevens	Sukup	Taylor, D.
Tremmel	Tymeson	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Mr. Speaker			
Siegrist			

The nays were, 19:

Bukta	Dotzler	Fallon	Greimann
Hatch	Jochum	Lensing	Mascher
Metcalf	Murphy	Myers	Osterhaus
Petersen	Reynolds	Scherrman	Schrader
Shoultz	Taylor, T.	Witt	

Absent or not voting, 8:

De Boef	Foege	Raecker	Rayhons
Richardson	Teig	Tyrrell	Wildurdyke

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2516** be immediately messaged to the Senate.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 11th day of March, 2002: House Files 2112, 2340, 2345 and 2492.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-four government students from Graceland University, Lamoni, accompanied by Bill Russell. By Dolecheck of Ringgold.

Eighty-seven third grade students from Lincoln and Bryant Schools, Boone. By O'Brien of Boone.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
Office of Renewable Fuels and Co-Products

The Fiscal Year 2002 Semi-Annual Report, pursuant to Chapter 159A, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2002\640 | Tim Devine, Fort Madison/Aquinas High School – For being named a State of Iowa Scholar. |
| 2002\641 | Caton Waters, Fort Madison High School – For being named a State of Iowa Scholar. |
| 2002\642 | Kara Vande Krol, Fort Madison High School – For being named a State of Iowa Scholar. |
| 2002\643 | Michael Thompson, Fort Madison High School – For being named a State of Iowa Scholar. |
| 2002\644 | Jennifer Montgomery, Fort Madison High School – For being named a State of Iowa Scholar. |
| 2002\645 | Heather Kessler, Fort Madison High School – For being named a State of Iowa Scholar. |
| 2002\646 | Sarah Jordan, Fort Madison High School – For being named a State of Iowa Scholar. |
| 2002\647 | Kristan Hellige, Fort Madison High School – For being named a State of Iowa Scholar. |
| 2002\648 | Katherine Harvey, Fort Madison High School – For being named a State of Iowa Scholar. |
| 2002\649 | Abby Garner, Fort Madison High School – For being named a State of Iowa Scholar. |

- 2002\650 Dana Denning, Fort Madison High School – For being named a State of Iowa Scholar.
- 2002\651 Espnola Cartmill, Fort Madison High School – For being named a State of Iowa Scholar.
- 2002\652 Emily Schwartz, Central Lee High School – For being named a State of Iowa Scholar.
- 2002\653 Cory Johnson, Central Lee High School – For being named a State of Iowa Scholar.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2144

Judiciary: Raecker, Chair; Kreiman and Shey.

Senate File 2309

Agriculture: Manternach, Chair; Boggess, Frevert, Johnson and Kreiman.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 711 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.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2006), 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.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2002.

Committee Bill (Formerly House Study Bill 707), allowing a tax credit for equity investments in venture capital funds and including an effective and retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2002.

RESOLUTION FILED

HR 112, by Lensing, Myers, Mascher, and Foege, a resolution recognizing the success of the University of Iowa Dance Marathon.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8224	H.F.	2515	Brunkhorst of Bremer
H—8225	H.F.	2515	Gipp of Winneshiek
H—8226	H.F.	2541	Eichhorn of Hamilton
H—8228	H.F.	2430	Carroll of Poweshiek
H—8229	H.F.	2509	Shey of Linn
H—8232	H.F.	2547	Roberts of Carroll
H—8233	H.F.	2518	Heaton of Henry Grundberg of Polk
H—8234	H.F.	2549	Wise of Lee Carroll of Poweshiek Grundberg of Polk
H—8235	H.F.	2565	Kettering of Sac
H—8237	H.F.	2549	Carroll of Poweshiek
H—8238	H.F.	2430	Carroll of Poweshiek
H—8239	H.F.	2549	Carroll of Poweshiek
H—8240	H.F.	2501	Kreiman of Davis
H—8241	H.F.	2502	Tremmel of Wapello
H—8242	H.F.	2546	Tremmel of Wapello
H—8243	H.F.	2555	Ford of Polk
H—8244	H.F.	2555	Tremmel of Wapello
H—8245	H.F.	2564	Tremmel of Wapello
H—8246	H.F.	2436	Petersen of Polk
H—8247	H.F.	2553	Baudler of Adair

On motion by Rants of Woodbury the House adjourned at 7:39 p.m., until 8:45 a.m., Tuesday, March 12, 2002.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 12, 2002

The House met pursuant to adjournment at 8:49 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Peter E. Mueller, pastor of the Harvest Community Church, Ankeny. He was the guest of Representative Carmine Boal of Polk County.

The Journal of Monday, March 11, 2002 was approved.

INTRODUCTION OF BILL

House File 2586, by committee on ways and means, 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 placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 2002, passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on March 11, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2475, a bill for an act providing for the establishment and perfection of a security interest in certain education loans.

Also: That the Senate has on March 11, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on March 11, 2002, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 11, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on March 11, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2212, a bill for an act relating to secured transactions, by providing for landlord liens.

Also: That the Senate has on March 11, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2267, a bill for an act relating to reorganizing judicial districts and judicial election districts.

Also: That the Senate has on March 11, 2002, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 11, 2002, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 11, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2299, a bill for an act relating to the review by the ethics and campaign disclosure board of county supervisor redistricting plans.

Also: That the Senate has on March 11, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2301, a bill for an act relating to representation of indigent persons and the duties of the state public defender.

Also: That the Senate has on March 11, 2002, passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2212, by committee on commerce, a bill for an act relating to secured transactions, by providing for landlord liens.

Read first time and **passed on file**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chiodo of Polk and Ford of Polk on request of Kreiman of Davis; Tyrrell of Iowa on request of Rants of Woodbury.

CONSIDERATION OF BILLS Regular Calendar

House File 2488, a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act, was taken up for consideration.

Broers of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2488)

The ayes were, 90:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Cohon	Connors	Cormack

De Boef	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Fallon	Finch
Foege	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jenkins
Jochum	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Richardson	Roberts
Scherrman	Schrader	Seng	Sheny
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 10:

Carroll	Chiodo	Dix	Elgin
Ford	Jacobs	Johnson	Reynolds
Teig	Tyrrell		

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

House File 2461, a bill for an act relating to secured transactions, by providing for landlord liens, was taken up for consideration.

SENATE FILE 2212 SUBSTITUTED FOR HOUSE FILE 2461

Sievers of Scott asked and received unanimous consent to substitute Senate File 2212 for House File 2461.

Senate File 2212, a bill for an act relating to secured transactions, by providing for landlord liens, was taken up for consideration.

Sievers of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2212)

The ayes were, 91:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Cohoon	Connors	Cormack
De Boef	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Foege	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jenkins	Jochum	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, none.

Absent or not voting, 9:

Carroll	Chiodo	Dix	Ford
Jacobs	Johnson	Reynolds	Teig
Tyrrell			

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

SENATE MESSAGES CONSIDERED

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 and referred to committee on **education**.

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 and referred to committee on **labor and industrial relations**.

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 and referred to committee on **human resources**.

Senate File 2267, by committee on judiciary, a bill for an act relating to reorganizing judicial districts and judicial election districts.

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

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 and referred to committee on **judiciary**.

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 and referred to committee on **economic development**.

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 and referred to committee on **state government**.

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 and referred to committee on **judiciary**.

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 and referred to committee on **ways and means**.

HOUSE FILE 2461 WITHDRAWN

Sievers of Scott asked and received unanimous consent to withdraw House File 2461 from further consideration by the House.

House File 2559, a bill for an act relating to child protection confidentiality requirements involving the department of human services, was taken up for consideration.

Horbach of Tama in the chair at 9:10 a.m.

Hansen of Pottawattamie in the chair at 9:15 a.m.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2559)

The ayes were, 72:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Connors	Cormack
De Boef	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Garman	Gipp	Grundberg
Hahn	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins

Jones	Kettering	Klemme	Kreiman
Larson	Manternach	May	Mertz
Metcalf	Millage	Murphy	O'Brien
Osterhaus	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Richardson
Roberts	Seng	Shey	Siegrist, Spkr.
Sievers	Stevens	Sukup	Tremmel
Tymeson	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Witt	Hansen, Presiding

The nays were, 21:

Cohoon	Foege	Frevert	Greimann
Hatch	Huser	Jochum	Kuhn
Larkin	Lensing	Mascher	Myers
Petersen	Scherrman	Schrader	Shoultz
Smith	Taylor, D.	Taylor, T.	Winckler
Wise			

Absent or not voting, 7:

Brauns	Dix	Ford	Johnson
Reynolds	Teig	Tyrrell	

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2488, 2559** and **Senate File 2212**.

On motion by Rants of Woodbury, the House was recessed at 9:30 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:02 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sukup of Franklin on request of Rants of Woodbury.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

The House stood at ease at 4:10 p.m., until the fall of the gavel.

The House resumed session at 5:40 p.m., Speaker Siegrist in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brauns of Muscatine and Hoffman of Crawford on request of Gipp of Winneshiek; Schrader of Marion on request of T. Taylor of Linn.

CONSIDERATION OF BILLS

Regular Calendar

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, was taken up for consideration.

Tremmel of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2506)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta

Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdylke	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brauns	Hoffman	Schrader	Sukup
Teig	Witt		

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

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 passage, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-8238 filed by him and moved its adoption:

H-8238

- 1 Amend House File 2430 as follows:
- 2 1. By striking page 1, line 1 through page 2,
- 3 line 25 and inserting the following:
- 4 "Section 1. Section 225C.5, subsection 1, Code
- 5 2001, is amended to read as follows:

6 1. A mental health and developmental disabilities
7 commission is created as the state policy-making body
8 for the provision of services to persons with mental
9 illness, mental retardation or other developmental
10 disabilities, or brain injury. The commission shall
11 consist of ~~fifteen~~ sixteen voting members appointed to
12 three-year staggered terms by the governor and subject
13 to confirmation by the senate. Commission members
14 shall be appointed on the basis of interest and
15 experience in the fields of mental health, mental
16 retardation or other developmental disabilities, and
17 brain injury, in a manner ~~so that, if possible, the~~
18 ~~composition of the commission will comply with the~~
19 ~~requirements of the Community Mental Health Centers~~
20 ~~Amendments of 1975, 42 U.S.C. § 2689t(a) (1976)~~
21 ~~relative to a state mental health advisory council,~~
22 ~~and so as to ensure adequate representation from~~
23 persons with disabilities and individuals
24 knowledgeable concerning disability services. The
25 department shall provide staff support to the
26 commission, and the commission may utilize staff
27 support and other assistance provided to the
28 commission by other persons. Members of the
29 commission shall include the following persons who, at
30 the time of appointment to the commission, are active
31 members of the indicated groups:

32 a. ~~Four~~ Three members shall be members of a county
33 board of supervisors selected from nominees submitted
34 by the county supervisor affiliate of the Iowa state
35 association of counties.

36 b. Two members shall be ~~members of a mental health~~
37 ~~and developmental disabilities regional planning~~
38 ~~council~~ selected from nominees submitted by the
39 director.

40 c. One member shall be ~~either an active board~~
41 ~~member of a community mental health center or of a~~
42 ~~statewide association of persons with mental illness~~
43 ~~or of family members of persons with mental illness.~~

44 d. One member shall be ~~either an active board~~
45 ~~member of an agency serving persons with mental~~
46 ~~retardation or of a statewide association for persons~~
47 ~~with mental retardation~~ a developmental disability
48 selected from nominees submitted by the association of
49 community providers.

50 e. One member shall be ~~an active member of a~~

Page 2

1 ~~statewide organization for persons with a board member~~
2 ~~or employee of a provider of mental health or~~
3 ~~developmental disabilities other than mental~~
4 ~~retardation~~ services to children.

5 ~~f. One member shall be an active member of a~~
6 ~~statewide organization for persons with brain injury.~~
7 ~~f. Two members shall be administrators of the~~
8 ~~single entry point process established in accordance~~
9 ~~with section 331.440 selected from nominees submitted~~
10 ~~by the community services affiliate of the Iowa state~~
11 ~~association of counties.~~
12 ~~g. One member shall be selected from nominees~~
13 ~~submitted by the state's council of the association of~~
14 ~~federal, state, county, and municipal employees.~~
15 ~~h. Three members shall be service consumers or~~
16 ~~family members of service consumers with at least one~~
17 ~~member who is a parent of a child service consumer.~~
18 ~~i. Two members shall be selected from nominees~~
19 ~~submitted by service advocates.~~
20 ~~j. In addition to the voting members, the~~
21 ~~membership shall include four members of the general~~
22 ~~assembly with one member designated by each of the~~
23 ~~following: the majority leader of the senate, the~~
24 ~~minority leader of the senate, the speaker of the~~
25 ~~house of representatives, and the minority leader of~~
26 ~~the house of representatives. A legislative member~~
27 ~~serves in an ex officio, nonvoting capacity and is~~
28 ~~eligible for per diem and expenses as provided in~~
29 ~~section 2.10.~~
30 ~~Sec. __. Section 225C.6, subsection 1, Code~~
31 ~~Supplement 2001, is amended by adding the following~~
32 ~~new paragraph:~~
33 ~~NEW PARAGRAPH. q. Perform analyses and other~~
34 ~~functions associated with a redesign of the mental~~
35 ~~health and developmental disability services systems~~
36 ~~for adults and for children."~~
37 2. Page 4, by striking lines 1 through 4 and
38 inserting the following: "department's actions under
39 this subsection. The department shall consult with
40 the ~~state-county management committee mental health~~
41 ~~and developmental disabilities commission~~ in adopting
42 rules for oversight of facilities".
43 3. Page 9, line 10, by striking the words "The
44 basis for determining whether a" and inserting the
45 following: "The basis for determining whether a Δ ".
46 4. Page 9, by striking lines 11 through 13 and
47 inserting the following: "mental health proposed by a
48 county is comparable to a mental health managed care
49 contractor approved by the department of human
50 services shall include but is not limited to all of

Page 3

1 the".
2 5. Page 9, by striking lines 29 and 30 and
3 inserting the following: "county managed system of

4 care and the state-approved managed care contract or
5 contracts shall be specified in rules developed by".

6 6. Page 11, line 17, by striking the words "or
7 employed by a service provider".

8 7. Page 12, line 16, by inserting after the word
9 "occur." the following: "The initial term of one of
10 the members appointed during the fiscal year beginning
11 July 1, 2002, shall be two years."

12 8. By renumbering as necessary.

Amendment H-8238 was adopted, placing out of order amendment H-8228 filed by Carroll of Poweshiek on March 11, 2002.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2430)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wildurdyke	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brauns	Hoffman	Schrader	Sukup
Teig	Witt		

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

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, was taken up for consideration.

Kettering of Sac offered the following amendment H-8235 filed by him and moved its adoption:

H-8235

- 1 Amend House File 2565 as follows:
- 2 1. Page 5, line 9, by inserting after the word
- 3 "Act" the following: "by contract sellers who entered
- 4 into four or more residential real estate installment
- 5 sales contracts in the three hundred sixty-five days
- 6 previous to a contract entered into on or after the
- 7 effective date of this Act".

Amendment H-8235 was adopted.

Kettering of Sac moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2565)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen

Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, none.

Absent or not voting, 5:

Brauns	Hoffman	Schrader	Sukup
Teig			

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2430, 2506 and 2565.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on March 12, 2002, passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 12, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2141, a bill for an act authorizing sheriffs to appoint civil process servers.

Also: That the Senate has on March 12, 2002, passed the following bill in which the concurrence of the House is 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 Senate has on March 12, 2002, passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

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, was taken up for consideration.

Heaton of Henry offered the following amendment H-8233 filed by him and Grundberg of Polk and moved its adoption:

H-8233

1 Amend House File 2518 as follows:

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

4 "Section 1. Section 237.3, subsection 2, paragraph
5 f, unnumbered paragraph 1, Code Supplement 2001, is
6 amended to read as follows:

7 Housing, health, safety, and medical care policies
8 for children receiving child foster care. The medical
9 care policies shall include but are not limited to
10 ~~both~~ all of the following:

11 Sec. 2. Section 237.3, subsection 2, paragraph f,
12 Code Supplement 2001, is amended by adding the
13 following new subparagraph as subparagraph (1) and
14 renumbering the existing subparagraphs:

15 NEW SUBPARAGRAPH. (1) Provision by the department
16 to the foster care provider at or before the time of a
17 child's placement of the child's health records and

18 any other information possessed or known about the
 19 health of the child or about a member of the child's
 20 family that pertains to the child's health."
 21 2. By renumbering as necessary.

Amendment H-8233 was adopted.

Carroll of Poweshiek offered the following amendment H-8130
 filed by him and moved its adoption:

H-8130

1 Amend House File 2518 as follows:
 2 1. Page 1, by striking lines 29 through 31, and
 3 inserting the following: "also complete six hours of
 4 foster parent training. The training shall".

Amendment H-8130 was adopted.

Carroll of Poweshiek moved that the bill be read a last time now
 and placed upon its passage which motion prevailed and the bill was
 read a last time.

On the question "Shall the bill pass?" (H.F. 2518)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson

Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 1:

Kreiman

Absent or not voting, 5:

Brauns	Hoffman	Schrader	Sukup
Teig			

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

House File 2507, a bill for an act creating a criminal offense for possession or distribution of anthrax, and providing a penalty, was taken up for consideration.

Shey of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2507)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens

Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 1:

Fallon

Absent or not voting, 5:

Brauns	Hoffman	Schrader	Sukup
Teig			

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

Gipp of Winneshiek in the chair at 6:29 p.m.

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, was taken up for consideration.

Baudler of Adair offered the following amendment H-8247 filed by him and moved its adoption:

H-8247

1 Amend House File 2553 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 901.5, Code Supplement 2001,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 14. If the court defers judgment
 7 or sentence or suspends the sentence, the court may
 8 order as a condition of probation that the defendant
 9 be subjected to searches under the same circumstances
 10 and procedures that apply to parolees under section
 11 906.4."
 12 2. Page 1, lines 4 and 5, by striking the words
 13 "A person may voluntarily agree to" and inserting the
 14 following: "The board as".
 15 3. Page 1, lines 5 and 6, by striking the words
 16 "that requires the person to" and inserting the
 17 following: "may require a person".
 18 4. Page 1, line 9, by striking the words "officer
 19 as a condition of parole or work release" and

- 20 inserting the following: "officer".
 21 5. By renumbering as necessary.

Amendment H-8247 was adopted.

Baudler of Adair moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2553)

The ayes were, 68:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Carroll
Chiodo	Connors	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Finch
Grundberg	Hahn	Hansen	Heaton
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Manternach	May	Mertz
Metcalf	Millage	Murphy	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Scherrman	Seng	Shey
Siegrist, Spkr.	Sievers	Smith	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Gipp, Presiding

The nays were, 23:

Bukta	Cohoon	Fallon	Foege
Ford	Frevert	Garman	Greimann
Hatch	Huser	Lensing	Mascher
O'Brien	Osterhaus	Petersen	Reynolds
Richardson	Roberts	Shoultz	Stevens
Winckler	Wise	Witt	

Absent or not voting, 9:

Brauns	Hoffman	Jochum	Myers
Schrader	Sukup	Taylor, D.	Taylor, T.
Teig			

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2507, 2518 and 2553.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Myers of Johnson, until his return, on request of Huser of Polk.

House File 2549, a bill for an act relating to the student achievement and teacher quality program and providing an effective date, was taken up for consideration.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8105 filed by him on February 27, 2002, placing out of order amendment H-8260 filed by Winckler of Scott from the floor.

Winckler of Scott offered amendment H-8165 filed by Winckler, et al., as follows:

H-8165

- 1 Amend House File 2549 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "standards." the following: "The director shall
- 4 consult with school administrators, teachers, school
- 5 board members, and professional organizations
- 6 representing the majority of school nurses,
- 7 counselors, and media specialists when developing
- 8 evaluation, advancement, and career development models
- 9 for school nurses, counselors, and media specialists."
- 10 2. Page 2, line 24, by inserting after the word
- 11 "subsections" the following: "1, 2,"
- 12 3. Page 2, by inserting after line 25 the
- 13 following:
- 14 "1. "Beginning teacher" means an individual
- 15 serving under an initial provisional license, issued
- 16 by the board of educational examiners under chapter
- 17 272, who is assuming a position as a classroom
- 18 teacher. For purposes of the beginning teacher
- 19 mentoring and induction program created pursuant to
- 20 section 284.5, "beginning teacher" also includes
- 21 school nurses, media specialists, and counselors
- 22 employed by a school district or area education

- 23 agency.
24 2. "Classroom teacher" means an individual who
25 holds a valid practitioner's license and who is
26 employed under a teaching contract with a school
27 district or area education agency in this state issued
28 by a board of directors under section 279.13 to
29 provide classroom instruction to students, or as a
30 school nurse, media specialist, or a counselor."
31 4. Page 3, line 11, by inserting after the word
32 "specialist," the following: "school nurse".
33 5. By renumbering as necessary.

Winckler of Scott offered the following amendment H-8261, to amendment H-8165, filed by her from the floor and moved its adoption:

H-8261

- 1 Amend the amendment, H-8165, to House File 2549, as
2 follows:
3 1. Page 1, line 9, by inserting after the word
4 "nurses," the following: "preschool teachers, school
5 social workers".
6 2. Page 1, by striking line 21 and inserting the
7 following: "preschool teachers who are licensed by
8 the board of educational examiners under chapter 272
9 and are".
10 3. Page 1, by striking line 30 and inserting the
11 following: "preschool teacher".
12 4. Page 1, line 32, by inserting after the word
13 "nurse," the following: "preschool teacher, school
14 social worker".

Amendment H-8261 was adopted.

On motion by Winckler of Scott amendment H-8165, as amended, lost.

Mascher of Johnson offered the following amendment H-8107 filed by her and moved its adoption:

H-8107

- 1 Amend House File 2549 as follows:
2 1. By striking page 1, line 23 through page 2,
3 line 14.
4 2. Page 10, by inserting after line 16 the
5 following:
6 "Sec. _____. LEGISLATIVE INTENT. It is the intent
7 of the general assembly that funds appropriated for

8 purposes of the national board certification pilot
 9 project established pursuant to section 256.44, which
 10 remain unencumbered and unobligated at the close of
 11 the project, shall not revert but shall be reallocated
 12 to school districts by the department of education to
 13 be used for purposes of meeting the minimum career
 14 teacher salary provisions of section 284.7, subsection
 15 1, paragraph "b".
 16 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 36, nays 42.

Amendment H-8107 lost.

Mascher of Johnson offered the following amendment H-8151 filed by her and moved its adoption:

H-8151

1 Amend House File 2549 as follows:
 2 1. Page 2, by inserting after line 14 the
 3 following:
 4 "Sec. ____ Section 272.2, subsection 16, Code
 5 Supplement 2001, is amended by striking the
 6 subsection."
 7 2. Page 10, by inserting after line 12 the
 8 following:
 9 "Sec. ____ Section 284.12, subsection 4, Code
 10 Supplement 2001, is amended by striking the
 11 subsection.
 12 Sec. ____ Section 284.13, subsection 1, paragraph
 13 f, Code Supplement 2001, is amended to read as
 14 follows:
 15 f. For each the fiscal year in the fiscal period
 16 beginning July 1, 2001 2002, and ending June 30, 2003,
 17 up to five hundred thousand dollars to the board of
 18 educational examiners for the fees and costs incurred
 19 in administering the Praxis II examination in
 20 accordance with section 272.2 department of education
 21 for purposes of meeting the minimum career teacher
 22 salary provisions of section 284.7, subsection 1,
 23 paragraph "b".
 24 3. Page 10, by inserting after line 16 the
 25 following:
 26 "Sec. 101. REALLOCATION OF PRAXIS II FUNDS –
 27 REPORT.
 28 1. Funds appropriated to the board of educational
 29 examiners for the fiscal year beginning July 1, 2001,

30 and ending June 30, 2002, for purposes of
31 administering the Praxis II examination, which remain
32 unencumbered or unobligated at the end of the fiscal
33 year shall not revert but shall be transferred to the
34 department of education and reallocated by the
35 department to school districts, using the formula set
36 forth in section 284.13, subsection 1, paragraph "g",
37 for purposes of meeting the minimum career teacher
38 salary provisions of section 284.7, subsection 1,
39 paragraph "b".

40 2. The board of educational examiners shall
41 compile statistical information from the results of
42 examinations administered pursuant to section 272.2,
43 subsection 16, Code 2001. The information compiled
44 shall identify the practitioner preparation programs
45 from which the applicants graduated, but shall not
46 identify applicants individually. The statistical
47 information compiled by the board pursuant to this
48 subsection is a public record. The board shall submit
49 a review of the statistical information to the
50 chairpersons and ranking members of the senate and

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1 house committees on education and the board by
2 December 1, 2003."

3 4. Page 10, by striking lines 17 through 19 and
4 inserting the following:

5 "Sec. __. EFFECTIVE DATES. The following
6 sections of this Act, being deemed of immediate
7 importance, take effect upon enactment:

8 1. The section of this Act amending 2001 Iowa
9 Acts, chapter 161, section 21.

10 2. Section 101, subsection 1, relating to the
11 reallocation of Praxis II funds."

12 5. Title page, line 2, by striking the words "an
13 effective date" and inserting the following:

14 "effective dates".

15 6. By renumbering as necessary.

Hansen of Pottawattamie in the chair at 7:33 p.m.

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment H-8151 lost.

Carroll of Poweshiek offered the following amendment H-8204 filed by him and moved its adoption:

H-8204

- 1 Amend House File 2549 as follows:
 2 1. Page 2, by inserting after line 23 the
 3 following:
 4 "Sec. ___. Section 279.46, Code 2001, is amended
 5 to read as follows:
 6 279.46 RETIREMENT INCENTIVES – TAX.
 7 The board of directors of a school district may
 8 adopt a program for payment of a monetary bonus,
 9 continuation of health or medical insurance coverage,
 10 or other incentives for encouraging its employees to
 11 retire before the normal retirement date as defined in
 12 chapter 97B. The program is available only to
 13 employees ~~between fifty-five and sixty-five years of~~
 14 ~~age~~ who notify the board of directors prior to April 1
 15 of the fiscal year that they intend to retire not
 16 later than the next following June 30. ~~However, the~~
 17 The age at which employees shall be designated
 18 eligible for the program, within the age range of
 19 fifty-five to sixty-five years of age, shall be at the
 20 discretion of the board. An employee retiring under
 21 this section ~~shall~~ may apply for a retirement
 22 allowance under chapter 97B or chapter 294. The board
 23 may include in the district management levy an amount
 24 to pay the total estimated accumulated cost to the
 25 school district of the health or medical insurance
 26 coverage, bonus, or other incentives for employees
 27 within the age range of fifty-five to sixty-five years
 28 of age who retire under this section."
 29 2. Title page, by striking lines 1 and 2, and
 30 inserting the following: "An Act relating to students
 31 and school district employees by amending the student
 32 achievement and teacher quality program and language
 33 pertaining to retirement incentives and providing an
 34 effective date."
 35 3. By renumbering as necessary.

Amendment H-8204 was adopted.

Wise of Lee offered amendment H-8234 filed by Wise, et al., as follows:

H-8234

- 1 Amend House File 2549 as follows:
 2 1. Page 2, line 24, by inserting after the word

- 3 "subsections" the following: "1 through".
4 2. Page 2, by inserting after line 25 the
5 following:
6 "1. "Beginning teacher" means an individual
7 serving under an initial provisional license, issued
8 by the board of educational examiners under chapter
9 272, who is assuming a position as a classroom
10 teacher. For purposes of the beginning teacher
11 mentoring and induction program created pursuant to
12 section 284.5, "beginning teacher" also includes
13 preschool teachers who are licensed by the board of
14 educational examiners under chapter 272 and are
15 employed by a school district or area education
16 agency.
17 2. "Classroom teacher" means an individual who
18 holds a valid practitioner's license and who is
19 employed under a ~~teaching contract with a school~~
20 ~~district or area education agency in this state issued~~
21 by a board of directors under section 279.13 to
22 provide classroom instruction to students, or as a
23 preschool teacher."
24 3. Page 3, line 11, by inserting after the word
25 "specialist," the following: "preschool teacher".
26 4. By renumbering as necessary.

Winckler of Scott offered the following amendment H-8265, to amendment H-8234, filed by her from the floor and moved its adoption:

H-8265

- 1 Amend the amendment, H-8234, to House File 2549, as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 "___. Page 1, line 14, by inserting after the
6 word "standards." the following: "The director shall
7 consult with school administrators, teachers, school
8 board members, and professional organizations
9 representing the majority of preschool teachers and
10 school social workers when developing evaluation,
11 advancement, and career development models for
12 preschool teachers and school social workers."
13 2. Page 1, line 13, by inserting after the word
14 "teachers" the following: "and school social
15 workers".
16 3. Page 1, line 23, by inserting after the word
17 "teacher" the following: "or school social worker".
18 4. Page 1, line 25, by inserting after the word
19 "teacher," the following: "school social worker".
20 5. By renumbering as necessary.

Amendment H-8265 lost.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-8252, to amendment H-8234, filed by him from the floor.

Carroll of Poweshiek offered the following amendment H-8258, to amendment H-8234, filed by him from the floor and moved its adoption:

H-8258

1 Amend the amendment, H-8234, to House File 2549, as
2 follows:
3 1. Page 1, by inserting after line 25 the
4 following:
5 "____. Page 10, by inserting after line 16 the
6 following:
7 "Sec. ____ STUDENT ACHIEVEMENT AND TEACHER QUALITY
8 - INCLUSION STUDY. The department of education shall
9 conduct a study regarding the feasibility of including
10 within the student achievement and teacher quality
11 program individuals who hold a practitioner's license
12 issued under chapter 272, or a letter of authorization
13 or statement of professional recognition issued by the
14 board of educational examiners, are employed in a
15 nonadministrative position by school districts and
16 area education agencies pursuant to contracts issued
17 by boards of directors under section 279.13, and are
18 not currently included in the program. The study
19 shall address mentoring, career development,
20 evaluation, and salaries and career levels for these
21 individuals, as well as the costs of including these
22 individuals in each aspect of the program. The
23 department shall submit its findings and
24 recommendations in a report to the chairpersons and
25 ranking members of the senate and house standing
26 committees on education and the joint appropriations
27 subcommittee on education by December 15, 2003."
28 2. By renumbering as necessary.

Amendment H-8258 was adopted.

On motion by Wise of Lee amendment H-8234, as amended, was adopted.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-8239 filed by him on March 11, 2002, placing out of order amendment H-8263 filed by Winckler of Scott from the floor.

Carroll of Poweshiek offered amendment H-8237 filed by him as follows:

H-8237

1 Amend House File 2549 as follows:

2 1. Page 3, by striking lines 26 through 28 and
3 inserting the following: "the provision of
4 organizational support and technical assistance to
5 teachers, other than beginning teachers, for the
6 remediation of identified teaching and classroom
7 management concerns."

8 2. By striking page 3, line 34, through page 4,
9 line 10 and inserting the following:
10 "Sec. ___. Section 284.3, subsection 2, Code 2001,
11 is amended by striking the subsection and inserting in
12 lieu thereof the following:

13 2. A school board shall provide for the following:
14 a. By July 1, 2002, for purposes of comprehensive
15 evaluations for beginning teachers required to allow
16 beginning teachers to progress to career teachers,
17 standards and criteria that are the Iowa teaching
18 standards specified in subsection 1 and the model
19 criteria for the Iowa teaching standards developed by
20 the department in accordance with section 256.9,
21 subsection 50. These standards and criteria shall be
22 set forth in an instrument provided by the department.
23 The comprehensive evaluation and instrument are not
24 subject to negotiations or grievance procedures
25 pursuant to chapter 20 or determinations made by the
26 board of directors under section 279.14. A local
27 school board and its certified bargaining
28 representative may negotiate, pursuant to chapter 20,
29 evaluation and grievance procedures for beginning
30 teachers that are not in conflict with this chapter.

31 b. By July 1, 2004, for purposes of performance
32 reviews for teachers other than beginning teachers,
33 evaluations that contain, at a minimum, the Iowa
34 teaching standards specified in subsection 1, as well
35 as the model criteria for the Iowa teaching standards
36 developed by the department in accordance with section
37 256.9, subsection 50. A local school board and its
38 certified bargaining representative may negotiate,
39 pursuant to chapter 20, additional teaching standards
40 and criteria. A local school board and its certified

41 bargaining representative may negotiate, pursuant to
 42 chapter 20, evaluation and grievance procedures for
 43 teachers other than beginning teachers that are not in
 44 conflict with this chapter."

45 3. Page 6, line 25, by striking the words "an
 46 educational" and inserting the following: "a
 47 standard".

48 4. Page 7, line 31, by striking the word
 49 "supervisor" and inserting the following: "supervisor
 50 evaluator".

Page 2

1 5. Page 8, line 6, by striking the word
 2 "supervisor" and inserting the following:
 3 "supervisor".

4 6. Page 8, line 7, by inserting after the word
 5 "~~modified~~" the following: "evaluator".

6 7. Page 8, line 9, by striking the word
 7 "supervisor" and inserting the following:
 8 "evaluator".

9 8. Page 8, by striking lines 27 through 29 and
 10 inserting the following:

11 "1. A participating school district shall review a
 12 teacher's".

13 9. Page 9, line 2, by striking the word
 14 "supervisors" and inserting the following:
 15 "evaluators".

16 10. Page 9, by striking lines 5 through 15 and
 17 inserting the following:

18 "2. If an evaluator determines, at any time, as a
 19 result of a teacher's performance that the teacher is
 20 not meeting district expectations under the Iowa
 21 teaching standards specified in section 284.3,
 22 subsection 1, paragraphs "a" through "g", the model
 23 criteria for the Iowa teaching standards developed by
 24 the department in accordance with section 256.9,
 25 subsection 50, or any other standards or criteria
 26 established in the collective bargaining agreement,
 27 the evaluator may recommend to the district that the
 28 teacher participate in an intensive assistance
 29 program. The intensive assistance program and its
 30 implementation are not subject to negotiation or
 31 grievance procedures established pursuant to chapter
 32 20. By July 1, 2004, all school districts must be
 33 prepared to offer an intensive assistance program."

34 11. By renumbering as necessary.

Carroll of Poweshiek offered the following amendment H-8257, to amendment H-8237, filed by him from the floor and moved its adoption:

H-8257

- 1 Amend the amendment, H-8237, to House File 2549, as
2 follows:
3 1. Page 1, line 10, by inserting after the word
4 "Code" the following: "Supplement".
5 2. Page 1, by striking line 44 and inserting the
6 following: "conflict with this chapter."
7 Sec.____. Section 284.3, Code Supplement 2001, is
8 amended by adding the following new subsection:
9 NEW SUBSECTION. 3. The state board shall adopt by
10 rule pursuant to chapter 17A the model criteria
11 developed by the department in accordance with section
12 256.9, subsection 50."
13 3. By renumbering as necessary.

Amendment H-8257 was adopted.

On motion by Carroll of Poweshiek amendment H-8237, as amended, was adopted.

Speaker Siegrist in the chair at 8:07 p.m.

Winckler of Scott offered the following amendment H-8166 filed by Winckler, et al., and moved its adoption:

H-8166

- 1 Amend House File 2549 as follows:
2 1. Page 8, by inserting after line 22 the
3 following:
4 "Sec.____. Section 284.7, subsection 2, paragraph
5 a, subparagraph (1), Code Supplement 2001, is amended
6 to read as follows:
7 (1) A Except as provided in subparagraph (3), a
8 career II teacher is a teacher who meets the
9 requirements of subsection 1, paragraph "b", has met
10 the requirements established by the school district
11 that employs the teacher, and is evaluated by the
12 school district as demonstrating the competencies of a
13 career II teacher. The teacher shall have
14 successfully completed a comprehensive evaluation in
15 order to be classified as a career II teacher.
16 Sec.____. Section 284.7, subsection 2, paragraph
17 a, Code Supplement 2001, is amended by adding the
18 following new subparagraph:
19 NEW SUBPARAGRAPH. (3) Notwithstanding any other
20 provision of this chapter, a teacher with fifteen or
21 more years of successful teaching experience as of

- 22 July 1, 2002, shall be designated a career II
 23 teacher."
 24 2. By renumbering as necessary.

Roll call was requested by Winckler of Scott and Huser of Polk.

On the question "Shall amendment H-8166 be adopted?" (H.F. 2549)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Garman
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Larson
Lensing	May	Mertz	Murphy
O'Brien	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Richardson	Scherrman
Seng	Shoultz	Smith	Stevens
Taylor, D.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 50:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Broers
Brunkhorst	Carroll	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdyke	Mr. Speaker		
	Siegrist		

Absent or not voting, 8:

Brauns	Hoffman	Mascher	Myers
Schrader	Sukup	Taylor, T.	Teig

Amendment H-8166 lost.

Stevens of Dickinson asked and received unanimous consent to withdraw amendment H-8110 filed by him on February 27, 2002.

Mascher of Johnson offered the following amendment H-8114 filed by her and moved its adoption:

H-8114

- 1 Amend House File 2549 as follows:
- 2 1. Page 10, by inserting after line 16 the
- 3 following:
- 4 "Sec. __. LEGISLATIVE INTENT. It is the intent
- 5 of the general assembly to cease funding the statewide
- 6 team-based variable pay pilot program created pursuant
- 7 to section 284.11, and to reallocate any funds
- 8 appropriated for the pilot program for the fiscal year
- 9 beginning July 1, 2001, pursuant to section 284.13,
- 10 subsection 1, paragraph "a", which remain unencumbered
- 11 and unobligated at the end of the fiscal year, to
- 12 school districts to be used for purposes of meeting
- 13 the minimum career teacher salary provisions of
- 14 section 284.7, subsection 1, paragraph "b"."
- 15 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 35, nays 43.

Amendment H-8114 lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8171 filed by her on March 4, 2002.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2549)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen

Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brauns	Hoffman	Klemme	Schrader
Sukup	Teig		

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 2002, adopted the following resolution in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 12, 2002, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

House File 2563, a bill for an act relating to legal representation of an indigent person in a parole proceeding, was taken up for consideration.

Tremmel of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2563)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdike	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brauns	Hoffman	Klemme	Schrader
Sukup	Teig		

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

House File 2510, a bill for an act relating to the movement of dairy cattle from livestock markets, and making penalties applicable, was taken up for consideration.

Manternach of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2510)

The ayes were, 92:

Alons	Atteberry	Baudler	Bell
Boal	Boddicker	Boggess	Bradley
Broers	Brunkhorst	Bukta	Carroll
Chiodo	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, 2:

Arnold Van Engelenhoven

Absent or not voting, 6:

Brauns	Hoffman	Klemme	Schrader
Sukup	Teig		

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2510, 2549 and 2563.**

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, was taken up for consideration.

Manternach of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2514)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdike	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brauns
Sukup

Hoffman
Teig

Klemme

Schrader

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

House File 2418, a bill for an act relating to the applicability of the thermal efficiency energy conservation standards in the state building code, was taken up for consideration.

Bradley of Clinton asked and received unanimous consent to withdraw amendment H-8160 filed by him on March 4, 2002.

Bradley of Clinton offered the following amendment H-8193 filed by him and moved its adoption:

H-8193

- 1 Amend House File 2418 as follows:
- 2 1. Page 1, by striking lines 21 through 23 and
- 3 inserting the following: "and consistent with model
- 4 energy codes and standards developed by a nationally
- 5 recognized organization in effect on or after the
- 6 effective date of this Act. A governmental
- 7 subdivision that adopts or enacts a minimum energy
- 8 standard which is substantially in accordance and
- 9 consistent with model energy codes and standards
- 10 developed by a nationally recognized organization
- 11 shall adopt or enact any update or revision to the
- 12 model energy codes and standards."
- 13 2. Page 1, by striking lines 29 through 31 and
- 14 inserting the following: "and consistent with model
- 15 energy codes and standards developed by a nationally
- 16 recognized organization in effect on or after the
- 17 effective date of this Act. A governmental
- 18 subdivision that adopts or enacts a minimum energy
- 19 standard which is substantially in accordance and
- 20 consistent with model energy codes and standards
- 21 developed by a nationally recognized organization
- 22 shall adopt or enact any update or revision to the
- 23 model energy codes and standards."

Amendment H-8193 was adopted.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2418)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brauns	Hoffman	Klemme	Schrader
Sukup	Teig		

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

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, was taken up for consideration.

Baudler of Adair offered the following amendment H-8089 filed by him and moved its adoption:

H-8089

- 1 Amend House File 2447 as follows:
- 2 1. Page 1, by striking lines 10 through 15.
- 3 2. Page 1, lines 19 through 21, by striking the
- 4 words "of any vessel propelled by a motor of more than
- 5 ten horsepower, including an owner of a boat livery,".
- 6 3. Page 1, line 22, by striking the words "or
- 7 motorboat".
- 8 4. Page 1, line 23, by striking the words "or
- 9 motorboat".
- 10 5. Page 1, lines 27 and 28, by striking the words
- 11 "or motorboat propelled by a motor of more than ten
- 12 horsepower".
- 13 6. Title page, line 2, by striking the words "or
- 14 motorboats".
- 15 7. By renumbering sections.

Amendment H-8089 was adopted.

Baudler of Adair offered the following amendment H-8179 filed by him and moved its adoption:

H-8179

- 1 Amend House File 2447 as follows:
- 2 1. Page 2, line 7, by striking the words "one-
- 3 half hour after sunset" and inserting the following:
- 4 "sundown".
- 5 2. Page 2, line 8, by striking the words "eight
- 6 a.m." and inserting the following: "sunup".

Amendment H-8179 was adopted.

Baudler of Adair moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2447)

The ayes were, 90:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boggess	Bradley
Broers	Brunkhorst	Bukta	Carroll

Chiodo	Cohoon	Connors	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Foege	Ford	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker Siegrist		

The nays were, 4:

Boddicker	Cormack	Kreiman	Van Fossen
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Absent or not voting, 6:

Brauns	Hoffman	Klemme	Schrader
Sukup	Teig		

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

House File 661, a bill for an act relating to the burning of wood by sanitary landfills, was taken up for consideration.

Lensing of Johnson asked and received unanimous consent to withdraw amendment H-1434 filed by her on April 5, 2001.

Drake of Pottawattamie offered amendment H-8203 filed by Drake, et al., as follows:

H-8203

- 1 Amend House File 661 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 455B.133, Code 2001, is

5 amended 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 **Sec. 2. DEMOLITION SITE WASTE MATERIAL TASK FORCE.**

21 1. The department of natural resources, in
22 cooperation with the department of economic
23 development, shall establish a task force to study
24 issues related to the proper disposal of waste
25 material from buildings demolished in cities and
26 counties. The task force shall study issues
27 including, but not limited to, all of the following:
28 a. The proper removal and disposal of waste
29 material containing lead-based paints and asbestos.
30 b. The proper removal and disposal of any other
31 hazardous waste material or waste material commonly
32 found in old buildings that may be considered a health
33 hazard if removed improperly.
34 c. Any alternatives to the disposal of waste
35 material from demolition sites such as salvage
36 operations.
37 d. The training of fire department personnel in
38 relation to the disposal of waste material from
39 demolition sites.
40 e. Asbestos inspection training for volunteers at
41 the local level.
42 f. An appropriate local limit for the controlled
43 burning of demolished buildings from which hazardous
44 materials have been removed prior to burning.
45 g. The proper method for encouraging cooperation
46 between cities and counties on issues related to the
47 disposal of demolition site waste material.
48 2. The task force membership shall include, but
49 not be limited to, all of the following:
50 a. Representatives from the department of natural

Page 2

1 resources knowledgeable in air toxics and toxic
2 materials.
3 b. Representatives from the department of economic

4 development knowledgeable in community development.
 5 c. A representative of the Iowa league of cities.
 6 d. A representative of the Iowa society of solid
 7 waste operators.
 8 e. Four members of the general assembly with not
 9 more than one member from each chamber being from the
 10 same political party. The two senators shall be
 11 designated by the president of the senate after
 12 consultation with the majority and minority leaders of
 13 the senate. The two representatives shall be
 14 designated by the speaker of the house of
 15 representatives after consultation with the majority
 16 and minority leaders of the house of representatives.
 17 3. By January 1, 2002, the task force shall submit
 18 a report to the general assembly, including
 19 recommendations, regarding issues relating to the
 20 disposal of debris from demolition sites in Iowa."
 21 2. Title page, by striking line 1 and inserting
 22 the following: "An Act establishing a demolition site
 23 waste material task force."

Drake of Pottawattamie offered the following amendment H-8262, to amendment H-8203, filed by him from the floor and moved its adoption:

H-8262

1 Amend the amendment, H-8203, to House File 661 as
 2 follows:
 3 1. Page 2, line 17, by striking the figure "2002"
 4 and inserting the following: "2003".

Amendment H-8262 was adopted.

On motion by Drake of Pottawattamie amendment H-8203, as amended, was adopted.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 661)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta

Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brauns	Hoffman	Klemme	Schrader
Sukup	Teig		

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 661, 2418, 2447 and 2514.**

House File 2552, a bill for an act relating to interviews conducted in association with a child abuse assessment, was taken up for consideration.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2552)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Brauns	Hoffman	Klemme	Schrader
Sukup	Teig	Tremmel	

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

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, was taken up for consideration.

Eddie of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2448)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brauns	Hoffman	Klemme	Schrader
Sukup	Teig		

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

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, was taken up for consideration.

Roberts of Carroll offered the following amendment H-8232 filed by him and moved its adoption:

H-8232

1 Amend House File 2547 as follows:

2 1. Page 1, by inserting after line 21 the
3 following:

4 "Sec. ___. Section 125.13, subsection 2, Code
5 2001, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. j. A hospital substance abuse
8 treatment program that is accredited or licensed by
9 the joint commission on the accreditation of health
10 care organizations, the commission on the
11 accreditation of rehabilitation facilities, the
12 American osteopathic association, or another
13 recognized organization approved by the commission.
14 All survey reports for the hospital substance abuse
15 treatment program from the accrediting or licensing
16 body shall be sent to the department."

17 2. Page 2, line 6, by striking the word
18 "persons,".

19 3. Page 3, by striking lines 11 through 22 and
20 inserting the following:

21 "Every license to practice a profession shall
22 expire in multiyear intervals and be renewed as
23 determined by the board upon application by the
24 licensee, without examination. Application for
25 renewal shall be made in writing to the department
26 accompanied by the required fee at least thirty days
27 prior to the expiration of such license. Every
28 renewal shall be displayed in connection with the
29 original license. The department shall notify each
30 licensee ~~by mail~~ prior to the expiration of a license.
31 Failure to renew the license within a reasonable time
32 after the expiration shall not invalidate the license,
33 but a reasonable penalty may be assessed by the
34 board."

35 4. By striking page 4, line 14, through page 6,
36 line 13.

37 5. Page 14, line 2, by striking the word
38 "system".

39 6. By striking page 14, line 21, through page 15,
40 line 8.

41 7. By renumbering as necessary.

Amendment H-8232 was adopted.

RULE 31.8 SUSPENDED

Van Fossen of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8274.

Van Fossen of Scott offered the following amendment H-8274 filed by him from the floor and moved its adoption:

H-8274

1 Amend House File 2547 as follows:

2 1. Page 2, by striking lines 9 through 17 and
3 inserting the following:

4 "Sec. . Section 135.24, Code Supplement 2001,
5 is amended to read as follows:

6 135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM
7 ESTABLISHED – IMMUNITY FROM CIVIL LIABILITY.

8 1. The director shall establish within the
9 department a program to provide to eligible hospitals,
10 clinics, or other health care facilities, health care
11 referral programs, or charitable organizations, free
12 medical, ~~and dental,~~ and chiropractic services given
13 on a voluntary basis by health care providers. A
14 participating health care provider shall register with
15 the department and obtain from the department a list
16 of eligible, participating hospitals, clinics, or
17 other health care facilities, health care referral
18 programs, or charitable organizations.

19 2. The department, in consultation with the
20 department of human services, shall adopt rules to
21 implement the volunteer health care provider program
22 which shall include the following:

23 a. Procedures for registration of health care
24 providers deemed qualified by the board of medical
25 examiners, the board of physician assistant examiners,
26 the board of dental examiners, ~~and~~ the board of
27 nursing, and the board of chiropractic examiners.

28 b. Criteria for and identification of hospitals,
29 clinics, or other health care facilities, health care
30 referral programs, or charitable organizations,
31 eligible to participate in the provision of free
32 medical, ~~or dental,~~ or chiropractic services through
33 the volunteer health care provider program. A health
34 care facility, a health care referral program, a
35 charitable organization, or a health care provider
36 participating in the program shall not bill or charge
37 a patient for any health care provider service
38 provided under the volunteer health care provider
39 program.

40 c. Identification of the ~~medical~~ services to be
 41 provided under the program. The ~~medical~~ services
 42 provided may include, but shall not be limited to,
 43 obstetrical and gynecological medical services, ~~and~~
 44 psychiatric services provided by a physician licensed
 45 under chapter 148, 150, or 150A, or services provided
 46 under chapter 151.

47 3. A health care provider providing free care
 48 under this section shall be considered an employee of
 49 the state under chapter 669 and shall be afforded
 50 protection as an employee of the state under section

Page 2

1 669.21, provided that the health care provider has
 2 done all of the following:

3 a. Registered with the department pursuant to
 4 subsection 1.

5 b. Provided medical, ~~or dental, or chiropractic~~
 6 services through a hospital, clinic, or other health
 7 care facility, health care referral program, or
 8 charitable organization listed as eligible and
 9 participating by the department pursuant to subsection
 10 1.

11 4. For the purposes of this section, "charitable
 12 organization" means a charitable organization within
 13 the meaning of section 501(c)(3) of the Internal
 14 Revenue Code which has as its primary purpose the
 15 sponsorship or support of programs designed to improve
 16 the quality, awareness, and availability of
 17 chiropractic, dental, or medical ~~or dental~~ services to
 18 children and to serve as a funding mechanism for
 19 provision of chiropractic, dental, or medical ~~or~~
 20 ~~dental~~ services, including but not limited to
 21 immunizations, to children in this state.

22 5. For the purposes of this section, "health care
 23 provider" means a physician licensed under chapter
 24 148, 150, ~~or 150A, or 151~~, a physician assistant
 25 licensed and practicing under a supervising physician
 26 pursuant to chapter 148C, a licensed practical nurse,
 27 a registered nurse, or a dentist, dental hygienist, or
 28 dental assistant registered or licensed to practice
 29 under chapter 153."

30 2. By renumbering as necessary.

Amendment H-8274 was adopted, placing out of order amendment H-8250 filed by Van Fossen of Scott, Huser of Polk, Garman of Story and Smith of Marshall from the floor and amendment H-8270 filed by Van Fossen of Scott from the floor.

Roberts of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2547)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdike	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brauns	Hoffman	Klemme	Schrader
Sukup	Teig		

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

SENATE MESSAGES CONSIDERED

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 and referred to committee on **education**.

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 and **passed on file**.

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 and referred to committee on **human resources**.

House File 2546, a bill for an act classifying the criminal offense of assault as a general intent crime, was taken up for consideration.

Tremmel of Wapello asked and received unanimous consent to withdraw amendment H-8242 filed by him on March 11, 2002, placing out of order amendment H-8255 filed by Tremmel of Wapello from the floor.

Shey of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2546)

The ayes were, 88:

Alons

Arnold

Atteberry

Baudler

Bell	Boal	Boddicker	Boggess
Broers	Brunkhorst	Bukta	Carroll
Cohoon	Connors	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jochum
Johnson	Jones	Kettering	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherman	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Taylor, D.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, 4:

Chiodo	Dotzler	Fallon	Taylor, T.
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Absent or not voting, 8:

Bradley	Brauns	Hoffman	Jenkins
Klemme	Schrader	Sukup	Teig

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2448, 2546, 2547 and 2552.**

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

House File 2395

1. Page 7, line 6 – By changing the word " subparagraphs" to "subparagraph".

MARGARET A. THOMSON
Chief Clerk of the House

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 12, 2002. Had I been present, I would have voted "aye" on House File 2488 and Senate File 2212.

CARROLL of Poweshiek

I was necessarily absent from the House chamber on March 12, 2002. Had I been present, I would have voted "aye" on House File 2488 and Senate File 2212.

CHIODO of Polk

I was necessarily absent from the House chamber on March 11, 2002. Had I been present, I would have voted "aye" on House Files 2281, 2482, 2494, 2495, 2496, 2516, 2530, 2534 and Senate Files 374 and 2146.

DE BOEF of Mahaska

I was necessarily absent from the House chamber on March 11, 2002. Had I been present, I would have voted "aye" on House Files 2482 and 2516.

RAECKER of Polk

I was necessarily absent from the House chamber on March 11, 2002. Had I been present, I would have voted "aye" on House Files 2281, 2482, 2494, 2495, 2496, 2516, 2530, 2534 and Senate Files 374 and 2146.

WILDERDYKE of Harrison

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of March, 2002: House Files 2139 and 2395.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

The following communications was received and filed in the office of the Chief Clerk:

DEPARTMENT OF NATURAL RESOURCES

The 2002 Annual Report on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites and the Hazardous Waste Remedial Fund, pursuant to Chapter 455B.425, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\654 | Brianna Routh, Ankeny – For being the 1 st Place Winner in the 6-7 Grade Category of the 2002 Write Women Back Into History Essay Contest. |
| 2002\655 | Roy and Helen Hopkins, Shenandoah – For celebrating their 62 nd wedding anniversary. |
| 2002\656 | Ray and Margaret Brownlee, Coin – For celebrating their 62 nd wedding anniversary. |
| 2002\657 | Velma Newman, Indianola – For celebrating her 90 th birthday. |
| 2002\658 | Henry Dekkers, Sioux Center – For celebrating his 90 th birthday. |

- 2002\659 Clifford and Marianne Lampe, Winterset – For celebrating their 50th wedding anniversary.
- 2002\660 Clarice Ross, Perry – For celebrating her 90th birthday.
- 2002\661 Clarinda B. Allen, Winterset – For celebrating her 90th birthday.
- 2002\662 Albert and Alice Trotter, Newton – For celebrating their 50th wedding anniversary.
- 2002\663 Lillian Sweet, Lake View – For celebrating her 90th birthday.
- 2002\664 Ruth Mooney, Alta – For celebrating her 90th birthday.
- 2002\665 Marjorie Seymour, Lake View – For celebrating her 91st birthday.
- 2002\666 Bernice Reida, Lake View – For celebrating her 87th birthday.
- 2002\667 Marlene and Kenneth White, Chariton – For celebrating their 65th wedding anniversary.
- 2002\668 Arlene Kinsinger, Grundy Center – For celebrating her 80th birthday.
- 2002\669 Kathryn and Carl Palmer, Grundy Center – For celebrating their 60th wedding anniversary.
- 2002\670 Charles and Rose Paul, Whiting – For celebrating their 60th wedding anniversary.
- 2002\671 Chuck and Katy Johnson, Whiting – For celebrating their 64th wedding anniversary.
- 2002\672 Ralph and Janette Phipps, Whiting – For celebrating their 62nd wedding anniversary.
- 2002\673 Erica Schlotfeldt, Rock Valley – For being named to the All-Tournament Team following Rock Valley Rockets 1-A Girl's Basketball Championship.
- 2002\674 Coach Preston Kooima, Rock Valley – For his team, the Rock Valley Rockets, winning the Class 1-A Championship Girl's Basketball Tournament.
- 2002\675 Deb Remmerde, Rock Valley – For being named Captain of the All-Tournament Team following the Rock Valley Rockets 1-A Girl's Basketball Championship.
- 2002\676 Ellie Peterson, Cedar Falls – For being named to the 2002 Des Moines Sunday Register Girl's All-State Team, Class 4-A.

- 2002\677 Mr. and Mrs. Alvin Tibbott, Greeley – For celebrating their 50th wedding anniversary.
- 2002\678 Brian J. Flake, Columbus Junction – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\679 Aaron Schonhoff, Letts – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\680 Sam Stelzner, Letts – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\681 Frances Josephine Mohr Mullen, Montezuma – For celebrating her 95th birthday.
- 2002\682 Jennie Geurts, Sully – For celebrating her 85th birthday.
- 2002\683 Mary Gritsch, Grinnell – For celebrating her 92nd birthday.
- 2002\684 Ellis Brown, Grinnell – For celebrating her 90th birthday.
- 2002\685 Arthur Heimann, Grinnell – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2124

State Government: Eichhorn, Chair; Gipp and T. Taylor.

Senate File 2197

Judiciary: Eichhorn, Chair; Shey and Tremmel.

Senate File 2228

Education: Brunkhorst, Chair; Broers and Stevens.

Senate File 2267

Judiciary: Raecker, Chair; Kettering and Kreiman.

Senate File 2268

Judiciary: Tremmel, Chair; Eichhorn and Shey.

Senate File 2275

Judiciary: Shey, Chair; Bell and Eichhorn.

Senate File 2286

Judiciary: Shey, Chair; Eichhorn and Tremmel.

Senate File 2301

Judiciary: Shey, Chair; Eichhorn and Kreiman.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8249** March 11, 2002.

COMMITTEE ON TRANSPORTATION

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.

Fiscal Note is required.

Recommended **Do Pass** March 12, 2002.

AMENDMENTS FILED

H—8248	H.F.	2091	Horbach of Tama
H—8249	S.F.	2258	Committee on Education

H—8251	H.F.	2555	Tremmel of Wapello
H—8253	H.F.	2564	Tremmel of Wapello
H—8254	H.F.	2567	Carroll of Poweshiek
H—8256	H.F.	2509	Shey of Linn
H—8259	H.F.	2561	Boal of Polk
H—8264	H.F.	2561	Boal of Polk Smith of Marshall
H—8266	H.F.	2483	Winckler of Scott
H—8267	H.F.	2202	Cormack of Webster
H—8268	H.F.	2555	Ford of Polk
H—8269	S.F.	429	Hatch of Polk Chiodo of Polk Connors of Polk Fallon of Polk Osterhaus of Jackson Jochum of Dubuque Lensing of Johnson Quirk of Chickasaw Reynolds of Van Buren Shoultz of Black Hawk Witt of Black Hawk
H—8271	H.F.	2436	Petersen of Polk
H—8272	H.F.	2561	Heaton of Henry Van Engelenhoven of Mahaska Johnson of Osceola Carroll of Poweshiek
H—8273	H.F.	2555	Tremmel of Wapello Huser of Polk Larson of Linn
H—8275	H.F.	2509	Fallon of Polk
H—8276	H.F.	2567	Fallon of Polk Carroll of Poweshiek
H—8277	H.F.	2416	Carroll of Poweshiek

On motion by Rants of Woodbury the House adjourned at 10:13 p.m., until 8:45 a.m., Wednesday, March 13, 2002.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 13, 2002

The House met pursuant to adjournment at 8:48 a.m., Dix of Butler in the chair.

Prayer was offered by Reverend Suzanne Erwin, pastor of Learning of the Lord Revival Ministry, Des Moines. She was the guest of Representative Ed Fallon of Polk County.

The Journal of Tuesday, March 12, 2002 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story and Heaton of Henry, until his arrival, on request of Rants of Woodbury.

SENATE MESSAGES CONSIDERED

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 and referred to committee on **judiciary**.

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 based in part upon a preexisting injury or recovery of benefits.

Read first time and referred to committee on **labor and industrial relations**.

CONSIDERATION OF BILLS
Regular Calendar

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, was taken up for consideration.

Witt of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2578)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrell	Van Engelenhoven	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Dix, Presiding		

The nays were, none.

Absent or not voting, 6:

Brauns	Garman	Heaton	Klemme
Teig	Van Fossen		

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

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, was taken up for consideration.

Roberts of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2574)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Dix,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Brauns	Garman	Heaton	Klemme
Teig	Van Fossen		

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2574** and **2578**.

House File 2202, a bill for an act establishing an economic development commission, with report of committee recommending amendment and passage, was taken up for consideration.

Cormack of Webster offered amendment H-8094 filed by the committee on economic development as follows:

H-8094

- 1 Amend House File 2202 as follows:
- 2 1. Page 1, line 18, by striking the word
- 3 "**commission**" and inserting the following: "**council**".
- 4 2. Page 1, by striking lines 19 through 30.
- 5 3. Page 1, line 34, by striking the word
- 6 "**COMMISSION**" and inserting the following: "**COUNCIL**".
- 7 4. Page 1, by inserting after line 34 the
- 8 following:
- 9 "0A. The purpose of this section is to establish
- 10 an economic development council which shall develop
- 11 and implement a strategic plan which sets
- 12 accountability standards, measurements, and benchmarks
- 13 to evaluate the effectiveness of the department in
- 14 implementing the strategic plan."
- 15 5. Page 1, line 35, by striking the word
- 16 "**commission**" and inserting the following: "**council**".
- 17 6. Page 2, line 5, by striking the word
- 18 "**commission**" and inserting the following: "**council**".
- 19 7. Page 2, by striking lines 7 and 8 and
- 20 inserting the following: "businesses representing a
- 21 cross section of the state economy. The remaining
- 22 members shall include representatives of local
- 23 economic development developers, presidents".
- 24 8. Page 2, line 9, by inserting after the word
- 25 "**universities**" the following: ", organized labor, and
- 26 community colleges".
- 27 9. Page 2, line 9, by striking the word
- 28 "**commission**" and inserting the following: "**council**".
- 29 10. Page 2, line 11, by striking the word
- 30 "**commission**" and inserting the following: "**council**".

- 31 11. Page 2, line 12, by striking the word
32 "commission" and inserting the following: "council".
33 12. Page 2, line 14, by striking the word
34 "commission" and inserting the following: "council".
35 13. Page 2, by striking lines 15 and 16 and
36 inserting the following: "The members of the council
37 shall select a chairperson for a one-year term."
38 14. Page 2, line 17, by striking the word
39 "commission" and inserting the following: "council".
40 15. Page 2, line 19, by striking the word
41 "commission" and inserting the following: "council".
42 16. Page 2, line 22, by striking the word
43 "commission" and inserting the following: "council".
44 17. Page 2, line 25, by striking the word
45 "commission" and inserting the following: "council".
46 18. Page 2, line 25, by inserting after the word
47 "held" the following: "quarterly".
48 19. Page 2, line 26, by striking the word
49 "commission" and inserting the following: "council".
50 20. Page 2, line 27, by striking the word

Page 2

- 1 "commission" and inserting the following: "council".
2 21. Page 2, by striking lines 28 and 29.
3 22. Page 3, line 1, by inserting after the word
4 "plan." the following: "In preparing the strategic
5 plan, the council shall consider all of the following
6 economic foundation issues:
7 (1) Skilled and adaptable human resources.
8 (2) Access to technologies on which new products
9 and processes are based.
10 (3) Availability of financial capital to support
11 new ventures, expansion of existing companies, and
12 reinvestment in transition industries.
13 (4) Support of advanced physical infrastructure
14 for transportation, communications, energy and water,
15 and waste handling.
16 (5) A review of the regulatory and taxation
17 environment and business climate resulting in
18 recommendations to balance competitiveness.
19 3. The council shall annually submit a written
20 report to the governor and the general assembly
21 concerning the strategic plan and the performance
22 results. Copies of status reports under any
23 performance agreement with the department or other
24 public entity shall be provided to the governor and
25 the general assembly."
26 23. Title page, line 1, by striking the word
27 "commission" and inserting the following: "council".
28 24. By renumbering, redesignating, and correcting
29 internal references as necessary.

Cormack of Webster offered the following amendment H-8267, to the committee amendment H-8094, filed by him and moved its adoption:

H-8267

1 Amend the amendment, H-8094, to House File 2202 as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 "___ . Page 1, line 3, by striking the figure
6 "~~1~~", and inserting the following: "1."
7 ___ . Page 1, line 10, by inserting after the word
8 "~~annually~~:" the following: "Review and adopt a
9 strategic plan, including specific goals, objectives,
10 and policies for state economic growth, submitted to
11 the board pursuant to section 15.102A."
12 2. Page 2, by striking line 2 and inserting the
13 following:
14 "___ . Page 2, by striking lines 28 and 29 and
15 inserting the following:
16 "___ . Lead efforts to improve Iowa's competitive
17 position and business climate.
18 ___ . Facilitate activities designed to strengthen
19 relationships and advocate collaboration among Iowa
20 research institutions and other economic development
21 organizations and service providers.
22 ___ . Develop collaborative projects."
23 ___ . Page 2, by striking line 35 and inserting
24 the following: "benchmarks by which to evaluate the
25 effectiveness of the strategic plan as well as
26 evaluating the department's performance in"."
27 3. Page 2, line 4, by inserting before the word
28 "In" the following: "The council shall submit the
29 strategic plan to the Iowa economic development board
30 for review and adoption."
31 4. By renumbering, relettering, and redesignating
32 as necessary.

Amendment H-8267 was adopted.

On motion by Cormack of Webster the committee amendment H-8094, as amended, was adopted.

Cormack of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2202)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Dix, Presiding		

The nays were, none.

Absent or not voting, 6:

Brauns	Garman	Heaton	Klemme
Teig	Van Fossen		

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

House File 2541, a bill for an act relating to maintaining a magistrate court in a city other than the county seat, was taken up for consideration.

Eichhorn of Hamilton offered the following amendment H-8226 filed by him and moved its adoption:

H-8226

1 Amend House File 2541 as follows:
 2 1. Page 1, line 5, by inserting after the figure
 3 "2001" the following: ", and if the city requests a
 4 magistrate. Any additional costs to the judicial
 5 branch for maintaining a magistrate in a city other
 6 than the county seat shall be paid by the city
 7 requesting the magistrate".

Amendment H-8226 was adopted.

Eichhorn of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2541)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Hoffman
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tymeson	Tyrrell
Van Engelenhoven	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Dix, Presiding

The nays were, 1:

Tremmel

Absent or not voting, 7:

Brauns
Klemme

Garman
Teig

Heaton
Van Fossen

Horbach

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2202** and **2541**.

House File 2459, a bill for an act relating to the authority of city hospital and health care facility boards of trustees, was taken up for consideration.

Alons of Sioux offered the following amendment H-8212 filed by him and Klemme of Plymouth and moved its adoption:

H-8212

1 Amend House File 2459 as follows:
2 1. Page 1, line 18, by striking the words
3 "paragraph after" and inserting the following:
4 "paragraphs after".
5 2. Page 1, by inserting after line 31, the
6 following:
7 "NEW UNNUMBERED PARAGRAPH. The proceeds of such
8 sale may only be applied for the retirement of bonds
9 or other indebtedness issued and outstanding in
10 connection with the purchase of the property sold or
11 in connection with operation of the hospital or health
12 care facility or for repairs or improvements to
13 property owned or for the purchase or lease of
14 equipment as the board of trustees may determine. If
15 all of the property essential to the operation of the
16 city hospital or health care facility is offered for
17 sale by the board of trustees, the board shall not
18 sell such property for an amount that is less than the
19 amount of bonds or other indebtedness issued and
20 outstanding at the time of the sale."

Amendment H-8212 was adopted.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2459)

The ayes were, 85:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Hoffman	Horbach
Hoversten	Huseman	Huser	Jenkins
Jochum	Johnson	Jones	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Myers	O'Brien
Petersen	Quirk	Raecker	Rants
Reeder	Rekow	Reynolds	Roberts
Schrader	Seng	Shey	Shultz
Siegrist, Spkr.	Sievers	Smith	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Dix,			
Presiding			

The nays were, 8:

Frevert	Kettering	Murphy	Osterhaus
Rayhons	Richardson	Scherrman	Stevens

Absent or not voting, 7:

Brauns	Garman	Heaton	Jacobs
Klemme	Teig	Van Fossen	

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

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, was taken up for consideration.

Finch of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2584)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Hoffman
Horbach	Hoversten	Huseman	Huser
Jenkins	Jochum	Johnson	Jones
Kettering	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Dix, Presiding			

The nays were, none.

Absent or not voting, 7:

Brauns	Garman	Heaton	Jacobs
Klemme	Teig	Van Fossen	

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2459** and **2584**.

On motion by Rants of Woodbury, the House was recessed at 9:56 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:08 p.m., Hansen of Pottawattamie in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sukup of Franklin on request of Speaker Siegrist.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-three members present, forty-seven absent.

The House stood at ease at 2:11 p.m., until the fall of the gavel.

The House resumed session at 3:48 p.m., Dix of Butler in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 2091, 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, with report of committee recommending passage, was taken up for consideration.

Horbach of Tama offered the following amendment H-8248 filed by him and moved its adoption:

H-8248

- 1 Amend House File 2091 as follows:
- 2 1. Page 1, line 1, by inserting before the word
- 3 "VISION" the following: "NEW SECTION. 12.72A".
- 4 2. Page 2, by striking lines 16 through 18 and
- 5 inserting the following: "this section, including an
- 6 action for injunctive relief. A person found to have
- 7 violated this".

Amendment H-8248 was adopted.

SENATE FILE 2048 SUBSTITUTED FOR HOUSE FILE 2091

Horbach of Tama asked and received unanimous consent to substitute Senate File 2048 for House File 2091.

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.

Dotzler of Black Hawk offered amendment H-8222 filed by Dotzler, et al., as follows:

H-8222

1 Amend Senate File 2048, 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. 72.7 PUBLIC WORKS
6 PROJECTS – COMPETITIVE BIDDING REQUIREMENTS.
7 Prior to awarding a contract to perform work on a
8 public works project pursuant to a competitive bidding
9 procedure, a public contracting entity shall consider,
10 in determining whether a bidder is responsible, the
11 bidder's record of reliability and timely completion
12 of past projects, the qualifications of the bidder and
13 its employer and subcontractors to properly perform
14 the type of work required by the contract, and the
15 past experience of the bidder and its subcontractors
16 on projects of the same or similar nature. In
17 addition, for a bid to be considered a responsible
18 bid, the bidder and its subcontractors shall possess a
19 documented record of reliability and timely completion
20 of past projects of the same or similar scope of work
21 and a sufficient number of qualified and trained
22 employees to properly perform the type and nature of
23 work required under the contract. Proof of a
24 sufficient number of qualified and trained employees
25 shall not be required if the bidder and its
26 subcontractors can establish its payment of the
27 prevailing wage for the work to be performed as
28 determined by the department of workforce development
29 based upon wage determinations established by the
30 United States department of labor for similar work
31 pursuant to 29 C.F.R. § 1.5 and 29 C.F.R. § 1.6(b)."

32 2. Title page, by striking lines 1 through 3 and
 33 inserting the following: "An Act providing for
 34 certain competitive bidding procedures for public
 35 contracting entities."

Dotzler of Black Hawk offered the following amendment H-8282, to amendment H-8222, filed by him from the floor and moved its adoption:

H-8282

1 Amend the amendment, H-8222, to Senate File 2048,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 9, by inserting after the word
 5 "procedure," the following: "which contract
 6 authorizes the expenditure of twenty-five thousand
 7 dollars or more in public funds,".

Amendment H-8282 was adopted.

Horbach of Tama rose on a point of order that amendment H-8222, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-8222, as amended, not germane.

Dotzler of Black Hawk asked for unanimous consent to suspend the rules to consider amendment H-8222, as amended.

Objection was raised.

Dotzler of Black Hawk moved to suspend the rules to consider amendment H-8222, as amended.

Roll call was requested by Myers of Johnson and Brunkhorst of Bremer.

On the question "Shall the rules be suspended to consider amendment H-8222, as amended?" (S.F. 2048)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Fallon	Foege
Ford	Frevert	Greimann	Hatch

Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Broers
Brunkhorst	Carroll	Cormack	De Boef
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Finch	Gipp	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wilderdyke	Dix, Presiding	

Absent or not voting, 7:

Brauns	Connors	Garman	Klemme
Shoultz	Sukup	Teig	

The motion to suspend the rules lost.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8194 filed by him on March 5, 2002, placing amendment H-8200 filed by Richardson of Warren on March 6, 2002, out of order.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8219 filed by him on March 8, 2002.

Richardson of Warren asked and received unanimous consent that amendment H-8220 be deferred.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendment H-8041 filed by him on February 7, 2002.

Richardson of Warren offered the following amendment H-8220, previously deferred, filed by him and moved its adoption:

H-8220

1 Amend Senate File 2048, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 10, by inserting after the figure
 4 "384.37." the following: "However, "public works"
 5 does not include a memorial building or monument as
 6 described in section 37.1."

Amendment H-8220 lost.

Gipp of Winneshiek in the chair at 4:57 p.m.

Speaker Siegrist in the chair at 5:41 p.m.

Horbach of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2048)

The ayes were, 54:

Alons	Arnold	Atteberry	Baudler
Boal	Boddicker	Boggess	Bradley
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Reeder	Rekow	Roberts
Shey	Sievers	Sukup	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdyke	Mr. Speaker		
	Siegrist		

The nays were, 40:

Bell	Bukta	Chiodo	Cohoon
Connors	Dotzler	Fallon	Foege
Ford	Frevert	Greimann	Hatch

Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reynolds	Richardson
Scherrman	Schrader	Seng	Shoultz
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise

Absent or not voting, 6:

Brauns	Garman	Huser	Klemme
Teig	Witt		

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Klemme of Plymouth on request of Gipp of Winneshiek; Witt of Black Hawk on request of Myers of Johnson.

HOUSE FILE 2091 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House File 2091 from further consideration by the House.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

MICHAEL E. MARSHALL, Secretary

House File 2416, a bill for an act relating to mental health and developmental disability services requirements, was taken up for consideration.

Carroll of Poweshiek offered amendment H-8277 filed by him as follows:

H-8277

- 1 Amend House File 2416 as follows:
- 2 1. Page 1, line 10, by striking the words "~~four~~
- 3 ~~five~~" and inserting the following: "four".
- 4 2. Page 2, by striking line 29 and inserting the
- 5 following: "serve at least four individuals or the
- 6 number of individuals authorized by an exception to
- 7 policy approved by the department. The rules to be
- 8 amended".
- 9 3. Page 3, by striking lines 8 through 10.
- 10 4. Page 4, line 2, by inserting before the word
- 11 "~~The~~" the following: "A copy of the application shall
- 12 be sent to the department of human services at the
- 13 time the application is submitted to the Iowa
- 14 department of public health."

Carroll of Poweshiek offered the following amendment H-8288, to amendment H-8277, filed by him and Smith of Marshall from the floor and moved its adoption:

H-8288

- 1 Amend the amendment, H-8277, to House File 2416 as
- 2 follows:
- 3 1. Page 1, by inserting after line 14 the
- 4 following:
- 5 "____. Page 5, by inserting after line 1 the
- 6 following:
- 7 "Sec.____. ICFMR CERTIFICATE OF NEED – FY 2002-
- 8 2003 IMPLEMENTATION. For the fiscal year beginning
- 9 July 1, 2002, and ending June 30, 2003, the health
- 10 facilities council shall not approve applications for
- 11 new or changed institutional health service resulting
- 12 in more than ten new or changed beds for the
- 13 intermediate care facility for persons with mental
- 14 retardation classification.""
- 15 2. By renumbering as necessary.

Amendment H-8288 was adopted.

On motion by Carroll of Poweshiek amendment H-8277, as amended, was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendments H-8189 and H-8190 filed by him on March 5, 2002.

Carroll of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2416)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brauns	Garman	Huser	Klemme
Teig	Witt		

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2416** and **Senate File 2048**.

House File 2515, a bill for an act relating to the duties and operation of the department of education and providing an effective date, was taken up for consideration.

Cohon of Des Moines asked and received unanimous consent that amendment H-8211 be deferred.

Brunkhorst of Bremer offered amendment H-8215 filed by him and Cohoon of Des Moines as follows:

H-8215

1 Amend House File 2515 as follows:
 2 1. Page 3, by striking lines 21 and 22 and
 3 inserting the following:
 4 "Sec. __. Section 260C.5, subsection 6, Code 2001
 5 is amended by striking the subsection."
 6 2. By striking page 4, line 22 through page 7,
 7 line 25 and inserting the following:
 8 "Sec. __. Section 260C.38, unnumbered paragraphs
 9 1 and 3, Code 2001, are amended to read as follows:
 10 The board of directors may, ~~with the approval of~~
 11 ~~the director of the department of education,~~ enter
 12 into lease agreements, with or without purchase
 13 options, not to exceed twenty years in duration, for
 14 the leasing or rental of buildings for use basically
 15 as classrooms, laboratories, shops, libraries, and
 16 study halls for community college purposes, and pay
 17 for the leasing or rental with funds acquired pursuant
 18 to section 260C.17, section 260C.18, and section
 19 260C.22. ~~However, lease agreements extending for less~~
 20 ~~than ten years and for less than twenty-five thousand~~
 21 ~~dollars per year need not be submitted to the director~~
 22 ~~of the department of education for approval.~~
 23 Before entering into a lease agreement with a
 24 purchase option for a building to be constructed, or
 25 placed, upon real estate owned by the community
 26 college, the board shall first adopt plans and
 27 specifications for the proposed building which it
 28 considers suitable for the intended use, and the board
 29 shall also adopt the proposed terms of the lease
 30 agreement and purchase option. ~~Upon obtaining the~~

31 approval of the director of the department of
32 education, if approval of the director is required,
33 the The board shall invite bids, by advertisement
34 published once each week for two consecutive weeks in
35 the county where the building is to be located. The
36 lease agreement shall be awarded to the lowest
37 responsible bidder, or the board may reject all bids
38 and readvertise for new bids.
39 Sec. __. Section 282.18, subsection 2, Code 2001,
40 is amended to read as follows:
41 2. By January 1 of the preceding school year, the
42 parent or guardian shall send notification to the
43 district of residence and the receiving district, on
44 forms prescribed by the department of education, that
45 the parent or guardian intends to enroll the parent's
46 or guardian's child in a public school in another
47 school district. If a parent or guardian fails to
48 file a notification that the parent intends to enroll
49 the parent's or guardian's child in a public school in
50 another district by the deadline of January 1 of the

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1 previous year, and one of the criteria defined in
2 subsection ~~16 4~~ exists for the failure to meet the
3 deadline or if the request is to enroll a child in
4 kindergarten in a public school in another district,
5 the parent or guardian shall be permitted to enroll
6 the child in the other district in the same manner as
7 if the deadline had been met.
8 ~~The board of directors of a school district may~~
9 ~~adopt a policy granting the superintendent of the~~
10 ~~district authority to approve open enrollment~~
11 ~~applications that are timely filed. However, the~~
12 ~~board of directors shall not grant the superintendent~~
13 ~~authority to deny open enrollment applications, except~~
14 ~~as provided in subsection 3. The board of the~~
15 ~~district of residence, or the superintendent with the~~
16 ~~board's authority to only approve applications, shall~~
17 ~~take action on the request no later than February 1 of~~
18 ~~the preceding school year and shall transmit any~~
19 ~~approved request within five days after board action~~
20 ~~on the request. The parent or guardian may withdraw~~
21 ~~the request at any time prior to the start of the~~
22 ~~school year. The board of the receiving district, or~~
23 ~~the superintendent with the board's authority to~~
24 ~~approve applications only, shall take action to~~
25 ~~approve or disapprove the request no later than March~~
26 ~~1 of the preceding school year. The board of the~~
27 ~~receiving district shall enroll the pupil in a school~~
28 ~~in the receiving district for the following school~~
29 ~~year unless the receiving district does not have~~

30 classroom space for the pupil. If the request is
 31 granted, the board shall transmit a copy of the form
 32 to the parent or guardian and the school district of
 33 residence within five days after board action, but not
 34 later than March 1 of the preceding school year. The
 35 parent or guardian may withdraw the request at any
 36 time prior to the start of the school year. A denial
 37 of a request by the board of a receiving district is
 38 not subject to appeal.

39 Sec.____. Section 282.18, subsection 3, unnumbered
 40 paragraph 2, Code 2001, is amended to read as follows:

41 A parent or guardian, whose request has been denied
 42 because of a desegregation order or plan, may appeal
 43 the decision of the superintendent to the board of the
 44 district in which the request was denied. The board
 45 may either uphold or overturn the superintendent's
 46 decision. A decision of the board to uphold the
 47 denial of the request is subject to appeal ~~under~~
 48 section 290.1 to the district court in the county in
 49 which the primary business office of the district is
 50 located.

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1 Sec.____. Section 282.18, subsections 4 and 5,
 2 Code 2001, are amended by striking the subsections and
 3 inserting in lieu thereof the following:

4 4. a. After January 1 of the preceding school
 5 year and until the third Friday in September of that
 6 calendar year, the parent or guardian shall send
 7 notification to the district of residence and the
 8 receiving district, on forms prescribed by the
 9 department of education, that good cause, as defined
 10 in paragraph "b", exists for failure to meet the
 11 January 1 deadline. The board of the receiving
 12 district shall take action to approve the request if
 13 good cause exists. If the request is granted, the
 14 board shall transmit a copy of the form to the parent
 15 or guardian and the school district of residence
 16 within five days after board action. A denial of a
 17 request by the board of a receiving district is not
 18 subject to appeal.

19 b. For purposes of this section, "good cause"
 20 means a change in a child's residence due to a change
 21 in family residence, a change in the state in which
 22 the family residence is located, a change in a child's
 23 parents' marital status, a guardianship or custody
 24 proceeding, placement in foster care, adoption,
 25 participation in a foreign exchange program, or
 26 participation in a substance abuse or mental health
 27 treatment program, a change in the status of a child's
 28 resident district such as removal of accreditation by

29 the state board, surrender of accreditation, or
30 permanent closure of a nonpublic school, the failure
31 of negotiations for a whole-grade sharing,
32 reorganization, dissolution agreement or the rejection
33 of a current whole-grade sharing agreement, or
34 reorganization plan. If the good cause relates to a
35 change in status of a child's school district of
36 residence, however, action by a parent or guardian
37 must be taken to file the notification within forty-
38 five days of the last board action or within thirty
39 days of the certification of the election, whichever
40 is applicable to the circumstances.

41 c. If a resident district believes that a
42 receiving district is unreasonable in approving
43 applications submitted in accordance with this
44 subsection, the resident district may request that the
45 department review and take appropriate action.

46 5. Open enrollment applications filed after
47 January 1 of the preceding school year that do not
48 qualify for good cause as provided in subsection 4
49 shall be subject to the approval of the board of the
50 resident district and the board of the receiving

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1 district. The parent or guardian shall send
2 notification to the district of residence and the
3 receiving district that the parent or guardian seeks
4 to enroll the parent's or guardian's child in the
5 receiving district. A decision of either board to
6 deny an application filed under this subsection
7 involving repeated acts of harassment of the student
8 or serious health condition of the student that the
9 resident district cannot adequately address is subject
10 to appeal under section 290.1. The state board shall
11 exercise broad discretion to achieve just and
12 equitable results that are in the best interest of the
13 affected child or children.

14 Sec. ___. Section 282.18, subsection 6, Code 2001,
15 is amended to read as follows:

16 6. A request under this section is for a period of
17 not less than one year. If the request is for more
18 than one year and the parent or guardian desires to
19 have the pupil enroll in a different district, the
20 parent or guardian may petition the current receiving
21 district by January 1 of the previous school year for
22 permission to enroll the pupil in a different district
23 for a period of not less than one year. Upon receipt
24 of such a request, the current receiving district
25 board may act on the request to transfer to the other
26 school district at the next regularly scheduled board
27 meeting after the receipt of the request. The new

28 receiving district shall enroll the pupil in a school
 29 in the district unless there is insufficient classroom
 30 space in the district or unless enrollment of the
 31 pupil would adversely affect the court-ordered or
 32 voluntary desegregation plan of the district. A
 33 denial of a request to change district enrollment
 34 within the approved period is not subject to appeal
 35 under section 290.1. However, a pupil who has been in
 36 attendance in another district under this section may
 37 return to the district of residence and enroll at any
 38 time, once the parent or guardian has notified the
 39 district of residence and the receiving district in
 40 writing of the decision to enroll the pupil in the
 41 district of residence.

42 Sec. __. Section 282.18, subsection 14, Code
 43 2001, is amended to read as follows:

44 14. If a pupil, for whom a request to transfer has
 45 been filed with a district, has been suspended or
 46 expelled in the district, the pupil shall not be
 47 permitted to transfer until the pupil has been
 48 reinstated in the sending district. Once the pupil
 49 has been reinstated, however, the pupil shall be
 50 permitted to transfer in the same manner as if the

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1 pupil had not been suspended or expelled by the
 2 sending district. If a pupil, for whom a request to
 3 transfer has been filed with a district, is expelled
 4 in the district, the pupil shall be permitted to
 5 transfer to a receiving district under this section if
 6 the pupil applies for and is reinstated in the sending
 7 district. However, if the pupil applies for
 8 reinstatement but is not reinstated in the sending
 9 district, the receiving district may deny the request
 10 to transfer. ~~The parent or guardian of the pupil~~
 11 ~~shall be permitted to appeal the decision of the~~
 12 ~~receiving district to the director of the department~~
 13 ~~of education. If the director rules in favor of~~
 14 ~~permitting the transfer, the pupil shall be permitted~~
 15 ~~to transfer, but the transfer shall be conditioned~~
 16 ~~upon the expiration of the expulsion period without~~
 17 ~~the pupil incurring a new violation is not subject to~~
 18 ~~appeal.~~

19 Sec. __. Section 282.18, subsection 16, Code
 20 2001, is amended by striking the subsection and
 21 inserting in lieu thereof the following:

22 16. An application for open enrollment may be
 23 granted at any time with approval of the resident and
 24 receiving districts.

25 Sec. __. Section 282.18, subsection 18, Code
 26 2001, is amended by striking the subsection."

27 3. Page 18, by striking line 30 and inserting the
 28 following:
 29 "Sec. ____ Sections 256.34 and 260C.70, Code 2001,
 30 are repealed."
 31 4. Page 18, by inserting after line 30 the
 32 following:
 33 "Sec. 101. WHOLE-GRADE SHARING AGREEMENT DEADLINE
 34 WAIVER. Notwithstanding sections 282.10 and 282.11,
 35 the department of education may, at the department's
 36 discretion, waive any of the deadline requirements of
 37 sections 282.10 and 282.11, relating to the signing of
 38 a whole-grade sharing agreement by the boards of two
 39 or more school districts involved in the agreement and
 40 the public notice and hearing requirements, if one of
 41 the districts involved in the agreement has an
 42 enrollment of less than two hundred. This section is
 43 repealed July 1, 2002.
 44 Sec. ____ EFFECTIVE DATE – APPLICABILITY.
 45 Section 101 of this Act, relating to a waiver for
 46 whole-grade sharing agreement deadlines, being deemed
 47 of immediate importance, takes effect upon enactment
 48 and applies from the date of enactment to June 30,
 49 2002."
 50 5. Title page, line 2, by striking the words "an

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1 effective date" and inserting the following:
 2 "effective and applicability dates".

Gipp of Winneshiek offered the following amendment H-8225, to amendment H-8215, filed by him and moved its adoption:

H-8225

1 Amend the amendment, H-8215, to House File 2515 as
 2 follows:
 3 1. Page 2, lines 39 and 40, by striking the words
 4 and figure: "unnumbered paragraph 2,".
 5 2. Page 2, by inserting after line 40 the
 6 following:
 7 "3. In all districts involved with voluntary or
 8 court-ordered desegregation, minority and nonminority
 9 pupil ratios shall be maintained according to the
 10 desegregation plan or order. The superintendent of a
 11 district subject to voluntary or court-ordered
 12 desegregation may deny a request for transfer under
 13 this section if the superintendent finds that
 14 enrollment or release of a pupil will adversely affect
 15 the district's implementation of the desegregation
 16 order or plan, unless the transfer is requested by a

17 pupil whose sibling is already participating in open
18 enrollment to another district. If, however, a
19 transfer request would facilitate a voluntary or
20 court-ordered desegregation plan, the district shall
21 give priority to granting the request over other
22 requests."

Amendment H-8225 was adopted.

Brunkhorst of Bremer offered the following amendment H-8224, to amendment H-8215, filed by him and moved its adoption:

H-8224

1 Amend the amendment, H-8215, to House File 2515 as
2 follows:
3 1. Page 4, line 35, by striking the words and
4 figure "under section 290.1" and inserting the
5 following: "~~under section 290.1~~".
6 2. Page 5, by inserting after line 26 the
7 following:
8 "___ Page 10, by striking lines 27 and 28 and
9 inserting the following: "a matter of law or fact, or
10 a decision or order of a board of directors under
11 section 282.18, subsection 5, may, within thirty days
12 after"."
13 3. By renumbering as necessary.

Amendment H-8224 was adopted.

On motion by Brunkhorst of Bremer, amendment H-8215, as amended, was adopted placing out of order amendment H-8211, previously deferred, filed by Cohoon of Des Moines on March 7, 2002.

Cphoon of Des Moines asked and received unanimous consent to withdraw amendment H-8213 filed by him on March 7, 2002.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8126 filed by Richardson, et al., on February 27, 2002.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8197 filed by Richardson, et al., on March 5, 2002.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2515)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Mr. Speaker	
		Siegrist	

The nays were, none.

Absent or not voting, 5:

Brauns	Garman	Klemme	Teig
Witt			

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

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, was taken up for consideration.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8191 filed by him and Kettering of Sac on March 5, 2002.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8205 filed by him on March 6, 2002.

Kreiman of Davis moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2539)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winkler	Wise	Mr. Speaker	
		Siegrist	

The nays were, none.

Absent or not voting, 5:

Brauns	Garman	Klemme	Teig
Witt			

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2515 and 2539.**

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 13, 2002. Had I been present, I would have voted "aye" on House Files 2202, 2459, 2541, 2574, 2578 and 2584.

HEATON of Henry

I was necessarily absent from the House chamber on March 12, 2002. Had I been present, I would have voted "aye" on House Files 661, 2418, 2430, 2447, 2448, 2506, 2507, 2510, 2514, 2518, 2547, 2549, 2552, 2553, 2563 and 2565.

HOFFMAN of Crawford

I was necessarily absent from the House chamber on March 13, 2002. Had I been present, I would have voted "aye" on House Files 2202, 2459, 2541, 2574, 2578 and 2584.

VAN FOSSEN of Scott

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-eight 4-H students from Benton, Iowa, Poweshiek and Tama Counties, accompanied by Nancy Allen. By Carroll of Poweshiek.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\686 Dan Getz, Keokuk – For being named to the SEI Superconference all-conference first team for boys' basketball in the South Division.
- 2002\687 Daniel Riney, Keokuk – For being named to the SEI Superconference all-conference second team for boys' basketball in the South Division.
- 2002\688 Nathan Beaird, Keokuk – For being selected honorable mention member of the SEI Superconference all-conference team for boys' basketball in the South Division.
- 2002\689 Jacob Calhoun, Keokuk – For being selected honorable mention member of the SEI Superconference all-conference team for boys' basketball in the South Division.
- 2002\690 Ben Vogel, Central Lee High School – For being named to the SEI Superconference all-conference first team for boys' basketball in the West Division.
- 2002\691 Joel Ridgway, Central Lee High School – For being named to the SEI Superconference all-conference first team for boys' basketball in the West Division.
- 2002\692 Jason Gabel, Central Lee High School – For being named to the SEI Superconference all-conference second team for boys' basketball in the West Division.
- 2002\693 Adam Fett, Central Lee High School – For being selected an honorable mention member of the SEI Superconference all-conference team for boys' basketball in the West Division.
- 2002\694 Matt Hulsebus, Central Lee High School – For being selected an honorable mention member of the SEI Superconference all-conference team for boys' basketball in the West Division.
- 2002\695 Clay Voss, Central Lee High School – For being named Coach of the Year in the West Division, boys' basketball.
- 2002\696 Kyle Riddle, Keokuk – For being selected to the all-Southeast Conference second team in wrestling.
- 2002\697 Shane Wheatley, Keokuk – For being selected to the all-Southeast Conference second team in wrestling.
- 2002\698 Brett Lindner, Keokuk – For being selected to the all-Southeast Conference second team in wrestling.
- 2002\699 Zach Franklin, Keokuk – For being selected to the all-Southeast Conference second team in wrestling.
- 2002\700 Marcus Edler, Keokuk – For being selected to the all-Southeast Conference second team in wrestling.

- 2002\701 Adam Borders, Keokuk – For being recognized by the Keokuk Rotary as a Rotary Student Scholar.
- 2002\702 Lindy Russell, Keokuk – For being recognized by the Keokuk Rotary as a Rotary Student Leader.
- 2002\703 Esther Doane, Riceville – For celebrating her 90th birthday.
- 2002\704 Irene Junge, Grundy Center – For celebrating her 102nd birthday.
- 2002\705 Ludmilla Dvorak, Traer – For celebrating her 86th birthday.
- 2002\706 Lola and Clifford Berner, Maquoketa – For celebrating their 50th wedding anniversary.
- 2002\707 Walter and Dorothy Brockway, Waterloo – For celebrating their 50th wedding anniversary.
- 2002\708 Bob and Verdie Kressig, Waterloo – For celebrating their 55th wedding anniversary.
- 2002\709 Vyla Blough, Waterloo – For celebrating her 90th birthday.
- 2002\710 Harold Bravender, Waterloo – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

Senate File 503

Agriculture: Boggess, Chair; Johnson and Mertz.

Senate File 2106

Human Resources: Brunkhorst, Chair; Carroll and Kreiman.

Senate File 2152

Education: Sukup, Chair; Cohoon and Tymeson.

Senate File 2178

Labor and Industrial Relations: Dolecheck, Chair; Dotzler and Horbach.

Senate File 2205

Human Resources: Boal, Chair; Atteberry and Tymeson.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON COMMERCE AND REGULATION

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.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2002.

COMMITTEE ON EDUCATION

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.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2002.

Senate File 2228, a bill for an act relating to utilization of school district moneys for physical plant and equipment levy purposes.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8284** March 13, 2002.

COMMITTEE ON JUDICIARY

Senate File 415, a bill for an act relating to the jurisdiction of district associate judges.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8280** March 12, 2002.

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.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2002.

Senate File 2098, a bill for an act relating to the criminal offense of unauthorized computer access and criminal mischief, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2002.

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.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2002.

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.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2002.

Senate File 2288, a bill for an act relating to the appointment of an acting or a temporary county attorney.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2002.

COMMITTEE ON STATE GOVERNMENT

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.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 2002.

AMENDMENTS FILED

H—8278	H.F.	2585	Boal of Polk Heaton of Henry Reynolds of Van Buren
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H—8279	H.F.	2493	Eichhorn of Hamilton
H—8280	S.F.	415	Committee on Judiciary
H—8281	H.F.	2499	Johnson of Osceola
H—8283	H.F.	2090	Dotzler of Black Hawk
H—8284	S.F.	2228	Committee on Education
H—8285	H.F.	2572	Warnstadt of Woodbury
H—8286	S.F.	2197	Eichhorn of Hamilton
H—8287	S.F.	2152	Mascher of Johnson
H—8289	S.F.	429	Dix of Butler
H—8290	S.F.	2179	Ford of Polk Brunkhorst of Bremer

On motion by Rants of Woodbury the House adjourned at 7:38 p.m., until 8:45 a.m., Thursday, March 14, 2002.

PROOF

STATE OF IOWA

House Journal

THURSDAY, MARCH 14, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 14, 2002

The House met pursuant to adjournment at 9:31 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Dan Guenther, pastor of Holy Family Parish, Emmetsburg. He was the guest of Representative Marcella Frevert of Palo Alto County.

The Journal of Wednesday, March 13, 2002 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 13, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2296, a bill for an act relating to voter registration forms, registered voter identification numbers, and voter registration lists.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Atteberry of Delaware on request of Myers of Johnson; Greimann of Story on request of Bukta of Clinton; Klemme of Plymouth on request of Rants of Woodbury; Richardson of Warren, until his arrival, and T. Taylor of Linn on request of Myers of Johnson.

ST. PATRICK'S DAY OBSERVANCE

Prior to convening the Honorable Ed Fallon, state representative from Polk County and his band performed Irish music in the House chamber. The Honorable Dan Boddicker, state representative from Cedar County performed "Danny Boy" accompanied by Representative Fallon.

Frevert of Palo Alto presented to the House the Emmetsburg Little Irish Dancers. The "Emmetsburg Irish Dancers" are a group of elementary school girls who perform authentic Irish Dances. Members of the group are: Kayla Bell, April Corley, Cortney Gappa, Shelby Krause, Ashley Opheim, Bridget Rouse, Katelyn Schany and Keri Zylstra.

PRESENTATION OF IRISH DIGNITARY

Frevert of Palo Alto presented to the House, Dan Neville, a member of the Irish Parliament from Kiltannan, Croagh, County Limerick, Ireland. Mr. Neville is a full-time public representative as well as being a member of Limerick County since 1985, Mid-Western Health Boards since 1991, and the General Council of County Councils since 1991. He was accompanied by his wife, the former Goretta O'Callaghan.

Representative Frevert escorted Representative Neville to the Speaker's station where he briefly addressed the House.

The House rose and expressed its welcome.

Connors of Polk presented the Irish flag as Brunkhorst of Bremer and Mertz of Kossuth performed a tradition Irish jig.

The Honorable Willard Jenkins, state representative from Black Hawk County and Chair of the International Relations Committee, presented Irish Dignitary, Dan Neville, with a gift.

CONSIDERATION OF BILLS
Regular Calendar

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, was taken up for consideration.

Alons of Sioux offered the following amendment H-8186 filed by him and moved its adoption:

H-8186

- 1 Amend House File 2455 as follows:
 2 1. Page 1, line 9, by inserting after the word
 3 "recorder." the following: "If a military separation
 4 or discharge record is recorded in the office of the
 5 county recorder, the military separation or discharge
 6 record shall not be accessible through the internet."

Amendment H-8186 was adopted.

Jones of Mills moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2455)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Schrader

Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdye
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 8:

Atteberry	Greimann	Huser	Klemme
Millage	Richardson	Taylor, T.	Teig

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

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, with report of committee recommending amendment and passage, was taken up for consideration.

Dix of Butler offered amendment H-8210 filed by the committee on commerce and regulation as follows:

H-8210

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 produce 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

Page 2

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
15 ninety days of filing, but for good cause may grant
16 one or more extensions in thirty-day increments, not
17 to exceed a total of one hundred eighty days.
18 Reasonable modifications may include increases without
19 offsetting decreases in any rate for basic and

20 nonbasic communications service of the carrier. In
 21 reviewing the carrier's proposal, the board shall
 22 consider, but not be limited to, potential rate
 23 consolidations, the impact of competition or other
 24 external factors since election of price regulation,
 25 the impact of the proposal on the carrier's ability to
 26 attract capital, and the impact of the proposal on the
 27 ability of the carrier to deploy advanced
 28 telecommunications services.

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

31 2. Title page, by striking lines 2 through 4 and
 32 inserting the following: "including the modification
 33 or adjustment of certain rates, and providing an
 34 effective date."

Hatch of Polk asked and received unanimous consent to withdraw amendment H-8269, to the committee amendment H-8210, filed by Hatch, et al., on March 12, 2002.

Dix of Butler offered the following amendment H-8289, to the committee amendment H-8210, filed by him and moved its adoption:

H-8289

1 Amend the amendment, H-8210, to Senate File 429, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 2, line 15, by striking the word "ninety"
 5 and inserting the following: "one hundred eighty".

6 2. Page 2, line 16, by striking the words "or
 7 more extensions in thirty-day increments" and
 8 inserting the following: "extension of sixty days".

9 3. Page 2, line 17, by striking the words "one
 10 hundred eighty" and inserting the following: "two
 11 hundred forty".

12 4. Page 2, by inserting after line 28 the
 13 following:

14 "Sec. ___. Section 476.97, subsection 11, Code
 15 2001, is amended by adding the following new
 16 paragraphs:

17 **NEW PARAGRAPH.** j. Upon the request of a local
 18 exchange carrier, the board shall, when required by
 19 this subsection, grant the carrier temporary authority
 20 to place in effect seventy-five percent, or such
 21 lesser amount as the carrier may request, of the
 22 requested increases in rates, charges, schedules, or
 23 regulations by filing with the board a bond
 24 conditioned upon the refund in a manner to be
 25 prescribed by the board of any amounts collected from

26 any customer class in excess of the amounts which
27 would have been collected under rates, charges,
28 schedules, or regulations finally approved by the
29 board. The board shall approve a request for
30 temporary authority within thirty days after the date
31 of filing of the request. The decision shall be
32 effective immediately.

33 The board shall determine the rate of interest to
34 be paid by a public utility to persons receiving
35 refunds. The interest rate to be applied to refunds
36 of moneys collected subject to refund under this
37 subsection is one percent per annum plus the average
38 quarterly interest rate at commercial banks for
39 twenty-four-month loans for personal expenditures, as
40 determined by the board, compounded annually. The
41 board shall consider federal reserve statistical
42 release G.19 or its equivalent when determining
43 interest to be paid under this subsection.

44 NEW PARAGRAPH. k. The board and the consumer
45 advocate may employ additional temporary staff, or may
46 contract for professional services with persons who
47 are not state employees, as the board and consumer
48 advocate deem necessary to review a local exchange
49 carrier's operations, proposal for modifications, rate
50 change proposal, or proposed changes in aggregate

Page 2

1 revenue weighted prices pursuant to this subsection.
2 Beginning July 1, 2002, there is appropriated out of
3 any funds in the state treasury not otherwise
4 appropriated, such sums as may be necessary to enable
5 the board to hire additional staff and contract for
6 services under this subsection. The costs of the
7 additional staff and services shall be assessed to the
8 local exchange carrier pursuant to the procedures in
9 sections 475A.6 and 476.10."

10 5. Page 2, line 33, by inserting after the word
11 "rates," the following: "making an appropriation,"

12 6. By renumbering, redesignating, and correcting
13 internal references as necessary.

Amendment H-8289 was adopted.

On motion by Dix of Butler the committee amendment H-8210, as amended, was adopted.

Dix of Butler moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 429)

The ayes were, 85:

Alons	Baudler	Bell	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Bukta	Chiodo
Cohoon	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Tremmel	Tymeson	Tyrrell	Van Fossen
Warnstadt	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 15:

Arnold	Atteberry	Carroll	Connors
Eddie	Greimann	Huser	Klemme
Millage	Richardson	Taylor, T.	Teig
Van Engelenhoven	Weidman	Wilderdyke	

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

House File 2555, a bill for an act creating new criminal offenses, providing for enhancements and penalties, and providing an effective date, was taken up for consideration.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8243 filed by him on March 11, 2002, placing amendment H-8268 filed by Ford of Polk on March 12, 2002, out of order.

Tremmel of Wapello offered amendment H-8244 filed by him as follows:

H-8244

- 1 Amend House File 2555 as follows:
- 2 1. Page 2, by inserting before line 1 the
- 3 following:
- 4 "Sec. ___. Section 622.53, Code 2001, is amended
- 5 to read as follows:
- 6 622.53 JUDICIAL RECORD – STATE OR FEDERAL COURTS.
- 7 A judicial record of this state, including the
- 8 filed certified shorthand notes of the official court
- 9 reporter as transcribed or a court of the United
- 10 States may be proved by the production of the
- 11 original, or a copy of it certified by the clerk or
- 12 person having the legal custody of it, authenticated
- 13 by the custodian's seal of office, if there is a seal.
- 14 ~~That~~ A judicial record of another state may be proved
- 15 by the attestation of the clerk and the seal of the
- 16 court annexed, if there is a seal, ~~together with a~~
- 17 ~~certificate of a judge, chief justice, or presiding~~
- 18 ~~magistrate that the attestation is in due form of~~
- 19 ~~law."~~
- 20 2. Page 2, line 14, by striking the word "twenty-
- 21 five" and inserting the following: "fifty".
- 22 3. Page 2, line 16, by striking the letter ""C""
- 23 and inserting the following: ""D"".
- 24 4. Page 3, line 31, by striking the word and
- 25 figure "subsection 5" and inserting the following:
- 26 "~~subsection 5~~".
- 27 5. Page 4, line 2, by inserting after the words
- 28 "forcible felony" the following: "or a class "C"
- 29 felony under section 124.401, subsection 1, paragraph
- 30 "c"".
- 31 6. Title page, line 2, by inserting after the
- 32 word "penalties," the following: "relating to
- 33 judicial records,".
- 34 7. By renumbering as necessary.

Tremmel of Wapello offered the following amendment H-8273, to amendment H-8244, filed by Tremmel, et al., and moved its adoption:

H-8273

- 1 Amend the amendment, H-8244, to House File 2555 as
- 2 follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 " ___. Page 1, by inserting after line 27 the

6 following:

7 "Sec. ___. Section 124.401A, Code 2001, is amended
8 to read as follows:

9 124.401A ENHANCED PENALTY FOR MANUFACTURE OR
10 DISTRIBUTION TO PERSONS ON CERTAIN REAL PROPERTY.

11 In addition to any other penalties provided in this
12 chapter, a person who is eighteen years of age or
13 older who unlawfully manufactures with intent to
14 distribute, distributes, or possesses with intent to
15 distribute a substance or counterfeit substance listed
16 in schedule I, II, or III, or a simulated controlled
17 substance represented to be a controlled substance
18 classified in schedule I, II, or III, to another
19 person who is eighteen years of age or older in or on,
20 or within one thousand feet of the real property
21 comprising a public or private elementary or secondary
22 school, public park, public swimming pool, public
23 recreation center, or on a marked school bus, may be
24 sentenced up to an additional term of confinement of
25 five years."

26 2. Page 1, by inserting after line 30 the
27 following:

28 " ___. Page 4, lines 2 and 3, by striking the
29 words and figures "~~felonies in chapters 707, 708, and~~
30 ~~709,~~" and inserting the following: "felonies in
31 chapters 707,~~708,~~ and 709,""

Amendment H-8273 was adopted.

Tremmel of Wapello offered the following amendment H-8251, to
amendment H-8244, filed by him and moved its adoption:

H-8251

1 Amend the amendment, H-8244, to House File 2555 as
2 follows:

3 1. Page 1, by inserting after line 23 the
4 following:

5 " ___. Page 3, line 26, by inserting after the
6 word "felony" the following: "or a class "C" felony
7 under section 124.401, subsection 1, paragraph "c",".

8 2. Page 1, by striking lines 27 through 30.

Amendment H-8251 was adopted.

On motion by Tremmel of Wapello amendment H-8244, as
amended, was adopted.

Tremmel of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2555)

The ayes were, 87:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Brauns
Broers	Brunkhorst	Bukta	Carroll
Chiodo	Cohoon	Cormack	De Boef
Dix	Dolecheck	Dotzler	Drake
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevort	Garman
Gipp	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Wilderdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, none.

Absent or not voting, 13:

Atteberry	Bradley	Connors	Eddie
Greimann	Hoffman	Huser	Klemme
Millage	Richardson	Taylor, T.	Teig
Weidman			

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2455** and **2555**.

HOUSE FILES PLACED ON THE
UNFINISHED BUSINESS CALENDAR

Rants of Woodbury asked and received unanimous consent that the following House Files be placed on the Unfinished Business Calendar:

House File 681	House File 2450
House File 2090	House File 2456
House File 2362	House File 2468
House File 2379	House File 2481
House File 2387	House File 2499
House File 2405	House File 2509
House File 2411	House File 2535

On motion by Rants of Woodbury, the House was recessed at 10:46 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:07 p.m., Hansen of Pottawattamie in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-eight members present, thirty-two absent.

MOTION TO RECONSIDER LOST

Dix of Butler called up for consideration the motion to reconsider Senate File 429, filed by him from the floor, and moved to reconsider the vote by which **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, passed the House on March 14, 2002.

A non-record roll call was requested.

The ayes were 27, nays 51.

The motion to reconsider lost, placing out of order the motion to reconsider filed by Schrader of Marion from the floor.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 429** be immediately messaged to the Senate.

SENATE MESSAGE CONSIDERED

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 and referred to committee on **state government**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 12 and 13, 2002. Had I been present, I would have voted "aye" on House Files 661, 2202, 2416, 2418, 2430, 2447, 2448, 2459, 2488, 2506, 2507, 2510, 2514, 2515, 2518, 2539, 2541, 2546, 2547, 2549, 2552, 2553, 2559, 2563, 2565, 2574, 2578, 2584 and Senate Files 2048 and 2212.

BRAUNS of Muscatine

I was necessarily absent from the House chamber on March 14, 2002. Had I been present, I would have voted "aye" on House Files 2455, 2555 and Senate File 429.

MILLAGE of Scott

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

Senate File 466, a bill for an act relating to child care and protection public policy provisions involving children.

ON THE PART OF THE HOUSE:

ROGER BROERS, Chair
DANIEL BODDICKER
MIKE CORMACK
PATRICK MURPHY
MARK SMITH

ON THE PART OF THE SENATE:

DAVID MILLER, Chair
JOHNIE HAMMOND
STEVE KING
MARK SHEARER
MAGGIE TINSMAN

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\711 Elizabeth Kolbe, Bagley – For celebrating her 88th birthday.
- 2002\712 Rose Rutherford, Manilla – For celebrating her 90th birthday.
- 2002\713 Mearl Luvaas, Denison – For celebrating his 80th birthday.
- 2002\714 Ila Shultz, Victor – For celebrating her 90th birthday.
- 2002\715 Mary Scandridge, Victor – For celebrating her 85th birthday.
- 2002\716 Roy Reinert, Sigourney – For celebrating his 100th birthday.
- 2002\717 Annabelle Holden Maas, Victor – For celebrating her 85th birthday.
- 2002\718 Dwayne and Althea Lucas, Keswick – For celebrating their 50th wedding anniversary.
- 2002\719 Orlo DeGood, Fairfield – For celebrating his 100th birthday.
- 2002\720 Dean and Jerri Manchester, Douds – For celebrating their 50th wedding anniversary.
- 2002\721 Dorothea Zeitler Lazenby, Keosauqua – For celebrating her 90th birthday.
- 2002\722 Florence and Elmer Louth, Birmingham – For celebrating their 60th wedding anniversary.
- 2002\723 Ann Hurley, Garnavillo – For celebrating her 90th birthday.

- 2002\724 Zelda Hedeman, Garnavillo – For celebrating her 90th birthday.
- 2002\725 Armon Adams, Marshalltown – For celebrating his 86th birthday.
- 2002\726 Clara Adams, Marshalltown – For celebrating her 86th birthday.
- 2002\727 Max Buffington, Marshalltown – For celebrating his 86th birthday.
- 2002\728 Velma Daggett, Marshalltown – For celebrating her 83rd birthday.
- 2002\729 Dwight Dungy, Marshalltown – For celebrating his 80th birthday.
- 2002\730 Zaida Haight, Marshalltown – For celebrating her 85th birthday.
- 2002\731 Ruth Hart, Marshalltown – For celebrating her 80th birthday.
- 2002\732 Ethel Huisman, Marshalltown – For celebrating her 82nd birthday.
- 2002\733 Patricia Keyser, Marshalltown – For celebrating her 84th birthday.
- 2002\734 Ruth Knudson, Marshalltown – For celebrating her 87th birthday.
- 2002\735 Margaret Lang, Marshalltown – For celebrating her 93rd birthday.
- 2002\736 Gordon Leth, Marshalltown – For celebrating his 81st birthday.
- 2002\737 Ora McCoy, Marshalltown – For celebrating her 84th birthday.
- 2002\738 Perry Moore, Marshalltown – For celebrating his 82nd birthday.
- 2002\739 Arlene Pace, Marshalltown – For celebrating her 82nd birthday.
- 2002\740 Edith Reed, Marshalltown – For celebrating her 96th birthday.
- 2002\741 Reva Rhodes, Marshalltown – For celebrating her 89th birthday.
- 2002\742 Betty Rinehart, Marshalltown – For celebrating her 83rd birthday.
- 2002\743 Garnet Rogers, Marshalltown – For celebrating her 84th birthday.
- 2002\744 Annemarie Scheiding, Marshalltown – For celebrating her 83rd birthday.
- 2002\745 Lois Shill, Marshalltown – For celebrating her 85th birthday.
- 2002\746 Hildred Spence, Marshalltown – For celebrating her 82nd birthday.
- 2002\747 Wayne and Mary Elsberry, Birmingham – For celebrating their 65th wedding anniversary.
- 2002\748 Donna and Merrill Sterler, Osceola County – For celebrating their 50th wedding anniversary.

2002\749 Clara and Carl Wassman, Ocheyedan – For celebrating their 70th wedding anniversary.

2002\750 Jeannette Sikma, Ocheyedan – For celebrating her 100th birthday.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2003

Judiciary: Kettering, Chair; Kreiman and Wilderdyke.

Senate File 2200

Labor and Industrial Relations: Horbach, Chair; Dotzler and Wilderdyke.

Senate File 2205 Reassigned

Human Resources: Broers, Chair; Atteberry and Tymeson.

Senate File 2280

Human Resources: Tymeson, Chair; Boddicker and Foege.

Senate File 2296

State Government: Jacobs, Chair; Boddicker, Eichhorn, Jochum and Reynolds.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Senate File 2296, a bill for an act relating to voter registration forms, registered voter identification numbers, and voter registration lists.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 2002.

AMENDMENTS FILED

H—8291 H.F. 2586 Sievers of Scott

H—8292	S.F.	2192	Fallon of Polk
H—8293	H.F.	2405	Fallon of Polk
H—8294	H.F.	2186	Rekow of Allamakee
H—8295	S.F.	144	Rekow of Allamakee
H—8296	H.F.	2138	Warnstadt of Woodbury

On motion by Rants of Woodbury the House adjourned at 1:45 p.m., until 9:00 a.m., Friday, March 15, 2002.

PROOF

STATE OF IOWA

House Journal

FRIDAY, MARCH 15, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Sixty-first Calendar Day - Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 15, 2002

The House met pursuant to adjournment at 9:02 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Chuck Gipp, state representative from Winneshiek County.

The Journal of Thursday, March 14, 2002 was approved.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 14, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 2112, 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.

House File 2139, an act to increase the maximum amount of a vocational-technical tuition grant.

House File 2340, 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.

House File 2345, an act authorizing the department of justice to administer the violence against women program.

House File 2492, 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.

Senate File 2084, an act relating to business relationships between persons involved in the sale of certain vehicles, including suppliers and dealers of all-terrain vehicles.

Senate File 2207, an act relating to the acquisition, enforceability, and purpose of conservation easements.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF TRANSPORTATION

The 2002 Public Transit Agency Profiles and Legislative Summary, pursuant to Chapter 324A, Code of Iowa.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON COMMERCE AND REGULATION

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.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 2002.

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.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 2002.

COMMITTEE ON JUDICIARY

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

Fiscal Note is not required.

Recommended **Do Pass** March 14, 2002.

Senate File 2144, a bill for an act providing for a .08 blood alcohol concentration limit for motor vehicle operating while intoxicated offenses.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 2002.

Senate File 2267, a bill for an act relating to reorganizing judicial districts and judicial election districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8301** March 14, 2002.

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8297** March 14, 2002.

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8298** March 14, 2002.

Senate File 2286, a bill for an act relating to the civil commitment of sexually violent predators, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 2002.

Senate File 2301, a bill for an act relating to representation of indigent persons and the duties of the state public defender.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 2002.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 2190, a bill for an act concerning workers' compensation.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 2002.

RESOLUTIONS FILED

HCR 121, by Grundberg and Mascher, a concurrent resolution designating March 2002 as Iowa Women's History Month.

Laid over under **Rule 25**.

HR 113, by Hansen, a resolution congratulating the 2001 University of Northern Iowa Baseball Team.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8297	S.F.	2268	Committee on Judiciary
H—8298	S.F.	2275	Committee on Judiciary
H—8299	S.F.	2190	Horbach of Tama
H—8300	S.F.	2190	Horbach of Tama
H—8301	S.F.	2267	Committee on Judiciary
H—8302	S.F.	2192	Huser of Polk Brauns of Muscatine
H—8303	S.F.	2192	Brauns of Muscatine
H—8304	S.F.	2192	Petersen of Polk

On motion by Rayhons of Hancock the House adjourned at 9:03 a.m., until 1:00 p.m., Monday, March 18, 2002.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 18, 2002

The House met pursuant to adjournment at 1:05 p.m., Carroll of Poweshiek in the chair.

Prayer was offered by the Honorable Dan Boddicker, state representative from Cedar County. The "Lords Prayer" was sung by John Feller, former House Doorkeeper from Des Moines.

The Journal of Friday, March 15, 2002 was approved.

PLEDGE OF ALLEGIANCE

Prior to convening the flags and the Pledge of Allegiance was led by Girl Scout Troops 101 from Twin Cedars School District of Bussey. They were accompanied by their troop leader, Carol Hoehns, and Troop 176 from Orchard Hill Elementary of Cedar Falls. They were the guests of Representative Janet Metcalf of Polk County and Representative Bill Witt of Black Hawk County.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cohoon of Des Moines, Greimann of Story, Lensing of Johnson and O'Brien of Boone on request of Myers of Johnson; Osterhaus of Jackson on request of Bukta of Clinton; Baudler of Adair, until his arrival, and Jones of Mills on request of Rants of Woodbury.

CONSIDERATION OF BILLS Unfinished Business Calendar

House File 2405, 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.

Fallon of Polk asked and received unanimous consent that amendment H-8293 be deferred.

Fallon of Polk offered the following amendment H-8124 filed by him and moved its adoption:

H-8124

- 1 Amend House File 2405 as follows:
- 2 1. Page 1, line 32, by striking the words "an
- 3 ownership or" and inserting the following: "a".
- 4 2. Page 2, by inserting after line 28, the
- 5 following:
- 6 "___ The lease executed by the qualified
- 7 enterprise terminates no later than twelve years from
- 8 the date that the qualified enterprise files a notice
- 9 with the secretary of state as provided in this
- 10 section. The lease shall not be renewed or otherwise
- 11 continued to a date that is later than twelve years
- 12 from the date that the qualified enterprise files the
- 13 notice with the secretary of state."
- 14 3. By renumbering as necessary.

Amendment H-8124 lost.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8293, previously deferred, filed by him on March 14, 2002.

SENATE FILE 2210 SUBSTITUTED FOR HOUSE FILE 2405

Johnson of Osceola asked and received unanimous consent to substitute Senate File 2210 for House File 2405.

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.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8127 filed by him on February 27, 2002.

Johnson of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2210)

The ayes were, 75:

Alons	Atteberry	Bell	Boal
Boggess	Bradley	Brauns	Broers
Brunkhorst	Chiodo	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Finch	Foege	Frevert	Gipp
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Manternach	Mascher
May	Mertz	Metcalf	Millage
Myers	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Richardson	Roberts	Schrader	Seng
Shey	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tymeson
Tyrrell	Van Engelenhoven	Warnstadt	Weidman
Wilderdyke	Wise	Carroll, Presiding	

The nays were, 13:

Arnold	Boddicker	Bukta	Fallon
Garman	Jochum	Murphy	Reynolds
Scherrman	Shoultz	Tremmel	Winckler
Witt			

Absent or not voting, 12:

Baudler	Cohon	Ford	Greimann
Grundberg	Jones	Lensing	O'Brien
Osterhaus	Siegrist, Spkr.	Teig	Van Fossen

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

HOUSE FILE 2405 WITHDRAWN

Johnson of Osceola asked and received unanimous consent to withdraw House File 2405 from further consideration by the House.

House File 2362, 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.

Weidman of Cass offered the following amendment H-8096 filed by him and moved its adoption:

H-8096

- 1 Amend House File 2362 as follows:
- 2 1. Page 4, line 7, by striking the letter "a."
- 3 and inserting the following: "1."
- 4 2. Page 4, line 13, by striking the letter "b."
- 5 and inserting the following: "2."

Amendment H-8096 was adopted.

SENATE FILE 2156 SUBSTITUTED FOR HOUSE FILE 2362

Weidman of Cass asked and received unanimous consent to substitute Senate File 2156 for House File 2362.

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.

Weidman of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2156)

The ayes were, 85:

Alons	Arnold	Atteberry	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Chiodo	Connors	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Frevert	Garman	Gipp

Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Manternach
Mascher	May	Mertz	Metcalf
Millage	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Warnstadt	Weidman
Wilderdryke	Winckler	Wise	Witt
Carroll, Presiding			

The nays were, 2:

Cormack Murphy

Absent or not voting, 13:

Baudler	Cphoon	Ford	Greimann
Grundberg	Jones	Lensing	Myers
O'Brien	Osterhaus	Siegrist, Spkr.	Teig
Van Fossen			

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

HOUSE FILE 2362 WITHDRAWN

Weidman of Cass asked and received unanimous consent to withdraw House File 2362 from further consideration by the House.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2156 and 2210.**

The House stood at ease at 1:50 p.m., until the fall of the gavel.

The House resumed session at 4:12 p.m., Dix of Butler in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 18, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2153, a bill for an act relating to presentation of victim impact statements at criminal sentencing hearings.

Also: That the Senate has on March 18, 2002, amended and passed the following bill in which the concurrence of the House 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.

Also: That the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2230, a bill for an act relating to sentences of incarceration for third or subsequent operating-while-intoxicated motor vehicle offenses.

Also: That the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty members present, forty absent.

Unfinished Business Calendar

House File 2411, 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.

SENATE FILE 2260 SUBSTITUTED FOR HOUSE FILE 2411

Brunkhorst of Bremer asked and received unanimous consent to substitute Senate File 2260 for House File 2411.

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.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2260)

The ayes were, 91:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin

Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Manternach
May	Mertz	Metcalf	Millage
Murphy	Myers	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Dix,	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Cohoon	Greimann	Jones	Lensing
Mascher	O'Brien	Osterhaus	Siegrist, Spkr.
Teig			

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

HOUSE FILE 2411 WITHDRAWN

Brunkhorst of Bremer asked and received unanimous consent to withdraw House File 2411 from further consideration by the House.

House File 2450, 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.

SENATE FILE 2155 SUBSTITUTED FOR HOUSE FILE 2450

Hoversten of Woodbury asked and received unanimous consent to substitute Senate File 2155 for House File 2450.

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.

Hoversten of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2155)

The ayes were, 91:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weydman	Wilderdyke	Winckler
Wise	Witt	Dix,	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Cohoon	Greimann	Johnson	Jones
Lensing	O'Brien	Osterhaus	Siegrist, Spkr.
Teig			

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

HOUSE FILE 2450 WITHDRAWN

Hoversten of Woodbury asked and received unanimous consent to withdraw House File 2450 from further consideration by the House.

House File 2535, a bill for an act 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, was taken up for consideration.

Cormack of Webster offered amendment H-8198 filed by him as follows:

H-8198

- 1 Amend House File 2535 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "airport," the following: "municipal corporation,".
- 4 2. Page 1, line 7, by inserting after the word
- 5 and figure "subsection 43." the following: "This
- 6 paragraph is repealed effective June 30, 2007."
- 7 3. Page 1, line 10, by inserting after the word
- 8 "airport," the following: "municipal corporation,".
- 9 4. Page 1, line 15, by inserting after the word
- 10 "airport," the following: "municipal corporation,".
- 11 5. Page 1, line 25, by inserting after the word
- 12 "airport," the following: "municipal corporation,".
- 13 6. Title page, line 2, by inserting after the
- 14 word "airports," the following: "municipal
- 15 corporations,".

Cormack of Webster offered the following amendment H-8312, to amendment H-8198, filed by him from the floor and moved its adoption:

H-8312

- 1 Amend the amendment, H-8198, to House File 2535, as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word
- 4 "paragraph" and inserting the following:
- 5 "subsection".

Amendment H-8312 was adopted.

On motion by Cormack of Webster amendment H-8198, as amended, was adopted.

SENATE FILE 2277 SUBSTITUTED FOR HOUSE FILE 2535

Cormack of Webster asked and received unanimous consent to substitute Senate File 2277 for House File 2535.

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.

RULE 31.8 SUSPENDED

Cormack of Webster asked and received unanimous consent to suspend Rule 31.8, related to the timely filing of amendments, for the immediate consideration of amendment H-8313.

Cormack of Webster offered the following amendment H-8313 filed by him from the floor and moved its adoption:

H-8313

- 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".

Amendment H-8313 was adopted.

Gipp of Winneshiek in the chair at 5:55 p.m.

Cormack of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2277)

The ayes were, 84:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Connors

Cormack	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Finch	Foege	Ford	Frevert
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Manternach	May
Mertz	Metcalf	Millage	Murphy
Myers	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Schrader
Seng	Shay	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Wise	Witt	Gipp, Presiding

The nays were, 7:

De Boef	Fallon	Garman	Jochum
Mascher	Richardson	Winckler	

Absent or not voting, 9:

Cohoon	Greimann	Johnson	Jones
Lensing	O'Brien	Osterhaus	Siegrist, Spkr.
Teig			

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

HOUSE FILE 2535 WITHDRAWN

Cormack of Webster asked and received unanimous consent to withdraw House File 2535 from further consideration by the House.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2246, a bill for an act relating to administrative procedures of county treasurers for property taxation and vehicle registration.

MICHAEL E. MARSHALL, Secretary

Regular Calendar

Senate File 2201, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Eichhorn of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2201)

The ayes were, 91:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Gipp,	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Cohoon	Greimann	Johnson	Jones
Lensing	O'Brien	Osterhaus	Siegrist, Spkr.
Teig			

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carroll of Poweshiek on request of Rants of Woodbury.

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, with report of committee recommending passage, was taken up for consideration.

Hansen of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2133)

The ayes were, 90:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman

Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Winckler	Wise
Witt	Gipp,		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Carroll	Cohoon	Greimann	Johnson
Jones	Lensing	O'Brien	Osterhaus
Siegrist, Spkr.	Teig		

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

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, with report of committee recommending passage, was taken up for consideration.

Petersen of Polk offered the following amendment H-8304 filed by her and moved its adoption:

H-8304

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 appraisalment 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 appraisalment 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 appraisalment 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 appraisalment 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. Title page, line 1, by striking the word
47 "vehicles," and inserting the following: "vehicles
48 and condemnation,".
49 5. By renumbering as necessary.

Amendment H-8304 was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8292 filed by Fallon of Polk on March 14, 2002.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8302 filed by her and Brauns of Muscatine on March 15, 2002.

Huser of Polk offered the following amendment H-8303 filed by Brauns of Muscatine and moved its adoption:

H-8303

- 1 Amend Senate File 2192, as passed by the Senate, as
 2 follows:
 3 1. Page 26, by inserting after line 21 the
 4 following:
 5 "Sec. ___. EFFECTIVE DATE. The following
 6 provisions of this division of this Act, being deemed
 7 of immediate importance, take effect upon enactment:
 8 1. The provisions amending sections 321.182,
 9 321.190, and 321.196, relating solely to the issuance
 10 of a driver's license or nonoperator's identification
 11 card to foreign nationals.
 12 2. The provision amending section 321.463,
 13 relating to the maximum gross weight allowed to be
 14 carried on a noninterstate highway by certain
 15 livestock vehicles.
 16 3. The provision amending section 321E.8, relating
 17 to annual permits."
 18 2. By renumbering as necessary.

Amendment H-8303 was adopted.

RULE 31.8 SUSPENDED

T. Taylor of Linn asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-8310.

T. Taylor of Linn offered amendment H-8310 filed by him from the floor as follows:

H-8310

- 1 Amend Senate File 2192, as passed by the Senate, as
 2 follows:
 3 1. Page 26, by inserting before line 22 the
 4 following:
 5 "DIVISION ___
 6 RAILWAYS
 7 Sec. ___. NEW SECTION. 327F.8 CLOSE-CLEARANCE
 8 WARNING DEVICES.
 9 1. A railroad company shall place a warning device
 10 at a location where the close-clearance between a
 11 railway owned by the railroad company and a building,
 12 machinery, trees, brush, or other object is such that
 13 the building, machinery, trees, brush, or other object
 14 physically impedes a person who is lawfully riding the
 15 side of the train in the course of the person's duties

16 in service to the railroad company from clearing the
17 building, machinery, trees, brush, or other object.

18 2. The warning device shall be placed in a
19 location which provides adequate notice to a person
20 riding the side of a train so that the person may
21 prepare for the close-clearance.

22 3. Placement of a warning device pursuant to this
23 section does not relieve a railroad company from any
24 duties required under chapter 317 or section 327F.27.

25 4. A violation of this section is punishable as a
26 schedule "one" penalty under section 327C.5."

27 2. Title page, line 1, by striking the words
28 "highways and motor vehicles" and inserting the
29 following: "transportation".

30 3. By renumbering as necessary.

Brauns of Muscatine rose on a point of order that amendment H-8310 was not germane.

The Speaker ruled the point well taken and amendment H-8310 not germane.

Huser of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2192)

The ayes were, 90:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup

Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyeke	Winckler	Wise
Witt	Gipp, Presiding		

The nays were, none.

Absent or not voting, 10:

Carroll	Cohoon	Greimann	Johnson
Jones	Lensing	O'Brien	Osterhaus
Siegrist, Spkr.	Teig		

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on March 18, 2002, amended and passed the following bill in which the concurrence of the House is asked:

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 Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2317, a bill for an act relating to restrictions on advertising devices placed along interstate highways and providing a delayed effective date.

Also: That the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2409, a bill for an act relating to election misconduct and providing criminal penalties.

Also: That the Senate has on March 18, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2467, a bill for an act providing for licensure sanctions against defaulters of designated loan and scholarship programs.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2133, 2155, 2192, 2201, 2260 and 2277.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 18, 2002. Had I been present, I would have voted "aye" on Senate Files 2210 and 2156.

BAUDLER of Adair

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 14th day of March, 2002: House Files 2338 and 2475.

Also presented to the Governor for his approval on this 18th day of March, 2002: House File 2487.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 15, 2002, he approved and transmitted to the Secretary of State the following bill:

House File 2395, 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, providing an effective date, and providing for retroactive applicability.

Also: That on March 18, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 2338, 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.

House File 2475, an act providing for the establishment and perfection of a security interest in certain education loans.

Senate File 2145, an act relating to terminology and eligibility for assistance under the sewage treatment and drinking water facilities financing program.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF PERSONNEL

An Interim Report regarding the Early Termination Program, pursuant to Chapter 5, 2001 Acts of the Seventy-ninth General Assembly.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\751 | Ella Tolsma, Inwood – For celebrating her 100 th birthday. |
| 2002\752 | Hildegarde Ullrich, Mapleton – For celebrating her 90 th birthday. |
| 2002\753 | Wilfred Berning, Mapleton – For celebrating his 80 th birthday. |
| 2002\754 | Marie Dubrall, Manilla – For celebrating her 103 rd birthday. |
| 2002\755 | Selma Carter, Manilla – For celebrating her 92 nd birthday. |
| 2002\756 | Ina Koenig, Sloan – For celebrating her 90 th birthday. |
| 2002\757 | Marvin and Elaine Staley, Charter Oak – For celebrating their 50 th wedding anniversary. |
| 2002\758 | Eddy and Darlyne Dahleen, Denison – For celebrating their 50 th wedding anniversary. |
| 2002\759 | Estelle Joan Leinen, Dow City – For celebrating her 80 th birthday. |

- 2002\760 Megan Gort, Rock Valley – For being recipient of the E. Wayne Cooley Scholarship.
- 2002\761 Danville Boys Basketball Team, Danville – For being the 2002 Class 2-A Boys State Basketball Champions.
- 2002\762 Ankeny High School Girls' Basketball Team Members, Coaches, Managers and Cheerleaders of Ankeny High School – For receiving 1st place in the 2002 Class 4-A State Girls Basketball Championship.
- 2002\763 Kenneth and Beverly Martin, Somers – For celebrating their 50th wedding anniversary.
- 2002\764 Laura Johnson, Manson – For celebrating her 80th birthday.
- 2002\765 Dorothy Flugstad, Duncombe – For celebrating her 90th birthday.
- 2002\766 Florence Housken, Dayton – For celebrating her 95th birthday.
- 2002\767 Vera Ranniger, Gowrie – For celebrating her 90th birthday.
- 2002\768 Prairie Valley High School, Gowrie – For achieving I Jazz Band Rating.
- 2002\769 Mt. Vernon Academic Decathlon Team Members and Coaches, Mt. Vernon – For being named the Small School State Champions.
- 2002\770 Lorraine Zimmerman, Corning – For celebrating her 90th birthday.
- 2002\771 Howard and Twyla McQueen, Shenandoah – For celebrating their 65th wedding anniversary.
- 2002\772 Glen Vogel, Lenox – For celebrating his 90th birthday.
- 2002\773 Leroy and Nadine Dew, Grundy Center – For celebrating their 60th wedding anniversary.
- 2002\774 Boyden-Hull Comets and Coach Bill Francis, Hull – For winning 3rd place in the 2002 1-A State Basketball Tournament.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8309** March 13, 2002.

COMMITTEE ON HUMAN RESOURCES

Senate File 2106, a bill for an act relating to marriage including premarital education and marriage license fees.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-8305** March 14, 2002.

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.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 2002.

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.

Fiscal Note is required.

Recommended **Do Pass** March 14, 2002.

Senate File 2280, a bill for an act relating to the requirements of the department of human services for certain child welfare services providers.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-8306** March 14, 2002.

AMENDMENTS FILED

H—8305	S.F.	2106	Committee on Human Resources
H—8306	S.F.	2280	Committee on Human Resources
H—8307	S.F.	2278	Broers of Cerro Gordo
H—8308	H.F.	2481	Broers of Cerro Gordo
H—8309	S.F.	503	Committee on Agriculture
H—8311	S.F.	2296	Reynolds of Van Buren
H—8314	H.F.	2138	Warnstadt of Woodbury

H—8315	H.C.R.	121	Garman of Story
H—8316	H.F.	2190	Senate Amendment
H—8317	H.F.	2153	Senate Amendment
H—8318	S.F.	2144	Chiodo of Polk
	Sievers of Scott		Boddicker of Cedar
	Kettering of Sac		Horbach of Tama
	Dotzler of Black Hawk		Mertz of Kossuth
H—8319	H.F.	2246	Senate Amendment
H—8320	H.F.	2509	Shey of Linn
H—8321	H.F.	2467	Senate Amendment
H—8322	S.F.	2118	Hansen of Pottawattamie
			Myers of Johnson
H—8323	H.F.	2152	Senate Amendment
H—8324	S.F.	2197	Grundberg of Polk

On motion by Rants of Woodbury the House adjourned at 5:52 p.m., until 8:45 a.m., Tuesday, March 19, 2002.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 19, 2002

The House met pursuant to adjournment at 8:44 a.m., Speaker Siegrist in the chair.

Prayer was sung by former Senate Page, Sarah Carlson, currently a student at UNI, majoring in vocal performance. She was the guest of Representative George Eichhorn from Hamilton County.

The Journal of Monday, March 18, 2002 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone on request of Mertz of Kossuth; Osterhaus of Jackson, until his arrival, Reynolds of Van Buren and Smith of Marshall on request of Bukta of Clinton.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 583, a bill for an act relating to the certification of persons providing water pump services.

Also: That the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 18, 2002, amended and passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2229, a bill for an act relating to use of moneys in the strategic investment fund.

Also: That the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 18, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 18, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on March 18, 2002, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

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 referred to committee on **appropriations**.

On motion by Rants of Woodbury, the House was recessed at 8:56 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:05 p.m., Speaker pro tempore Sukup in the chair.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 2231, a bill for an act providing for hospital access to abuse registries for purposes of employment checks, with report of committee recommending passage, was taken up for consideration.

Hoversten of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2231)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Richardson	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Sukup, Presiding			

The nays were, none.

Absent or not voting, 7:

Ford	Jones	O'Brien	Reynolds
Roberts	Smith	Teig	

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

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **House File 2190**, a bill for an act relating to the procedural requirements for foreign and international adoption, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8316:

H-8316

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.

The motion prevailed and the House concurred in the Senate amendment H-8316.

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

On the question "Shall the bill pass?" (H.F. 2190)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Richardson	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell

Van Engelenhoven Wildurdyke Sukup, Presiding	Van Fossen Winckler	Warnstadt Wise	Weidman Witt
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The nays were, none.

Absent or not voting, 7:

Ford Roberts	Jones Smith	O'Brien Teig	Reynolds
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

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.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2116)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Richardson	Scherrman
Schrader	Seng	Shey	Shoultz

Siegrist, Spkr.	Sievers	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdryke	Winckler	Wise	Witt
Sukup, Presiding			

The nays were, none.

Absent or not voting, 7:

Ford	Jones	O'Brien	Reynolds
Roberts	Smith	Teig	

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

Unfinished Business Calendar

House File 2481, a bill for an act relating to analyzing the confinement and detention needs of jails and other local or regional confinement facilities, and providing an effective date, was taken up for consideration.

Broers of Cerro Gordo offered the following amendment H-8308 filed by him and moved its adoption:

H-8308

- 1 Amend House File 2481 as follows:
- 2 1. Page 1, by striking lines 1 through 23 and
- 3 inserting the following:
- 4 "Sec. . **NEW SECTION.** 356.36A CONFINEMENT AND
- 5 DETENTION REPORT – DESIGN PROPOSALS.
- 6 The division of criminal and juvenile justice
- 7 planning of the department of human rights, in
- 8 consultation with the department of corrections, the
- 9 Iowa state sheriff's association, the Iowa association
- 10 of chiefs of police and peace officers, a statewide
- 11 organization representing rural property taxpayers,
- 12 the Iowa league of cities, and the Iowa board of
- 13 supervisors association, shall prepare a report
- 14 analyzing the confinement and detention needs of jails
- 15 and facilities established pursuant to chapter 356A.
- 16 The report for each type of jail or facility shall
- 17 include but is not limited to an inventory of prisoner
- 18 space, daily prisoner counts, and the compliance
- 19 status under section 356.36 for each jail or facility.
- 20 The report shall contain an inventory of recent jail

21 or facility construction projects in which voters have
22 approved the issuance of general obligation bonds,
23 essential county purpose bonds, revenue bonds, or
24 bonds issued pursuant to chapter 422B. The report
25 shall be revised periodically as directed by the
26 administrator of the division of criminal and juvenile
27 justice planning. The first submission of the report
28 shall include recommendations on offender data needed
29 to estimate jail space needs in the next two, three,
30 and five years, on a county, geographic region, and
31 statewide basis, which may be based upon information
32 submitted pursuant to section 356.49.

33 The governing body of a political subdivision shall
34 not appropriate funds to a person to prepare a design
35 proposal for the construction of or major modification
36 to a jail, alternative jail, municipal holding
37 facility, or a facility established pursuant to
38 chapter 356a if the person has a financial interest in
39 the construction or modification. For purposes of
40 this section, "political subdivision" means a county,
41 city, or authority created pursuant to section
42 346.27."

43 2. Title page, line 2, by inserting after the
44 word "facilities," the following: "prohibiting
45 certain financial interests in the construction of a
46 jail or facility,".

Amendment H-8308 was adopted.

SENATE FILE 2278 SUBSTITUTED FOR HOUSE FILE 2481

Broers of Cerro Gordo asked and received unanimous consent to substitute Senate File 2278 for House File 2481.

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.

Broers of Cerro Gordo offered amendment H-8307 filed by him as follows:

H-8307

- 1 Amend Senate File 2278, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 27 through 34.

4 2. Title page, by striking lines 3 and 4 and
5 inserting the following: "and providing an effective
6 date."

Grundberg of Polk offered the following amendment H-8328, to amendment H-8307, filed by her from the floor and moved its adoption:

H-8328

1 Amend the amendment, H-8307, to Senate File 2278,
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 1, by inserting before line 3, the
5 following:
6 "___ Page 1, line 14, by inserting after the
7 word "counts," the following: "options for detention
8 of prisoners with mental illness or substance abuse
9 service needs,"".
10 2. By renumbering as necessary.

Amendment H-8328 was adopted.

Tremmel of Wapello offered the following amendment H-8331, to amendment H-8307, filed by him from the floor and moved its adoption:

H-8331

1 Amend the amendment, H-8307, to Senate File 2278,
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 1, by inserting before line 3, the
5 following:
6 "___ Page 1, line 5, by inserting after the word
7 "corrections," the following: "the Iowa county
8 attorneys association,"".
9 2. By renumbering as necessary.

Amendment H-8331 was adopted.

On motion by Broers of Cerro Gordo amendment H-8307, as amended, was adopted.

Broers of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2278)

The ayes were, 88:

Alons	Baudler	Bell	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Bukta	Carroll
Chiodo	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Frevert
Garman	Gipp	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Sukup, Presiding

The nays were, 5:

Arnold	Atteberry	Greimann	Richardson
Van Engelenhoven			

Absent or not voting, 7:

Ford	Jones	O'Brien	Reynolds
Roberts	Smith	Teig	

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

HOUSE FILE 2481 WITHDRAWN

Broers of Cerro Gordo asked and received unanimous consent to withdraw House File 2481 from further consideration by the House.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 2002, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 115, a concurrent resolution designating March 2002 as Iowa Women's History Month.

MICHAEL E. MARSHALL, Secretary

SPECIAL PRESENTATION

In celebration of "March Women's History Month", the Iowa Commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa sponsored a "Write Women Back Into History" essay contest. Mascher of Johnson and Grundberg of Polk presented the following winners of the contest:

Sixth and Seventh Grade Category

First Place — Brianna Routh, Parkview Middle School, Ankeny.

Second Place — Kathryn M. Skilton, Nashua Elementary, Nashua.

Third Place — Lauren Davidson, Roosevelt Middle School, Cedar Rapids.

Eighth and Ninth Grade Category

First Place — Robert Martin, Central Academy, Des Moines.

Second Place — Alyssa Hedrick, Wilson Junior High School, Council Bluffs.

Third Place — Chelsea Combs, Central Academy, Des Moines.

Best Essays on Women in Science and Engineering
Six and Seventh Grade Category

First Place — Kiersten Ruff, Wilson Junior High School, Council Bluffs.

Eighth and Ninth Grade Category

First Place — Stephanie Schulze, Goodrell Middle School, Des Moines.

Second Place — Emily Nagle, Jefferson Junior High School, Dubuque.

Edith Rose Murphy Sackett Award for the
Best Essay on a Women Volunteer

First Place — Quinnetta Claytor, Central Academy, Des Moines.

The House stood at ease at 2:01 p.m., until the fall of the gavel.

The House resumed session at 3:24 p.m., Carroll of Poweshiek in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy members present, thirty absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jones of Mills on request of Speaker Siegrist; Roberts of Carroll on request of Brunkhorst of Bremer.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 518, a bill for an act relating to jurisdictional changes to small claims court cases.

Also: That the Senate has on March 19, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2488, a bill for an act relating to the department of elder affairs including provisions relating to the elder Iowans Act.

Also: That the Senate has on March 19, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2510, a bill for an act relating to the movement of dairy cattle from livestock markets, and making penalties applicable.

Also: That the Senate has on March 19, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 19, 2002, passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

Rants of Woodbury asked and received unanimous consent for the immediate consideration of Senate File 2315.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

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.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 2002.

CONSIDERATION OF BILLS
Appropriations Calendar

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, with report of committee recommending passage, was taken up for consideration.

RULE 31.8 SUSPENDED

Wise of Lee asked and received unanimous consent to suspend Rule 31.8, related to the timely filing of amendments, for the immediate consideration of amendment H-8332.

Wise of Lee offered the following amendment H-8332 filed by Wise, Bukta of Clinton, Cohoon of Des Moines, Foege of Linn, Greimann of Story, Lensing of Johnson, Mascher of Johnson, Petersen of Polk, Stevens of Dickinson and Winckler of Scott from the floor and moved its adoption:

H-8332

- 1 Amend Senate File 2315, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, line 7, by striking the words "an
- 4 equal amount" and inserting the following:
- 5 "\$25,000,000".
- 6 2. Page 4, line 12, by striking the figure
- 7 "\$25,000,000" and inserting the following:
- 8 "\$65,000,000".
- 9 3. Page 4, by inserting after line 12 the
- 10 following: "Of the moneys appropriated in this
- 11 subsection, \$40,000,000 shall be appropriated to the
- 12 department of education for the fiscal year beginning
- 13 July 1, 2002, and ending June 30, 2003, for purposes
- 14 of the student achievement and teacher quality program

15 pursuant to chapter 284. Notwithstanding section
 16 8.33, any moneys remaining unencumbered or unobligated
 17 from the appropriation made in this section shall not
 18 revert but shall remain available in the succeeding
 19 fiscal year for expenditure for the purposes
 20 designated. The provisions of section 8.39 shall not
 21 apply to the funds appropriated pursuant to this
 22 section."
 23 4. Page 4, by striking line 17 and inserting the
 24 following: "which is supplanted by the \$25,000,000
 25 appropriation from the Iowa economic".

Roll call was requested by Wise of Lee and Myers of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H-8332 be adopted?" (S.F. 2315)

The ayes were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reeder
Richardson	Scherrman	Schrader	Seng
Shoultz	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Cormack	De Boef
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Finch	Garman	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Shey	Siegrist, Spkr.	Sievers	Sukup
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wilderdyke	Carroll,	
		Presiding	

Absent or not voting, 8:

Dix	Jones	Larson	O'Brien
Reynolds	Roberts	Smith	Teig

Amendment H-8332 lost.

Dolecheck of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2315)

The ayes were, 91:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Richardson	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Stevens	Taylor, D.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Witman	Wilderdyke	Winckler
Wise	Witt	Carroll,	
		Presiding	

The nays were, 3:

Huser	Sukup	Taylor, T.
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Absent or not voting, 6:

Jones	O'Brien	Reynolds	Roberts
Smith	Teig		

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2315** be immediately messaged to the Senate.

Regular Calendar

Senate File 2288, a bill for an act relating to the appointment of an acting or a temporary county attorney, with report of committee recommending passage, was taken up for consideration.

Shey of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2288)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Richardson	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Stevens	Sukup	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Carroll, Presiding

The nays were, none.

Absent or not voting, 8:

Horbach	Jones	O'Brien	Reynolds
Roberts	Smith	Taylor, D.	Teig

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

SENATE AMENDMENT CONSIDERED

Dolecheck of Ringgold called up for consideration **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, amended by the Senate amendment H-8174 as follows:

H-8174

- 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.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-8296, to the Senate amendment H-8174, filed by him on March 14, 2002.

Warnstadt of Woodbury offered the following amendment H-8314, to the Senate amendment H-8174, filed by him and moved its adoption:

H-8314

- 1 Amend the Senate amendment, H-8174, to House File
- 2 2138, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:

- 5 " _____. Page 1, by inserting before line 1 the
 6 following:
 7 "Sec. _____. Section 260C.14, Code Supplement 2001,
 8 is amended by adding the following new subsection:
 9 NEW SUBSECTION. 20. Adopt a policy to offer the
 10 following options, at a minimum, to a student who is a
 11 member of the Iowa national guard or reserve forces of
 12 the United States and who is ordered to active state
 13 service or federal service or duty:
 14 a. Receive a grade or an incomplete for a course,
 15 or an administrative drop with a full or prorated
 16 refund, if approved by the instructor.
 17 b. Withdraw from all current term courses with a
 18 full refund of tuition and fees."
 19 _____. Page 3, by inserting after line 4 the
 20 following:
 21 "3A. If the commission grants temporary relief to
 22 an affected individual in accordance with subsection
 23 3, and the individual applies for renewal of
 24 eligibility within one year of discharge from active
 25 duty, eligibility for state financial assistance shall
 26 be reinstated."
 27 2. Page 1, by inserting after line 4 the
 28 following:
 29 ""Sec. _____. Section 262.9, Code Supplement 2001,
 30 is amended by adding the following new subsection:
 31 NEW SUBSECTION. 29. Direct the institutions of
 32 higher education under its control to adopt a policy
 33 to the following options, at a minimum, to a student
 34 who is a member of the Iowa national guard or reserve
 35 forces of the United States and who is ordered to
 36 active state service or federal service or duty:
 37 a. Receive a grade or an incomplete for a course,
 38 or an administrative drop with a full or prorated
 39 refund, if approved by the instructor.
 40 b. Withdraw from all current term courses with a
 41 full refund of tuition and fees."
 42 3. Page 1, by striking lines 8 and 9 and
 43 inserting the following:
 44 " _____. Title page, by striking lines 1 through 4
 45 and inserting the following: "An Act relating to
 46 educational benefits and protections for members and
 47 families of Iowa national guard or United States
 48 reserve forces during activation for federal service
 49 or active state service and including a"."
 50 4. By renumbering as necessary.

Amendment H-8314 lost.

On motion by Dolecheck of Ringgold the House concurred in the Senate amendment H-8174.

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

On the question "Shall the bill pass?" (H.F. 2138)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Richardson	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Stevens	Sukup	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Carroll, Presiding

The nays were, none.

Absent or not voting, 8:

Horbach	Jones	O'Brien	Reynolds
Roberts	Smith	Taylor, D.	Teig

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

Regular Calendar

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, with report of committee recommending passage, was taken up for consideration.

Raecker of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2167)

The ayes were, 91:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Heaton	Hoffman	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Richardson	Scherrman	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Stevens	Sukup	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Hatch	Horbach	Jones	O'Brien
Reynolds	Roberts	Smith	Taylor, D.
Teig			

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

Gipp of Winneshiek in the chair at 4:43 p.m.

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, with report of committee recommending passage, was taken up for consideration.

Tymeson of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2195)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Richardson	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Stevens	Sukup	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Wornstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Gipp, Presiding

The nays were, none.

Absent or not voting, 8:

Horbach	Jones	O'Brien	Reynolds
Roberts	Smith	Taylor, D.	Teig

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

Unfinished Business Calendar

House File 2509, a bill for an act regarding business corporations, and providing an effective date, was taken up for consideration.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8275 filed by him on March 12, 2002.

Shey of Linn asked and received unanimous consent to withdraw amendment H-8229 filed by him on March 11, 2002.

Shey of Linn offered amendment H-8256 filed by him as follows:

H-8256

- 1 Amend House File 2509 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

Page 2

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."

Page 3

- 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.____. Section 490.1110, subsection 2,

30 paragraph f, subparagraph (2), subparagraph

31 subdivision (a), Code 2001, is amended to read as

32 follows:

33 (a) A merger of the corporation, other than a

34 merger pursuant to section ~~490.1104~~ 490.1105.

35 Sec.____. Section 490.1110, subsection 3,

36 paragraph c, subparagraph (3), subparagraph

37 subdivision (b), Code 2001, is amended to read as

38 follows:

39 (b) Pursuant to a merger under section ~~490.1104~~

40 490.1105."

41 26. Page 71, line 3, by striking the word

42 "~~presented~~" and inserting the following: "present".

43 27. Page 72, by inserting after line 16 the

44 following:

45 "With respect to shares of a corporation that is a

46 bank holding company as defined in section 524.1801,

47 the factors identified in section 524.1406, subsection

48 3, paragraph "a", shall also be considered in

49 determining fair value."

50 28. Page 74, lines 25 and 26, by striking the

Page 4

1 words "corporate action taken pursuant to a

2 shareholder vote," and inserting the following:

3 "~~corporate action taken pursuant to a shareholder~~

4 ~~vote~~".

5 29. Page 74, lines 29 through 31, by striking the

6 words "~~that~~ provides that voting or nonvoting

7 shareholders are entitled to dissent and obtain

8 payment for their shares" and inserting the following:

9 "~~provides that voting or nonvoting shareholders are~~

10 ~~entitled to dissent and obtain payment for their~~

11 ~~shares~~".

12 30. Page 76, line 2, by striking the word "~~who~~:"

13 and inserting the following: "who fulfills either of

14 the following:"

15 31. Page 77, line 4, by striking the figure

16 "~~490.862~~" and inserting the following: "490.832".

17 32. Page 82, line 29, by striking the letter

18 "~~e~~" and inserting the following: "e".

19 33. Page 82, by striking line 32, and inserting

20 the following: "490.1325. In addition, a shareholder

21 who wishes to exercise appraisal rights must execute
 22 and return the form and, in a case of certificated
 23 shares, deposit the shareholder's certificates in".

24 34. Page 83, by striking lines 5 through 8, and
 25 inserting the following:

26 "2. ~~The shareholder who demands payment and~~
 27 ~~deposits the shareholder's shares under subsection 1~~
 28 ~~retains all other rights of a shareholder until these~~
 29 ~~rights are canceled or modified by the taking of the~~
 30 ~~proposed corporate action. A".~~

31 35. Page 83, line 29, by inserting after the
 32 figure "(2)," the following: "is due,".

33 36. Page 86, line 33, by striking the word
 34 "unsettled" and inserting the following:
 35 "unsettled,".

36 37. Page 92, line 3, by inserting before the
 37 words "the assets" the following: "if".

38 38. Page 94, line 29, by striking the word "may"
 39 and inserting the following: "shall".

40 39. Page 98, by inserting after line 31 the
 41 following:

42 "Sec. ___. Section 491.3, subsection 8, Code 2001,
 43 is amended to read as follows:

44 8. A corporation organized under or subject to
 45 this chapter may make indemnification as provided in
 46 sections 490.850 through ~~490.858~~ 490.859.

47 Sec. ___. Section 491.16, Code 2001, is amended to
 48 read as follows:

49 491.16 INDEMNIFICATION OF OFFICERS, DIRECTORS,
 50 EMPLOYEES, AND AGENTS – INSURANCE.

Page 5

1 Sections 490.850 through ~~490.858~~ 490.859 apply to
 2 corporations organized under or subject to this
 3 chapter.

4 Sec. ___. Section 497.34, Code 2001, is amended to
 5 read as follows:

6 497.34 INDEMNIFICATION.

7 A cooperative association operating under this
 8 chapter may indemnify any present or former director,
 9 officer, employee, member, or volunteer in the manner
 10 and in the instances authorized in sections 490.850
 11 through ~~490.858~~ 490.859, provided that where sections
 12 490.850 through ~~490.858~~ 490.859 provide for action by
 13 shareholders the sections are applicable to action by
 14 voting members of the cooperative association, and
 15 where sections 490.850 through ~~490.858~~ 490.859 refer
 16 to the corporation organized under chapter 490 the
 17 sections are applicable to the cooperative association
 18 organized under this chapter, and where sections
 19 490.850 through ~~490.858~~ 490.859 refer to the director

20 the sections are applicable to a director, officer,
21 employee, member, or volunteer of the cooperative
22 association organized under this chapter.

23 Sec. __. Section 498.36, Code 2001, is amended to
24 read as follows:

25 498.36 INDEMNIFICATION.

26 A cooperative association operating under this
27 chapter may indemnify any present or former director,
28 officer, employee, member, or volunteer in the manner
29 and in the instances authorized in sections 490.850
30 through ~~490.858~~ 490.859, provided that where sections
31 490.850 through ~~490.858~~ 490.859 provide for action by
32 shareholders the sections are applicable to action by
33 voting members of the cooperative association, and
34 where sections 490.850 through ~~490.858~~ 490.859 refer
35 to the corporation organized under chapter 490 the
36 sections are applicable to the cooperative association
37 organized under this chapter, and where sections
38 490.850 through ~~490.858~~ 490.859 refer to the director
39 the sections are applicable to a director, officer,
40 employee, member, or volunteer of the cooperative
41 association organized under this chapter.

42 Sec. __. Section 499.59A, Code 2001, is amended
43 to read as follows:

44 499.59A INDEMNIFICATION.

45 A cooperative association operating under this
46 chapter may indemnify any present or former director,
47 officer, employee, member, or volunteer in the manner
48 and in the instances authorized in sections 490.850
49 through ~~490.858~~ 490.859, provided that where sections
50 490.850 through ~~490.858~~ 490.859 provide for action by

Page 6

1 shareholders the sections are applicable to action by
2 voting members of the cooperative association, and
3 where sections 490.850 through ~~490.858~~ 490.859 refer
4 to the corporation organized under chapter 490 the
5 sections are applicable to the cooperative association
6 organized under this chapter, and where sections
7 490.850 through ~~490.858~~ 490.859 refer to the director
8 the sections are applicable to a director, officer,
9 employee, member, or volunteer of the cooperative
10 association organized under this chapter.

11 Sec. __. Section 499.69A, subsections 4 and 7,
12 Code 2001, are amended to read as follows:

13 4. For a surviving cooperative association, a
14 qualified merger becomes effective upon the filing of
15 the articles of merger with the secretary of state and
16 the issuance of a certificate of merger pursuant to
17 section 499.68 or the date stated in the articles of
18 merger, whichever is later. For a surviving qualified

19 corporation, a qualified merger becomes effective upon
 20 the filing of the articles of merger with the
 21 secretary of state pursuant to section ~~490.1105~~
 22 490.1106 or the date stated in the articles, whichever
 23 is later.

24 7. A foreign cooperative association may
 25 participate in a qualified merger as provided in this
 26 section, if the foreign cooperative association
 27 complies with the requirements for a cooperative
 28 association under this section and the requirements
 29 for a foreign cooperative association under section
 30 499.69. A foreign corporation may participate in a
 31 qualified merger as provided in this section if it
 32 complies with the requirements of a qualified
 33 corporation under this section and the requirements
 34 for a foreign corporation under section ~~490.1107~~
 35 490.1102.

36 Sec. __. Section 508B.2, unnumbered paragraph 2,
 37 Code 2001, is amended to read as follows:

38 A plan of conversion may provide that a mutual
 39 company may convert into a domestic stock company,
 40 convert and merge, or convert and consolidate with a
 41 domestic stock company, as provided in chapter 490 or
 42 491, whichever is applicable. However, the mutual
 43 company is not required to comply with sections
 44 ~~491.102 through 491.105 or sections 490.1101 490.1102~~
 45 ~~and 490.1103~~ 490.1104 relating to approval of merger
 46 or consolidation plans by boards of directors and
 47 shareholders, if at the time of approval of the plan
 48 of conversion the board of directors approves the
 49 merger or consolidation and if at the time of approval
 50 of the plan by policyholders as provided in section

Page 7

1 508B.6, the policyholders approve the merger or
 2 consolidation. This chapter supersedes any
 3 conflicting provisions of chapters 521 and 521A. A
 4 mutual company may convert, merge, or consolidate as
 5 part of a plan of conversion in which a majority or
 6 all of the common shares of the stock company are
 7 acquired by another corporation, which may be a
 8 corporation organized for that purpose, or in which
 9 the new stock company consolidates with a stock
 10 company to form another stock company.

11 Sec. __. Section 504A.4, subsection 14, Code
 12 2001, is amended to read as follows:

13 14. A corporation operating under this chapter may
 14 indemnify any present or former director, officer,
 15 employee, member, or volunteer in the manner and in
 16 the instances authorized in sections 490.850 through
 17 ~~490.858~~ 490.859.

18 Sec.____. Section 508B.13, Code 2001, is amended
19 to read as follows:
20 508B.13 PROHIBITIONS ON CERTAIN OFFERS TO ACQUIRE
21 SHARES.

22 Prior to and for a period of five years following
23 the effective date of the conversion, and in the case
24 of the plans of conversion specified in subsections 1
25 and 3 of section 508B.3, five years following the date
26 of distribution of consideration to the policyholders
27 in exchange for their membership interests, a person,
28 other than the reorganized company, other than an
29 employee benefit plan or employee benefit trust
30 sponsored by the reorganized company, or as otherwise
31 specifically provided for in the plan of conversion,
32 shall not directly or indirectly acquire or offer to
33 acquire the beneficial ownership of more than five
34 percent of any class of voting security of the
35 reorganized company, and a person, other than the
36 reorganized company or other than an employee benefit
37 plan or employee benefit trust sponsored by the
38 reorganized company, who acquires five percent or more
39 of any class of voting security of the reorganized
40 company prior to the conversion or as specifically
41 provided for in the plan of conversion, shall not
42 directly or indirectly acquire or offer to acquire the
43 beneficial ownership of additional voting securities
44 of the reorganized company, unless the acquisition is
45 approved by the commissioner as not being contrary to
46 the interests of the policyholders of the reorganized
47 company or its life insurance company subsidiary and
48 by the board of directors of the reorganized company.
49 ~~The commissioner and the board of directors may~~
50 ~~consider the factors set forth in section 490.1108.~~

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1 The provisions of section 521A.3, except subsection 4,
2 paragraph "a", shall be applicable to a proposed
3 acquisition subject to this section. An approved plan
4 of conversion may include a stock option plan. As
5 used in this section, "beneficial ownership" means,
6 with respect to a security, the sole or shared power
7 to vote or direct the voting of the security or the
8 sole power to dispose or direct the disposition of the
9 security.

10 Sec.____. Section 508C.16, unnumbered paragraph 2,
11 Code 2001, is amended to read as follows:

12 Sections 490.850 through ~~490.858~~ 490.859 apply to
13 the association.

14 Sec. ____ . Section 524.801, subsection 7, Code
15 2001, is amended to read as follows:

16 7. To indemnify a director, officer, or employee,

17 or a former director, officer, or employee of the
 18 state bank in the manner and in the instances
 19 authorized by sections 490.850 through ~~490.858~~
 20 490.859.

21 Sec. __. Section 524.1213, subsection 2, Code
 22 Supplement 2001, is amended to read as follows:

23 2. A united community bank office formed under
 24 this section shall have a united community bank office
 25 board, at least one-half or more of the members of
 26 which shall be residents of the county in which the
 27 united community bank office is located. The
 28 liability of the united community bank office board
 29 shall be limited as provided in section 524.614. The
 30 bank establishing and operating the united community
 31 bank office may indemnify members of the united
 32 community bank office board as agents of the bank in
 33 the manner and in the instances authorized by sections
 34 490.850 through ~~490.858~~ 490.859.

35 Sec. __. Section 524.1309, subsection 8, Code
 36 2001, is amended to read as follows:

37 8. A shareholder of a state bank who objects to
 38 adoption by the state bank of a plan to cease to carry
 39 on the business of banking and to continue as a
 40 corporation subject to chapter 490, is entitled to ~~the~~
 41 ~~rights and remedies of a dissenting shareholder~~
 42 appraisal rights provided for in chapter 490, division
 43 XIII.

44 Sec. __. Section 524.1402, subsection 2, Code
 45 2001, is amended to read as follows:

46 2. In the case of a state bank which is a party to
 47 the plan, if the proposed merger will result in a
 48 state bank subject to this chapter, adoption of the
 49 plan by such state bank requires the affirmative vote
 50 of at least a majority of the directors and approval

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1 by the shareholders, in the manner and according to
 2 the procedures prescribed in section ~~490.1103~~
 3 490.1104, at a meeting called in accordance with the
 4 terms of that section. In the case of a national
 5 bank, or if the proposed merger will result in a
 6 national bank, adoption of the plan by each party to
 7 the merger shall require the affirmative vote of at
 8 least such directors and shareholders whose
 9 affirmative vote on the plan is required under the
 10 laws of the United States. Subject to applicable
 11 requirements of the laws of the United States in a
 12 case in which a national bank is a party to a plan,
 13 any modification of a plan which has been adopted
 14 shall be made by any method provided in the plan, or
 15 in the absence of such provision, by the same vote as

16 required for adoption.

17 Sec. __. Section 524.1406, Code 2001, is amended
18 to read as follows:

19 524.1406 RIGHTS APPRAISAL RIGHTS OF DISSENTING
20 SHAREHOLDERS.

21 1. A shareholder of a state bank, which is a party
22 to a proposed merger plan which will result in a state
23 bank subject to this chapter, who objects to the plan
24 is entitled to ~~the rights and remedies of a dissenting~~
25 ~~shareholder~~ appraisal rights as provided in chapter
26 490, division XIII.

27 2. If a shareholder of a national bank which is a
28 party to a proposed merger plan which will result in a
29 state bank, or a shareholder of a state bank which is
30 a party to a plan which will result in a national
31 bank, objects to the plan and complies with the
32 requirements of the applicable laws of the United
33 States, the resulting state bank or national bank, as
34 the case may be, is liable for the value of the
35 shareholder's shares as determined in accordance with
36 such laws of the United States.

37 3. a. Notwithstanding any contrary provision in
38 chapter 490, division XIII, in determining the fair
39 value of the shareholder's shares of a bank organized
40 under this chapter or a bank holding company as
41 defined in section 524.1801 in a transaction or event
42 in which the shareholder is entitled to ~~the rights and~~
43 ~~remedies of a dissenting shareholder~~ appraisal rights,
44 due consideration shall be given to valuation factors
45 recognized for federal and estate tax purposes,
46 including discounts for minority interests and
47 discounts for lack of marketability. However, any
48 payment made to ~~dissenting~~ shareholders under section
49 ~~490.1325~~ 490.1324 shall be in an amount not less than
50 the stockholders' equity in the bank disclosed in its

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1 last statement of condition filed under section
2 524.220 or the total equity capital of the bank
3 holding company disclosed in the most recent report
4 filed by the bank holding company with the board of
5 governors of the federal reserve system, divided by
6 the number of shares outstanding.

7 b. Prior to giving notice of a meeting at which a
8 shareholder of a bank organized under this chapter or
9 a bank holding company as defined in section 524.1801
10 would be entitled to ~~the rights and remedies of a~~
11 ~~dissenting shareholder~~ appraisal rights, such bank or
12 bank holding company may seek a declaratory judgment
13 to establish the fair value for purposes of section
14 490.1301, subsection 4, of shares held by such

15 shareholders. Another cause of action or a
 16 counterclaim shall not be joined with such a
 17 declaratory action. A declaratory judgment shall be
 18 filed in the county where the principal place of
 19 business of the bank or bank holding company is
 20 located. The court shall appoint an attorney to
 21 represent minority shareholders. All shareholders of
 22 the bank or bank holding company shall be served with
 23 notice of the action and be advised of the name,
 24 address, and telephone number of the attorney
 25 appointed to represent minority shareholders. The
 26 attorney appointed to represent minority shareholders
 27 shall select an appraiser to give an opinion of the
 28 fair value of such shares. The bank or bank holding
 29 company may select an appraiser to give an opinion on
 30 the fair value of the shares of the bank or bank
 31 holding company. Any shareholder may participate
 32 individually and present evidence of the fair value of
 33 such shareholder's shares. All court costs,
 34 appraiser's fees, and the fees and expenses of the
 35 attorney appointed to represent the minority
 36 shareholders shall be assessed against the bank or the
 37 bank holding company. A judgment in the action shall
 38 not determine fair value for a share to be less than
 39 the stockholders' equity in the bank disclosed in its
 40 last statement of condition filed under section
 41 524.220 or the total equity capital of the bank
 42 holding company disclosed in the most recent report
 43 filed by the bank holding company with the board of
 44 governors of the federal reserve system, divided by
 45 the number of shares outstanding. A final judgment in
 46 the action shall establish fair value for the purposes
 47 of chapter 490, division XIII and shall be disclosed
 48 to the shareholders in the notice to shareholders of
 49 the meeting to approve the transaction that gives rise
 50 to dissenters' appraisal rights. If the proposed

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1 transaction is approved by the shareholders, upon
 2 consummation of the proposed transaction the fair
 3 value so established shall be paid to each shareholder
 4 entitled to payment for the shareholder's shares upon
 5 receipt of such shareholder's share certificates.
 6 Sec.____. Section 524.1408, Code 2001, is amended
 7 to read as follows:
 8 524.1408 MERGER OF CORPORATION SUBSTANTIALLY OWNED
 9 BY A STATE BANK.
 10 A state bank owning at least ninety percent of the
 11 outstanding shares, of each class, of another
 12 corporation which it is authorized to own under this
 13 chapter, may merge the other corporation into itself

14 without approval by a vote of the shareholders of
15 either the state bank or the subsidiary corporation.
16 The board of directors of the state bank shall approve
17 a plan of merger, mail to shareholders of record of
18 the subsidiary corporation, and prepare and execute
19 articles of merger in the manner provided for in
20 section ~~490.1104~~ 490.1105. The articles of merger,
21 together with the applicable filing and recording
22 fees, shall be delivered to the superintendent who
23 shall, if the superintendent approves of the proposed
24 merger and if the superintendent finds the articles of
25 merger satisfy the requirements of this section,
26 deliver them to the secretary of state for filing and
27 recording in the secretary of state's office, and they
28 shall be filed in the office of the county recorder.
29 The secretary of state upon filing the articles of
30 merger shall issue a certificate of merger and send
31 the certificate to the state bank and a copy of it to
32 the superintendent.

33 Sec. ___. Section 524.1417, Code 2001, is amended
34 to read as follows:

35 524.1417 RIGHTS APPRAISAL RIGHTS OF DISSENTING
36 SHAREHOLDER OF CONVERTING STATE OR NATIONAL BANK OR
37 FEDERAL SAVINGS ASSOCIATION.

38 1. A shareholder of a state bank ~~which that~~
39 converts into a national bank or federal savings
40 association who objects to the plan of conversion is
41 entitled to ~~the rights and remedies of a dissenting~~
42 ~~shareholder~~ appraisal rights as provided in chapter
43 490, division XIII.

44 2. If a shareholder of a national bank or federal
45 savings association, ~~which that~~ converts into a state
46 bank; objects to the plan of conversion and complies
47 with the requirements of applicable laws of the United
48 States, the resulting state bank is liable for the
49 value of the shareholder's shares as determined in
50 accordance with such laws of the United States.

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1 Sec. ___. Section 533.4, subsection 27, Code 2001,
2 is amended to read as follows:

3 27. To provide indemnity for the director,
4 officer, or employee in the same fashion that a
5 corporation organized under chapter 490 could under
6 sections 490.850 through ~~490.858~~ 490.859; however,
7 where those sections provide for action by
8 shareholders the provision is applicable to action by
9 members of the credit union and where the sections
10 have reference to the corporation organized under
11 chapter 490, the provision is applicable to the
12 association organized under this chapter.

13 Sec.____. Section 534.504, Code 2001, is amended
 14 to read as follows:
 15 534.504 MEETINGS OF STOCKHOLDERS.
 16 Sections 490.701 through ~~490.731~~ 490.732 apply to
 17 stock associations.

18 Sec.____. Section 534.605, subsection 4, Code
 19 Supplement 2001, is amended to read as follows:
 20 4. An association operating under this chapter may
 21 indemnify any present or former director, officer, or
 22 employee in the manner and in the instances authorized
 23 in sections 490.850 through ~~490.858~~ 490.859. If the
 24 association is a mutual association, the references in
 25 those sections to stockholder shall be deemed to be
 26 references to members.

27 Sec.____. Section 534.607, Code 2001, is amended
 28 to read as follows:
 29 534.607 INDEMNIFICATION.

30 Except as otherwise provided in section 534.602,
 31 sections 490.850 through ~~490.858~~ 490.859 apply to
 32 associations incorporated under this chapter."

33 40. Page 98, line 32, by striking the figure
 34 "490.832,".

35 41. By renumbering, redesignating, and correcting
 36 internal references as necessary.

Shey of Linn offered the following amendment H-8320, to
 amendment H-8256, filed by him and moved its adoption:

H-8320

1 Amend the amendment, H-8256, to House File 2509 as
 2 follows:

3 1. Page 3, by inserting before line 29 the
 4 following:

5 ""Sec.____. NEW SECTION. 490.1108A CONSIDERATION
 6 OF ACQUISITION PROPOSALS – COMMUNITY INTERESTS.

7 1. A director, in determining what is in the best
 8 interest of the corporation when considering a tender
 9 offer or proposal of acquisition, merger,
 10 consolidation, or similar proposal, may consider any
 11 or all of the following community interest factors, in
 12 addition to consideration of the effects of any action
 13 on shareholders:

14 a. The effects of the action on the corporation's
 15 employees, suppliers, creditors, and customers.

16 b. The effects of the action on the communities in
 17 which the corporation operates.

18 c. The long-term as well as short-term interests
 19 of the corporation and its shareholders, including the
 20 possibility that these interests may be best served by
 21 the continued independence of the corporation.

22 2. If on the basis of the community interest
 23 factors described in subsection 1, the board of
 24 directors determines that a proposal or offer to
 25 acquire or merge the corporation is not in the best
 26 interests of the corporation, it may reject the
 27 proposal or offer. If the board of directors
 28 determines to reject any such proposal or offer, the
 29 board of directors has no obligation to facilitate, to
 30 remove any barriers to, or to refrain from impeding,
 31 the proposal or offer. Consideration of any or all of
 32 the community interest factors is not a violation of
 33 the business judgment rule or of any duty of the
 34 director to the shareholders, or a group of
 35 shareholders, even if the director reasonably
 36 determines that a community interest factor or factors
 37 outweigh the financial or other benefits to the
 38 corporation or a shareholder or group of
 39 shareholders."
 40 2. Page 7, by striking lines 49 and 50 and
 41 inserting the following: "The commissioner and the
 42 board of directors may consider the factors set forth
 43 in section ~~490.1108~~ 490.1108A."
 44 3. By renumbering, redesignating, and correcting
 45 internal references as necessary.

Amendment H-8320 was adopted.

On motion by Shey of Linn amendment H-8256, as amended, was adopted.

Shey of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2509)

The ayes were, 92:

- | | | | |
|-----------|-----------|-----------|------------|
| Alons | Arnold | Atteberry | Baudler |
| Bell | Boal | Boddicker | Boggess |
| Bradley | Brauns | Broers | Brunkhorst |
| Bukta | Carroll | Chiodo | Cohoon |
| Connors | Cormack | De Boef | Dix |
| Dolecheck | Dotzler | Drake | Eddie |
| Eichhorn | Elgin | Fallon | Finch |
| Foege | Ford | Frevert | Garman |
| Greimann | Grundberg | Hahn | Hansen |
| Hatch | Heaton | Hoffman | Hoversten |
| Huseman | Huser | Jacobs | Jenkins |

Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Richardson	Scherrman	Schrader
Shoultz	Seng	Shey	Siegrist, Spkr.
Sievers	Stevens	Sukup	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Gipp, Presiding

The nays were, none.

Absent or not voting, 8:

Horbach	Jones	O'Brien	Reynolds
Roberts	Smith	Taylor, D.	Teig

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

SENATE MESSAGE CONSIDERED

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 and referred to committee on **appropriations**.

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **House File 2246**, a bill for an act relating to administrative procedures of county treasurers for property taxation and vehicle registration, amended by the Senate, and moved that the House concur in the following Senate amendment H-8319:

H-8319

- 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".

The motion prevailed and the House concurred in the Senate amendment H-8319.

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

On the question "Shall the bill pass?" (H.F. 2246)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Richardson	Scherrman	Schrader
Seng	Shay	Shoultz	Siegrist, Spkr.
Sievers	Stevens	Sukup	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Gipp, Presiding

The nays were, none.

Absent or not voting, 8:

Horbach	Jones	O'Brien	Reynolds
Roberts	Smith	Taylor, D.	Teig

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2138, 2190, 2246, 2509** and **Senate Files 2116, 2167, 2195, 2231, 2278, and 2288.**

Unfinished Business Calendar

House File 2499, a bill for an act relating to requirements for securing children transported in certain motor vehicles and making a penalty applicable, was taken up for consideration.

Johnson of Osceola offered amendment H-8281 filed by him as follows:

H-8281

- 1 Amend House File 2499 as follows:
- 2 1. Page 1, line 12, by inserting after the figure
- 3 "321.446," the following: "subsections 1, 2, and 4,".
- 4 2. Page 1, line 12, by striking the word "is" and
- 5 inserting the following: "are".
- 6 3. Page 1, by striking lines 14 and 15 and
- 7 inserting the following:
- 8 "1. a. A child under one year of age and weighing
- 9 less than twenty pounds who is being transported in a
- 10 motor vehicle subject to registration, except a school
- 11 bus or motorcycle, shall be secured in a rear-facing
- 12 child restraint system that meets federal motor
- 13 vehicle safety standards, and the system shall be used
- 14 in accordance with the manufacturer's instructions.
- 15 b. A child under ~~three~~ six years of age who does
- 16 not meet the description in paragraph "a" and who is
- 17 being".
- 18 4. By striking page 1, line 29, through page 2,
- 19 line 5.

- 20 5. Page 2, line 7, by striking the word "only"
- 21 and inserting the following: "~~only~~".
- 22 6. Page 2, by striking lines 9 through 19 and
- 23 inserting the following:
- 24 "Sec. ____ Section 321.446, Code Supplement 2001,
- 25 is amended by adding the following new subsection:
- 26 NEW SUBSECTION. 7. For purposes of this section,
- 27 "child restraint system" means a specially designed
- 28 seating system, including a belt-positioning seat or a
- 29 booster seat, that meets federal motor vehicle safety
- 30 standards set forth in 49 C.F.R. § 571.213."
- 31 7. By renumbering as necessary.

Johnson of Osceola offered the following amendment H-8327, to amendment H-8281, filed by him and moved its adoption:

H-8327

- 1 Amend the amendment, H-8281, to House File 2499 as
- 2 follows:
- 3 1. Page 1, line 8, by striking the word "and" and
- 4 inserting the following: "or".

Amendment H-8327 was adopted.

On motion by Johnson of Osceola, amendment H-8281, as amended, was adopted.

Johnson of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2499)

The ayes were, 66:

Arnold	Atteberry	Bell	Boal
Boggess	Brauns	Broers	Bukta
Cohoon	Connors	Cormack	Dix
Dolecheck	Dotzler	Elgin	Finch
Foege	Frevort	Greimann	Grundberg
Hahn	Hansen	Heaton	Hoffman
Hoversten	Huser	Jacobs	Jenkins
Jochum	Johnson	Kettering	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Reeder	Rekow

Richardson	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Stevens
Sukup	Tremmel	Tymeson	Tyrrell
Van Fossen	Warnstadt	Wilderdyke	Winckler
Wise	Gipp, Presiding		

The nays were, 26:

Alons	Baudler	Boddicker	Bradley
Brunkhorst	Carroll	Chiodo	De Boef
Drake	Eddie	Eichhorn	Fallon
Ford	Garman	Hatch	Huseman
Klemme	Larson	Manternach	Mertz
Rayhons	Siegrist, Spkr.	Taylor, T.	Van Engelenhoven
Weidman	Witt		

Absent or not voting, 8:

Horbach	Jones	O'Brien	Reynolds
Roberts	Smith	Taylor, D.	Teig

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

Regular Calendar

Senate File 2098, a bill for an act relating to the criminal offense of unauthorized computer access, and criminal mischief, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Kettering of Sac moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2098)

The ayes were, 86:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Ford
Ferveert	Garman	Greimann	Grundberg

Hahn	Hansen	Hatch	Heaton
Hoffman	Huseman	Jacobs	Jenkins
Jochum	Johnson	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Richardson	Scherrman	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Stevens	Sukup	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Gipp, Presiding		

The nays were, 3:

Fallon	Hoversten	Huser
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Absent or not voting, 11:

Broers	Horbach	Jones	Manternach
O'Brien	Reynolds	Roberts	Smith
Taylor, D.	Teig	Witt	

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2499** and **Senate File 2098**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2249, a bill for an act relating to criminal history checks of applicants for certain licenses, lottery employees, 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.

Also: That the Senate has on March 19, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2291, a bill for an act relating to judgment liens attaching to city real estate.

Also: That the Senate has on March 19, 2002, amended and passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 18, 2002. Had I been present, I would have voted "aye" on Senate Files 2133, 2155, 2192, 2201 and 2277.

JOHNSON of Osceola

I was necessarily absent from the House chamber on March 18, 2002. Had I been present, I would have voted "aye" on Senate Files 2133, 2155, 2156, 2192, 2201, 2260, 2277 and "nay" on Senate File 2210.

OSTERHAUS of Jackson

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 19th day of March, 2002: House File 2183.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF EDUCATION

The Phase III Summary Report for the 2000-2001 School Year, pursuant to Chapter 294A, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2002\775 | Lora Hermley, Muscatine – For celebrating her 100 th birthday on March 14 th . |
| 2002\776 | John Kruse, Mason City – For celebrating his 80 th birthday. |
| 2002\777 | Opal Bram, Clear Lake – For celebrating her 80 th birthday. |
| 2002\778 | Bob and Marge Gibson, Mason City – For celebrating their 66 th wedding anniversary. |
| 2002\779 | Elmer and Lorraine Eddy, Swaledale – For celebrating their 60 th wedding anniversary. |
| 2002\780 | Arlene Grove, Clear Lake – For celebrating her 85 th birthday. |
| 2002\781 | Esther McClellan, Mason City – For celebrating her 95 th birthday. |
| 2002\782 | Art Molokken, Clermont – For 30 years of service to the Rural County Area Fire Protection Board. |
| 2002\783 | Mr. and Mrs. Carlton Witter, McGregor – For celebrating their 50 th wedding anniversary. |
| 2002\784 | Alfred Striecher, Strawberry Point – For celebrating his 95 th birthday. |
| 2002\785 | Margorie Amundson, Clermont – For celebrating her 85 th birthday. |
| 2002\786 | Marion and Jackie Kingery, Newton – For celebrating their 65 th wedding anniversary. |

- 2002\787 Dr. Larry DeCook, Newton – For receiving the 2002 Heart of America Contact Lens Society OD of the Year Award.
- 2002\788 Chelsea Combs, Norwalk – For placing in the Write Women Back Into History Essay Contest.
- 2002\789 Ralph Titus, Lytton – For celebrating his 80th birthday.
- 2002\790 Duane and Deloris Halverson, Tama – For celebrating their 50th wedding anniversary.

AMENDMENTS FILED

H—8325	H.F.	583	Senate Amendment
H—8326	H.F.	2192	Senate Amendment
H—8329	S.F.	2203	Brunkhorst of Bremer Bradley of Clinton
H—8330	S.F.	2197	Eichhorn of Hamilton
H—8333	S.F.	2301	Shey of Linn
H—8334	S.F.	2301	Shey of Linn
H—8335	S.F.	2144	Chiodo of Polk Sievers of Scott Kettering of Sac Myers of Johnson Warnstadt of Woodbury Broers of Cerro Gordo Shoultz of Black Hawk
			Hansen of Pottawattamie Boddicker of Cedar Horbach of Tama Brunkhorst of Bremer Mertz of Kossuth Ford of Polk
H—8336	S.F.	2190	Eichhorn of Hamilton
H—8337	H.F.	518	Senate Amendment
H—8338	S.F.	2034	Grundberg of Polk
H—8339	S.F.	2190	Ford of Polk
H—8340	S.F.	2267	Eichhorn of Hamilton
H—8341	S.F.	2267	Eichhorn of Hamilton
H—8342	S.F.	2190	Osterhaus of Jackson
H—8343	S.F.	2190	Dotzler of Black Hawk
H—8344	S.F.	2190	Reeder of Fayette
H—8345	S.F.	2190	T. Taylor of Linn
H—8346	S.F.	2190	Murphy of Dubuque
H—8347	S.F.	2190	T. Taylor of Linn
H—8348	S.F.	2190	Dotzler of Black Hawk
H—8349	S.F.	2190	Jochum of Dubuque
H—8350	S.F.	2190	Dotzler of Black Hawk
H—8351	S.F.	2190	Dotzler of Black Hawk
H—8352	S.F.	2190	Dotzler of Black Hawk

H—8353	S.F.	2190	Chiodo of Polk
H—8354	S.F.	2190	Winckler of Scott
H—8355	S.F.	2190	T. Taylor of Linn
H—8356	S.F.	2190	Dotzler of Black Hawk
H—8357	H.F.	2516	Senate Amendment
H—8358	S.F.	2190	Dotzler of Black Hawk
H—8359	S.F.	2190	Connors of Polk
H—8360	S.F.	2190	Dotzler of Black Hawk
H—8361	S.F.	2190	Dotzler of Black Hawk
H—8362	S.F.	2190	Jochum of Dubuque
H—8363	S.F.	2267	Kreiman of Davis
H—8364	S.F.	2267	Kuhn of Floyd Mertz of Kossuth
H—8365	S.F.	2267	Kuhn of Floyd Mertz of Kossuth
H—8366	S.F.	2190	T. Taylor of Linn
H—8367	S.F.	2267	Eichhorn of Hamilton
H—8368	S.F.	2267	Eichhorn of Hamilton

On motion by Rants of Woodbury the House adjourned at 6:27 p.m., until 8:45 a.m., Wednesday, March 20, 2002.

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MARCH 20, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 20, 2002

The House met pursuant to adjournment at 8:45 a.m., Carroll of Poweshiek in the chair.

Prayer was offered by Reverend Alvin Koeneman, pastor of Wartburg College, Waverly. He was the guest of Representative Bob Brunkhorst of Bremer County.

The Journal of Tuesday, March 19, 2002 was approved.

PETITION FILED

The following petition was received and placed on file:

By Murphy of Dubuque, from one hundred eighty-four people from Project Concern of Dubuque, favoring the current funding of public transportation through the road use tax fund.

SPECIAL PRESENTATION

Larson of Linn introduced to the House, artist Nadine Hawbaker of Grimes. She has been commissioned to produce the artwork for the World Food Prize Posters for 1999, 2000 and 2001. Her artwork is currently being displayed in the Rotunda at the Capitol.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 107

Brunkhorst of Bremer and Dix of Butler called up for consideration **House Resolution 107**, a resolution honoring and commemorating the one hundred fiftieth anniversary of Wartburg College, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Larson of Linn introduced to the House, Cal Eldred, pitcher for the Chicago White Sox and a native of Urbana.

The House rose and expressed its welcome.

On motion by Jacobs of Polk, the House was recessed at 9:00 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened at 2:28 p.m., Carroll of Poweshiek in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-eight members present, thirty-two absent.

CONSIDERATION OF BILLS Unfinished Business Calendar

House File 2379, a bill for an act providing for access to the Iowa communications network by homeland security or defense facilities, was taken up for consideration.

SENATE FILE 2203 SUBSTITUTED FOR HOUSE FILE 2379

Bradley of Clinton asked and received unanimous consent to substitute Senate File 2203 for House File 2379.

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.

Brunkhorst of Bremer offered the following amendment H-8329 filed by him and Bradley of Clinton and moved its adoption:

H-8329

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."

Amendment H-8329 was adopted.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2203)

The ayes were, 98:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf

Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Taylor, D. Teig

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

Regular Calendar

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.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2086)

The ayes were, 98:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones

Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Winckler	Wise
Witt	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Taylor, D. Teig

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 2002, amended and passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on March 20, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2497, a bill for an act relating to charges imposed on unclaimed gift certificates.

Also: That the Senate has on March 20, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

MICHAEL E. MARSHALL, Secretary

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.

Johnson of Osceola moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2160)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Heaton Taylor, D. Teig

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

HOUSE FILE 2379 WITHDRAWN

Bradley of Clinton asked and received unanimous consent to withdraw House File 2379 from further consideration by the House.

The House stood at ease at 2:59 p.m., until the fall of the gavel.

The House resumed session at 4:52 p.m., Metcalf of Polk in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-six members present, forty-four absent.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2086, 2160 and 2203.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2281, a bill for an act requiring the licensure of landscape architects.

Also: That the Senate has on March 20, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 20, 2002, amended and passed the following bill in which the concurrence of the House is asked:

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 Senate has on March 20, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 20, 2002, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 20, 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.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone on request of Myers of Johnson.

Appropriations Calendar

Senate File 2140, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds, with report of committee recommending passage, was taken up for consideration.

Roberts of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2140)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Millage	Murphy	Myers	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Smith	Stevens	Sukup	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Wyrnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Metcalf, Presiding

The nays were, none.

Absent or not voting, 4:

O'Brien	Sievers	Taylor, D.	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

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, with report of committee recommending passage, was taken up for consideration.

Eichhorn of Hamilton offered amendment H-8330 filed by him as follows:

H-8330

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 placed in a transitional program
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."

Eichhorn of Hamilton offered the following amendment H-8370, to amendment H-8330, filed by him from the floor and moved its adoption:

H-8370

1 Amend the amendment, H-8330, to Senate File 2197,
2 as passed by the Senate, as follows:

3 1. Page 1, line 29, by striking the words "placed
4 in a transitional program" and inserting the
5 following: "subject to an order of commitment".

Amendment H-8370 was adopted.

On motion by Eichhorn of Hamilton amendment H-8330, as amended, was adopted.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8324 filed by her on March 18, 2002.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment H-8286 filed by him on March 13, 2002.

Eichhorn of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2197)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Smith	Stevens
Sukup	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Metcalf,		
	Presiding		

The nays were, 1:

Fallon

Absent or not voting, 5:

Hoffman

O'Brien

Sievers

Taylor, D.

Teig

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on March 20, 2002, amended the House amendment, concurred in the House amendment, as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2146, a bill for an act establishing criminal offenses for acts of terrorism, changing related criminal penalties, and providing a penalty.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENTS CONSIDERED

Shey of Linn called up for consideration **House File 2153**, a bill for an act relating to presentation of victim impact statements at criminal sentencing hearings, amended by the Senate, and moved that the House concur in the following Senate amendment H-8317:

H-8317

- 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."

The motion prevailed and the House concurred in the Senate amendment H-8317.

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

On the question "Shall the bill pass?" (H.F. 2153)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Millage	Murphy	Myers	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Smith	Stevens	Sukup	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Metcalf, Presiding

The nays were, none.

Absent or not voting, 4:

O'Brien

Sievers

Taylor, D.

Teig

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2153, Senate Files 2140 and 2197.**

Hansen of Pottawattamie called up for consideration **House File 2467**, a bill for an act providing for licensure sanctions against defaulters of designated loan and scholarship programs, amended by the Senate, and moved that the House concur in the following Senate amendment H-8321:

H-8321

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."

The motion prevailed and the House concurred in the Senate amendment H-8321.

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

On the question "Shall the bill pass?" (H.F. 2467)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boguess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Millage
Murphy	Myers	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Smith
Stevens	Sukup	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdylke	Winckler
Wise	Witt	Metcalf,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Foege	O'Brien	Sievers	Taylor, D.
Teig			

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

Regular Calendar

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, with report of committee recommending passage, was taken up for consideration.

Broers of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2272)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Smith	Stevens
Sukup	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Metcalf, Presiding		

The nays were, none.

Absent or not voting, 6:

Foege	Hoffman	O'Brien	Sievers
Taylor, D.	Teig		

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

Senate File 2301, a bill for an act relating to representation of indigent persons and the duties of the state public defender, with report of committee recommending passage, was taken up for consideration.

Shey of Linn offered the following amendment H-8334 filed by him and moved its adoption:

H-8334

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.

Page 2

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.

Amendment H-8334 was adopted.

Shey of Linn asked and received unanimous consent to withdraw amendment H-8333 filed by him on March 19, 2002.

Shey of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2301)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cphoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Hoffman	Horbach	Hoversten

Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Smith	Stevens
Sukup	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Metcalf, Presiding		

The nays were, none.

Absent or not voting, 6:

Foege	Heaton	O'Brien	Sievers
Taylor, D.	Teig		

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2467** and **Senate Files 2272** and **2301**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, until his return, on request of T. Taylor of Linn.

Appropriations Calendar

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, was taken up for consideration.

Murphy of Dubuque offered the following amendment H-8209 filed by him and moved its adoption:

H-8209

- 1 Amend House File 2582 as follows:
- 2 1. Page 2, by striking lines 4 through 11.

Amendment H-8209 lost.

Roberts of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2582)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Smith	Stevens
Sukup	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Metcalf,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Foege	Huser	O'Brien	Sievers
Taylor, D.	Teig		

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

INTRODUCTION OF BILL

House File 2587, by committee on appropriations, 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 placed on the **appropriations calendar**.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2582** be immediately messaged to the Senate.

HOUSE FILES REREFERRED TO COMMITTEE

Rants of Woodbury asked and received unanimous consent that the following bills be rereferred to the committee as listed:

House File 193	State Government
House File 268	Transportation
House File 617	Agriculture
House File 2008	State Government
House File 2176	Human Resources
House File 2181	Local Government
House File 2186	Transportation
House File 2187	Transportation
House File 2287	Human Resources
House File 2302	Environmental Protection
House File 2320	Natural Resources
House File 2342	Commerce and Regulation
House File 2343	Natural Resources
House File 2364	Labor and Industrial Relations

House File 2375	Local Government
House File 2380	State Government
House File 2382	Human Resources
House File 2393	Human Resources
House File 2431	State Government
House File 2436	Local Government
House File 2439	Human Resources
House File 2452	Commerce and Regulation
House File 2460	Natural Resources
House File 2465	Agriculture
House File 2466	Judiciary
House File 2483	Labor and Industrial Relations
House File 2484	Transportation
House File 2490	Commerce and Regulation
House File 2491	State Government
House File 2493	Judiciary
House File 2498	Transportation
House File 2500	Commerce and Regulation
House File 2501	Judiciary
House File 2502	Judiciary
House File 2505	Judiciary
House File 2508	Judiciary
House File 2511	Transportation
House File 2512	Agriculture
House File 2513	Human Resources
House File 2525	Judiciary
House File 2527	State Government
House File 2533	Judiciary
House File 2537	Environmental Protection
House File 2540	State Government
House File 2542	Human Resources
House File 2544	Judiciary
House File 2548	Economic Development
House File 2550	State Government
House File 2551	Judiciary
House File 2561	Human Resources
House File 2564	Judiciary
House File 2566	Judiciary
House File 2567	Local Government
House File 2568	Judiciary
House File 2569	Local Government

House File 2572
House File 2581

Human Resources
State Government

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bill the following corrections was made:

House File 2453

1. Page 3, line 6 – Remove underscoring of first build-up.

MARGARET A. THOMSON
Chief Clerk of the House

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 20, 2002, and is on file in the office of the Chief Clerk:

March 18, 2002

Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 5 claims of general nature that were denied by the State Appeal Board during February 2002 through March, 2002.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Richard D. Johnson
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

MARGARET A. THOMSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
 SUBMITTED TO THE 79TH GENERAL ASSEMBLY
 February 2002 Through March 2002

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G011443	Stephanie Larson or Matthew Kohls	Watertown, WI	License Refund	\$136.00
G020035	Matthew D. Fitzpatrick	Racine, WI	License Refund	\$17.00
G020036	Matthew P. Fitzpatrick	Racine, WI	License Refund	\$164.00
G020071	Penny Jo Cook	Wichita, KS	License Refund	\$95.00
G020237	Dickinson County Agricultural Society	Spirit Lake, IA	RE Transfer Tax	\$1,079.20

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 18 and 19, 2002. Had I been present, I would have voted "aye" on House Files 2138, 2190, 2246, 2499, 2509 and Senate Files 2098, 2116, 2133, 2155, 2156, 2167, 2192, 2195, 2201, 2210, 2231, 2260, 2277, 2278, 2288, and "nay" on Senate File 2315

O'BRIEN of Boone

I was necessarily absent from the House chamber on March 19, 2002. Had I been present, I would have voted "aye" on House Files 2138, 2190, 2246, 2499, 2509 and Senate Files 2098, 2116, 2167, 2195, 2231, 2278, 2288, 2315 and amendment H-8332 to Senate File 2315.

REYNOLDS of Van Buren

I was necessarily absent from the House chamber on March 19, 2002. Had I been present, I would have voted "aye" on House Files 2138, 2190, 2246, 2509 and Senate Files 2098, 2116, 2167, 2195, 2231, 2278, 2288, 2315 and "nay" on House File 2499 and amendment H-8332 to Senate File 2315.

ROBERTS of Carroll

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Ten Senior students from BGM High School, Brooklyn, accompanied by Duane Popenhagen. By Carroll of Poweshiek.

Thirty-one Freshman students from Montezuma High School, Montezuma, accompanied by Sheldon Groote. By Carroll of Poweshiek.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2002\791 | Harlyn Wessel, Edgewood – For 50 years of service to the Edgewood Fire Department. |
| 2002\792 | Merlin and Lenora Mae Anderson, Elkader – For celebrating their 51 st wedding anniversary. |
| 2002\793 | Sylvan and Mary Torkelson, Elgin – For celebrating their 51 st wedding anniversary. |
| 2002\794 | Arlyn and Mary Ann Gray, Elkader – For celebrating their 51 st wedding anniversary. |
| 2002\795 | Mr. and Mrs. Jack Arp, Davenport – For celebrating their 60 th wedding anniversary. |
| 2002\796 | Ernest W. Kent, Davenport – For celebrating his 80 th birthday. |
| 2002\797 | Jack Ohle, Waverly – In recognition of the 150 th anniversary of Wartburg College. |
| 2002\798 | Chief George Morgan, Keokuk – For his retirement after 30 years as a member of the Keokuk Police Department. |
| 2002\799 | Leona Heisdorffer, Sigourney – For celebrating her 100 th birthday. |
| 2002\800 | Wilbur Bender, Independence – For celebrating his 90 th birthday. |

- 2002\801 Kenneth and Mable Knox, Newton – For celebrating their 50th wedding anniversary.
- 2002\802 Samantha Klever, East Buchanan High School – For being named a State of Iowa Scholar.

SUBCOMMITTEE ASSIGNMENT

Senate File 2168

Appropriations: Millage, Chair; Brunkhorst and Mascher.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 580), providing for the regulation of fire protection systems and personnel, making an appropriation, and providing civil and criminal penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 2002.

Committee Bill (Formerly House File 2160), relating to the meetings of the revenue estimating conference.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 2002.

Committee Bill (Formerly House File 2432), relating to the Iowa energy center, including changes relating to salary adjustments, and promotion and administration of the alternative energy revolving loan program.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 2002.

RESOLUTION FILED

HCR 122 by Wilderdyke, a concurrent resolution requesting the Supreme Court to implement a review and development of options to improve performance of guardian ad litem duties.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8369	H.F.	2516	Murphy of Dubuque
H—8371	S.F.	2190	Dotzler of Black Hawk
H—8372	S.F.	2190	Dotzler of Black Hawk
H—8373	S.F.	2190	Murphy of Dubuque
H—8374	S.F.	2190	Murphy of Dubuque
H—8375	S.F.	2190	Tremmel of Wapello
H—8376	S.F.	2190	Dotzler of Black Hawk
H—8377	H.F.	2516	Murphy of Dubuque Fallon of Polk Huser of Polk
H—8378	S.F.	2267	Kuhn of Floyd Mertz of Kossuth
H—8379	H.F.	2454	Senate Amendment
H—8380	S.F.	2190	Warnstadt of Woodbury
H—8381	S.F.	2190	Hatch of Polk
H—8382	S.F.	2190	Hatch of Polk
H—8383	S.F.	2190	T. Taylor of Linn
H—8384	S.F.	2190	Jochum of Dubuque
H—8385	S.F.	2190	Dotzler of Black Hawk
H—8386	S.F.	2190	Hatch of Polk
H—8387	S.F.	2190	Hatch of Polk
H—8388	S.F.	2190	Bell of Jasper
H—8389	S.F.	2190	Smith of Marshall Foege of Linn
H—8390	S.F.	2190	Jochum of Dubuque
H—8391	S.F.	2190	T. Taylor of Linn
H—8392	S.F.	2190	Jochum of Dubuque
H—8393	S.F.	2034	Tremmel of Wapello
H—8394	S.F.	2118	Dolecheck of Ringgold Raecker of Polk Finch of Story
H—8395	S.F.	2190	Murphy of Dubuque

H—8396	S.F.	2144	Kreiman of Davis Ford of Polk
H—8397	S.F.	348	Brunkhorst of Bremer Wise of Lee Boal of Polk Roberts of Carroll
H—8398	S.F.	2118	Dolecheck of Ringgold Raecker of Polk Finch of Story
H—8399	S.F.	2146	Senate Amendment
H—8400	S.F.	2267	Eichhorn of Hamilton
H—8401	H.F.	2507	Senate Amendment
H—8402	H.F.	2554	Senate Amendment
H—8403	S.F.	2279	Hoffman of Crawford
H—8404	H.F.	2554	Gipp of Winneshiek
H—8405	S.F.	2034	Ford of Polk

On motion by Rants of Woodbury the House adjourned at 6:30 p.m., until 8:45 a.m., Thursday, March 21, 2002.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 21, 2002

The House met pursuant to adjournment at 8:52 a.m., Speaker pro tempore Sukup in the chair.

Prayer was offered by Reverend Sharon Mahood, pastor of St. Paul's Episcopal Cathedral, Des Moines. She was the guest of Representative Janet Metcalf of Polk County.

The Journal of Wednesday, March 20, 2002 was approved.

On motion by Rants of Woodbury, the House was recessed at 8:56 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:00 p.m., Dix of Butler in the chair.

INTRODUCTION OF BILLS

House File 2588, by committee on appropriations, a bill for an act providing for the regulation of fire protection systems and personnel, making an appropriation, and providing civil and criminal penalties.

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

House File 2589, by committee on appropriations, a bill for an act relating to the meetings of the revenue estimating conference.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Larkin of Lee on request of T. Taylor of Linn; Scherrman of Dubuque, for the remainder of the day, on request of Bukta of Clinton.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

CONSIDERATION OF BILLS Regular Calendar

Senate File 2273, a bill for an act relating to the designation of a Juneteenth National Freedom Day, with report of committee recommending passage, was taken up for consideration.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2273)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Dix,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Larkin	Scherrman	Taylor, D.	Teig
Witt			

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

HOUSE FILE 2147 WITHDRAWN

O'Brien of Boone asked and received unanimous consent to withdraw House File 2147 from further consideration by the House.

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, with report of committee recommending passage, was taken up for consideration.

Mascher of Johnson offered the following amendment H-8287, filed by her and moved its adoption:

H-8287

- 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."

Amendment H-8287 was adopted.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2152)

The ayes were, 90:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boggess	Brauns
Broers	Bukta	Carroll	Chiodo
Cohoon	Connors	Cormack	De Boef
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larson	Lensing	Manternach	Mascher
May	Mertz	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Sukup	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Dix,		
	Presiding		

The nays were, 3:

Bradley	Brunkhorst	Fallon
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Absent or not voting, 7:

Boddicker	Larkin	Metcalf	Scherrman
Taylor, D.	Teig	Witt	

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

The House stood at ease at 1:32 p.m., until the fall of the gavel.

The House resumed session at 3:05 p.m., Speaker Siegrist in the chair.

INTRODUCTION OF BILLS

House File 2590, by committee on ways and means, a bill for an act providing for utilization of physical plant and equipment levy revenue for technology expenditures.

Read first time and placed on the **ways and means calendar**.

House File 2591, by committee on ways and means, 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 placed on the **ways and means calendar**.

House File 2592, by committee on ways and means, 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 placed on the **ways and means calendar**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Quirk of Chickasaw on request of Murphy of Dubuque.

Ways and Means Calendar

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, was taken up for consideration.

Boal of Polk offered the following amendment H-8278 filed by Boal, et al., and moved its adoption:

H-8278

- 1 Amend House File 2585 as follows:
- 2 1. Page 1, by striking lines 34 and 35, and

3 inserting the following: "subparagraph (2), shall be
 4 paid to the eligible purchasers by the department of
 5 revenue and finance by October 1, 2002, without the
 6 purchasers having to file claims for refunds. The
 7 department of revenue and finance shall make a
 8 reasonable attempt to identify each eligible purchaser
 9 and mail the refund to the purchaser's last known
 10 address."

Amendment H-8278 was adopted.

Boal of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2585)

The ayes were, 89:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Jones	Kettering
Kreiman	Kuhn	Larson	Lensing
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Schrader	Seng
Shey	Shoultz	Sievers	Stevens
Sukup	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Mr. Speaker, Seigrist			

The nays were, none.

Absent or not voting, 11:

Grundberg	Johnson	Klemme	Larkin
Manternach	Quirk	Scherrman	Smith
Taylor, D.	Teig	Witt	

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2585, Senate Files 2152 and 2273.**

SENATE AMENDMENTS CONSIDERED

They of Linn called up for consideration **House File 2507**, a bill for an act creating a criminal offense for possession or distribution of anthrax, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-8401:

H-8401

- 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".

The motion prevailed and the House concurred in the Senate amendment H-8401.

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

On the question "Shall the bill pass?" (H.F. 2507)

The ayes were, 88:

Alons	Arnold	Atteberry	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Ford
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Jones	Kettering	Kreiman	Kuhn
Larson	Lensing	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdye	Winckler	Wise	Mr. Speaker
			Siegrist

The nays were, 1:

Fallon

Absent or not voting, 11:

Baudler	Frevert	Johnson	Klemme
Larkin	Manternach	Quirk	Scherrman
Taylor, D.	Teig	Witt	

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

Eichhorn of Hamilton called up for consideration **House File 518**, a bill for an act relating to jurisdictional changes to small claims court cases, amended by the Senate, and moved that the House concur in the following Senate amendment H-8337:

H-8337

- 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".

The motion prevailed and the House concurred in the Senate amendment H-8337.

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

On the question "Shall the bill pass?" (H.F. 518)

The ayes were, 89:

Alons	Arnold	Atteberry	Bell
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Jones	Kettering	Kreiman
Kuhn	Larson	Lensing	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Raecker	Rants	Rayhons

Reeder	Rekow	Reynolds	Richardson
Roberts	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 11:

Baudler	Frevert	Johnson	Klemme
Larkin	Manternach	Quirk	Scherrman
Taylor, D.	Teig	Witt	

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

Regular Calendar

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, with report of committee recommending passage, was taken up for consideration.

Hoffman of Crawford offered amendment H-8403 filed by him as follows:

H-8403

- 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.

Petersen of Polk offered amendment H-8412, to amendment H-8403, filed by her from the floor as follows:

H-8412

1 Amend the amendment, H-8403, to Senate File 2279,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 33 the
5 following:

6 "____. Page 6, by inserting after line 26 the
7 following:

8 "Sec.____. NEW SECTION. 509.20 NOTICE OF RATE
9 INCREASE.

10 1. For purposes of this section, "policy or
11 contract for group health benefit coverages, including
12 a contract to provide services to a plan providing
13 group health benefit coverages" applies to all of the
14 following:

15 a. A group policy of health insurance under this
16 chapter.

17 b. A plan established pursuant to chapter 509A for
18 public employees.

19 c. A plan offered pursuant to chapter 513B.

20 d. A group contract of a nonprofit health service
21 corporation under chapter 514.

22 e. A group plan of a health maintenance
23 organization under chapter 514B.

24 f. An organized delivery system authorized under
25 1993 Iowa Acts, chapter 158, and licensed by the
26 director of public health.

27 g. Preferred provider contracts limiting choice of
28 specific provider.

29 h. Any other policy, contract, or plan for
30 covering the health care costs of a defined group.

31 2. A person who issues a policy or contract for
32 group health benefit coverages, including a contract
33 to provide services to a plan providing group health
34 benefit coverages to a group, shall provide notice of
35 a rate increase for the policy or contract at least
36 ninety days prior to the effective date of the rate
37 increase to the policyholder, contract holder, or
38 sponsor of the group health benefit plan."

39 _____. Page 7, by inserting after line 2 the
40 following:

41 "Sec.____. NEW SECTION. 513C.5A NOTICE OF RATE
42 INCREASE.

43 A carrier shall provide notice of a rate increase
44 for the plan at least ninety days prior to the
45 effective date of the rate increase to the individual
46 covered by the plan.

47 Sec.____. Section 514.6, Code 2001, is amended to
48 read as follows:

49 514.6 RATES – APPROVAL BY COMMISSIONER – NOTICE
50 OF INCREASE.

Page 2

1 1. The rates charged by any such corporation to
 2 the subscribers for health care service shall at all
 3 times be subject to the approval of the commissioner
 4 of insurance.

5 2. A corporation offering health care services to
 6 subscribers pursuant to this chapter shall provide
 7 notice of a rate increase to subscribers at least
 8 ninety days prior to the effective date of the rate
 9 increase."

10 . Page 7, by inserting after line 15 the
 11 following:

12 "Sec. . NEW SECTION. 514A.16 NOTICE OF RATE
 13 INCREASE.

14 An insurer shall provide notice of a rate increase
 15 for a health insurance policy to the insured at least
 16 ninety days prior to the effective date of the rate
 17 increase."

18 . Page 7, by inserting after line 19 the
 19 following:

20 "Sec. . NEW SECTION. 514E.12 NOTICE OF RATE
 21 INCREASE.

22 A carrier or organized delivery system shall
 23 provide notice of a rate increase for the association
 24 policy to the insured at least ninety days prior to
 25 the effective date of the rate increase.""

26 2. By renumbering, redesignating, and correcting
 27 internal references as necessary.

Hoffman of Crawford asked and received unanimous consent that Senate File 2279 be deferred and that the bill be placed on the unfinished business calendar. (Amendments H-8403 and H-8412 pending)

**SENATE FILES PLACE ON THE
 UNFINISHED BUSINESS CALENDAR**

Rants of Woodbury asked and received unanimous consent to place the following Senate Files on the unfinished business calendar:

Senate File 144	Senate File 2034
Senate File 240	Senate File 2106
Senate File 348	Senate File 2118
Senate File 415	Senate File 2124
Senate File 503	Senate File 2144
Senate File 2032	Senate File 2179

Senate File 2190	Senate File 2268
Senate File 2205	Senate File 2275
Senate File 2228	Senate File 2280
Senate File 2258	Senate File 2286
Senate File 2267	Senate File 2296

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 518 and 2507.**

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 21, 2002. Had I been present, I would have voted "aye" on House Files 518, 2507 and 2585.

JOHNSON of Osceola

I was necessarily absent from the House chamber on March 20, 2002. Had I been present, I would have voted "aye" on House Files 2153, 2467, 2582 and Senate Files 2140, 2197, 2272 and 2301.

O'BRIEN of Boone

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2002\803	James and Betty Cox, Corydon – For celebrating their 60 th wedding anniversary.
2002\804	Kim Marlow, Oelwein – For being selected to the All-Conference and All-State Basketball Teams.
2002\805	Sarah Reeder, Oelwein – For being selected to the All-Conference Basketball Team.

- 2002\806 Kristin Meyer, Oelwein – For being selected to the All-Conference Basketball Team.
- 2002\807 Kelly Soules, Oelwein – For being selected to the All-Conference Basketball Team.
- 2002\808 Kaly Oakes, Oelwein – For being selected to the All-Conference Basketball Team.
- 2002\809 Michael Rueber, Oelwein – For his performance as manager of the Boys State Basketball Team.
- 2002\810 Cory Hartman, Oelwein – For his performance as manager of the Boys State Basketball Team.
- 2002\811 Mitch Murphy, Oelwein – For his performance as coach of the Boys State Basketball Team.
- 2002\812 Craig Harrison, Oelwein – For his performance as coach of the Boys State Basketball Team.
- 2002\813 Steve Sanders, Oelwein – For his performance as coach of the Boys State Basketball Team.
- 2002\814 Jessica Levendusky, Oelwein – For cheering on the Boys State Basketball Team.
- 2002\815 Amber Jessen, Oelwein – For cheering on the Boys State Basketball Team.
- 2002\816 Megan Minton, Oelwein – For cheering on the Boys State Basketball Team.
- 2002\817 Bianca Trevino, Oelwein – For cheering on the Boys State Basketball Team.
- 2002\818 Kari Kruckenberg, Oelwein – For cheering on the Boys State Basketball Team.
- 2002\819 Kylie Jacobs, Oelwein – For cheering on the Boys State Basketball Team.
- 2002\820 Cecil Hall, Boone – For celebrating her 100th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 95 Reassigned

Ways and Means: Sievers, Chair; Hahn and D. Taylor.

House File 2236

Ways and Means: Shey, Chair; Eichhorn and Larkin.

House File 2352

Ways and Means: Shey, Chair; Jochum and Larson.

House File 2522

Ways and Means: Sievers, Chair; Finch and Frevert.

House File 2524

Ways and Means: Sievers, Chair; Finch and Frevert.

House File 2570

Ways and Means: Tymeson, Chair; Finch and Huser.

House File 2580

Ways and Means: Hansen, Chair; Boal and Winckler.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 712 Commerce and Regulation**

Creating the Iowa underground conversion of utilities Act to effectuate the conversion of existing overhead electric or communication facilities to underground locations.

H.S.B. 713 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.

H.S.B. 714 Ways and Means

Proposing an amendment to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures.

H.S.B. 715 Ways and Means

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.

H.S.B. 716 Appropriations

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 primary road fund, and providing for the nonreversion of certain moneys.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8408** March 20, 2002.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2184), providing for utilization of physical plant and equipment levy revenue for technology expenditures.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 2002.

Committee Bill (Formerly House File 2480), relating to an increase in the resident hunting license fee and establishing a pheasant and quail restoration program and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 2002.

Committee Bill (Formerly House Study Bill 504), relating to deferment of taxable income for start-up businesses and providing an effective and retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 2002.

RESOLUTION FILED

HR 114, by Smith, Tyrrell, Alons, Arnold, Atteberry, Baudler, Bell, Boal, Boddicker, Boggess, Bradley, Brauns, Broers, Brunkhorst, Bukta, Carroll, Chiodo, Cohoon, Cormack, De Boef, Dix, Dolecheck, Dotzler, Drake, Eddie, Eichhorn, Elgin, Fallon, Finch, Foege, Ford, Frevert, Garman, Gipp, Greimann, Grundberg, Hahn, Hansen, Hatch, Heaton, Hoffman, Horbach, Hoversten, Huseman, Huser, Jacobs, Jenkins, Jochum, Johnson, Jones, Kettering, Klemme, Kreiman, Kuhn, Larkin, Larson, Lensing, Manternach, Mascher, May, Mertz, Metcalf, Millage, Murphy, Myers, O'Brien, Osterhaus, Petersen, Quirk, Raecker, Rants, Rayhons, Reeder, Rekow, Reynolds, Richardson, Roberts, Scherrman, Schrader, Seng, Shey, Shoultz, Siegrist, Sievers, Stevens, Sukup, D. Taylor, T. Taylor, Tremmel, Tymeson, Van Engelenhoven, Van Fossen, Warnstadt, Weidman, Wilderdyke, Winckler, Wise, and Witt, a resolution honoring Representative John H. Connors for his thirty years of legislative service.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8406	H.F.	2586	Sievers of Scott
H—8407	S.F.	2258	Stevens of Dickinson
H—8408	S.F.	2309	Committee on Agriculture
H—8409	H.F.	2516	Huser of Polk
H—8410	H.F.	2516	Warnstadt of Woodbury
H—8411	S.F.	2118	Hansen of Pottawattamie Boddicker of Cedar Myers of Johnson
H—8413	S.F.	2258	Mascher of Johnson

H—8414	H.F.	2516	Murphy of Dubuque
H—8415	H.F.	2516	Murphy of Dubuque
H—8416	S.F.	2279	Petersen of Polk

On motion by Jacobs of Polk the House adjourned at 4:05 p.m., until 9:00 a.m., Friday, March 22, 2002.

JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 22, 2002

The House met pursuant to adjournment at 9:20 a.m., Cormack of Webster in the chair.

The Journal of Thursday, March 21, 2002 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 2002, amended and passed the following bill in which the concurrence of the House 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.

Also: That the Senate has on March 21, 2002, amended and passed the following bill in which the concurrence of the House 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.

Also: That the Senate has on March 21, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2248, a bill for an act relating to the designation of a Bill of Rights Day.

Also: That the Senate has on March 21, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2310, a bill for an act relating to vendor contracts for the statewide underground facility notification center.

Also: That the Senate has on March 21, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2341, a bill for an act relating to electric transmission lines.

Also: That the Senate has on March 21, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2532, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates.

Also: That the Senate has on March 21, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2546, a bill for an act classifying the criminal offense of assault as a general intent crime.

MICHAEL E. MARSHALL, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 21, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 2183, 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.

House File 2487, an act relating to the designation of specific children's hospitals as qualified hospitals under the medical assistance disproportionate share hospital payment program.

Senate File 2141, an act authorizing sheriffs to appoint civil process servers.

Senate File 2212, an act relating to secured transactions, by providing for landlord liens.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

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

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 712

Commerce and Regulation: Hansen, Chair; Chiodo and Hoffman.

RESOLUTION FILED

HR 115, by Smith, Dotzler, Osterhaus, Alons, Sherrman, Atteberry, Kreiman, Murphy, Huseman, Mertz, Foege, Kettering, Johnson, O'Brien, Boddicker, Arnold, Greimann, Reeder, Boggess, Lensing,

Van Engelenhoven, Larkin, Cohoon, Bukta, Eddie, Garman, Roberts, Connors, Huser, Hoffman, Jones, Grundberg, Finch, Shey, Warnstadt, Weidman, Winckler, Richardson, Stevens, Mascher, Petersen, Broers, Seng, Bradley, Brunkhorst, Boal, Dolecheck, Hahn, T. Taylor, Carroll, Bell, Jochum, Jacobs, Elgin, Hoversten, Quirk, Tymeson, Tremmel, Larson, Reynolds, May, Shoultz, Millage, Wise, Hatch, Wilderdyke, Eichhorn, Cormack, Chiodo, Dix, Siegrist, Sukup, and Van Fossen, a resolution commemorating the Ninetieth Anniversary of the Girl Scouts.

Laid over under **Rule 25.**

AMENDMENTS FILED

H—8417	H.F.	2075	Senate Amendment
H—8418	H.F.	2116	Senate Amendment
H—8419	H.F.	2532	Senate Amendment

On motion by Hansen of Pottawattamie the House adjourned at 9:21 a.m., until 11:00 a.m., Monday, March 25, 2002.

PROOF

STATE OF IOWA

House Journal

MONDAY, MARCH 25, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Seventy-first Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 25, 2002

The House met pursuant to adjournment at 11:03 a.m., Eddie of Buena Vista in the chair.

Prayer was offered by Reverend Steven Hetzel, pastor of Faith Lutheran Church, Onawa. He was the guest of Representative Clarence Hoffman of Crawford County.

The Journal of Friday, March 22, 2002 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Big Brothers and Big Sisters of Marshall County. They were the guests of Representative Mark Smith of Marshall County.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Larkin of Linn and Reynolds of Van Buren, until their arrival, on request of Myers of Johnson; Scherrman of Dubuque, for March 25th and 26th, on request of Bukta of Clinton; Shey of Linn, until his arrival, on request of Rants of Woodbury.

On motion by Jacobs of Polk, the House was recessed at 11:09 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:39 p.m., Speaker Siegrist in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2191, a bill for an act relating to notarial acts by judicial officers.

Also: That the Senate has on March 25, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2530, a bill for an act providing for the control of pseudorabies, and making penalties applicable.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

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, with report of committee recommending amendment and passage, was taken up for consideration.

Rekow of Allamakee offered the following amendment H-8078 filed by the committee on transportation and moved its adoption:

H-8078

- 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".

The committee amendment H-8078 was adopted.

Rekow of Allamakee offered the following amendment H-8295 filed by him and moved its adoption:

H-8295

- 1 Amend Senate File 144, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "erosion" the following: "including filling or
- 5 covering the area with compost,".

Amendment H-8295 was adopted.

Rekow of Allamakee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 144)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Richardson
Roberts	Schrader	Seng	Shoultz
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdye	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Gipp	Hansen	Reynolds	Scherrman
Shey	Sukup	Teig	

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

SENATE AMENDMENTS CONSIDERED

Johnson of Osceola called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8128:

H-8128

- 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

Page 2

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

Page 4

- 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.

The motion prevailed and the House concurred in the Senate amendment H-8128.

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

On the question "Shall the bill pass?" (H.F. 681)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman

Greimann	Grundberg	Hahn	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Richardson
Roberts	Schrader	Seng	Shoultz
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyeke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Gipp	Hansen	Reynolds	Scherrman
Shey	Sukup	Teig	

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

Bradley of Clinton called up for consideration **House File 583**, a bill for an act relating to the certification of persons providing water pump services, amended by the Senate, and moved that the House concur in the following Senate amendment H-8325:

H-8325

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, 2004".

6 2. Page 4, line 8, by striking the word and
7 figures "January 1, 2002", and inserting the
8 following: "June 30, 2004".

9 3. Page 4, line 10, by striking the word and
10 figures "January 1, 2002", and inserting the
11 following: "July 1, 2004".

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, 2004".

15 5. Page 4, line 17, by striking the word and

16 figures "January 1, 2002", and inserting the
 17 following: "June 30, 2004".

The motion prevailed and the House concurred in the Senate amendment H-8325.

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

On the question "Shall the bill pass?" (H.F. 583)

The ayes were, 44:

Baudler	Boal	Boggess	Broers
Brunkhorst	Bukta	Carroll	Dolecheck
Eddie	Elgin	Finch	Greimann
Grundberg	Hahn	Hansen	Hatch
Hoffman	Jacobs	Jenkins	Johnson
Jones	Kettering	Kuhn	Larson
Lensing	Mascher	Metcalf	Millage
Murphy	O'Brien	Osterhaus	Rants
Rayhons	Reeder	Rekow	Roberts
Seng	Sievers	Stevens	Tremmel
Tymeson	Van Fossen	Warnstadt	Mr. Speaker
			Siegrist

The nays were, 50:

Alons	Arnold	Atteberry	Bell
Boddicker	Bradley	Brauns	Chiodo
Cohoon	Connors	Cormack	De Boef
Dix	Dotzler	Drake	Eichhorn
Fallon	Foege	Ford	Frevert
Garman	Heaton	Horbach	Hoversten
Huseman	Huser	Jochum	Klemme
Kreiman	Larkin	Manternach	May
Mertz	Myers	Petersen	Quirk
Raecker	Richardson	Schrader	Shoultz
Smith	Taylor, D.	Taylor, T.	Tyrrell
Van Engelenhoven	Weidman	Wildurdyke	Winckler
Wise	Witt		

Absent or not voting, 6:

Gipp	Reynolds	Scherrman	Shey
Sukup	Teig		

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

Appropriations Calendar

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.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2587)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Richardson
Roberts	Schrader	Seng	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, 1:

Kreiman

Absent or not voting, 7:

Gipp	Reynolds	Scherrman	Shey
Shoultz	Sukup	Teig	

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

Unfinished Business Calendar

Senate File 415, a bill for an act relating to the jurisdiction of district associate judges, with report of committee recommending amendment and passage, was taken up for consideration.

Eichhorn of Hamilton offered the following amendment H-8280 filed by the committee on judiciary and moved its adoption:

H-8280

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".

The committee amendment H-8280 was adopted.

Eichhorn of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 415)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs

Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Richardson	Roberts	Schrader	Seng
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Gipp	Reynolds	Scherrman	Shey
Sukup	Teig		

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

SENATE AMENDMENT CONSIDERED

Metcalf of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8323:

H-8323

1 Amend House File 2152 as passed by the House, as
 2 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 and 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.

The motion prevailed and the House concurred in the Senate amendment H-8323.

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

On the question "Shall the bill pass?" (H.F. 2152)

The ayes were, 89:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohon	Connors
Cormack	De Boef	Dix	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Richardson	Roberts	Schrader	Seng
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Mr. Speaker			
Siegrist			

The nays were, 1:

Metcalf

Absent or not voting, 9:

Bogges	Gipp	Hoffman	Reynolds
Scherrman	Shey	Sukup	Teig
Witt			

Under provision of Rule 76, conflict of interest, Dolecheck of Ringgold refrained from voting.

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 681, 2152, 2587** and **Senate Files 144 and 415**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2203, a bill for an act providing for access to the Iowa communications network by homeland security or defense facilities.

Also: That the Senate has on March 25, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2301, a bill for an act relating to representation of indigent persons and the duties of the state public defender.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 2:46 p.m., until the fall of the gavel.

The House resumed session at 4:28 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Atteberry of Delaware on request of T. Taylor of Linn.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-two members present, thirty-eight absent.

Unfinished Business Calendar

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, with report of committee recommending amendment and passage, was taken up for consideration.

Grundberg of Polk offered amendment H-8249 filed by the committee on education as follows:

H-8249

1 Amend Senate File 2258, as passed by the Senate, as
2 follows:

3 1. Page 1, line 15, by inserting after the word
4 "crime" the following: "in relation to the position
5 sought, the time elapsed since the crime was".

6 2. Page 1, by striking line 31 and inserting the
7 following:

8 "(a) Any of the following forcible felonies
9 included in section 702.11: child endangerment,
10 assault, murder, sexual abuse, or kidnapping."

11 3. Page 2, by striking lines 7 through 22 and
12 inserting the following:

13 "(c) Incest involving a child under section
14 726.2."

15 4. By renumbering as necessary.

Stevens of Dickinson offered the following amendment H-8407, to the committee amendment H-8249, filed by him and moved its adoption:

H-8407

1 Amend the amendment, H-8249, to Senate File 2258,
2 as passed by the Senate, as follows:

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

5 "___". Page 1, line 9, by inserting after the word
6 "crime" the following: ", as enumerated in paragraph

7 "b",.

8 2. By renumbering as necessary.

Amendment H-8407 was adopted.

Mascher of Johnson offered the following amendment H-8413, to the committee amendment H-8249, filed by her and moved its adoption:

H-8413

1 Amend the amendment, H-8249, to Senate File 2258,

2 as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 14 the

4 following:

5 " __. Page 2, line 23, by inserting after the

6 word "age" the following: "except as provided in

7 section 272.31, subsection 1, paragraph "e"."

Amendment H-8413 was adopted.

On motion by Grundberg of Polk the committee amendment H-8249, as amended, was adopted.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2258)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus

Petersen	Quirk	Rants	Rayhons
Reeder	Rekow	Roberts	Schrader
Seng	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 8:

Atteberry	Gipp	Raecker	Reynolds
Richardson	Scherrman	Shey	Teig

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

SENATE AMENDMENT CONSIDERED

Eichhorn of Hamilton called up for consideration **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 reciprocal income tax agreements with other states, 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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8418:

H-8418

- 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.

The motion prevailed and the House concurred in the Senate amendment H-8418.

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

On the question "Shall the bill pass?" (H.F. 2116)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boguess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Roberts
Schrader	Seng	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Atteberry	Gipp	Reynolds	Richardson
Scherrman	Shey	Teig	

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

Ways and Means Calendar

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, was taken up for consideration.

Sievers of Scott offered the following amendment H-8291 filed by him and moved its adoption:

H-8291

- 1 Amend House File 2586 as follows:
- 2 1. Page 1, lines 5 and 6, by striking the words
- 3 "department of economic development", and inserting
- 4 the following: "Iowa capital investment board created
- 5 in 2002 Iowa Acts, House File 2078,".
- 6 2. Page 1, line 20, by striking the words
- 7 "department of economic development", and inserting
- 8 the following: "Iowa capital investment board created
- 9 in 2002 Iowa Acts, House File 2078,".
- 10 3. Page 1, line 22, by striking the words
- 11 "department of economic development", and inserting
- 12 the following: "Iowa capital investment board created
- 13 in 2002 Iowa Acts, House File 2078,".
- 14 4. Page 1, line 26, by striking the words
- 15 "department of economic development", and inserting
- 16 the following: "Iowa capital investment board created
- 17 in 2002 Iowa Acts, House File 2078,".
- 18 5. Page 1, line 30, by striking the words
- 19 "department of economic development", and inserting
- 20 the following: "Iowa capital investment board created
- 21 in 2002 Iowa Acts, House File 2078,".
- 22 6. Page 1, lines 33 and 34, by striking the words
- 23 "department of economic development", and inserting
- 24 the following: "Iowa capital investment board created
- 25 in 2002 Iowa Acts, House File 2078,".
- 26 7. Page 2, line 12, by striking the words
- 27 "department of economic development", and inserting
- 28 the following: "Iowa capital investment board created
- 29 in 2002 Iowa Acts, House File 2078,".
- 30 8. Page 2, line 13, by striking the word
- 31 "department", and inserting the following: "board".

Amendment H-8291 was adopted.

Sievers of Scott offered the following amendment H-8406 filed by him and moved its adoption:

H-8406

- 1 Amend House File 2586 as follows:
- 2 1. Page 1, by inserting after line 19 the
- 3 following:
- 4 "3A. A taxpayer shall not claim a tax credit under
- 5 this section if the taxpayer is a venture capital
- 6 investment fund allocation manager for the Iowa fund
- 7 of funds created in 2002 Iowa Acts, House File 2078,
- 8 or an investor that receives a tax credit for an
- 9 investment in a community-based seed capital fund as
- 10 defined in 2002 Iowa Acts, House File 2271."

Amendment H-8406 was adopted.

Sievers of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2586)

The ayes were, 91:

Alons	Arnold	Baudler	Bell
Boddicker	Boal	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Ford
Frevert	Garman	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Roberts	Schrader
Seng	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, 2:

Fallon Tremmel

Absent or not voting, 7:

Atteberry	Gipp	Reynolds	Richardson
Scherrman	Shey	Teig	

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 25, 2002, passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on March 25, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2135, a bill for an act relating to the membership of the planning and zoning commission in certain cities.

Also: That the Senate has on March 25, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2201, a bill for an act requiring all felons to submit a physical specimen for DNA profiling.

Also: That the Senate has on March 25, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 25, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2363, a bill for an act relating to the possession of firearms or offensive weapons by felons.

Also: That the Senate has on March 25, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2448, a bill for an act relating to diverting township taxes to a municipality providing emergency services to the township.

Also: That the Senate has on March 25, 2002, amended and passed the following bill in which the concurrence of the House is asked:

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 Senate has on March 25, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 25, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2116, 2586** and **Senate File 2258**.

SENATE AMENDMENT CONSIDERED

Millage of Scott called up for consideration **Senate File 2146**, a bill for an act establishing a criminal offenses for acts of terrorism, changing related criminal penalties, and providing a penalty, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8399, to the House amendment:

H-8399

- 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: "The terms "intimidate",
 8 "coerce", "intimidation", and "coercion", as used in
 9 this definition, are not to be construed to prohibit
 10 picketing, public demonstrations, and similar forms of
 11 expressing ideas or views regarding legitimate matters
 12 of public interest protected by the United States and
 13 Iowa constitutions.""

The motion prevailed and the House concurred in the Senate amendment H-8399, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2146)

The ayes were, 90:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Frevert
Garman	Greimann	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Roberts	Schrader	Seng	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, 3:

Fallon Ford Hatch

Absent or not voting, 7:

Atteberry Gipp Reynolds Richardson
Scherrman Shey Teig

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2146** be immediately messaged to the Senate.

MOTION TO RECONSIDER (House File 583)

I move to reconsider the vote by which House File 583 failed to pass the House on March 25, 2002.

BRADLEY of Clinton

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 21, 2002. Had I been present, I would have voted "aye" on House Files 518, 2507 and 2585.

MANTERNACH of Jones

I was necessarily absent from the House chamber on March 25, 2002. Had I been present, I would have voted "aye" on Senate File 2258.

RAECKER of Polk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eight high school students from Emmetsburg Community Schools, Emmetsburg, accompanied by Joel and Maureen Horsley. By Frevert of Palo Alto.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\821 | Tammy Duehr, Dubuque – For being runner-up for Teacher of the Year. |
| 2002\822 | Janet See, Grinnell – For celebrating her 80 th birthday. |
| 2002\823 | Don and Joan Milburn, Grinnell – For celebrating their 50 th wedding anniversary. |
| 2002\824 | Ralph and Dorothy Fleener, Grinnell – For celebrating their 65 th wedding anniversary. |
| 2002\825 | Miles Clayton, Brooklyn – For celebrating his 80 th birthday. |
| 2002\826 | Christopher Viner, Emerson – For being named a State of Iowa Scholar. |
| 2002\827 | Brock Hodges, Farragut – For being named a State of Iowa Scholar. |
| 2002\828 | Rebecca Castle, Farragut – For being named a State of Iowa Scholar. |
| 2002\829 | Michelle Sukup, Malvern – For being named a State of Iowa Scholar. |
| 2002\830 | Angela Miller, Hamburg – For being named a State of Iowa Scholar. |
| 2002\831 | Aubrey Stribling, Tabor – For being named a State of Iowa Scholar. |
| 2002\832 | Rebecca Jackson, Tabor – For being named a State of Iowa Scholar. |
| 2002\833 | Amanda Fehlner, Tabor – For being named a State of Iowa Scholar. |
| 2002\834 | Jodie Blume, Clarinda – For being an All American Scholar. |
| 2002\835 | Agatha Beemer, Bedford – For celebrating her 90 th birthday. |

- 2002\836 Maye Woldruff, Clarinda – For celebrating her 90th birthday.
- 2002\837 Harold Auten, Villisca – For receiving an Award of Merit for his Scout Leadership.
- 2002\838 Helma and Milo Baker, Maquoketa – For celebrating their 68th wedding anniversary.
- 2002\839 Joann and Carl Muhlhausen, Maquoketa – For celebrating their 50th wedding anniversary.
- 2002\840 Ann Costanzo, Des Moines – For celebrating her 80th birthday.
- 2002\841 Freida Schreck, Davenport – For celebrating her 85th birthday.
- 2002\842 Elizabeth Anglund, Davenport – For celebrating her 90th birthday.
- 2002\843 Edward and Regina McCoy, Norwalk – For celebrating their 50th wedding anniversary.
- 2002\844 Timothy Buchholtz, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\845 Elva Kirk, Waterloo – For celebrating her 90th birthday.
- 2002\846 Rachel Hanisch, Waterloo – For celebrating her 80th birthday.
- 2002\847 Leland G. Schneider, Waterloo – For celebrating his 80th birthday.
- 2002\848 Elizabeth Bristow, Waterloo – For celebrating her 80th birthday.
- 2002\849 Paula Vogel, Waterloo – For celebrating her 85th birthday.
- 2002\850 Helen Gilbert, Waterloo – For celebrating her 80th birthday.
- 2002\851 Leona Hubbard, Waterloo – For celebrating her 92nd birthday.
- 2002\852 Joy Powers, Waterloo – For celebrating her 80th birthday.
- 2002\853 Mabel Wilkin, Waterloo – For celebrating her 80th birthday.
- 2002\854 Glenden Roberts, Waterloo – For celebrating his 85th birthday.
- 2002\855 Trevor Boeckmann, Vinton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

AMENDMENTS FILED

H—8420	H.F.	2530	Senate Amendment
H—8421	H.F.	2191	Senate Amendment

H—8422	S.F.	2228	Hoffman of Crawford
	Richardson of Warren		Kettering of Sac
	Mertz of Kossuth		Finch of Story
	Tymeson of Madison		Brunkhorst of Bremer
H—8423	H.F.	2590	Fallon of Polk
H—8424	S.F.	348	Mascher of Johnson
			Brunkhorst of Bremer
H—8425	S.F.	2268	Baudler of Adair
			Kreiman of Davis
H—8426	S.F.	348	Winckler of Scott
H—8427	S.F.	348	Lensing of Johnson
H—8428	S.F.	348	Greimann of Story
H—8429	S.F.	348	Cohoon of Des Moines
H—8430	H.F.	2201	Senate Amendment
H—8431	H.F.	2539	Senate Amendment
H—8432	S.F.	348	Bukta of Clinton
H—8433	S.F.	348	Mascher of Johnson

On motion by Rants of Woodbury the House adjourned at 5:01 p.m., until 8:45 a.m., Tuesday, March 26, 2002.

PROOF

STATE OF IOWA

House Journal

TUESDAY, MARCH 26, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 26, 2002

The House met pursuant to adjournment at 8:44 a.m., Speaker Siegrist in the chair.

Prayer was offered by Milissa Clark, House Page from Ames. She was the guest of Representative Keith Kreiman of Davis County.

The Journal of Monday, March 25, 2002 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Reynolds of Van Buren on request of Huser of Polk.

ADOPTION OF HOUSE RESOLUTION 110

Smith of Marshall called up for consideration **House Resolution 110**, a resolution recognizing the centennial of 4-H clubs, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Hoversten of Woodbury 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 amendment H-8326 as follows:

H-8326

- 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.

Osterhaus of Jackson offered the following amendment H-8434, to the Senate amendment H-8326, filed by him from the floor and moved its adoption:

H-8434

- 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.

Amendment H-8434 was adopted.

On motion by Hoversten of Woodbury the House concurred in the Senate amendment H-8326, as amended.

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

On the question "Shall the bill pass?" (H.F. 2192)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Frevert
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Richardson	Roberts
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Bogges	Dix	Ford	Reynolds
Scherrman	Teig	Van Fossen	

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

CONSIDERATION OF BILL
Unfinished Business Calendar

Senate File 348, a bill for an act relating to the establishment of Iowa charter schools and providing for a conditional effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-1450 filed by the committee on education on April 9, 2001, placing out of order the following amendments:

Amendment H-1490 filed by Stevens of Dickinson on April 11, 2001.

Amendment H-1491 filed by Stevens of Dickinson on April 11, 2001.

Amendment H-1497 filed by Winckler of Scott on April 12, 2001.

Amendment H-1498 filed by Frevert of Palo Alto on April 12, 2001.

Amendment H-1502 filed by Lensing of Johnson on April 12, 2001.

Amendment H-1503 filed by Greimann of Story on April 12, 2001.

Amendment H-1504 filed by Lensing of Johnson on April 12, 2001.

Amendment H-1506 filed by Bukta of Clinton on April 12, 2001.

Amendment H-1507 filed by Bukta of Clinton on April 12, 2001.

Amendment H-1533 filed by Mascher of Johnson on April 16, 2001.

Brunkhorst of Bremer offered amendment H-8206 filed by the committee on education as follows:

H-8206

- 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 5. "School board" means a board of directors
 41 regularly elected by the registered voters of a school
 42 district.

43 6. "State board" means the state board of
 44 education.

45 Sec. 3. NEW SECTION. 256F.3 PILOT PROGRAM –
 46 APPLICATION.

47 1. Commencing with the school year beginning July
 48 1, 2002, the state board of education shall initiate a
 49 pilot program to test the effectiveness of charter
 50 schools.

Page 2

1 2. To receive approval to establish a charter
 2 school in accordance with this chapter, the principal,
 3 teachers, or parents of students at an existing public
 4 school shall submit an application to the school board
 5 to convert an existing attendance center to a charter
 6 school. An attendance center shall not enter into a
 7 charter school contract with a school district under
 8 this chapter unless the attendance center is located
 9 within the school district. The application shall
 10 demonstrate the support of at least fifty percent of
 11 the teachers employed at the school and fifty percent

12 of the parents voting whose children are enrolled at
13 the school, provided that a majority of the parents
14 eligible to vote participate in the ballot process,
15 according to procedures established by rules of the
16 state board.

17 3. A school board shall receive and review all
18 applications for a charter school. Applications
19 received on or before October 1 of a calendar year
20 shall be considered for charter schools to be
21 established at the beginning of the school district's
22 next school year or at a time agreed to by the
23 applicant and the school board. However, a school
24 board may receive and consider applications after
25 October 1 at its discretion.

26 4. A school board shall by a majority vote approve
27 or deny an application no later than sixty calendar
28 days after the application is received. A school
29 board that denies an application for a conversion to a
30 charter school shall provide notice of denial to the
31 applicant in writing within thirty days after board
32 action. The notice shall specify the exact reasons
33 for denial and provide documentation supporting those
34 reasons.

35 5. An applicant may appeal school board denial of
36 the applicant's charter school application to the
37 state board in accordance with the procedures set
38 forth in chapter 290. The state board shall affirm,
39 modify, or reverse the school board's decision on the
40 basis of the information provided in the application
41 indicating the ability or willingness of the proposed
42 charter school to meet the requirements of section
43 256F.1, subsection 3, and section 256F.4.

44 6. Upon approval of an application for the
45 proposed establishment of a charter school, the school
46 board shall submit an application for approval to
47 establish the charter school to the state board in
48 accordance with section 256F.5. The state board shall
49 approve only those applications that meet the
50 requirements specified in section 256F.1, subsection

Page 3

1 3, and section 256F.4. The state board shall approve
2 not more than ten charter school applications. The
3 state board shall adopt rules in accordance with
4 chapter 17A for the implementation of this chapter.

5 7. If federal rules or regulations relating to the
6 distribution or utilization of federal funds allocated
7 to the department pursuant to this section are adopted
8 that are inconsistent with the provisions of this
9 chapter, the state board shall adopt rules to comply
10 with the requirements of the federal rules or

11 regulations.

12 Sec. 4. NEW SECTION. 256F.4 GENERAL OPERATING
13 REQUIREMENTS.

14 1. Within fifteen days after approval of a charter
15 school application submitted in accordance with
16 section 256F.3, subsection 2, a school board shall
17 report to the department the name of the charter
18 school applicant entry, the proposed charter school
19 location, and its projected enrollment. In order to
20 facilitate an accurate budget projection process, a
21 school board shall receive funds for students who are
22 not included in the third Friday in September
23 enrollment report due to approval of charter school
24 applications after the actual enrollment is
25 determined. The department of management shall adjust
26 the enrollment of the school district to reflect this
27 intent.

28 2. Although a charter school may elect to comply
29 with one or more provisions of statute or
30 administrative rule, a charter school is exempt from
31 all statutes and rules applicable to a school, a
32 school board, or a school district, except that the
33 charter school shall do all of the following:

34 a. Meet all applicable federal, state, and local
35 health and safety requirements and laws prohibiting
36 discrimination on the basis of race, creed, color,
37 sex, national origin, religion, ancestry, or
38 disability. A charter school shall be subject to any
39 court-ordered desegregation plan in effect for the
40 school district at the time the school's charter
41 application is approved.

42 b. Operate as a nonsectarian, nonreligious public
43 school.

44 c. Be free of tuition and application fees to Iowa
45 resident students between the ages of five and twenty-
46 one years.

47 d. Be subject to and comply with chapters 216 and
48 216A relating to civil and human rights.

49 e. Provide special education services in
50 accordance with chapter 256B.

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1 f. Be subject to the same financial audits, audit
2 procedures, and audit requirements as a school
3 district. The audit shall be consistent with the
4 requirements of sections 11.6, 11.14, 11.19, 256.9,
5 subsection 19, and section 279.29, except to the
6 extent deviations are necessary because of the program
7 at the school. The department, the auditor of state,
8 or the legislative fiscal bureau may conduct
9 financial, program, or compliance audits.

10 g. Be subject to and comply with chapter 284
11 relating to the student achievement and teacher
12 quality program. A charter school that complies with
13 chapter 284 shall receive state moneys or be eligible
14 to receive state moneys as provided in chapter 284 as
15 if it did not operate under a charter.

16 h. Be subject to and comply with chapters 20 and
17 279 relating to contracts with and discharge of
18 teachers and administrators.

19 i. Be subject to and comply with the provisions of
20 chapter 285 relating to the transportation of
21 students.

22 j. Meetings of the advisory council are subject to
23 the provisions of chapters 21 and 22.

24 3. A charter school shall not discriminate in its
25 student admissions policies or practices on the basis
26 of intellectual or athletic ability, measures of
27 achievement or aptitude, or status as a person with a
28 disability. However, a charter school may limit
29 admission to students who are within a particular
30 range of age or grade level or on any other basis that
31 would be legal if initiated by a school district.
32 Enrollment priority shall be given to the siblings of
33 students enrolled in a charter school.

34 4. A charter school shall enroll an eligible
35 student who submits a timely application unless the
36 number of applications exceeds the capacity of a
37 program, class, grade level, or building. In this
38 case, students must be accepted by lot. A charter
39 school shall be subject to section 282.18 as if it did
40 not operate under a charter, except as provided in
41 this chapter.

42 5. A charter school shall provide instruction for
43 at least the number of days required by section
44 279.10, subsection 1, or shall provide at least the
45 equivalent number of total hours.

46 6. Notwithstanding subsection 2, a charter school
47 shall meet the requirements of section 256.7,
48 subsection 21.

49 7. A charter school shall be considered a part of
50 the school district in which it is located for

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1 purposes of state school foundation aid pursuant to
2 chapter 257.

3 8. A charter school may enter into contracts and
4 issue bonds in accordance with chapter 73A.

5 Sec. 5. NEW SECTION. 256F.5 APPLICATION –
6 DEFINITION.

7 An application to the state board for the approval
8 of a charter school shall include, but shall not be

- 9 limited to, a description of the following:
- 10 1. The method for admission to the charter school.
 - 11 2. The mission, purpose, innovation, and
 - 12 specialized focus of the charter school.
 - 13 3. Performance goals and objectives in addition to
 - 14 those required under section 256.7, subsection 21, by
 - 15 which the school's student achievement shall be
 - 16 judged, the measures to be used to assess progress,
 - 17 and the current baseline status with respect to the
 - 18 goals.
 - 19 4. The method for appointing or forming an
 - 20 advisory council for the charter school.
 - 21 5. Procedures for teacher evaluation and
 - 22 professional development for teachers and
 - 23 administrators.
 - 24 6. The charter school governance and bylaws.
 - 25 7. The financial plan for the operation of the
 - 26 school.
 - 27 8. The educational program and curriculum,
 - 28 instructional methodology, and services to be offered
 - 29 to students.
 - 30 9. The number and qualifications of teachers and
 - 31 administrators to be employed.
 - 32 10. The organization of the school in terms of
 - 33 ages of students or grades to be taught along with an
 - 34 estimate of the total enrollment of the school.
 - 35 11. The provision of school facilities.
 - 36 12. A statement indicating how the charter school
 - 37 will meet the requirements of section 256F.1,
 - 38 subsection 3; section 256F.4, subsection 2, paragraph
 - 39 "a"; and section 256F.4, subsection 3.
 - 40 13. Assurance of the assumption of liability by
 - 41 the charter school.
 - 42 14. The types and amounts of insurance coverage to
 - 43 be obtained by the charter school.
 - 44 15. A plan of operation to be implemented if the
 - 45 charter school revokes or fails to renew its contract.
 - 46 16. The means, costs, and plan for providing
 - 47 transportation for students attending the charter
 - 48 school.
 - 49 17. The specific statutes, administrative rules,
 - 50 and school board policies with which the charter

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- 1 school does not intend to comply.
- 2 Sec. 6. NEW SECTION. 256F.6 CONTRACT.
- 3 1. An approved charter school application shall
 - 4 constitute an agreement, the terms of which shall be
 - 5 the terms of a four-year renewable contract between
 - 6 the school board and the state board. The contract
 - 7 shall reflect all agreements regarding the operation

8 of the charter school. The terms of the contract may
 9 be revised at any time with the approval of both the
 10 state board and the school board, whether or not the
 11 stated provisions of the contract are being fulfilled.
 12 The charter school shall provide parents and guardians
 13 of students enrolled in the charter school with a copy
 14 of the charter school application approved pursuant to
 15 section 256F.5.

16 2. The contract shall outline the reasons for
 17 revocation or nonrenewal of the charter.

18 3. The state board of education shall provide by
 19 rule for the ongoing review of a school board's
 20 compliance with a contract entered into in accordance
 21 with this chapter.

22 Sec. 7. NEW SECTION. 256F.7 EMPLOYMENT AND
 23 RELATED MATTERS.

24 1. A charter school shall employ or contract with
 25 necessary teachers and administrators, as defined in
 26 section 272.1, who hold a valid license with an
 27 endorsement for the type of service for which the
 28 teacher or administrator is employed.

29 2. The school board, in consultation with the
 30 advisory council, shall decide matters related to the
 31 operation of the school, including budgeting,
 32 curriculum, and operating procedures.

33 3. Employees of a charter school shall be
 34 considered employees of the school district.

35 Sec. 8. NEW SECTION. 256F.8 PROCEDURES FOR
 36 REVOCATION OR NONRENEWAL OF CONTRACT.

37 1. A contract for the establishment of a charter
 38 school may be revoked by the state board or the school
 39 board that established the charter school if the
 40 appropriate board determines that one or more of the
 41 following occurred:

42 a. Failure of the charter school to abide by and
 43 meet the provisions set forth in the contract,
 44 including educational goals.

45 b. Failure of the charter school to comply with
 46 all applicable law.

47 c. Failure of the charter school to meet generally
 48 accepted public sector accounting principles.

49 d. The existence of one or more other grounds for
 50 revocation as specified in the contract.

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1 2. The decision by a school board to revoke or to
 2 fail to take action to renew a charter school contract
 3 is subject to appeal under procedures set forth in
 4 chapter 290.

5 3. A school board considering revocation or
 6 nonrenewal of a charter school contract shall notify

7 the advisory council, the parents or legal guardians
8 of the students enrolled in the charter school, and
9 the teachers and administrators employed by the
10 charter school, sixty days prior to revoking or the
11 date by which the contract must be renewed, but not
12 later than the last day of classes in the school year.

13 4. If the state board determines that a charter
14 school is in substantial violation of the terms of the
15 contract, the state board shall notify the school
16 board and the advisory council of its intention to
17 revoke the contract at least sixty days prior to
18 revoking a contract and the school board shall assume
19 oversight authority, operational authority, or both
20 oversight and operational authority. The notice shall
21 state the grounds for the proposed action in writing
22 and in reasonable detail. The school board may
23 request in writing an informal hearing before the
24 state board within fourteen days of receiving notice
25 of revocation of the contract. Upon receiving a
26 timely written request for a hearing, the state board
27 shall give reasonable notice to the school board of
28 the hearing date. The state board shall conduct an
29 informal hearing before taking final action. The
30 state board shall take final action to revoke or
31 approve continuation of a contract by the last day of
32 classes in the school year. If the final action to
33 revoke a contract under this section occurs prior to
34 the last day of classes in the school year, a charter
35 school student may enroll in the resident district.

36 5. The decision of the state board to revoke a
37 contract under this section is solely within the
38 discretion of the state board and is final.

39 6. A school board revoking a contract or a school
40 board or advisory council that fails to renew a
41 contract under this chapter is not liable for that
42 action to the charter school, a student enrolled in
43 the charter school or the student's parent or
44 guardian, or any other person.

45 7. In the case of a revocation or a nonrenewal of
46 the charter, the school board is exempt from the state
47 board's "Barker guidelines", as provided in 1 D.P.I.
48 App. Dec. 145 (1977).

49 Sec. 9. NEW SECTION. 256F.9 PROCEDURES AFTER
50 REVOCATION – STUDENT ENROLLMENT.

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1 If a charter school contract is revoked in
2 accordance with this chapter, a nonresident student
3 who attended the school, siblings of the student, or
4 another student who resides in the same place as the
5 student shall be determined to have shown good cause

6 as provided in section 282.18, subsection 16, and may
7 submit an application to another school district
8 according to section 282.18 at any time. Applications
9 and notices required by section 282.18 shall be
10 processed and provided in a prompt manner. The
11 application and notice deadlines in section 282.18 do
12 not apply to a nonresident student application under
13 these circumstances.

14 Sec. 10. NEW SECTION. 256F.10 REPORTS.

15 1. A charter school shall report at least annually
16 to the school board, advisory council, and the state
17 board the information required by the school board,
18 advisory council, or the state board. The reports are
19 public records subject to chapter 22.

20 2. Not later than December 1, 2003, and annually
21 thereafter, the state board shall submit a
22 comprehensive report, with findings and
23 recommendations, to the senate and house standing
24 committees on education. The report shall evaluate
25 the state's charter school programs generally,
26 including but not limited to, an evaluation of whether
27 the pilot programs are fulfilling the purposes set
28 forth in section 256F.4, subsection 2. The report
29 also shall contain, for each charter school, a copy of
30 the charter school's mission statement, attendance
31 statistics and dropout rate, aggregate assessment test
32 scores, projections of financial stability, the number
33 and qualifications of teachers and administrators, and
34 number of and comments on supervisory visits by the
35 department of education.

36 Sec. 11. NEW SECTION. 256F.11 FUTURE REPEAL.

37 This chapter is repealed effective July 1, 2010.

38 Sec. 12. Section 257.31, subsection 5, paragraph
39 d, is amended to read as follows:

40 d. The closing of a nonpublic school, wholly or in
41 part, or the opening or closing of a pilot charter
42 school.

43 Sec. 13. Section 282.18, subsection 16, Code 2001,
44 is amended to read as follows:

45 16. For purposes of this section, "good cause"
46 means a change in a child's residence due to a change
47 in family residence, a change in the state in which
48 the family residence is located, a change in a child's
49 parents' marital status, a guardianship proceeding,
50 placement in foster care, adoption, participation in a

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1 foreign exchange program, or participation in a
2 substance abuse or mental health treatment program, or
3 a similar set of circumstances consistent with the
4 definition of good cause; a change in the status of a

5 child's resident district, such as removal of
 6 accreditation by the state board, surrender of
 7 accreditation, or permanent closure of a nonpublic
 8 school, revocation of a charter school contract as
 9 provided in section 256F.8, the failure of
 10 negotiations for a whole-grade sharing,
 11 reorganization, dissolution agreement or the rejection
 12 of a current whole-grade sharing agreement, or
 13 reorganization plan, or a similar set of circumstances
 14 consistent with the definition of good cause. If the
 15 good cause relates to a change in status of a child's
 16 school district of residence, however, action by a
 17 parent or guardian must be taken to file the
 18 notification within forty-five days of the last board
 19 action or within thirty days of the certification of
 20 the election, whichever is applicable to the
 21 circumstances.

22 Sec. 14. EXPEDITED APPLICATION PROCEDURE. The
 23 state board of education shall develop an expedited
 24 charter school application procedure for the fiscal
 25 year beginning July 1, 2003, for purposes of receiving
 26 federal planning funds issued pursuant to the federal
 27 Elementary and Secondary Education Act of 1965, Title
 28 X, Part C, as codified in 20 U.S.C. §§ 8061-8067.

29 Sec. 15. EMERGENCY RULES. The state board of
 30 education may adopt emergency rules under section
 31 17A.4, subsection 2, and section 17A.5, subsection 2,
 32 paragraph "b", to implement this Act and the rules
 33 shall be effective immediately upon filing unless a
 34 later date is specified in the rules. Any rules
 35 adopted in accordance with this section shall also be
 36 published as a notice of intended action as provided
 37 in section 17A.4."

38 2. Title page, lines 1 and 2, by striking the
 39 following: "and providing for a conditional effective
 40 date".

Cohon of Des Moines offered the following amendment H-8429, to the committee amendment H-8206, filed by him and moved its adoption:

H-8429

1 Amend the amendment, H-8206, to Senate File 348, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by inserting after line 39, the
 5 following:

6 "4A. "Pilot program" means a pilot program created
 7 under this chapter that creates a new school within an
 8 existing public school or converts an existing public

9 school to charter status in accordance with this
10 chapter."
11 2. By renumbering as necessary.

Amendment H-8429 was adopted.

Mascher of Johnson offered the following amendment H-8433, to the committee amendment H-8206, filed by her and moved its adoption:

H-8433

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 3, by inserting after the word
5 "parents" the following: "or guardians".
6 2. Page 2, line 11, by inserting after the word
7 "school" the following: "on the date of the
8 submission of the application".
9 3. Page 2, line 12, by inserting after the word
10 "parents" the following: "or guardians".
11 4. Page 2, line 13, by inserting after the word
12 "parents" the following: "or guardians".
13 5. Page 2, line 16, by inserting after the word
14 "board." the following: "A parent or guardian voting
15 in accordance with this subsection must be a resident
16 of this state."
17 6. Page 7, line 7, by striking the word "legal".

Amendment H-8433 was adopted.

Mascher of Johnson offered the following amendment H-8424, to the committee amendment H-8206, filed by her and Brunkhorst of Bremer and moved its adoption:

H-8424

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 18, by inserting after the word
5 "for" the following: "converting an existing building
6 or creating a new building for".
7 2. Page 2, line 48, by inserting after the figure
8 "256F.5." the following: "The application shall set
9 forth the manner in which the charter school will
10 comply with federal and state laws and regulations
11 relating to the federal National School Lunch Act and

12 the federal Child Nutrition Act of 1966, 42 U.S.C. §
13 1751-1785, and chapter 283A."
14 3. Page 3, line 11, by inserting after the word
15 "regulations." the following: "The state board shall
16 identify inconsistencies between federal and state
17 rules and regulations as provided in this subsection
18 and shall submit recommendations for legislative
19 action to the chairpersons and ranking members of the
20 senate and house standing committees on education at
21 the next meeting of the general assembly."
22 4. Page 5, line 20, by inserting after the word
23 "school." the following: "The membership of an
24 advisory council appointed or formed in accordance
25 with this chapter shall not include more than one
26 member of the school board."

Amendment H-8424 was adopted.

Brunkhorst of Bremer offered the following amendment H-8397, to the committee amendment H-8206, filed by Brunkhorst, et al., and moved its adoption:

H-8397

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 28, by inserting after the word
5 "received." the following: "An application approved
6 by a school board and subsequently approved by the
7 state board pursuant to subsection 6 shall constitute,
8 at a minimum, an agreement between the school board
9 and the charter school for the operation of the
10 charter school."
11 2. Page 2, line 41, by striking the word "or" and
12 inserting the following: "and".
13 3. Page 3, line 1, by striking the word and
14 figure "section 256F.4" and inserting the following:
15 "sections 256F.4 and 256F.5. The state board may deny
16 an application if the state board deems that approval
17 of the application is not in the best interest of the
18 affected students".
19 4. Page 3, line 2, by inserting after the word
20 "applications." the following: "The state board shall
21 approve not more than one charter school application
22 per school district."
23 5. Page 3, by striking lines 19 through 27 and
24 inserting the following: "location, and its projected
25 enrollment."
26 6. Page 4, line 34, by inserting after the word

- 27 "eligible" the following: "resident".
- 28 7. Page 4, by striking lines 38 through 41 and
 29 inserting the following: "case, students must be
 30 accepted by lot. A charter school may enroll an
 31 eligible nonresident student who submits a timely
 32 application in accordance with the student admission
 33 policy established pursuant to section 256F.5,
 34 subsection 1. If the charter school enrolls an
 35 eligible nonresident student, the charter school shall
 36 notify the school district and the sending district
 37 not later than March 1 of the preceding school year.
 38 Transportation for the student shall be in accordance
 39 with section 282.18, subsection 10. The sending
 40 district shall make payments to the charter school in
 41 the manner required under section 282.18, subsection
 42 7."
- 43 8. Page 5, lines 3 and 4, by striking the words
 44 "and issue bonds".
- 45 9. Page 5, line 26, by inserting after the word
 46 "school" the following: "including, at a minimum, a
 47 listing of the support services the school district
 48 will provide, and the charter school's revenues,
 49 budgets, and expenditures".
- 50 10. Page 6, line 4, by inserting after the word

Page 2

- 1 "shall" the following: ", at a minimum,".
- 2 11. Page 6, line 5, by inserting after the word
 3 "four-year" the following: "enforceable,".
- 4 12. Page 6, by striking line 7 and inserting the
 5 following: "shall include an operating agreement for
 6 the operation".
- 7 13. Page 8, by striking lines 3 through 5 and
 8 inserting the following: "who attended the school,
 9 and any siblings of the student, shall be determined
 10 to have shown good cause".
- 11 14. Page 9, by inserting after line 37, the
 12 following:
 13 "Sec. ____ CONDITIONAL EFFECTIVENESS. This Act
 14 takes effect upon the department of education's
 15 receipt of federal funds that are provided to the
 16 department under Pub. L. No. 107-110, cited as the
 17 federal No Child Left Behind Act of 2001 (Title V,
 18 Part B), for purposes of providing financial
 19 assistance for the planning, program design, and
 20 initial implementation of public charter schools. The
 21 department of education shall notify the Code editor
 22 upon receipt of such federal funds.""
- 23 15. Page 9, by striking lines 38 through 40.
- 24 16. By renumbering as necessary.

Amendment H-8397 was adopted.

Mascher of Johnson offered the following amendment H-8435, to the committee amendment H-8206, filed by her from the floor and moved its adoption:

H-8435

- 1 Amend the amendment, H-8206, to Senate File 348, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, lines 38 and 39, by striking the words
- 5 "affirm, modify, or reverse" and inserting the
- 6 following: "affirm or modify".

A non-record roll call was requested.

The ayes were 33, nays 54.

Amendment H-8435 lost.

Rants of Woodbury asked and received unanimous consent that Senate File 348 be deferred and that the bill retain its place on the unfinished business calendar.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2192** be immediately messaged to the Senate.

On motion by Rants of Woodbury, the House was recessed at 9:32 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:31 p.m., Speaker Siegrist in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-five members present, thirty-five absent.

CONSIDERATION OF BILL
Unfinished Business Calendar

The House resumed consideration of **Senate File 348**, a bill for an act relating to the establishment of Iowa charter schools and providing for a conditional effective date, previously deferred and found on pages 974-987 of the House Journal.

Greimann of Story offered the following amendment H-8428, to the committee amendment H-8206, filed by her and moved its adoption:

H-8428

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 48, 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."

A non-record roll call was requested.

The ayes were 38, nays 49.

Amendment H-8428 lost.

Gipp of Winneshiek in the chair at 1:48 p.m.

Bukta of Clinton offered the following amendment H-8432, to the committee amendment H-8206, filed by her and moved its adoption:

H-8432

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 2, line 48, 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."

Amendment H-8432 was adopted.

Grundberg of Polk offered the following amendment H-8437, to the committee amendment H-8206, filed by her from the floor and moved its adoption:

H-8437

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, lines 2 and 3, by striking the words
5 "The state board shall adopt" and inserting the
6 following: "However, if the state board receives ten
7 or fewer applications as of June 30, 2003, and two or
8 more of the applications received by the state board
9 by that date are submitted by one school district, the
10 state board may approve any or all of the applications
11 submitted by the school district. The state board
12 shall adopt".

Amendment H-8437 was adopted.

Winckler of Scott offered the following amendment H-8426, to the committee amendment H-8206, filed by her and moved its adoption:

H-8426

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, by inserting after line 23 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."
10 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 38, nays 42.

Amendment H-8426 lost.

Lensing of Johnson offered the following amendment H-8427, to the committee amendment H-8206, filed by her and moved its adoption:

H-8427

- 1 Amend the amendment, H-8206, to Senate File 348, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, line 29, 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."

Amendment H-8427 was adopted.

On motion by Brunkhorst of Bremer, the committee amendment H-8206, as amended was adopted, placing out of order the following amendments:

Amendment H-1492 filed by Stevens of Dickinson on April 11, 2001.

Amendment H-1495 filed by Mascher of Johnson on April 12, 2001.

Amendment H-1496 filed by Winckler of Scott on April 12, 2001.

Amendment H-1499 filed by Mascher of Johnson on April 12, 2001.

Amendment H-1500 filed by Mascher of Johnson on April 12, 2001.

Amendment H-1501 filed by Winckler of Scott on April 12, 2001.

Amendment H-1505 filed by Greimann of Story on April 12, 2001.

Amendment H-1508 filed by Greimann of Story on April 12, 2001.

Amendment H-1509 filed by Mascher of Johnson on April 12, 2001.

Amendment H-1520 filed by Winckler of Scott on April 16, 2001.

Amendment H-1521 filed by Winckler of Scott on April 16, 2001.

Amendment H-1523 filed by Mascher of Johnson on April 16, 2001.

Amendment H-1529 filed by Bukta of Clinton on April 16, 2001.

Amendment H-1530 filed by Mascher of Johnson on April 16, 2001.

Amendment H-1532 filed by Frevert of Palo Alto on April 16, 2001.

Amendment H-1534 filed by Richardson of Warren on April 16, 2001.

Amendment H-1535 filed by Cohoon of Des Moines on April 16, 2001.

Amendment H-1536 filed by Mascher of Johnson on April 16, 2001.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 348)

The ayes were, 62:

Alons	Baudler	Bell	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Garman	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Petersen	Raecker	Rants	Rayhons
Rekow	Roberts	Seng	Shey
Siegrist, Spkr.	Sievers	Stevens	Sukup
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyeke	Wise
Witt	Gipp, Presiding		

The nays were, 35:

Arnold	Atteberry	Bukta	Chiodo
Cohoon	Connors	Dotzler	Foege
Ford	Frevert	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Quirk	Reeder	Richardson
Schrader	Shoultz	Smith	Taylor, D.
Taylor, T.	Tremmel	Winckler	

Absent or not voting, 3:

Reynolds

Scherrman

Teig

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 348** be immediately messaged to the Senate.

The House stood at ease at 2:32 p.m., until the fall of the gavel.

The House resumed session at 3:41 p.m., Carroll of Poweshiek in the chair.

SENATE AMENDMENTS CONSIDERED

Elgin of Linn 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 amendment H-8419 as follows:

H-8419

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. Page 21, by inserting after line 3, the
 29 following:

30 "Sec.____. Section 97B.80A, subsections 1 and 3,
 31 Code 2001, are amended to read as follows:

32 1. A vested or retired member who has five or more
 33 full calendar years of covered wages and who at any
 34 time was employed ~~by a covered employer under this~~
 35 ~~chapter but at the time of the employment was not~~
 36 ~~covered by this chapter and did not opt out of~~
 37 ~~coverage under this chapter in eligible public~~
 38 employment, upon submitting verification of the
 39 eligible public employment and the dates of the
 40 eligible public employment, may make contributions to
 41 the system for up to the lesser of twenty quarters of
 42 service credit for such eligible public employment or
 43 the entire period of the eligible public employment,
 44 in increments of one or more calendar quarters, and
 45 receive credit for membership service and prior
 46 service for the period of time for which the
 47 contributions are made.

48 3. The verification of the eligible public
 49 employment and the dates of such eligible public
 50 employment shall be made by the department prior to

Page 2

1 receiving contributions from the member.

2 Sec.____. Section 97B.80A, Code 2001, is amended
 3 by adding the following new subsection:

4 NEW SUBSECTION. 7. For purposes of this section,
 5 "eligible public employment" means employment of a
 6 person who at the time of the employment was not
 7 covered by this chapter and the employment meets any
 8 of the following conditions:

9 a. Employment by a covered employer under this
 10 chapter of a person who did not opt out of coverage
 11 under this chapter.

12 b. Employment of a person as an adjunct instructor
 13 as defined in section 97B.1A, subsection 8."

14 4. Page 24, by inserting after line 33 the
 15 following:

16 "Sec.____. NEW SECTION. 97C.21 VOLUNTARY
 17 COVERAGE OF ELECTED OFFICIALS.

18 Notwithstanding any provision of this chapter to
 19 the contrary, an elected official otherwise excluded
 20 from the definition of employee as provided in section

21 97C.2, may, but is not required to, choose to be
 22 provided benefits as an employee as provided by this
 23 chapter. This choice shall be reflected in the
 24 federal-state agreement described in section 97C.3.
 25 An employer who is providing benefits to an elected
 26 official otherwise excluded from the definition of
 27 employee prior to July 1, 2002, shall not be deemed to
 28 be in an erroneous reporting situation, and
 29 corrections for prior federal social security
 30 withholdings shall not be required. The
 31 implementation of this section shall be subject to the
 32 approval of the federal social security
 33 administration."

34 5. Page 24, by inserting after line 33 the
 35 following:

36 "Sec. ____ IOWA PUBLIC EMPLOYEES' RETIREMENT
 37 SYSTEM – TEMPORARY LAYOFFS – AVERAGE COVERED WAGE
 38 RECALCULATION.

39 1. Notwithstanding any provision of chapter 97B to
 40 the contrary, a member of the Iowa public employees'
 41 retirement system who has an employer-mandated
 42 reduction in hours but remains on the employer's
 43 payroll, and who would receive a reduction in the
 44 member's three-year average covered wage as a result
 45 of the reduction in hours, may have the member's
 46 retirement allowance calculated based on the three-
 47 year average covered wage the member would have
 48 received, based on reasonable assumptions, if the
 49 member had not been subject to the employer-mandated
 50 reduction in hours, upon payment by the member of the

Page 3

1 applicable contribution amount. For purposes of this
 2 section, the applicable contribution amount is an
 3 amount equal to the employee and employer
 4 contributions that would have been paid to the system
 5 based on the wages that the member would have received
 6 but for the employer-mandated reduction in hours and
 7 would have been included in the member's three-year
 8 average covered wage.

9 2. The payment of the applicable contribution
 10 amount under this section shall be treated as pick-up
 11 contributions in addition to amounts picked up under
 12 section 97B.11A. The member must notify the Iowa
 13 public employees' retirement system and the member's
 14 employer prior to the member terminating employment
 15 covered under the system so that the appropriate
 16 calculations can be made and the applicable
 17 contribution amount for the member can be deducted
 18 from the member's wages. The Iowa public employees'
 19 retirement system shall have no liability for a

20 member's failure to notify the system and the member's
21 employer in time to make such calculations and deduct
22 the applicable contribution amount from the member's
23 remaining wage payments.

24 3. This section shall apply to employer-mandated
25 reductions in hours during the period of time
26 beginning on or after January 1, 2002, and ending no
27 later than June 30, 2003. The system is authorized to
28 adopt such rules, including emergency rules, as it
29 deems necessary or prudent to implement this section."

30 6. Page 32, by inserting after line 34 the
31 following:

32 "Sec. ___. Section 602.9107, subsection 1,
33 paragraph a, Code 2001, is amended to read as follows:
34 a. The annual annuity of a judge under this system
35 is an amount equal to three percent of the judge's
36 average annual basic salary for the judge's ~~last~~
37 highest three years as a judge of one or more of the
38 courts included in this article, multiplied by the
39 judge's years of service as a judge of one or more of
40 the courts for which contributions were made to the
41 system. However, an annual annuity shall not exceed
42 an amount equal to a specified percentage of the
43 highest basic annual salary which the judge is
44 receiving ~~at or had received as of~~ the time the judge
45 ~~becomes became~~ separated from service. Forfeitures
46 shall not be used to increase the annuities a judge or
47 survivor would otherwise receive under the system."

48 7. Page 34, by inserting after line 16 the
49 following:

50 "Sec. ___. Section 602.9204, subsection 2,

Page 4

1 paragraph b, Code 2001, is amended to read as follows:

2 b. "Basic senior judge salary" means the highest
3 basic annual salary which the judge is receiving ~~at or~~
4 had received as of the time the judge ~~becomes became~~
5 separated from full-time service, as would be used in
6 computing an annuity pursuant to section 602.9107
7 without service as a senior judge, plus seventy-five
8 percent of the escalator."

9 8. By renumbering, relettering, or redesignating
10 and correcting internal references as necessary.

Elgin of Linn offered the following amendment H-8441, to the Senate amendment H-8419, filed by Elgin, Metcalf of Polk, Gipp of Winneshiek, Connors of Polk and Larkin of Lee from the floor and moved its adoption:

H-8441

- 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.

Amendment H-8441 was adopted.

On motion by Elgin of Linn the House concurred in the Senate amendment H-8419, as amended.

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

On the question "Shall the bill pass?" (H.F. 2532)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Richardson	Roberts	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Carroll, Presiding

The nays were, none.

Absent or not voting, 4:

Reynolds

Scherrman

Sukup

Teig

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2532** be immediately messaged to the Senate.

Boal of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8379:

H-8379

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".

The motion prevailed and the House concurred in the Senate amendment H-8379.

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

On the question "Shall the bill pass?" (H.F. 2454)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Richardson
Roberts	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wildurdyke	Winckler
Wise	Witt	Carroll, Presiding	

The nays were, none.

Absent or not voting, 5:

Larson	Reynolds	Scherrman	Sukup
Teig			

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

Gipp of Winneshiek 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 amendment H-8402 as follows:

H-8402

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 15, by striking the figure "2002"
 48 and inserting the following: "~~2002~~ 2007".
 49 3. By renumbering as necessary.

Gipp of Winneshiek offered the following amendment H-8404, to the Senate amendment H-8402, filed by him and moved its adoption:

H-8404

- 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".

Amendment H-8404 was adopted.

On motion by Gipp of Winneshiek the House concurred in the Senate amendment H-8402, as amended.

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

On the question "Shall the bill pass?" (H.F. 2554)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cphoon	Connors
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Richardson
Roberts	Schrader	Seng	Shey

Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Carroll, Presiding	

The nays were, 1:

Cormack

Absent or not voting, 4:

Reynolds	Scherrman	Sukup	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2454** and **2554**.

CONSIDERATION OF BILL Regular Calendar

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 amendment and passage, was taken up for consideration.

Manternach of Jones offered the following amendment H-8408 filed by the committee on agriculture and moved its adoption:

H-8408

- 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.

The committee amendment H-8408 was adopted.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-8440 filed by him from the floor.

Manternach of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2309)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevort	Garman	Gipp

Greimann	Grundberg	Hahn	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Richardson
Roberts	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Winckler	Wise
Witt	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

Hansen	Reynolds	Scherrman	Siegrist, Spkr.
Sukup	Teig		

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

SENATE AMENDMENT CONSIDERED

Kreiman of Davis called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8431:

H-8431

- 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.

The motion prevailed and the House concurred in the Senate amendment H-8431.

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

On the question "Shall the bill pass?" (H.F. 2539)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Richardson	Roberts
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell

Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdylke	Winckler	Wise	Witt
Carroll,			
Presiding			

The nays were, none.

Absent or not voting, 7:

Drake	Hansen	Reynolds	Scherrman
Siegrist, Spkr.	Sukup	Teig	

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2539** and **Senate File 2309**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of March, 2002: House Files 2082, 2151, 2190, 2249, and 2394.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2002\856 Marie Ambrose, Monona – For celebrating her 90th birthday.

2002\857 Mervin Larson, Postville – For celebrating his 80th birthday.

- 2002\858 Harold Peterson, Postville – For celebrating his 76th birthday.
- 2002\859 Frances Schleimer, Battle Creek – For celebrating her 90th birthday.
- 2002\860 Arvilla Pfleeger, Battle Creek – For celebrating her 85th birthday.
- 2002\861 Ivan and Ardyce Olsen, Sac City – For celebrating their 60th wedding anniversary.
- 2002\862 Jennifer Goetz, Cardinal Stritch High School – For being named to the Iowa Girls Coaches Association and Iowa Newspaper Association's All-State first team in girls' basketball, Class 1-A.
- 2002\863 Sarah Weirather, Central Lee School – For being named to the Iowa Girls Coaches Association second team in girls' basketball, Class 2-A and being an honorable mention selection on the Iowa Newspaper Association All-State team.
- 2002\864 Bobbi Rose, Keokuk – For receiving Class 3-A All-Southeast District honors from the Iowa Girls Coaches Association.
- 2002\865 Tara Cullen, Fort Madison Aquinas – For being named by the Iowa Girls Coaches Association to the second team in Class 1-A and being chosen honorable mention to the INA all-state team.
- 2002\866 Dan Getz, Cardinal Stritch High School – For earning honorable mention recognition on the Iowa Newspaper Association All-State boys' basketball team, Class 1-A.
- 2002\867 Jesse Hill, Keokuk – For earning honorable mention recognition on the Iowa Newspaper Association All-State boys' basketball team, Class 3-A.
- 2002\868 Megan Fedler, Central Lee High School – For being chosen a player on the SEI Superconference All-Conference girls' basketball second team, west division.
- 2002\869 Cassie Pardall, Central Lee High School – For being chosen a player on the SEI Superconference All-Conference girls' basketball first team, west division.
- 2002\870 Sarah Weirather, Central Lee High School – For being chosen a player on the SEI Superconference All-Conference girls' basketball first team, west division.
- 2002\871 Jenna Muerhoff, Central Lee High School – For an honorable mention selection for the SEI Superconference All-Conference girls' basketball team, west division.

2002\872 Ashley Fett, Central Lee High School – For an honorable mention selection for the SEI Superconference All-Conference girls' basketball team, west division.

AMENDMENTS FILED

H—8436	S.F.	2228	Fallon of Polk
H—8438	S.F.	2228	Osterhaus of Jackson
H—8439	S.F.	2228	Osterhaus of Jackson
H—8442	S.F.	2228	Fallon of Polk
H—8443	S.F.	2179	Smith of Marshall Brunkhorst of Bremer Ford of Polk

On motion by Rants of Woodbury the House adjourned at 4:39 p.m., until 8:45 a.m., Wednesday, March 27, 2002.

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MARCH 27, 2002

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 27, 2002

The House met pursuant to adjournment at 8:52 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Rick Cox, pastor of Berean Assembly of God, Pleasant Hill. He was the guest of Representative Dwayne Alons of Sioux County.

The Journal of Tuesday, March 26, 2002 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story on request of Rants of Woodbury.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 2002, amended and passed the following bill in which the concurrence of the House is 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 Senate has on March 26, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2344, a bill for an act relating to the retention of unemployment benefits contested case hearing records.

Also: That the Senate has on March 26, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2418, a bill for an act relating to the applicability of the thermal efficiency energy conservation standards in the state building code.

Also: That the Senate has on March 26, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2482, a bill for an act expanding the board of educational examiners' authority with regard to licensee disciplinary investigations and proceedings.

Also: That the Senate has on March 26, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 26, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2536, a bill for an act relating to advertisements for requests for bids and proposals by state government.

Also: That the Senate has on March 26, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2552, a bill for an act relating to interviews conducted in association with a child abuse assessment.

Also: That the Senate has on March 26, 2002, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on March 26, 2002, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on March 26, 2002, passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on March 26, 2002, adopted the following resolution in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF HOUSE CONCURRENT RESOLUTION 122

Wilderdyke of Harrison called up for consideration **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, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:00 a.m., until the fall of the gavel.

The House resumed session at 9:07 a.m., Speaker Siegrist in the chair.

SENATE AMENDMENT CONSIDERED

Millage of Scott called up for consideration **House File 2201**, a bill for an act requiring all felons to submit a physical specimen for DNA profiling, amended by the Senate, and moved that the House concur in the following Senate amendment H-8430:

H-8430

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."

The motion prevailed and the House concurred in the Senate amendment H-8430.

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

On the question "Shall the bill pass?" (H.F. 2201)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Finch	Foege	Frevert	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Mascher	Manternach	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Mr. Speaker Siegrist

The nays were, 1:

Fallon

Absent or not voting, 7:

Carroll	Cormack	Ford	Garman
Heaton	Hoffman	Teig	

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

HOUSE REFUSED TO CONCUR

Millage of Scott 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 House concur in the following Senate amendment H-8421:

H-8421

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."

The motion lost and the House refused to concur in the Senate amendment H-8421.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2201** be immediately messaged to the Senate.

Sievers of Scott 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 amendment H-1625 as follows:

H-1625

1 Amend House File 582, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 34, by inserting after the word

4 "served" the following: "by regular mail".
5 2. Page 6, by inserting after line 3, the
6 following:
7 "Sec.____. Section 368.11, unnumbered paragraph 2,
8 Code 2001, is amended to read as follows:
9 Within thirty days of receipt of a petition, the
10 board of supervisors of each county where the
11 territory is located shall approve or disapprove the
12 petition. The county auditor shall immediately notify
13 the city development board of the county's decision.
14 Within ninety days of receipt of a ~~petition~~
15 notification from the county, the city development
16 board shall initiate appropriate proceedings or
17 dismiss the petition. The board may combine for
18 consideration petitions or plans which concern the
19 same territory or city or which provide for a boundary
20 adjustment or incorporation affecting common
21 territory. The combined petitions may be submitted
22 for consideration by a special local committee
23 pursuant to section 368.14A."
24 3. Page 6, by inserting after line 17, the
25 following:
26 "Sec.____. Section 368.16, Code 2001, is amended
27 by adding the following new subsection:
28 **NEW SUBSECTION.** 8. Whether the board of
29 supervisors approved or disapproved the petition."
30 4. Page 6, line 22, by inserting after the word
31 "after" the following: "full".
32 5. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

Metcalfe of Polk asked and received unanimous consent to withdraw amendment H-1743, to the Senate amendment H-1625, filed by her on April 26, 2001.

On motion by Sievers of Scott, the House refused to concur in the Senate amendment H-1625.

CONSIDERATION OF BILL

Ways and Means Calendar

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, was taken up for consideration.

Sukup of Franklin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2592)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Frevrt
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdye	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, 2:

Fallon Tremmel

Absent or not voting, 5:

Cormack Ford Garman Heaton
Teig

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

SENATE AMENDMENT CONSIDERED

Brunkhorst of Bremer called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8417:

H-8417

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."

The motion prevailed and the House concurred in the Senate amendment H-8417.

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

On the question "Shall the bill pass?" (H.F. 2075)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Gipp	Greimann	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, 2:

De Boef Grundberg

Absent or not voting, 3:

Cormack Garman Teig

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 2002, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 110, a concurrent resolution honoring Dr. William Campbell for more than fifty years of service to the people of Iowa.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 582, 2075, 2191 and 2592.**

Unfinished Business Calendar

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, with report of committee recommending amendment and passage, was taken up for consideration.

Shey of Linn offered the following amendment H-8298 filed by the committee on judiciary and moved its adoption:

H-8298

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.

The committee amendment H-8298 was adopted.

Shey of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2275)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Gipp	Greimann
Hahn	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens

Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, none.

Absent or not voting, 5:

Cormack	Garman	Grundberg	Hansen
Teig			

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that **House Concurrent Resolution 122** and **Senate File 2275** be immediately messaged to the Senate.

Senate File 2190, a bill for an act concerning workers' compensation, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 10:04 a.m., until the fall of the gavel.

The House resumed session at 11:33 a.m., Dix of Butler in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cormack of Webster, until his arrival, on request of Rants of Woodbury.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty members present, forty absent.

T. Taylor of Linn asked and received unanimous consent that amendments H-8366 and H-8383 be deferred.

Horbach of Tama offered the following amendment H-8300 filed by him and moved its adoption:

H-8300

- 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 4, line 20, by inserting after the word
- 6 "agency" the following: ", or an advisory, rating, or
- 7 research organization,".
- 8 3. Page 4, line 21, by inserting after the word
- 9 "data" the following: ", evaluating the state's
- 10 workers' compensation system, or conducting
- 11 scientific, medical, or public policy research,".
- 12 4. By renumbering as necessary.

Roll call was requested by T. Taylor of Linn and Van Fossen of Scott.

Rule 75 was invoked.

On the question "Shall amendment H-8300 be adopted?" (S.F. 2190)

The ayes were, 52:

Arnold	Baudler	Boal	Boddicker
Bogges	Bradley	Brauns	Broers
Brunkhorst	Carroll	De Boef	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Larson	Kettering
Klemme	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Sukup	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyke	Dix,
			Presiding

The nays were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Fallon	Foege
Ford	Frevert	Greimann	Hatch
Jochum	Kreiman	Kuhn	Larkin

Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reeder	Reynolds
Scherrman	Schrader	Seng	Shoultz
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

Absent or not voting, 7:

Alons	Connors	Cormack	Garman
Huser	Richardson	Teig	

Amendment H-8300 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, until his return, on request of Bukta of Clinton.

Rants of Woodbury asked and received unanimous consent that Senate File 2190 be temporarily deferred and that the bill retain its place on the unfinished business calendar.

ADOPTION OF HOUSE RESOLUTION 116

Foege of Linn asked and received unanimous consent for the immediate consideration of **House Resolution 116**, a resolution honoring Jennifer Erbe for being named Iowa Teacher of the Year for 2002, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Foege of Linn introduced to the House, Jennifer Erbe, who addressed the House briefly, thanked the House and introduced Lillian Thatcher, the student that recommended her for teacher of the year.

The House rose and expressed their welcome and appreciation.

SENATE MESSAGE CONSIDERED

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 and referred to committee on **appropriations**.

Rants of Woodbury asked and received unanimous consent to resume consideration of Senate File 2190.

Jochum of Dubuque asked and received unanimous consent that amendments H-8349 and H-8384 be deferred.

Carroll of Poweshiek in the chair at 1:02 p.m.

Horbach of Tama offered amendment H-8299 filed by him as follows:

H-8299

1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "Sec. __. Section 85.34, Code 2001, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 7. APPORTIONMENT. Compensation
8 for a permanent partial disability which would
9 otherwise be payable pursuant to this section shall be
10 reduced as provided in this subsection as follows:
11 a. If an employee has a preexisting functional
12 loss under subsection 2, paragraphs "a" through "t",
13 or a preexisting industrial disability under
14 subsection 2, paragraph "u", the preexisting
15 functional loss or industrial disability shall be
16 apportioned and the employer shall not be liable for
17 that preexisting loss or disability with respect to
18 claims for a permanent partial disability resulting
19 from subsequent injuries which result in an increase
20 in the permanent impairment to the same member or an
21 increase in industrial disability with respect to any
22 condition affecting employability. However, the
23 apportionment authorized by this paragraph shall not
24 apply if the preexisting functional loss or
25 preexisting industrial disability was the product of a

26 work injury with the same employer and the employee
27 did not recover benefits pursuant to this chapter for
28 that preexisting functional loss or preexisting
29 industrial disability.

30 b. If an employee has received a benefit under
31 this chapter, chapter 85A, or chapter 85B, for a
32 previous injury to a portion of the body as described
33 in subsection 2, the employer shall not be liable for
34 the amount representing the applicable previous
35 payment with respect to claims for a permanent partial
36 disability resulting from subsequent injuries to the
37 same portion of the body. For purposes of this
38 paragraph, the applicable previous payment is the
39 percentage of disability that resulted from the
40 previous injury for which compensation was received
41 under this chapter, chapter 85A, or chapter 85B, or
42 the dollar amount received in a contested case
43 settlement under section 85.35 that was not paid by
44 the employee for medical care."

45 2. By renumbering as necessary.

The following amendments were deferred by unanimous consent:

Amendment H-8391 by T. Taylor of Linn.

Amendment H-8299 by Jochum of Dubuque.

Amendments H-8371 and H-8376 by Dotzler of Black Hawk.

Winckler of Scott offered the following amendment H-8354, to
amendment H-8299, filed by her and moved its adoption:

H-8354

1 Amend the amendment, H-8299, to Senate File 2190,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 5 through 44 and
5 inserting the 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 ~~hereinafter~~ 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 Sec. __. Section 85.34, Code 2001, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 7. PERMANENT PARTIAL DISABILITY

23 – REDUCTION FOR PREVIOUS BENEFIT PAYMENTS. If an
24 employee receives a personal injury for which
25 permanent partial disability benefits are payable, and
26 that employee has already received permanent partial
27 disability benefits as a result of a previous personal
28 injury, the extent of that employee's entitlement to
29 permanent partial disability benefits may be subject
30 to a reduction as follows:

31 a. If the employee was previously paid permanent
32 partial disability benefits for a functional
33 disability confined to a scheduled member pursuant to
34 subsection 2, paragraphs "a" through "t", and that
35 employee sustains a subsequent injury to the same
36 scheduled member, the extent of that employee's
37 entitlement to permanent partial disability benefits
38 may be reduced as a result of the previous payment if,
39 at the time of the employee's most recent injury, the
40 previous injury was still independently causing an
41 ascertainable percentage of functional disability.

42 b. If the employee was previously paid permanent
43 partial disability benefits for an industrial
44 disability pursuant to subsection 2, paragraph "u",
45 and that employee sustains a subsequent injury which
46 would entitle that employee to permanent partial
47 disability benefits pursuant to subsection 2,
48 paragraph "u", the extent of that employee's
49 entitlement to permanent partial disability benefits
50 may be reduced as a result of the previous payment if,

Page 2

1 at the time of the employee's most recent injury, the
2 previous injury was still independently causing an
3 ascertainable percentage of industrial disability.
4 The reduction permitted by this paragraph shall not
5 exceed the percentage of industrial disability
6 previously paid which can be independently attributed
7 to the previous injury.
8 c. The employer shall have the burden of proving
9 any reduction permitted by this subsection.""

Jacobs of Polk asked and received unanimous consent that Senate File 2190 be deferred and that the bill retain its place on the unfinished business calendar. (Amendment H-8354 pending)

ADOPTION OF HOUSE CONCURRENT RESOLUTION 112

Heaton of Henry called up for consideration **House Concurrent Resolution 112**, a concurrent resolution honoring Dr. William Campbell for more than fifty years of service to the people of Iowa.

Jones of Mills moved the adoption of House Concurrent Resolution 112.

The motion prevailed and the resolution was adopted.

Dr. Campbell spoke briefly and sang before the House.

The House rose and expressed its welcome and appreciation.

Jacobs of Polk asked and received unanimous consent to resume consideration of Senate File 2190. (Amendment H-8354 pending)

Winckler of Scott moved the adoption of amendment H-8354, to amendment H-8299.

Roll call was requested by Winckler of Scott and Myers of Johnson.

On the question "Shall amendment H-8354, to amendment H-8299 be adopted?" (S.F. 2190)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Fallon	Finch
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	De Boef	Dix

Dolecheck	Drake	Eddie	Eichhorn
Elgin	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Sukup	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyke	Carroll, Presiding

Absent or not voting, 5:

Connors	Cormack	Garman	Petersen
Teig			

Amendment H-8354 lost.

Murphy of Dubuque offered the following amendment H-8374, to amendment H-8299, filed by him and moved its adoption:

H-8374

- 1 Amend the amendment, H-8299, to Senate File 2190,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 13 and 14 and
- 5 inserting the following: "the preexisting".
- 6 2. Page 1, line 15, by striking the words "or
- 7 industrial disability".
- 8 3. Page 1, line 17, by striking the words "or
- 9 disability".
- 10 4. Page 1, by striking lines 20 through 22 and
- 11 inserting the following: "in the permanent impairment
- 12 to the same member. However, the".
- 13 5. Page 1, lines 24 and 25, by striking the words
- 14 "or preexisting industrial disability".
- 15 6. Page 1, lines 28 and 29, by striking the words
- 16 "or preexisting industrial disability".

Hansen of Pottawattamie in the chair at 2:20 p.m.

Dotzler of Black Hawk asked unanimous consent to defer Senate File 2190.

Objection was raised.

Dotzler of Black Hawk moved to defer Senate File 2190.

A non-record roll call was requested.

The ayes were 34, nays 44.

The motion to defer lost.

Murphy of Dubuque moved the adoption of amendment H-8374, to amendment H-8299.

Rule 75 was invoked.

A non-record roll call was requested.

The ayes were 43, nays 50.

Amendment H-8374 lost.

The House stood at ease at 2:45 p.m., until the fall of the gavel.

The House resumed session at 3:14 p.m., Hansen of Pottawattamie in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty members present, forty absent.

The House resumed consideration of Senate File 2190.

Warnstadt of Woodbury offered the following amendment H-8380, to amendment H-8299, filed by him and moved its adoption:

H-8380

- 1 Amend the amendment, H-8299, to Senate File 2190,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 29, by inserting after the word
- 5 "disability" the following: ", or if the preexisting
- 6 functional loss or preexisting industrial disability
- 7 resulted from any physical or mental injury sustained
- 8 by the employee while in the service of the armed
- 9 forces of this country".

Roll call was requested by Murphy of Dubuque and Huser of Polk.

On the question "Shall amendment H-8380, to amendment H-8299 be adopted?" (S.F. 2190)

The ayes were, 98:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boguess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Hansen,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Cormack Teig

Amendment H-8380 was adopted.

Smith of Marshall offered the following amendment H-8389, to amendment H-8299, filed by him and Foege of Linn and moved its adoption:

H-8389

- 1 Amend the amendment, H-8299, to Senate File 2190,
- 2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 1, line 29, by inserting after the word
5 "disability" the following: ", or if the preexisting
6 functional loss or preexisting industrial disability
7 resulted from a congenital defect or condition
8 regardless of when the defect or condition manifested
9 itself or became apparent".

Amendment H-8389 lost.

Jochum of Dubuque offered the following amendment H-8390, to amendment H-8299, filed by her and moved its adoption:

H-8390

1 Amend the amendment, H-8299, to Senate File 2190,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 29, by inserting after the word
5 "disability" the following: ", or if the preexisting
6 functional loss or preexisting industrial disability
7 resulted from a congenital defect or condition which
8 manifested itself and was apparent at birth".

Amendment H-8390 was adopted.

Murphy of Dubuque offered the following amendment H-8373, to amendment H-8299, filed by him and moved its adoption:

H-8373

1 Amend the amendment, H-8299, to Senate File 2190,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 33, by inserting after the figure
5 "2," the following: "paragraphs "a" through "t",".
6 2. Page 1, line 39, by striking the word
7 "disability" and inserting the following:
8 "impairment".

Rule 75 was invoked.

A non-record roll call was requested.

The ayes were 42, nays 47.

Amendment H-8373 lost.

Dotzler of Black Hawk asked and received unanimous consent that amendment H-8372, to amendment H-8299 be deferred.

T. Taylor of Linn offered the following amendment H-8355, to amendment H-8299, filed by him and moved its adoption:

H-8355

1 Amend the amendment, H-8299, to Senate File 2190,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 44 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."

Amendment H-8355 lost.

Tremmel of Wapello offered the following amendment H-8375, to amendment H-8299, filed by him and moved its adoption:

H-8375

1 Amend the amendment, H-8299, to Senate File 2190,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 44, by inserting after the word
5 "care." 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."

Amendment H-8375 lost.

Hatch of Polk asked and received unanimous consent to withdraw amendments H-8386 and H-8387, to amendment H-8299 filed by him on March 20, 2002.

Dotzler of Black Hawk offered the following amendment H-8388, to amendment H-8299, filed by Bell of Jasper and moved its adoption:

H-8388

1 Amend the amendment, H-8299, to Senate File 2190,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 44, by inserting after the word
5 "care." the following: "However, the apportionment
6 authorized by this paragraph shall not apply to those
7 workers who are generally engaged in "high-injury-
8 risk" industries in which multiple injuries over an
9 individual's work life would be anticipated. The
10 workers' compensation commissioner and the labor
11 commissioner shall jointly identify on an annual basis
12 which industries are high-injury-risk industries."

Amendment H-8388 lost.

Murphy of Dubuque offered amendment H-8395, to amendment H-8299, filed by him as follows:

H-8395

1 Amend the amendment, H-8299, to Senate File 2190,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 44 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 . Title page, line 1, by inserting after the
29 word "concerning" the following: "employment issues,

30 including the state minimum wage and".

31 2. By renumbering as necessary.

Horbach of Tama rose on a point of order that amendment H-8395, to amendment H-8299 was not germane.

The Speaker ruled the point well taken and amendment H-8395, to amendment H-8299 not germane.

Murphy of Dubuque moved to suspend the rules to consider amendment H-8395, to amendment H-8299.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-8395, to amendment H-8299?" (S.F. 2190)

The ayes were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Broers
Brunkhorst	Carroll	De Boef	Dix
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Finch	Garman	Gipp
Grundberg	Hahn	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.

Sievers	Sukup	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Wilderdyke
Hansen,			
Presiding			

Absent or not voting, 3:

Brauns	Cormack	Teig
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The motion to suspend the rules lost.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8444, to amendment H-8299, filed by her from the floor.

Speaker pro tempore Sukup in the chair at 5:06 p.m.

T. Taylor of Linn offered the following amendment H-8391, to amendment H-8299, previously deferred, filed by him and moved its adoption:

H-8391

- 1 Amend the amendment, H-8299, to Senate File 2190,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 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 employer.""
- 25 2. By renumbering as necessary.

Amendment H-8391 lost.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8392, to amendment H-8299, previously deferred, filed by her on March 20, 2002.

Dotzler of Black Hawk offered the following amendment H-8371, to amendment H-8299, previously deferred, filed by him and moved its adoption:

H-8371

- 1 Amend the amendment, H-8299, to Senate File 2190,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 4 the
- 5 following:
- 6 "Sec. __. Section 85.33, subsection 2, Code 2001,
- 7 is amended by striking the subsection and inserting in
- 8 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.

Amendment H-8371 lost.

Dotzler of Black Hawk offered the following amendment H-8376, to amendment H-8299, filed by him and moved its adoption:

H-8376

- 1 Amend the amendment, H-8299, to Senate File 2190,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 4 the
- 5 following:
- 6 ""Sec. __. Section 85.34, subsection 5, Code
- 7 2001, is amended to read as follows:
- 8 5. Recovery of employee overpayment. If an
- 9 employee is paid any weekly benefits in excess of that
- 10 required by this chapter and chapters 85A, 85B, and
- 11 86, the excess paid by the employer shall be credited

12 against the liability of the employer for any future
13 weekly benefits due pursuant to subsection 2, for a
14 subsequent injury to the same employee. An
15 overpayment can be established only when the
16 overpayment is recognized in a settlement agreement
17 approved under section 86.13, pursuant to final agency
18 action in a contested case which was commenced within
19 three years from the date that weekly benefits were
20 last paid for the claim for which the benefits were
21 overpaid, or pursuant to final agency action in a
22 contested case for a prior injury to the same
23 employee. The credit shall remain available for eight
24 years after the date the overpayment was established.
25 If an overpayment is established pursuant to this
26 subsection, the employee and employer may enter into a
27 written settlement agreement providing for the
28 repayment by the employee of the overpayment. The
29 agreement is subject to the approval of the workers'
30 compensation commissioner. The employer shall not
31 take any adverse action against the employee for
32 failing to agree to such a written settlement
33 agreement. However, an overpayment shall not be
34 created if an employee has been paid compensation for
35 either a functional loss or industrial disability from
36 an injury resulting in permanent partial disability
37 and who subsequently suffers an injury in which the
38 finding of functional loss or industrial disability is
39 less than the amount or percentage of the earlier
40 compensation paid."

Amendment H-8376 was adopted.

Dotzler of Black Hawk offered the following amendment H-8372,
to amendment H-8299, filed by him and moved its adoption:

H-8372

1 Amend the amendment, H-8299, to Senate File 2190,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 43 and 44 and
5 inserting the following: "settlement, disregarding
6 any dollars received in a contested case settlement
7 related to past or future medical benefits, interest,
8 temporary total disability benefits, healing period
9 benefits, penalty benefits, or any other dollars paid
10 for any consideration received by the injured worker
11 for anything other than permanent impairment
12 benefits."

Amendment H-8372 was adopted.

Dotzler of Black Hawk rose on a point of order that amendment H-8299, as amended, was not germane.

The Speaker ruled the point not well taken and amendment H-8299, as amended, germane.

Horbach of Tama moved the adoption of amendment H-8299, as amended.

Roll call was requested by Winckler of Scott and Chiodo of Polk.

On the question "Shall amendment H-8299, as amended, be adopted?" (S.F. 2190)

The ayes were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Ford
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Shoultz	Siegrist, Spkr.	Sievers
Tymeson	Tyrrell	Van Fossen	Weidman
Wilderdyke	Sukup, Presiding		

The nays were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Frevert	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

Absent or not voting, 4:

Cormack

Garman

Teig

Van Engelenhoven

Amendment H-8299, as amended, was adopted.

Dotzler of Black Hawk asked and received unanimous consent that amendment H-8343 be deferred.

Reeder of Fayette asked and received unanimous consent to withdraw amendment H-8344 filed by her on March 19, 2002.

T. Taylor of Linn offered the following amendment H-8345 filed by him and moved its adoption:

H-8345

1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "Sec. ____ Section 85.36, unnumbered paragraph 1,
6 Code Supplement 2001, is amended to read as follows:
7 The basis of compensation shall be the weekly
8 earnings of the injured employee at the time of the
9 injury. "Weekly earnings" means gross earnings as
10 defined in section 85.61. "Weekly earnings" also
11 means gross salary, wages, or earnings of an employee
12 to which such employee would have been entitled had
13 the employee worked the customary hours for the full
14 pay period in which the employee was injured, as
15 regularly required by the employee's employer for the
16 work or employment for which the employee was
17 employed, computed or determined as follows and then
18 rounded to the nearest dollar:"
19 2. Page 3, by inserting after line 6 the
20 following:
21 "Sec. ____ Section 85.61, subsection 3, Code
22 Supplement 2001, is amended to read as follows:
23 3. "Gross earnings" means recurring payments by
24 employer to the employee for employment, before any
25 authorized or lawfully required deduction or
26 withholding of funds by the employer, excluding
27 irregular bonuses, retroactive pay, overtime, and
28 penalty pay, reimbursement of expenses, expense
29 allowances, and the employer's contribution for
30 welfare benefits and specifically including earnings

31 representing payments in kind, such as fringe
32 benefits."
33 3. By renumbering as necessary.

Amendment H-8345 lost.

Dotzler of Black Hawk offered the following amendment H-8351
filed by him and moved its adoption:

H-8351

1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 29, the
4 following:
5 "Sec. ____ Section 85.33, subsection 4, Code 2001,
6 is amended to read as follows:
7 4. If an employee is entitled to temporary partial
8 benefits under subsection 3 of this section, the
9 employer for whom the employee was working at the time
10 of injury shall pay to the employee weekly
11 compensation benefits, as provided in section 85.32,
12 for and during the period of temporary partial
13 disability. The temporary partial benefit shall be
14 sixty-six and two-thirds percent of the difference
15 between the employee's weekly earnings at the time of
16 injury, computed in compliance with section 85.36, and
17 the employee's actual gross weekly income from
18 employment during the period of temporary partial
19 disability. ~~If at the time of injury an employee is~~
20 ~~paid on the basis of the output of the employee, with~~
21 ~~a minimum guarantee pursuant to a written employment~~
22 ~~agreement, the minimum guarantee shall be used as the~~
23 ~~employee's weekly earnings at the time of injury.~~
24 However, the weekly compensation benefits shall not
25 exceed the payments to which the employee would be
26 entitled under section 85.36 or section 85.37, or
27 under subsection 1 of this section."
28 2. By renumbering as necessary.

Amendment H-8351 lost.

Dotzler of Black Hawk offered the following amendment H-8352
filed by him and moved its adoption:

H-8352

1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 2, by inserting after line 29 the
4 following:
5 "Sec. ___. Section 85.36, unnumbered paragraph 1,
6 Code Supplement 2001, is amended to read as follows:
7 The basis of compensation shall be the weekly
8 earnings of the injured employee at the time of the
9 injury. "Weekly earnings" means gross earnings as
10 defined in section 85.61. "Weekly earnings" also
11 means gross salary, wages, or earnings of an employee
12 to which such employee would have been entitled had
13 the employee worked the customary hours for the full
14 pay period in which the employee was injured, as
15 regularly required by the employee's employer for the
16 work or employment for which the employee was
17 employed, computed or determined as follows and then
18 rounded to the nearest dollar:"
- 19 2. Page 3, by inserting after line 6 the
20 following:
21 "Sec. ___. Section 85.61, subsection 3, Code
22 Supplement 2001, is amended to read as follows:
23 3. "Gross earnings" means recurring payments by
24 employer to the employee for employment, before any
25 authorized or lawfully required deduction or
26 withholding of funds by the employer, excluding
27 ~~irregular bonuses~~, retroactive pay, overtime, penalty
28 pay, reimbursement of expenses, expense allowances,
29 and the employer's contribution for welfare benefits,
30 and specifically including all bonuses of any kind."
- 31 3. By renumbering as necessary.

Amendment H-8352 lost.

Dotzler of Black Hawk offered the following amendment H-8356
filed by him and moved its adoption:

H-8356

- 1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "Sec. ___. Section 85.37, Code 2001, is amended by
6 adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The workers'
8 compensation commissioner shall adopt rules providing
9 for an annual adjustment from the date of injury of
10 the weekly benefit amount in accordance with a
11 generally recognized cost-of-living standard."
12 2. By renumbering as necessary.

Amendment H-8356 lost.

Connors of Polk offered the following amendment H-8359 filed by him and moved its adoption:

H-8359

1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "Sec. __. Section 85.34, Code 2001, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 7. REINSTATEMENT TO WORK. An
8 employee who has suffered an injury which is
9 compensable under this chapter or chapter 85A shall
10 not have the employee's employment terminated by the
11 employee's employer as a result of the injury. If an
12 employee suffers a permanent partial disability under
13 this chapter or chapter 85A, the employer shall return
14 the employee to work performing duties that shall be
15 consistent with any restrictions on the employee as a
16 result of the disability."
17 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 37, nays 53.

Amendment H-8359 lost.

Dotzler of Black Hawk offered the following amendment H-8360 filed by him and moved its adoption:

H-8360

1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "Sec. __. Section 85.36, subsections 6 and 7,
6 Code Supplement 2001, are amended to read as follows:
7 6. In the case of an employee who is paid on a
8 daily or hourly basis, or by the output of the
9 employee, the weekly earnings shall be computed by
10 dividing by thirteen the earnings, ~~not including~~
11 ~~overtime or premium pay~~, of the employee earned in the
12 employ of the employer in the last completed period of

13 thirteen consecutive calendar weeks immediately
14 preceding the injury. If the employee was absent from
15 employment for reasons personal to the employee during
16 part of the thirteen calendar weeks preceding the
17 injury, the employee's weekly earnings shall be the
18 amount the employee would have earned had the employee
19 worked when work was available to other employees of
20 the employer in a similar occupation. A week which
21 does not fairly reflect the employee's customary
22 earnings shall be replaced by the closest previous
23 week with earnings that fairly represent the
24 employee's customary earnings.

25 7. In the case of an employee who has been in the
26 employ of the employer less than thirteen calendar
27 weeks immediately preceding the injury, the employee's
28 weekly earnings shall be computed under subsection 6,
29 taking the earnings, ~~not including overtime or premium~~
30 ~~pay~~, for such purpose to be the amount the employee
31 would have earned had the employee been so employed by
32 the employer the full thirteen calendar weeks
33 immediately preceding the injury and had worked, when
34 work was available to other employees in a similar
35 occupation. If the earnings of other employees cannot
36 be determined, the employee's weekly earnings shall be
37 the average computed for the number of weeks the
38 employee has been in the employ of the employer."

39 2. Page 3, by inserting after line 6 the
40 following:

41 "Sec.____. Section 85.61, subsection 3, Code
42 Supplement 2001, is amended to read as follows:

43 3. "Gross earnings" means recurring payments by
44 employer to the employee for employment, before any
45 authorized or lawfully required deduction or
46 withholding of funds by the employer, excluding
47 irregular bonuses, retroactive pay, ~~overtime~~, penalty
48 pay, reimbursement of expenses, expense allowances,
49 and the employer's contribution for welfare benefits,
50 and specifically including overtime pay at the

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1 overtime rate."

2 3. By renumbering as necessary.

Amendment H-8360 lost.

Dotzler of Black Hawk offered the following amendment H-8361
filed by him and moved its adoption:

H-8361

1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "Sec. ___. Section 85.34, subsection 2, Code 2001,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:
8 2. PERMANENT PARTIAL DISABILITIES. Compensation
9 for permanent partial disability shall begin at the
10 termination of the healing period provided in
11 subsection 1. The compensation shall be in addition
12 to the benefits provided by sections 85.27 and 85.28.
13 The compensation shall be based upon the extent of the
14 disability and upon the basis of eighty percent per
15 week of the employee's average spendable weekly
16 earnings, but not more than a weekly benefit amount,
17 rounded to the nearest dollar, equal to one hundred
18 eighty-four percent of the statewide average weekly
19 wage paid employees as determined by the department of
20 workforce development under section 96.19, subsection
21 36, and in effect at the time of the injury. The
22 minimum weekly benefit amount shall be equal to the
23 weekly benefit amount of a person whose gross weekly
24 earnings are thirty-five percent of the statewide
25 average weekly wage. For all cases of permanent
26 partial disability compensation shall be paid based
27 upon the extent of permanent loss of earning capacity
28 proximately caused by a personal injury arising out of
29 and in the course of employment."
30 2. By renumbering as necessary.

Amendment H-8361 lost.

Eichhorn of Hamilton offered the following amendment H-8336 filed by him and moved its adoption:

H-8336

1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 2, line 30, through page 3,
4 line 6.
5 2. By renumbering as necessary.

Amendment H-8336 was adopted.

Dotzler of Black Hawk asked and received unanimous consent to withdraw amendment H-8385 filed by him on March 20, 2002.

Hatch of Polk asked and received unanimous consent to withdraw amendments H-8381 and H-8382 filed by him on March 20, 2002.

Osterhaus of Jackson offered the following amendment H-8342 filed by him and moved its adoption:

H-8342

- 1 Amend Senate File 2190, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 6 the
- 4 following:
- 5 "Sec. ___. Section 85.71, Code 2001, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 5. The employee resides in this
- 8 state."
- 9 2. By renumbering as necessary.

Amendment H-8342 lost.

Murphy of Dubuque offered the following amendment H-8346 filed by him and moved its adoption:

H-8346

- 1 Amend Senate File 2190, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 6, the
- 4 following:
- 5 "Sec. ___. Section 85.55, Code 2001, is amended to
- 6 read as follows:
- 7 85.55 WAIVERS PROHIBITED —~~PHYSICAL DEFECTS.~~
- 8 No employee or dependent to whom this chapter
- 9 applies, shall have power to waive any of the
- 10 provisions of this chapter in regard to the amount of
- 11 compensation which may be payable to such employee or
- 12 dependent hereunder. ~~However, any person who has some~~
- 13 ~~physical defect which increases the risk of injury,~~
- 14 ~~may, subject to the approval of the workers'~~
- 15 ~~compensation commissioner, enter into a written~~
- 16 ~~agreement with the employee's employer waiving~~
- 17 ~~compensation for injuries which may occur directly or~~
- 18 ~~indirectly because of such physical defect, provided,~~
- 19 ~~however, that such waiver shall not affect the~~
- 20 ~~employee's benefits to be paid from the second injury~~
- 21 ~~fund under the provisions of section 85.64."~~
- 22 2. By renumbering as necessary.

Amendment H-8346 lost.

T. Taylor of Linn offered the following amendment H-8347 filed by him and moved its adoption:

H-8347

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 6 the
 4 following:
 5 "Sec. ___. Section 85A.12, unnumbered paragraph 1,
 6 Code 2001, is amended to read as follows:
 7 An employer shall not be liable for any
 8 compensation for an occupational disease unless such
 9 disease shall be due to the nature of an employment in
 10 which the hazards of such disease actually exist, and
 11 which hazards are characteristic thereof and peculiar
 12 to the trade, occupation, process, or employment, and
 13 such disease actually arises out of the employment;
 14 ~~and unless disablement or death results within three~~
 15 ~~years in case of pneumoconiosis, or within one year in~~
 16 ~~case of any other occupational disease, after the last~~
 17 ~~injurious exposure to such disease in such employment,~~
 18 ~~or in case of death, unless death follows continuous~~
 19 ~~disability from such disease commencing within the~~
 20 ~~period above limited for which compensation has been~~
 21 ~~paid or awarded or timely claim made as provided by~~
 22 ~~this chapter and results within seven years after such~~
 23 ~~exposure."~~
 24 2. By renumbering as necessary.

Amendment H-8347 lost.

Huseman of Cherokee in the chair at 8:11 p.m.

Dotzler of Black Hawk offered the following amendment H-8348 filed by him and moved its adoption:

H-8348

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 6, the
 4 following:
 5 "Sec. ___. Section 85B.4, subsection 3, Code 2001,
 6 is amended to read as follows:
 7 3. "Occupational hearing loss" means that portion
 8 of a permanent sensorineural loss of hearing in one or

9 both ears that exceeds an average hearing level of
10 twenty-five decibels for the frequencies five hundred,
11 one thousand, two thousand, ~~and~~ three thousand, and
12 four thousand Hertz, arising out of and in the course
13 of employment caused by excessive noise exposure.
14 "Occupational hearing loss" does not include loss of
15 hearing attributable to age or any other condition or
16 exposure not arising out of and in the course of
17 employment.

18 Sec. ___. Section 85B.9, subsection 3, Code 2001,
19 is amended to read as follows:

20 3. In calculating the total amount of hearing
21 loss, the hearing levels at each of the ~~four~~ five
22 frequencies, five hundred, one thousand, two thousand,
23 ~~and~~ three thousand, and four thousand Hertz, shall be
24 added together and divided by ~~four~~ five to determine
25 the average decibel hearing level for each ear. If
26 the resulting average decibel hearing level in either
27 ear is twenty-five decibels or less, the percentage
28 hearing loss for that ear shall be zero. For each
29 resulting average decibel hearing level exceeding
30 twenty-five decibels, an allowance of one and one-half
31 percent shall be made up to the maximum of one hundred
32 percent which is reached at an average decibel hearing
33 level of ninety-two decibels. In determining the
34 total binaural percentage hearing loss, the percentage
35 hearing loss for the ear with better hearing shall be
36 multiplied by five and added to the percentage hearing
37 loss for the ear with worse hearing and the sum of the
38 two divided by six.

39 Sec. ___. Section 85B.10, Code 2001, is amended to
40 read as follows:

41 **85B.10 EMPLOYER'S NOTICE OF RESULTS OF TEST.**

42 The employer shall communicate to the employee, in
43 writing, the results of an audiometric examination or
44 physical examination of an employee which reflects an
45 average hearing level in one or both ears in excess of
46 twenty-five decibels for the test frequencies of five
47 hundred, one thousand, two thousand, ~~and~~ three
48 thousand, and four thousand Hertz, as soon as
49 practicable after the examination. The communication
50 shall include the name and qualifications of the

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1 person conducting the audiometric examination or
2 physical examination, the site of the examination, the
3 kind or type of test or examinations given, the
4 results of each and the average decibel hearing level,
5 for the ~~four~~ five frequencies, in each ear, and, if
6 known to the employer, whether the hearing loss is
7 sensorineural and, if the hearing loss resulted from

8 another cause, the cause."
 9 2. By renumbering as necessary.

Amendment H-8348 lost.

Dotzler of Black Hawk offered the following amendment H-8350
 filed by him and moved its adoption:

H-8350

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 6, the
 4 following:
 5 "Sec. __. Section 85.70, Code 2001, is amended to
 6 read as follows:
 7 85.70 ADDITIONAL PAYMENT FOR ATTENDANCE.
 8 An employee who has sustained an injury resulting
 9 in permanent partial or permanent total disability,
 10 for which compensation is payable under this chapter,
 11 and who ~~cannot~~ is unable to return to ~~gainful~~
 12 employment in the job the employee held at the time of
 13 the injury because of such disability, shall upon
 14 application to and approval by the workers'
 15 compensation commissioner be entitled to a ~~twenty-~~
 16 ~~dollar weekly~~ an additional worker training payment
 17 from the employer. The worker training payment shall
 18 be in addition to any other benefit payments to the
 19 employee, during each full week in which the employee
 20 is not receiving healing period benefits pursuant to
 21 section 85.34, and is actively participating in a
 22 vocational rehabilitation program recognized by the
 23 vocational rehabilitation services division of the
 24 department of education or participating in any other
 25 training program, including apprenticeship training,
 26 recognized by the department of education. The
 27 additional worker training payment authorized by this
 28 section shall be in an amount determined in the same
 29 manner as healing period benefits are calculated
 30 pursuant to section 85.37. The workers' compensation
 31 commissioner's approval of such application for
 32 payment may be given only after a careful evaluation
 33 of available facts, and after consultation with the
 34 employer or the employer's representative. Judicial
 35 review of the decision of the workers' compensation
 36 commissioner may be obtained in accordance with the
 37 terms of the Iowa administrative procedure Act and in
 38 section 86.26. Such additional benefit payment shall
 39 be paid for a period not to exceed thirteen
 40 consecutive weeks except that the workers'
 41 compensation commissioner may extend the period of

42 payment not to exceed an additional ~~thirteen~~ ninety-
43 one weeks if the circumstances indicate that a
44 continuation of training will in fact ~~accomplish~~
45 assist the employee's rehabilitation."
46 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 33, nays 44.

Amendment H-8350 lost.

Dotzler of Black Hawk offered the following amendment H-8358
filed by him and moved its adoption:

H-8358

1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 6 the
4 following:
5 "Sec. . Section 85.39, unnumbered paragraph 2,
6 Code 2001, is amended to read as follows:
7 If an ~~evaluation of permanent disability~~
8 examination has been made by a physician retained by
9 the employer and the employee believes ~~this evaluation~~
10 ~~to be too low~~ that any opinion rendered as the result
11 of the examination and affecting benefits entitlement
12 is incorrect, the employee shall, upon application to
13 the commissioner and upon delivery of a copy of the
14 application to the employer and its insurance carrier,
15 be reimbursed by the employer the reasonable fee for a
16 subsequent examination by a physician of the
17 employee's own choice, and reasonably necessary
18 transportation expenses incurred for the examination.
19 The physician chosen by the employee has the right to
20 confer with and obtain from the employer-retained
21 physician sufficient history of the injury to make a
22 proper examination. This paragraph applies regardless
23 of whether or not the employer denies or accepts
24 liability for benefits."
25 2. By renumbering as necessary.

Speaker Siegrist in the chair at 8:44 p.m.

Amendment H-8358 lost.

Jochum of Dubuque offered the following amendment H-8362 filed by her and moved its adoption:

H-8362

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 6 the
 4 following:
 5 "Sec. . Section 85.70, Code 2001, is amended to
 6 read as follows:
 7 85.70 ADDITIONAL PAYMENT FOR ATTENDANCE.
 8 An employee who has sustained an injury resulting
 9 in permanent partial or permanent total disability,
 10 for which compensation is payable under this chapter,
 11 and ~~who cannot return to gainful employment because of~~
 12 ~~such disability which prevents the employee from~~
 13 ~~returning to the same or similar employment,~~ shall
 14 upon application to and approval by the workers'
 15 compensation commissioner be entitled to a ~~twenty-~~
 16 ~~dollar one-hundred-dollar~~ weekly payment from the
 17 employer in addition to any other benefit payments,
 18 during each full week in which the employee is
 19 actively participating in a vocational rehabilitation
 20 program recognized by the vocational rehabilitation
 21 services division of the department of education. The
 22 workers' compensation commissioner's approval of such
 23 application for payment may be given only after a
 24 careful evaluation of available facts, and after
 25 consultation with the employer or the employer's
 26 representative. Judicial review of the decision of
 27 the workers' compensation commissioner may be obtained
 28 in accordance with the terms of the Iowa
 29 administrative procedure Act and in section 86.26.
 30 Such additional benefit payment shall be paid for a
 31 period not to exceed ~~thirteen~~ twenty-six consecutive
 32 weeks except that the workers' compensation
 33 commissioner may extend the period of payment not to
 34 exceed an additional ~~thirteen~~ twenty-six weeks if the
 35 circumstances indicate that a continuation of training
 36 will in fact accomplish rehabilitation."
 37 2. By renumbering as necessary.

Amendment H-8362 lost.

Ford of Polk offered the following amendment H-8339 filed by him and moved its adoption:

H-8339

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 5 the
 4 following:
 5 "Sec. __. WORKERS' COMPENSATION APPORTIONMENT
 6 INTERIM STUDY. The legislative council is requested
 7 to authorize an interim study committee to study
 8 issues concerning compensation that should be payable
 9 to an employee for a permanent partial disability when
 10 the employee has previously suffered an injury or
 11 previously received workers' compensation benefits.
 12 In addition, the interim study committee shall examine
 13 whether racial discrimination impacts the payment of
 14 workers' compensation benefits. The interim study
 15 committee shall receive testimony from organizations
 16 representing employees, employers, and workers'
 17 compensation insurers concerning the impact of
 18 modifying current law concerning the apportionment of
 19 workers' compensation benefits. The interim study
 20 committee shall submit a report of its findings and
 21 recommendations, including proposed legislation, if
 22 any, to the general assembly on or before January 13,
 23 2003."
 24 2. By renumbering as necessary.

Roll call was requested by Ford of Polk and T. Taylor of Linn.

On the question "Shall amendment H-8339 be adopted?" (S.F. 2190)

The ayes were, 40:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Foege
Ford	Frevort	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Scherrman	Schrader	Seng	Shoultz
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Broers
Brunkhorst	Carroll	De Boef	Dix
Dolecheck	Drake	Eddie	Eichhorn

Elgin	Finch	Gipp	Grundberg
Hahn	Hansen	Heaton	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Sukup
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wilderdyke	Mr. Speaker	
		Siegrist	

Absent or not voting, 9:

Brauns	Cormack	Fallon	Garman
Hoffman	Reynolds	Richardson	Teig
Witt			

Amendment H-8339 lost.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H-8353 filed by him on March 19, 2002.

T. Taylor of Linn offered the following amendment H-8366, previously deferred, filed by him and moved its adoption:

H-8366

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 4 the
 4 following:
 5 "Sec. __. Section 85.27, subsection 1, Code
 6 Supplement 2001, is amended to read as follows:
 7 1. The employer, for all injuries compensable
 8 under this chapter or chapter 85A, shall furnish
 9 reasonable surgical, medical, dental, osteopathic,
 10 chiropractic, podiatric, physical rehabilitation,
 11 vocational rehabilitation, nursing, ambulance and
 12 hospital services and supplies therefor and shall
 13 allow reasonably necessary transportation expenses
 14 incurred for such services. The employer shall also
 15 furnish reasonable and necessary crutches, artificial
 16 members and appliances ~~but shall not be required to~~
 17 ~~furnish more than one set of permanent prosthetic~~
 18 ~~devices."~~
 19 2. By renumbering as necessary.

Amendment H-8366 lost.

T. Taylor of Linn offered the following amendment H-8383, previously deferred, filed by him and moved its adoption:

H-8383

1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 4 the
4 following:
5 "Sec. __. Section 85.26, subsection 2, Code 2001,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:
8 2. If an award for payment of benefits under
9 chapter 85, 85A, or 85B has been filed by the workers'
10 compensation commissioner, and not commuted, or if an
11 agreement for settlement pursuant to section 86.13 has
12 been filed with and approved by the commissioner and
13 not commuted, or if within six months of the
14 commencement of any kind of disability benefits a
15 denial of liability has not been filed with the
16 commissioner and notice of the denial delineating the
17 grounds of denial has not been mailed to the employee
18 in the form and manner required by the commissioner,
19 the amount of benefits due by an employer to an
20 employee may be reviewed at any time upon commencement
21 of reopening proceedings by the employer."
22 2. By renumbering as necessary.

Amendment H-8383 lost.

Jochum of Dubuque offered the following amendment H-8349, previously deferred, filed by her and moved its adoption:

H-8349

1 Amend Senate File 2190, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting before line 6, the
4 following:
5 "Sec. __. Section 85.27, subsection 4, Code
6 Supplement 2001, is amended to read as follows:
7 4. For purposes of this section, the employer is
8 obliged to furnish reasonable services and supplies to
9 treat an injured employee, and ~~has the right to choose~~
10 ~~the care the employee has the right to choose the~~
11 employee's care at the employer's expense if the
12 employer is notified of the choice. The treatment
13 must be offered promptly and be reasonably suited to
14 treat the injury without undue inconvenience to the
15 employee. If the ~~employee~~ employer has reason to be

16 dissatisfied with the care offered, the ~~employee~~
 17 ~~employer~~ should communicate the basis of such
 18 dissatisfaction to the ~~employer employee~~, in writing
 19 if requested, following which the employer and the
 20 employee may agree to alternate care reasonably suited
 21 to treat the injury. If the employer and employee
 22 cannot agree on such alternate care, the commissioner
 23 may, upon application and reasonable proofs of the
 24 necessity therefor, allow and order other care. ~~In an~~
 25 ~~emergency, the employee may choose the employee's care~~
 26 ~~at the employer's expense, provided the employer or~~
 27 ~~the employer's agent cannot be reached immediately.~~
 28 An application made under this subsection shall be
 29 considered an original proceeding for purposes of
 30 commencement and contested case proceedings under
 31 section 85.26. The hearing shall be conducted
 32 pursuant to chapter 17A. Before a hearing is
 33 scheduled, the parties may choose a telephone hearing
 34 or an in-person hearing. A request for an in-person
 35 hearing shall be approved unless the in-person hearing
 36 would be impractical because of the distance between
 37 the parties to the hearing. The workers' compensation
 38 commissioner shall issue a decision within ten working
 39 days of receipt of an application for alternate care
 40 made pursuant to a telephone hearing or within
 41 fourteen working days of receipt of an application for
 42 alternate care made pursuant to an in-person hearing.
 43 ~~The employer shall notify an injured employee of the~~
 44 ~~employee's ability to contest the employer's choice of~~
 45 ~~care pursuant to this subsection. This subsection~~
 46 ~~does not prohibit an employer from retaining a~~
 47 ~~physician or other health service provider for use by~~
 48 ~~employees."~~
 49 2. By renumbering as necessary.

Roll call was requested by Jochum of Dubuque and Horbach of Tama.

On the question "Shall amendment H-8349 be adopted?" (S.F. 2190)

The ayes were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Foege
Ford	Frevort	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder

Richardson	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise			

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Broers
Brunkhorst	Carroll	De Boef	Dix
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Finch	Gipp	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Sievers
Sukup	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyke	Mr. Speaker
			Siegrist

Absent or not voting, 7:

Brauns	Cormack	Fallon	Garman
Reynolds	Teig	Witt	

Amendment H-8349 lost.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8384, previously deferred, filed by her on March 20, 2002.

Dotzler of Black Hawk offered the following amendment H-8343, previously deferred, filed by him and moved its adoption:

H-8343

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 29 the
 4 following:
 5 "Sec. __. Section 85.36, unnumbered paragraph 1,
 6 Code Supplement 2001, is amended to read as follows:
 7 The basis of compensation shall be the weekly
 8 earnings of the injured employee at the time of the
 9 injury. "Weekly earnings" means gross earnings as
 10 defined in section 85.61. "Weekly earnings" also
 11 means gross salary, wages, or earnings of an employee
 12 to which such employee would have been entitled had

13 the employee worked the customary hours for the full
 14 pay period in which the employee was injured, as
 15 regularly required by the employee's employer for the
 16 work or employment for which the employee was
 17 employed, computed or determined as follows and then
 18 rounded to the nearest dollar:

19 Sec. __. Section 85.36, subsections 6 and 7, Code
 20 Supplement 2001, are amended to read as follows:

21 6. In the case of an employee who is paid on a
 22 daily or hourly basis, or by the output of the
 23 employee, the weekly earnings shall be computed by
 24 dividing by thirteen the earnings, not including
 25 overtime or premium pay, of the employee earned in the
 26 employ of ~~the employer~~ all employers in the last
 27 completed period of thirteen consecutive calendar
 28 weeks immediately preceding the injury. If the
 29 employee was absent from employment for reasons
 30 personal to the employee during part of the thirteen
 31 calendar weeks preceding the injury, the employee's
 32 weekly earnings shall be the amount the employee would
 33 have earned had the employee worked when work was
 34 available to other employees of the employer in a
 35 similar occupation. A week which does not fairly
 36 reflect the employee's customary earnings shall be
 37 replaced by the closest previous week with earnings
 38 that fairly represent the employee's customary
 39 earnings.

40 7. In the case of an employee who has been in the
 41 employ of the employer less than thirteen calendar
 42 weeks immediately preceding the injury, the employee's
 43 weekly earnings shall be computed under subsection 6,
 44 taking the earnings, not including overtime or premium
 45 pay, for such purpose to be the amount the employee
 46 would have earned had the employee been so employed by
 47 ~~the employer~~ all employers during the full thirteen
 48 calendar weeks immediately preceding the injury and
 49 had worked, when work was available to other employees
 50 in a similar occupation. If the earnings of other

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1 employees cannot be determined, the employee's weekly
 2 earnings shall be the average computed for the number
 3 of weeks the employee has been in the employ of ~~the~~
 4 ~~employer~~ all employers."

5 2. Page 3, by inserting after line 6 the
 6 following:

7 "Sec. __. Section 85.61, subsection 3, Code
 8 Supplement 2001, is amended to read as follows:

9 3. "Gross earnings" means recurring payments by
 10 any employer to the employee for employment, before
 11 any authorized or lawfully required deduction or

- 12 withholding of funds by the employer, excluding
 13 irregular bonuses, retroactive pay, overtime, penalty
 14 pay, reimbursement of expenses, expense allowances,
 15 and the employer's contribution for welfare benefits."
 16 3. By renumbering as necessary.

Amendment H-8343 lost.

Horbach of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2190)

The ayes were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Sievers	Sukup	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Wilderdyke
Mr. Speaker			
Siegrist			

The nays were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reeder	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise		

Absent or not voting, 5:

Cormack	Garman	Reynolds	Teig
Witt			

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2190** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 27, 2002, amended and passed the following bill in which the concurrence of the House 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.

Also: That the Senate has on March 27, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2365, a bill for an act relating to certain documents indexed and recorded with the county recorder.

Also: That the Senate has on March 27, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on March 27, 2002, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

EXPLANATIONS OF VOTE

I inadvertently voted "aye" on amendment H-8299 to Senate File 2190. I meant to vote "nay."

FORD of Polk

I was necessarily absent from the House chamber on March 20 and 27, 2002. Had I been present, I would have voted "aye" on House Files 2201, 2592 and Senate File 2301.

HEATON of Henry

I inadvertently voted "aye" on amendment H-8299 to Senate File 2190. I meant to vote "nay."

SHOULTZ of Black Hawk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 27th day of March, 2002: House Files 2138, 2150, 2153, 2229, 2230, 2246, 2281 and 2289.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fourth and Fifth grade students from Harris-Lake Park School, accompanied by Superintendent Gary Richardson and Principal Judy Brueggeman. By Johnson of Osceola and Stevens of Dickinson.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ELDER AFFAIRS

The Annual Report of the Senior Living Coordinating Unit, pursuant to Chapter 231.58, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS
Division of Community Action Agencies

A report making recommendations regarding legislation designed to improve the status of low-income persons, pursuant to Chapter 216A.92B, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|---|
| 2002\873 | Eugene Kading, Stuart – For celebrating her 80 th birthday. |
| 2002\874 | Clair and Helene Crowl, Panora – For celebrating their 50 th wedding anniversary. |
| 2002\875 | Julie Beth Townsend, Park View Middle School, Ankeny – For receiving the 2001 Presidential Awards for Excellence in Mathematics and Science Teaching. |
| 2002\876 | Jennifer Erbe, Starry Elementary School, Marion – For being named Iowa Teacher of the Year for 2002. |

SUBCOMMITTEE ASSIGNMENT

Senate File 2316

Appropriations: Jenkins, Chair; Dix and Mascher.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 717 Ways and Means

Relating to the utility replacement tax, and providing for the Act's retroactive applicability.

H.S.B. 718 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.

RESOLUTIONS FILED

HR 117, by Atteberry and Scherrman, a resolution recognizing Mr. Joe Stepanek and Mr. Brandon Trapp for their acts of heroism.

Laid over under **Rule 25**.

SCR 109, by Hansen, a concurrent resolution requesting that the governor annually designate the third week in the month of October as Cultural Awareness Week.

Laid over under **Rule 25**.

SCR 110, by Houser, a concurrent resolution honoring Dr. William Campbell for more than fifty years of service to the people of Iowa.

Laid over under **Rule 25**..

AMENDMENTS FILED

H—8445	S.F.	2228	Wise of Lee Mascher of Johnson
H—8446	S.F.	2228	Osterhaus of Jackson
H—8447	S.F.	2197	Senate Amendment
H—8448	H.F.	2247	Senate Amendment
H—8449	H.F.	2344	Senate Amendment
H—8450	H.F.	2571	Senate Amendment
H—8451	S.F.	2118	Hansen of Pottawattamie Myers of Johnson
H—8452	S.F.	2228	Huser of Polk Van Fossen of Scott
H—8453	S.F.	2228	Van Fossen of Scott Shey of Linn Sukup of Franklin Hoversten of Woodbury Chiodo of Polk
H—8454	S.F.	2228	Van Fossen of Scott Shey of Linn Boal of Polk Millage of Scott Huser of Polk

H—8455	S.F.	2228	Van Fossen of Scott Hoversten of Woodbury Chiodo of Polk
			Shey of Linn Huser of Polk
H—8456	S.F.	2228	Van Fossen of Scott Shey of Linn Hoversten of Woodbury Huser of Polk
H—8457	S.F.	2228	Van Fossen of Scott Shey of Linn Hoversten of Woodbury Chiodo of Polk
H—8458	S.F.	2228	Van Fossen of Scott Shey of Linn Millage of Scott Hoversten of Woodbury Chiodo of Polk
H—8459	S.F.	2228	Van Fossen of Scott Sievers of Scott Millage of Scott Huser of Polk
			Shey of Linn Sukup of Franklin Hoversten of Woodbury Chiodo of Polk
H—8460	S.F.	2228	Van Fossen of Scott
H—8461	S.F.	2228	Van Fossen of Scott Shey of Linn Hoversten of Woodbury Huser of Polk Chiodo of Polk
H—8462	S.F.	2228	Van Fossen of Scott
H—8463	S.F.	2228	Van Fossen of Scott Metcalf of Polk Hoversten of Woodbury
			Huser of Polk Elgin of Linn Chiodo of Polk
H—8464	H.F.	678	Senate Amendment
H—8465	H.F.	2365	Senate Amendment
H—8466	S.F.	2228	Shey of Linn
H—8467	S.F.	503	Kuhn of Floyd
H—8468	S.F.	2228	Sievers of Scott

On motion by Rants of Woodbury the House adjourned at 9:24 p.m., until 8:45 a.m., Thursday, March 28, 2002.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day - Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 28, 2002

The House met pursuant to adjournment at 9:04 a.m., Speaker Siegrist in the chair.

Prayer was offered by Ako Abdul-Samad, pastor of the Des Moines Islamic Center. He was the guest of Representative Wayne Ford of Polk County.

The Journal of Wednesday, March 27, 2002 was approved.

PETITION FILED

The following petition was received and placed on file:

By Murphy of Dubuque, from one hundred eleven constituents of the thirty-sixth district favoring continued funding of public transportation through the road use tax fund.

INTRODUCTION OF BILLS

House File 2593, by Ford, a bill for an act relating to limitations on telephone solicitations, and providing for civil remedies and penalties.

Read first time and referred to committee on **commerce and regulation**.

House File 2594, by Ford, a bill for an act relating to E911 operations, by providing for the distribution of surcharges collected from wireless communication providers, and by limiting liability related to the provision of E911 services.

Read first time and referred to committee on **commerce and regulation**.

House File 2595, by Ford, a bill for an act requiring law enforcement agencies to provide information about persons

possessing, delivering, or possessing with intent to deliver, controlled substances near a school.

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

House File 2596, by Ford, a bill for an act relating to residential real estate installment contracts by requiring contract disclosure statements for certain contracts, providing for a penalty, and providing an applicability date.

Read first time and referred to committee on **commerce and regulation**.

House File 2597, by Ford, a bill for an act relating to the appointment of community advisory committees by the board of directors of each public school district and the authorities in charge of each nonpublic school.

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

House File 2598, by Ford, a bill for an act creating increased criminal penalties for assault and harassment of members of certain occupations.

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

House File 2599, by Ford, a bill for an act creating increased criminal penalties for harassment of members of certain occupations.

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

House File 2600, by Ford, a bill for an act relating to operating-while-intoxicated and homicide by vehicle offenses and providing penalties.

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

House File 2601, by Ford, a bill for an act relating to telephone service by including certain blocking features within the definition of basic local telephone service and giving legal representatives of customers certain rights.

Read first time and referred to committee on **commerce and regulation**.

House File 2602, by Ford, a bill for an act relating to terrorism and terrorist-related crimes by requiring the state department of transportation to review safety measures at airports, establishing new crimes, and providing penalties.

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

House File 2603, by Ford, a bill for an act creating a junior entrepreneur training assistance program and providing a tax deduction.

Read first time and referred to committee on **economic development**.

House File 2604, by Ford, a bill for an act creating an independent child permanency advisory committee for state policy regarding out-of-home placement of children.

Read first time and referred to committee on **human resources**.

House File 2605, by Ford, a bill for an act relating to procedures for commutation of a class "A" felon.

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

House File 2606, by Ford, a bill for an act relating to the unlawful manufacture, delivery, or possession with the intent to manufacture or deliver cocaine or substances or counterfeit substances related to cocaine.

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

House File 2607, by Ford, a bill for an act relating to fertilizers and soil conditioners and pesticides, by providing for their containment, providing for fees, providing penalties, and providing an effective date.

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

House File 2608, by Ford, a bill for an act requiring the state department of transportation to provide more options for identifying the race of a driver's license applicant.

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

SENATE MESSAGE CONSIDERED

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, providing for a study, and including an effective date.

Read first time and referred to committee on **ways and means**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Frevert of Palo Alto, for today and Monday, April 1, 2002, on request of Myers of Johnson.

SENATE AMENDMENT CONSIDERED

Grundberg of Polk called up for consideration **House File 2344**, a bill for an act relating to the retention of unemployment benefits contested case hearing records, amended by the Senate, and moved that the House concur in the following Senate amendment H-8449:

H-8449

- 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".

The motion prevailed and the House concurred in the Senate amendment H-8449.

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

On the question "Shall the bill pass?" (H.F. 2344)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Frevert	Quirk	Schrader	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED

Bradley of Clinton called up for consideration the motion to reconsider House File 583, filed on March 25, 2002, and moved to reconsider the vote by which **House File 583**, a bill for an act relating to the certification of persons providing water pump services, failed to pass the House on March 25, 2002.

A non-record roll call was requested.

The ayes were 59, nays 14.

The motion prevailed and the House reconsidered House File 583.

Bradley of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 583)

The ayes were, 81:

Alons	Arnold	Atteberry	Baudler
Boal	Boggess	Bradley	Brauns
Broers	Brunkhorst	Bukta	Carroll
Chiodo	Cohoon	Connors	Dix
Dolecheck	Dotzler	Drake	Eddie
Elgin	Finch	Foege	Ford
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Hoversten	Huseman	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kuhn	Larkin	Larson
Lensing	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Van Fossen
Warnstadt	Wildurdyke	Winckler	Witt
Mr. Speaker			
Siegrist			

The nays were, 16:

Bell	Boddicker	Cormack	Eichhorn
Fallon	Garman	Horbach	Huser
Kreiman	Manternach	Richardson	Schrader
Tyrrell	Van Engelenhoven	Weidman	Wise

Absent or not voting, 3:

De Boef	Frevert	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Manternach of Jones called up for consideration **House File 2530**, a bill for an act providing for the control of pseudorabies, and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H-8420:

H-8420

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".

The motion prevailed and the House concurred in the Senate amendment H-8420.

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

On the question "Shall the bill pass?" (H.F. 2530)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Mr. Speaker Siegrist

The nays were, none.

Absent or not voting, 4:

Boggess	Dolecheck	Frevert	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 583, 2344 and 2530.**

The House stood at ease at 9:59 a.m., until the fall of the gavel.

The House resumed session at 11:00 a.m., Millage of Scott in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-six members present, thirty-four absent.

Horbach of Tama in the chair at 11:05 a.m.

SENATE AMENDMENT CONSIDERED

Grundberg of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8450:

H-8450

- 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."

The motion prevailed and the House concurred in the Senate amendment H-8450.

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

On the question "Shall the bill pass?" (H.F. 2571)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carrroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Garman	Greimann	Grundberg

Hahn	Hansen	Hatch	Heaton
Hoffman	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Horbach, Presiding

The nays were, none.

Absent or not voting, 4:

Ford	Frevert	Gipp	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2571** be immediately messaged to the Senate.

Sukup of Franklin in the chair at 11:11 a.m.

CONSIDERATION OF BILLS Unfinished Business Calendar

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, with report of committee recommending passage, was taken up for consideration.

Hansen of Pottawattamie asked and received unanimous consent to withdraw amendment H-8322 filed by him and Myers of Johnson on March 18, 2002, placing out of order amendment H-8394 filed by Dolecheck, et al., on March 20, 2002.

Hansen of Pottawattamie asked and received unanimous consent to withdraw amendment H-8411 filed by Hansen, et al., on March 21, 2002.

Hansen of Pottawattamie offered the following amendment H-8451 filed by him and Myers of Johnson and moved its adoption:

H-8451

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

Page 2

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".

Roll call was requested by Garman of Story and Alons of Sioux.

On the question "Shall amendment H-8451 be adopted?" (S.F. 2118)

The ayes were, 50:

Atteberry	Bell	Boggess	Brauns
Bukta	Chiodo	Cohoon	Connors
Cormack	Dotzler	Eddie	Elgin
Foege	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Huser	Jacobs	Jenkins	Jochum
Jones	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Metcalf
Murphy	Myers	Petersen	Reynolds
Richardson	Schrader	Shoultz	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Tymeson	Warnstadt	Weidman	Winckler
Wise	Witt		

The nays were, 47:

Alons	Arnold	Baudler	Boal
Boddicker	Bradley	Broers	Brunkhorst
Carroll	De Boef	Dix	Dolecheck
Drake	Eichhorn	Fallon	Finch
Garman	Hoffman	Horbach	Hoversten
Huseman	Johnson	Kettering	Klemme
Larson	Manternach	Mertz	Millage
O'Brien	Osterhaus	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Roberts	Scherrman	Seng	Shey
Siegrist, Spkr.	Tremmel	Tyrrell	Van Engelenhoven
Van Fossen	Wilderdyke	Sukup,	
		Presiding	

Absent or not voting, 3:

Ford	Frevert	Teig
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Amendment H-8451 was adopted, placing amendment H-8398 filed by Dolecheck, et al., out of order.

Rants of Woodbury asked and received unanimous consent that Senate File 2118 be deferred and that the bill retain its place on the unfinished business calendar.

Speaker Siegrist in the chair at 1:25 p.m.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 2002, amended and passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on March 28, 2002, passed the following bill in which the concurrence of the Senate was 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.

MICHAEL E. MARSHALL, Secretary

Unfinished Business Calendar

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, previously deferred and found on pages 925-928 of the House Journal.

The House resumed consideration of amendment H-8412, to amendment H-8403, previously deferred and found on pages 927-928 of the House Journal, filed by Petersen of Polk.

Gipp of Winneshiek in the chair at 1:36 p.m.

Petersen of Polk moved the adoption of amendment H-8412, to amendment H-8403.

Roll call was requested by Myers of Johnson and Petersen of Polk.

On the question "Shall amendment H-8412, to amendment H-8403 be adopted?" (S.F. 2279)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Greimann	Hatch	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reeder	Reynolds
Richardson	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Boguess	Bradley	Broers
Brunkhorst	Carroll	Cormack	De Boef
Dix	Drake	Eddie	Eichhorn
Elgin	Finch	Garman	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Sukup	Tymeson	Tyrrell
Van Engelenhoven	Weidman	Wilderdye	Gipp, Presiding

Absent or not voting, 6:

Brauns
Teig

Dolecheck
Van Fossen

Ford

Frevort

Amendment H-8412 lost.

Petersen of Polk offered the following amendment H-8416, to amendment H-8403, filed by her and moved its adoption:

H-8416

1 Amend the amendment, H-8403, to Senate File 2279,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 33 the
5 following:
6 "____. Page 6, by inserting after line 26 the
7 following:
8 "Sec. ____ NEW SECTION. 509.20 NOTICE OF RATE
9 INCREASE.
10 1. For purposes of this section, "policy or
11 contract for group health benefit coverages, including
12 a contract to provide services to a plan providing
13 group health benefit coverages" applies to all of the
14 following:
15 a. A group policy of health insurance under this
16 chapter.
17 b. A plan established pursuant to chapter 509A for
18 public employees.
19 c. A plan offered pursuant to chapter 513B.
20 d. A group contract of a nonprofit health service
21 corporation under chapter 514.
22 e. A group plan of a health maintenance
23 organization under chapter 514B.
24 f. An organized delivery system authorized under
25 1993 Iowa Acts, chapter 158, and licensed by the
26 director of public health.
27 g. Preferred provider contracts limiting choice of
28 specific provider.
29 h. Any other policy, contract, or plan for
30 covering the health care costs of a defined group.
31 2. A person who issues a policy or contract for
32 group health benefit coverages, including a contract
33 to provide services to a plan providing group health
34 benefit coverages to a group, shall provide notice of
35 a rate increase for the policy or contract at least
36 sixty days prior to the effective date of the rate
37 increase to the policyholder, contract holder, or
38 sponsor of the group health benefit plan."
39 _____. Page 7, by inserting after line 2 the

40 following:

41 "Sec. . NEW SECTION. 513C.5A NOTICE OF RATE
42 INCREASE.

43 A carrier shall provide notice of a rate increase
44 for the plan at least sixty days prior to the
45 effective date of the rate increase to the individual
46 covered by the plan.

47 Sec. . Section 514.6, Code 2001, is amended to
48 read as follows:

49 514.6 RATES – APPROVAL BY COMMISSIONER – NOTICE
50 OF INCREASE.

Page 2

1 1. The rates charged by any such corporation to
2 the subscribers for health care service shall at all
3 times be subject to the approval of the commissioner
4 of insurance.

5 2. A corporation offering health care services to
6 subscribers pursuant to this chapter shall provide
7 notice of a rate increase to subscribers at least
8 sixty days prior to the effective date of the rate
9 increase."

10 . Page 7, by inserting after line 15 the
11 following:

12 "Sec. . NEW SECTION. 514A.16 NOTICE OF RATE
13 INCREASE.

14 An insurer shall provide notice of a rate increase
15 for a health insurance policy to the insured at least
16 sixty days prior to the effective date of the rate
17 increase."

18 . Page 7, by inserting after line 19 the
19 following:

20 "Sec. . NEW SECTION. 514E.12 NOTICE OF RATE
21 INCREASE.

22 A carrier or organized delivery system shall
23 provide notice of a rate increase for the association
24 policy to the insured at least sixty days prior to the
25 effective date of the rate increase.""

26 2. By renumbering, redesignating, and correcting
27 internal references as necessary.

Roll call was requested by Petersen of Polk and Bukta of Clinton.

On the question "Shall amendment H-8416, to amendment H-8403 be adopted?" (S.F. 2279)

The ayes were, 42:

Atteberry
Cohon

Bell
Connors

Bukta
Dotzler

Chiodo
Fallon

Foege	Greimann	Hatch	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reeder	Reynolds
Richardson	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Broers
Brunkhorst	Carroll	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Sukup	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Wilderdyke
Gipp, Presiding			

Absent or not voting, 5:

Brauns	Ford	Frevort	Jones
Teig			

Amendment H-8416 lost.

On motion by Hoffman of Crawford, amendment H-8403, previously deferred, was adopted.

Hoffman of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2279)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta

Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Garman	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wildurdyke	Winckler
Wise	Gipp, Presiding		

The nays were, none.

Absent or not voting, 6:

Brauns	Ford	Frevert	Sievers
Teig	Witt		

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

INTRODUCTION OF BILL

House File 2609, by Grundberg, a bill for an act relating to local government, including counties, cities, townships, community colleges, and benefited districts.

Read first time and referred to committee on **ways and means**.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2279** be immediately messaged to the Senate.

Senate File 2228, a bill for an act relating to utilization of school district moneys for physical plant and equipment levy purposes, with

report of committee recommending amendment and passage, was taken up for consideration.

Brunkhorst of Bremer offered the following amendment H-8284 filed by the committee on education and moved its adoption:

H-8284

- 1 Amend Senate File 2228, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 12.

The committee amendment H-8284 was adopted.

Osterhaus of Jackson asked and received unanimous consent to withdraw amendment H-8439 filed by him on March 26, 2002.

Fallon of Polk asked and received unanimous consent that amendment H-8442 be deferred.

Osterhaus of Jackson asked and received unanimous consent that amendment H-8446 be deferred.

Osterhaus of Jackson asked and received unanimous consent that amendment H-8438 be deferred.

Hoffman of Crawford asked unanimous consent to withdraw amendment H-8422 filed by Hoffman, et al., on March 25, 2002, placing the following amendments out of order:

Amendment H-8436 filed by Fallon of Polk on March 26, 2002.

Amendment H-8445 filed by Wise of Lee and Mascher of Johnson on March 27, 2002.

Amendment H-8452 filed by Huser of Polk and Van Fossen of Scott on March 27, 2002.

Amendment H-8453 filed by Van Fossen of Scott et al., on March 27, 2002.

Amendment H-8454 filed by Van Fossen of Scott et al., on March 27, 2002.

Amendment H-8455 filed by Van Fossen of Scott et al., on March 27, 2002.

Amendment H-8456 filed by Van Fossen of Scott et al., on March 27, 2002.

Amendment H-8457 filed by Van Fossen of Scott et al., on March 27, 2002.

Amendment H-8458 filed by Van Fossen of Scott et al., on March 27, 2002.

Amendment H-8459 filed by Van Fossen of Scott et al., on March 27, 2002.

Amendment H-8460 filed by Van Fossen of Scott on March 27, 2002.

Amendment H-8461 filed by Van Fossen of Scott et al., on March 27, 2002.

Amendment H-8462 filed by Van Fossen of Scott on March 27, 2002.

Amendment H-8463 filed by Van Fossen of Scott et al., on March 27, 2002.

Amendment H-8466 filed by Shey of Linn on March 27, 2002.

Amendment H-8468 filed by Sievers of Scott on March 27, 2002.

Amendment H-8469 filed by Fallon of Polk from the floor.

Amendment H-8472 filed by Grundberg of Polk from the floor.

Amendment H-8473 filed by Shey of Linn from the floor.

The following amendments, previously deferred, were withdrawn by unanimous consent:

Amendment H-8438 filed by Osterhaus of Jackson on March 26, 2002.

Amendment H-8442 filed by Fallon of Polk on March 26, 2002.

Amendment H-8446 filed by Osterhaus of Jackson on March 27, 2002.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2228)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Broers	Brunkhorst	Bukta	Carroll
Chiodo	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin

Fallon	Finch	Foege	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Gipp, Presiding

The nays were, 1:

Van Fossen

Absent or not voting, 7:

Bradley	Brauns	Ford	Frevert
Huser	Petersen	Teig	

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2228** be immediately messaged to the Senate.

MOTIONS TO RECONSIDER

(Amendment H-8451 to Senate File 2118)

I move to reconsider the vote by which amendment H-8451 to Senate File 2118 was adopted by the House on March 28, 2002.

HANSEN of Pottawattamie

I move to reconsider the vote by which amendment H-8451 to Senate File 2118 was adopted by the House on March 28, 2002.

SIEVERS of Scott

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 27, 2002. Had I been present, I would have voted "nay" on Senate File 2190.

REYNOLDS of Van Buren

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 28th day of March, 2002: House Files 2248, 2264, 2310, 2363, 2448, 2467, 2488 and 2497.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2002\877 | Officer Richard Pierce, Oelwein – For being awarded the Governor's Traffic Safety Bureau Award for the State of Iowa. |
| 2002\878 | David Murphy, Oelwein High School – For being awarded the Iowa Banker's Association/Iowa High School Athletic Association Student Athlete's Achievers Award. |
| 2002\879 | Louie Winters, Charles City – For celebrating his 80 th birthday. |
| 2002\880 | John and Leona Jacobs, Nora Springs – For celebrating their 62 nd wedding anniversary. |
| 2002\881 | Mrs. Joseph Hoversten, Sioux City – For celebrating her 100 th birthday on May 18, 2002. |
| 2002\882 | Louise Scherff, Denison – For celebrating her 80 th birthday. |

- 2002\883 Hans H. Jess, Schleswig – For celebrating his 90th birthday.
- 2002\884 Amanda Krueger, Denison – For celebrating her 85th birthday.
- 2002\885 Wadene Foster, Denison – For celebrating her 95th birthday.
- 2002\886 Jerry and Betty Fouts, Dow City – For celebrating their 50th wedding anniversary.
- 2002\887 Red and Dorothy Roberts, Milton – For celebrating their 64th wedding anniversary.
- 2002\888 Wilma and Ullin Karn, Humeston – For celebrating their 65th wedding anniversary.
- 2002\889 Gladys and N.W. Blackman, Iowa City – For celebrating their 60th wedding anniversary.
- 2002\890 Mae Zuber, Williamsburg – For celebrating her 91st birthday.
- 2002\891 Willard Andrews, Oskaloosa – For celebrating his 80th birthday.
- 2002\893 Luella Zimmerman, Sigourney – For celebrating her 100th birthday.
- 2002\892 Jennie Wouterse, Pella – For celebrating her 100th birthday.
- 2002\894 William and Evelyn Hoffey, Iowa City – For celebrating their 70th wedding anniversary.
- 2002\895 Warren and Delores Caslavka, Traer – For celebrating their 50th wedding anniversary.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 713

Ways and Means: Shey, Chair; Larson and Richardson.

House Study Bill 714

Ways and Means: Shey, Chair; Larson and Shoultz.

House Study Bill 715

Ways and Means: Hansen, Chair; Hoffman and Osterhaus.

House Study Bill 717

Ways and Means: Hansen, Chair; Shey and Winckler.

RESOLUTIONS FILED

HR 118, by Greimann, Finch, Murphy, Frevert, Witt, Stevens, Larkin, Myers, Jenkins, Bradley, Shoultz, Atteberry, Scherrman, Kreiman, Smith, Bukta, Reeder, Connors, Kuhn, D. Taylor, Dotzler, Mertz, Cohoon, Sievers, Winckler, Lensing, De Boef, Huseman, Kettering, Drake, Roberts, and Brauns, a resolution honoring Cael Sanderson on his athletic achievements as a wrestler.

Laid over under **Rule 25**.

HR 119, by Larson, Elgin, Kreiman, Reeder, Hatch, Shey, Hansen, Jacobs, Jochum, Millage, Myers, Klemme, Horbach, Hahn, Rayhons, Mascher, Kettering, Stevens, Bradley, Cohoon, Carroll, Dolecheck, Eichhorn, Murphy, Rekow, Cormack, Huser, Bell, Connors, Reynolds, Hoversten, Alons, and Siegrist, a resolution honoring the Legal Services Corporation of Iowa for twenty-five years of service to the citizens of Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8470	H.F.	2090	Horbach of Tama
H—8471	H.F.	2090	Horbach of Tama
H—8474	S.F.	503	Boggess of Page
H—8475	H.F.	2591	Van Engelenhoven of Mahaska
H—8476	H.F.	2591	Rayhons of Hancock
H—8477	H.F.	2591	Rayhons of Hancock
H—8478	H.F.	2591	Rayhons of Hancock
H—8479	H.F.	2591	Rayhons of Hancock
H—8480	H.F.	2591	Rayhons of Hancock
H—8481	H.F.	2591	Rayhons of Hancock
H—8482	H.F.	2591	Rayhons of Hancock
H—8483	H.F.	2193	Senate Amendment
H—8484	H.F.	2591	Rayhons of Hancock

On motion by Rants of Woodbury the House adjourned at 3:01 p.m., until 9:30 a.m., Friday, March 29, 2002.

State of Iowa
2002

JOURNAL OF THE HOUSE

2002
REGULAR SESSION
SEVENTY-NINTH
GENERAL ASSEMBLY

Convened January 14, 2002
Adjourned April 12, 2002

Volume II
March 29, 2002—April 12, 2002

THOMAS J. VILSACK, Governor
BRENT SIEGRIST, Speaker of the House
MARY KRAMER, President of the Senate

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JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day - Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 29, 2002

The House met pursuant to adjournment at 9:35 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Chuck Gipp, state representative from Winneshiek County.

The Journal of Thursday, March 28, 2002 was approved.

INTRODUCTION OF BILLS

House File 2610, by Shey, a bill for an act relating to the exemption for property tax purposes of property leased by a religious institution to a child care center and including an applicability date provision.

Read first time and referred to committee on **ways and means**.

House File 2611, by Shey, a bill for an act relating to contracts with the state or political subdivisions of the state for the sale of goods and services and plans, specifications, and contracts for public improvements of certain public entities.

Read first time and referred to committee on **ways and means**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 28, 2002, he approved and transmitted to the Secretary of State the following bills:

Senate File 374, an act relating to the qualifications and authorization of therapeutically certified optometrists engaged in the practice of optometry, and providing an effective date.

Senate File 437, an act 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.

Senate File 2210, 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.

Senate File 2260, an act relating to the reorganization or dissolution of area education agencies and providing an effective date.

Senate File 2315, 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.

On motion by Hansen of Pottawattamie the House adjourned at 9:37 a.m., until 1:00 p.m., Monday, April 1, 2002.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 1, 2002

The House met pursuant to adjournment at 1:44 p.m., Gipp of Winneshiek in the chair.

Prayer was offered by the retired Reverend Vic Groh, Deacon of Sacred Heart Catholic Church, Rockwell. He was the guest of Representative Roger Broers of Cerro Gordo County.

The Journal of Friday, March 29, 2002 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kim Harders, a senior at Hartley-Melvin-Sanborn High School in Hartley. She was the winner of the county and district oratorical contest sponsored by the American Legion. She was the guest of Representatives David Johnson of Osceola County and Dan Huseman of Cherokee County.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Foege of Linn, for today and tomorrow, on request of Bukta of Clinton.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 608, a bill for an act relating to delinquency charges on certain precomputed consumer credit transactions.

Also: That the Senate has on April 1, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2509, a bill for an act regarding business corporations, and providing an effective date.

Also: That the Senate has on April 1, 2002, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2532, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates.

Also: That the Senate has on April 1, 2002, passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 1, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on April 1, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

MICHAEL E. MARSHALL, Secretary

On motion by Jacobs of Polk, the House was recessed at 1:47 p.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:13 p.m., Carroll of Poweshiek in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story, until her arrival, on request of Rants of Woodbury; O'Brien of Boone on request of Huser of Polk.

CONSIDERATION OF BILLS
Unfinished Business Calendar

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, with report of committee recommending amendment and passage, was taken up for consideration.

Tremmel of Wapello offered amendment H-8297 filed by the committee on judiciary as follows:

H-8297

1 Amend Senate File 2268, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 33 the
4 following:

5 "Sec. ___. Section 709A.1, subsection 2, paragraph
6 c, Code 2001, is amended to read as follows:

7 c. Any premises the use of which constitutes a
8 violation of ~~sections~~ section 725.5, or 725.10, or
9 ~~725.11~~ chapter 717D."

10 2. Page 6, by inserting after line 23 the
11 following:

12 "Sec. ___. NEW SECTION. 717D.1 DEFINITIONS.

13 1. "Animal" means a nonhuman vertebrate.

14 2. "Contest event" means an event in which an
15 animal is or may be injured or tormented by another
16 animal involving physical combat, including but not
17 limited to bull baiting, bear baiting, cock fighting,
18 or dog fighting.

19 3. "Establishment" means the location where an
20 event occurs or is to occur, regardless of whether an
21 animal is present at the establishment or the animal
22 is witnessed by means of an electronic signal
23 transmitted to the location.

24 4. "Event" means a function organized for the
25 entertainment or profit of spectators for purposes of
26 witnessing an animal being injured or tormented.

27 5. "Event device" means equipment designed to
28 enhance an animal's entertainment value during
29 training or an event, including a device to improve
30 the animal's competitiveness.

31 6. "Livestock" means the same as defined in
32 section 717.1.

33 7. "Local authority" means the same as defined in
34 section 717B.1.

35 8. "Promoter" means a person who charges admission

36 for entry into an establishment or organizes, holds,
37 advertises, or otherwise conducts an event.

38 9. "Spectator" means a person who attends an
39 establishment for purposes of witnessing an event.

40 10. "Trainer" means a person who trains an animal
41 for purposes of engaging in an event, regardless of
42 where the event is located. A trainer includes a
43 person who uses an event device.

44 11. "Transporter" means a person who moves an
45 animal for delivery at a training location or an event
46 location.

47 Sec. __. NEW SECTION. 717D.2 PROHIBITIONS –
48 CONTEST EVENTS.

49 A person shall not do any of the following:

50 1. Own or operate an establishment located in this

Page 2

1 state in which a contest event occurs or is to occur.

2 2. Act as a promoter of a contest event,
3 regardless of whether the contest event occurs in this
4 state or another state. For purposes of this
5 subsection, a person who aids, abets, or assists in
6 the promotion of a contest event shall be deemed to
7 act as a promoter.

8 3. Act as a trainer of an animal engaged or to be
9 engaged in a contest event conducted in this state or
10 another state. For purposes of this subsection, a
11 person who aids, abets, or assists in the training of
12 an animal engaged or to be engaged in a contest event
13 shall be deemed to act as a trainer.

14 4. Act as a transporter moving an animal in this
15 state.

16 5. Act as a spectator of a contest event conducted
17 in this state, regardless of whether the person paid
18 admission to witness the event.

19 Sec. __. NEW SECTION. 717D.3 PROHIBITIONS –
20 NONCONTEST EVENTS.

21 1. This section shall apply to events other than
22 contest events.

23 2. A person shall not do any of the following:

24 a. Own or operate an establishment located in this
25 state in which an event occurs or is to occur.

26 b. Act as a promoter of an event, regardless of
27 whether the event occurs in this state or another
28 state. For purposes of this subsection, a person who
29 aids, abets, or assists in the promotion of an event
30 shall be deemed to act as a promoter.

31 c. Act as a trainer of an animal engaged or to be
32 engaged in an event conducted in this state or another
33 state. For purposes of this subsection, a person who
34 aids, abets, or assists in the training of an animal

35 engaged or to be engaged in an event shall be deemed
36 to act as a trainer.

37 d. Act as a transporter moving an animal in this
38 state.

39 e. Act as a spectator of an event conducted in
40 this state, regardless of whether the person paid
41 admission to witness the event.

42 Sec.____. NEW SECTION. 717D.4 EXCEPTIONS.

43 1. A person is not subject to this chapter if the
44 person is not subject to the offense of livestock
45 abuse as provided in section 717.1A or animal abuse as
46 provided in section 717B.2.

47 2. This chapter shall not apply to any of the
48 following functions:

49 a. A race, including but not limited to a race
50 regulated under chapter 99D.

Page 3

1 b. A fair as defined in section 174.1.

2 c. A rodeo or a rodeo event.

3 d. A 4-H function.

4 Sec.____. NEW SECTION. 717D.5 PENALTIES.

5 A person who violates a provision of this chapter
6 is guilty of a serious misdemeanor.

7 Sec.____. NEW SECTION. 717D.6 CONFISCATION AND
8 DISPOSITION OF ANIMALS.

9 A local authority may confiscate an animal that is
10 trained with an event device or is part of an event.
11 The animal may be rescued and disposed of as neglected
12 livestock or other animal pursuant to section 717.5 or
13 717B.4. If the animal is not rescued and disposed of
14 pursuant to section 717.5 or 717B.4, it shall be
15 forfeited to the state and subject to disposition as
16 ordered by the court. In addition, the court shall
17 order the owner of the animal to pay an amount which
18 shall not be more than the expenses incurred in
19 maintaining or disposing of the animal. The court may
20 also order that the person pay reasonable attorney
21 fees and expenses related to the investigation of the
22 case that shall be taxed as other court costs. If
23 more than one person has a divisible interest in the
24 animal, the amount required to be paid shall be
25 prorated based on the percentage of interest in the
26 animal owned by each person. The moneys shall be paid
27 to the local authority incurring the expense. The
28 amount shall be subtracted from proceeds which are
29 received from the sale of the animal ordered by the
30 court.

31 Sec.____. Sections 717B.7 and 725.11, Code 2001,
32 are repealed."

33 2. Title page, line 2, by striking the word

34 "and".

35 3. Title page, line 3, by inserting after the
36 word "expenses" the following: ", providing for the
37 protection of animals from injury or torment, and
38 providing penalties".

Baudler of Adair offered the following amendment H-8425, to the committee amendment H-8297, filed by him and Kreiman of Davis and moved its adoption:

H-8425

1 Amend the amendment, H-8297, to Senate File 2268,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 3 through 9.
5 2. Page 1, by striking lines 14 through 18, and
6 inserting the following:
7 "___." "Contest animal" means a bull, bear, chicken,
8 or dog.
9 ___." "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 ___." "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 3. Page 1, line 19, by striking the words "where
21 an" and inserting the following: "where a contest".
22 4. Page 1, lines 20 and 21, by striking the words
23 "an animal" and inserting the following: "a contest
24 animal".
25 5. Page 1, line 21, by striking the words "the
26 animal" and inserting the following: "the contest
27 animal".
28 6. Page 1, by striking lines 24 through 30.
29 7. Page 1, line 37, by striking the words "an
30 event" and inserting the following: "a contest
31 event".
32 8. Page 1, line 39, by striking the words "an
33 event" and inserting the following: "a contest
34 event".
35 9. Page 1, line 40, by striking the words "an
36 animal" and inserting the following: "a contest
37 animal".
38 10. Page 1, line 41, by striking the words "an
39 event" and inserting the following: "a contest

40 event".

41 11. Page 1, line 42, by striking the words "the
42 event" and inserting the following: "the contest
43 event".

44 12. Page 1, line 43, by striking the words "an
45 event" and inserting the following: "a contest".

46 13. Page 1, lines 44 and 45, by striking the
47 words "an animal" and inserting the following: "a
48 contest animal".

49 14. Page 1, line 45, by striking the words
50 "delivery at" and inserting the following: "delivery

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1 to".

2 15. Page 1, line 45, by striking the words "an
3 event" and inserting the following: "a contest
4 event".

5 16. Page 2, line 8, by striking the words "an
6 animal" and inserting the following: "a contest
7 animal".

8 17. Page 2, line 12, by striking the words "an
9 animal" and inserting the following: "a contest
10 animal".

11 18. Page 2, line 14, by striking the words "an
12 animal" and inserting the following: "a contest
13 animal".

14 19. Page 2, line 18, by striking the word "event"
15 and inserting the following: "contest event".

16 20. Page 2, by striking lines 19 through 41.

17 21. By striking page 2, line 43 through page 3,
18 line 3, and inserting the following:

19 "___ . This chapter does not apply to a function
20 other than a contest event. A contest event does not
21 involve any of the following events:

22 a. A race, including but not limited to a race
23 regulated under chapter 99D.

24 b. A fair as defined in section 174.1.

25 c. A rodeo or rodeo event.

26 d. A 4-H function.

27 e. A hunting or fishing party.

28 f. A field meet or trial in which the skill of
29 dogs is demonstrated in pointing, retrieving,
30 trailing, or chasing any game bird, game animal, or
31 fur-bearing animal.

32 g. The raising or selling of game or fur-bearing
33 animals as provided in chapter 481A.

34 ___ . This chapter shall not apply to any of the
35 following:

36 a. An action to carry out an order issued by a
37 court.

38 b. An action by a licensed veterinarian practicing

- 39 veterinary medicine as provided in chapter 169.
40 c. An action that is consistent with animal
41 husbandry practices.
42 d. An action allowed in order to carry out another
43 provision of law which allows the action.
44 e. The taking, hunting, trapping, or fishing for a
45 wild animal as provided in chapter 481A.
46 f. An action to protect the person's property from
47 a wild animal as defined in section 481A.1.
48 g. An action to protect a person from injury or
49 death caused by a wild animal as defined in section
50 481A.1.

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- 1 h. A person reasonably acting to protect the
2 person's property from damage caused by an unconfined
3 animal.
4 i. A person reasonably acting to protect a person
5 from injury or death caused by an unconfined animal.
6 j. A local authority reasonably acting to destroy
7 an animal, if at the time of the destruction, the
8 owner of the animal is absent or unable to care for
9 the animal, and the animal is permanently distressed
10 by disease or injury to a degree that would result in
11 severe and prolonged suffering.
12 k. An institution, as defined in section 145B.1,
13 or a research facility, as defined in section 162.2,
14 provided that the institution or research facility
15 performs functions within the scope of accepted
16 practices and disciplines associated with the
17 institution or research facility."
18 22. Page 3, line 9, by striking the words "an
19 animal" and inserting the following: "a contest
20 animal".
21 23. Page 3, by striking line 10, and inserting
22 the following: "trained with a contest device or is
23 part of a contest event."
24 24. Page 3, line 11, by striking the word
25 "animal" and inserting the following: "contest
26 animal".
27 25. Page 3, line 13, by striking the word
28 "animal" and inserting the following: "contest
29 animal".
30 26. Page 3, line 17, by striking the word
31 "animal" and inserting the following: "contest
32 animal".
33 27. Page 3, line 19, by striking the word
34 "animal" and inserting the following: "contest
35 animal".
36 28. Page 3, line 24, by striking the word
37 "animal" and inserting the following: "contest

38 animal".
 39 29. Page 3, line 26, by striking the word
 40 "animal" and inserting the following: "contest
 41 animal".
 42 30. Page 3, line 29, by striking the word
 43 "animal" and inserting the following: "contest
 44 animal".
 45 31. Page 3, by striking lines 31 and 32, and
 46 inserting the following:
 47 "Sec. ____ Section 717B.7, Code 2001, is
 48 repealed."
 49 32. By renumbering, redesignating, and correcting
 50 internal references as necessary.

Amendment H-8425 was adopted.

On motion by Tremmel of Wapello the committee amendment H-8297, as amended, was adopted.

Tremmel of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2268)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Ford
Gipp	Greimann	Grundberg	Hahn
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt

Weidman	Wilderdyke	Winckler	Wise
Witt	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

Foege	Frevert	Garman	Hansen
O'Brien	Teig		

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

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, with report of committee recommending amendment and passage, was taken up for consideration.

Bogges of Page offered amendment H-8309 filed by the committee on agriculture as follows:

H-8309

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 obtain a construction permit
44 under section 455B.200, all of the following shall
45 apply:

46 1. Any design standards for a basin shall be
47 established by rule as provided in chapter 17A that
48 exclusively account for special design characteristics
49 of open feedlots and related basins, including but not
50 limited to the dilute composition of settled open

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1 feedlot effluent as collected and stored in the
2 basins.

3 2. The design standards for the basin shall be
4 less restrictive than the design standards governing a
5 confinement feeding operation's manure storage
6 structure required to be constructed pursuant to a
7 construction permit as provided in section 455B.200A,
8 regardless of whether the design standards for the
9 manure storage structure are provided by statute or
10 departmental rule."

11 2. Title page, by striking lines 1 through 3, and
12 inserting the following: "An Act relating to open
13 feedlots, by providing for standards of construction
14 for pollution control structures."

Kuhn of Floyd asked and received unanimous consent to withdraw amendment H–8467, to the committee amendment H–8309, filed by him on March 27, 2002.

Bogges of Page offered the following amendment H–8474, to the committee amendment H–8309, filed by her and moved its adoption:

H-8474

1 Amend the amendment, H-8309, to Senate File 503, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 43 through 46, and
 5 inserting the following: "requires the owner to be
 6 issued a construction permit under section 455B.200,
 7 any design standards for the basin shall be".
 8 2. Page 2, by striking lines 3 through 10, and
 9 inserting the following:
 10 "Sec. ___. DIRECTIONS TO CODE EDITOR. The Code
 11 editor shall transfer provisions of this Act amending
 12 Code chapter 455B to a new chapter in conformance with
 13 sections transferred pursuant to Senate File 2293 or
 14 House File 2468, if enacted by the Seventy-ninth
 15 General Assembly, 2002 Session."
 16 3. By renumbering as necessary.

Amendment H-8474 was adopted.

The committee amendment H-8309, as amended, was adopted.

Bogges of Page moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 503)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Ford
Gipp	Greimann	Grundberg	Hahn
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader

Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Carroll, Presiding		

The nays were, none.

Absent or not voting, 6:

Foege	Frevert	Garman	Hansen
O'Brien	Teig		

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2531, a bill for an act making certain amendments to the Iowa trust code.

Also: That the Senate has on April 1, 2002, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 466)

Broers of Cerro Gordo called up for consideration the report of the conference committee on Senate File 466 and the amendments contained therein as follows:

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 HOUSE:

ROGER BROERS, Chair
DANIEL BODDICKER
MIKE CORMACK
PATRICK MURPHY
MARK SMITH

ON THE PART OF THE SENATE:

DAVID MILLER, Chair
JOHNIE HAMMOND
STEVE KING
MARK SHEARER
MAGGIE TINSMAN

Rants of Woodbury asked and received unanimous consent that Senate File 466 be deferred and that the bill retain its place on the calendar.

The House stood at ease at 3:43 p.m., until the fall of the gavel.

The House resumed session at 6:05 p.m., Speaker Siegrist in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Richardson of Warren on request of Huser of Polk.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 2002, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on April 1, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2404, a bill for an act relating to the amount of additional weighting provided for limited English proficient students.

Also: That the Senate has on April 1, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2446, a bill for an act relating to the proposed uniform computer information transactions Act.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2612, 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,

primary road fund, and general fund of the state, and providing for the nonreversion of certain moneys.

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

House File 2613, by committee on appropriations, 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 placed on the **appropriations calendar**.

SENATE MESSAGE CONSIDERED

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 and referred to committee on **appropriations**.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 466)

Broers of Cerro Gordo called up for consideration the report of the conference committee on Senate File 466, previously deferred and found on pages 1100-1102 of the House Journal, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Broers of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 466)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Ford	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdye	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Brunkhorst	Fallon	Foege	Frevert
O'Brien	Richardson	Teig	

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

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **House File 2365**, a bill for an act relating to certain documents indexed and recorded with the county recorder, amended by the Senate, and moved that the House concur in the following Senate amendment H-8465:

H-8465

- 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 17, the
42 following:
43 "Sec. ____ NEW SECTION. 331.606A DOCUMENT
44 CONTENT – PROHIBITION OF INCLUDING SOCIAL SECURITY
45 NUMBER.
46 The preparer of a document shall not include an
47 individual's federal social security number in a
48 document that is prepared for recording in the office
49 of county recorder. This section does not apply to a
50 preparer of a state or federal tax lien or a military

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1 separation or discharge record that is prepared for

2 recording in the office of county recorder. If a
3 military separation or discharge record is recorded in
4 the office of the county recorder, the military
5 separation or discharge record shall not be accessible
6 through the internet.

7 Sec.____. Section 331.602, subsection 4, Code
8 Supplement 2001, is amended by striking the
9 subsection."

10 3. Page 1, by inserting after line 34, the
11 following:

12 "Sec.____. Section 462A.5, subsection 1,
13 unnumbered paragraph 2, Code Supplement 2001, is
14 amended to read as follows:

15 The owner of the vessel shall file an application
16 for registration with the appropriate county recorder
17 on forms provided by the commission. The application
18 shall be completed and signed by the owner of the
19 vessel and shall be accompanied by the appropriate
20 fee, and the writing fee specified in section 462A.53.
21 Upon applying for registration, the owner shall
22 display a bill of sale, receipt, or other satisfactory
23 proof of ownership as provided by the rules of the
24 commission to the county recorder. If the county
25 recorder is not satisfied as to the ownership of the
26 vessel or that there are no undisclosed security
27 interests in the vessel, the county recorder may
28 register the vessel but shall, as a condition of
29 issuing a registration certificate, require the
30 applicant to follow the procedure provided in section
31 462A.5A. Upon receipt of the application in approved
32 form accompanied by the required fees, the county
33 recorder shall enter it upon the records of the
34 recorder's office and shall issue to the applicant a
35 pocket-size registration certificate. The certificate
36 shall be executed in triplicate, one copy to be
37 delivered to the owner, one copy to the commission,
38 and one copy to be retained on file by the county
39 recorder. The registration certificate shall bear the
40 number awarded to the vessel, the passenger capacity
41 of the vessel, and the name and address of the owner.
42 In the use of all vessels except nonpowered sailboats,
43 nonpowered canoes, and commercial vessels, the
44 registration certificate shall be carried either in
45 the vessel or on the person of the operator of the
46 vessel when in use. In the use of nonpowered
47 sailboats, nonpowered canoes, or commercial vessels,
48 the registration certificate may be kept on shore in
49 accordance with rules adopted by the commission. The
50 operator shall exhibit the certificate to a peace

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1 officer upon request or, when involved in a collision
2 or accident of any nature with another vessel or
3 personal property, to the owner or operator of the
4 other vessel or personal property.
5 Sec. __. NEW SECTION. 462A.5A FILING BOND AS
6 ASSURANCE OF OWNERSHIP.
7 An applicant for registration of a vessel for which
8 the county recorder is not satisfied as to the
9 ownership of the vessel as provided in section 462A.5,
10 subsection 1, shall file with the department a bond in
11 the form prescribed by the department and executed by
12 the applicant, and also executed by a person
13 authorized to conduct a surety business in this state.
14 The form and amount of the bond shall be established
15 by rule of the department. The bond shall be
16 conditioned to indemnify any prior owner and secured
17 party and any subsequent purchaser of the vessel or
18 person acquiring any security interest in the vessel,
19 and their respective successors in interest, against
20 any expense, loss, or damage, including reasonable
21 attorney fees, by reason of the issuance of the
22 registration certificate of the vessel or on account
23 of any defect in or undisclosed security interest upon
24 the right, title, and interest of the applicant in and
25 to the vessel. Any such interested person has a right
26 of action to recover on the bond for any breach of its
27 conditions, but the aggregate liability of the surety
28 to all persons shall not exceed the amount of the
29 bond. The bond shall be returned at the end of three
30 years or prior thereto if the vessel is no longer
31 registered in this state and the registration
32 certificate is surrendered to the department, unless
33 the department has been notified of the pendency of an
34 action to recover on the bond."
35 4. Title page, line 1, by inserting after the
36 word "to" the following: "county recorders,
37 including".
38 5. Title page, line 2, by inserting after the
39 word "recorder" the following: "and a method for
40 issuing certificates of title for snowmobiles and all-
41 terrain vehicles, and registration certificates for
42 certain watercraft, for which ownership has not been
43 conclusively established".
44 6. By renumbering, relettering, or redesignating
45 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8465.

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

On the question "Shall the bill pass?" (H.F. 2365)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Ford
Garman	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Brunkhorst	Foeg	Frevert	O'Brien
Richardson	Teig		

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

CONSIDERATION OF BILLS
Ways and Means Calendar

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, was taken up for consideration.

Rayhons of Hancock offered the following amendment H-8476 filed by him and moved its adoption:

H-8476

- 1 Amend House File 2591 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 481A.48, subsection 1, Code
- 5 Supplement 2001, is amended to read as follows:
- 6 1. No person, except as otherwise provided by law,
- 7 shall willfully disturb, pursue, shoot, kill, take or
- 8 attempt to take or have in possession any of the
- 9 following game birds or animals except within the open
- 10 season established by the commission: Gray or fox
- 11 squirrel, bobwhite quail, cottontail or jack rabbit,
- 12 duck, snipe, pheasant, goose, woodcock, partridge,
- 13 coot, rail, ruffed grouse, wild turkey, pigeons, or
- 14 deer. The hunting hours shall be from 12 noon to 4
- 15 p.m. The seasons, bag limits, possession limits and
- 16 locality shall be established by the department or
- 17 commission under the authority of sections 456A.24,
- 18 481A.38, and 481A.39."
- 19 2. Title page, line 2, by inserting after the
- 20 word "program" the following: "and hunting hours".
- 21 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 2, nays 58.

Amendment H-8476 lost.

Rayhons of Hancock asked and received unanimous consent to withdraw amendment H-8477 filed by him on March 28, 2002.

Rayhons of Hancock offered amendment H-8481 filed by him as follows:

H-8481

- 1 Amend House File 2591 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 481A.48, subsection 1, Code
5 Supplement 2001, is amended to read as follows:
6 1. No person, except as otherwise provided by law,
7 shall willfully disturb, pursue, shoot, kill, take or
8 attempt to take or have in possession any of the
9 following game birds or animals except within the open
10 season established by the commission: Gray or fox
11 squirrel, bobwhite quail, cottontail or jack rabbit,
12 duck, snipe, pheasant, goose, woodcock, partridge,
13 coot, rail, ruffed grouse, wild turkey, pigeons, or
14 deer. The seasons, bag limits, possession limits and
15 locality shall be established by the department or
16 commission under the authority of sections 456A.24,
17 481A.38, and 481A.39. However, the commission shall
18 establish an open season of thirty days from November
19 10 through December 10 for game."
20 2. Title page, line 2, by inserting after the
21 word "program" the following: "and a hunting season".
22 3. By renumbering as necessary.

Sievers of Scott rose on a point of order that amendment H-8481 was not germane.

The Speaker ruled the point well taken and amendment H-8481 not germane.

Rayhons of Hancock offered the following amendment H-8478 filed by him and moved its adoption:

H-8478

- 1 Amend House File 2591 as follows:
2 1. Page 1, line 3, by striking the figure "17.00"
3 and inserting the following: "14.50".
4 2. Page 1, by striking lines 4 through 12 and
5 inserting the following:
6 "Sec. . NEW SECTION. 483A.25 APPROPRIATION
7 FOR CONSERVATION OFFICERS RETIREMENT BENEFITS.
8 The revenue received from the resident hunting
9 license fee increase in this Act for each fiscal year
10 of the fiscal period beginning July 1, 2002, and
11 ending June 30, 2007, is appropriated to the
12 department and shall be used solely to fund retirement
13 benefits for state conservation officers employed by
14 the department of natural resources."

- 15 3. Title page, by striking line 2 and inserting
 16 the following: "fee to provide funding for state
 17 conservation officers retirement benefits".
 18 4. By renumbering as necessary.

Amendment H-8478 lost.

Rayhons of Hancock asked and received unanimous consent to withdraw amendment H-8479 filed by him on March 28, 2002.

Rayhons of Hancock offered the following amendment H-8484 filed by him and moved its adoption:

H-8484

- 1 Amend House File 2591 as follows:
 2 1. Page 1, by striking lines 1 through 3.
 3 2. Page 1, by striking lines 6 through 12 and
 4 inserting the following:
 5 "In addition to the fee provided for in section
 6 483A.1, subsection 1, paragraph "c", an applicant for
 7 a hunting license may voluntarily contribute an
 8 additional amount of five dollars or more to fund a
 9 pheasant and quail restoration program established by
 10 the department. The revenue received from the
 11 additional voluntary contribution to the hunting
 12 license fee is appropriated to the department and
 13 shall be used solely to fund a pheasant and quail
 14 restoration program."
 15 3. By renumbering as necessary.

Amendment H-8484 lost.

Rayhons of Hancock asked and received unanimous consent to withdraw amendment H-8482 filed by him on March 28, 2002.

Van Engelenhoven of Mahaska offered amendment H-8475 filed by him and requested division as follows:

H-8475

- 1 Amend House File 2591 as follows:

H-8475A

- 2 1. Page 1, line 12, by inserting after the word
 3 "program." the following: "The department shall
 4 submit a report on the pheasant and quail restoration

H-8475A

5 program to the chairpersons of the house committee on
6 natural resources and the senate committee on natural
7 resources and environment not later than January 1,
8 2007."

H-8475B

9 2. Page 1, by inserting after line 12 the
10 following:
11 "Sec. __. This Act is repealed effective July 1,
12 2007, and the Code editor is directed to restore the
13 provisions of section 483A.1, subsection 1, paragraph
14 "c" as the provisions appear in Code Supplement 2001."
15 3. Title page, by striking line 3 and inserting
16 the following: ", making an appropriation, and
17 providing for a repeal."
18 4. By renumbering as necessary.

Alons of Sioux offered the following amendment H-8485, to amendment H-8475A, filed by him from the floor and moved its adoption:

H-8485

1 Amend the amendment, H-8475, to House File 2591 as
2 follows:
3 1. Page 1, line 4, by inserting after the word
4 "report" the following: "annually".
5 2. Page 1, by striking line 8 and inserting the
6 following: "2004, and not later than January 1 of
7 each subsequent year."

Amendment H-8485 was adopted.

On motion by Van Engelenhoven of Mahaska amendment H-8475A, as amended, was adopted.

Van Engelenhoven of Mahaska asked and received unanimous consent to withdraw amendment H-8475B.

Rayhons of Hancock offered the following amendment H-8480 filed by him and moved its adoption:

H-8480

- 1 Amend House File 2591 as follows:
- 2 1. Page 1, by striking lines 1 through 12.

Amendment H-8480 lost.

Sievers of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2591)

The ayes were, 78:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Bukta
Carroll	Cohoon	Connors	De Boef
Dix	Dolecheck	Dotzler	Drake
Eddie	Elgin	Fallon	Finch
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kuhn
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Myers
Osterhaus	Petersen	Quirk	Raecker
Rants	Rekow	Roberts	Scherrman
Seng	Shey	Shoultz	Sievers
Stevens	Sukup	Taylor, D.	Taylor, T.
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Witt	Mr. Speaker		
	Siegrist		

The nays were, 16:

Chiodo	Cormack	Eichhorn	Ford
Garman	Kreiman	Larkin	Larson
Murphy	Rayhons	Reeder	Reynolds
Schrader	Smith	Tremmel	Wise

Absent or not voting, 6:

Brunkhorst	Foege	Frevert	O'Brien
Richardson	Teig		

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

INTRODUCTION OF BILL

House File 2614, by committee on appropriations, 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, and providing effective dates.

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2365, 2591** and **Senate Files 503** and **2268**.

REPORT OF CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following correction was made:

House File 681

1. Page 15, line 16 – Change "subsection 3" to "subsection 4".

MARGARET A. THOMSON
Chief Clerk of the House

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 1st day of April, 2002: House Files 2109, 2116, 2317, 2409 and 2538.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 29, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 2082, 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.

House File 2138, 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 and including a retroactive applicability provision.

House File 2150, an act relating to the performance of honor guard services on public property by members of a reserve officer training corps, the Iowa National Guard, or the reserve forces of the United States.

House File 2151, an act adding certain information concerning school security or emergency preparedness to the list of public records kept confidential.

House File 2153, an act relating to presentation of victim impact statements at criminal sentencing hearings.

House File 2190, an act relating to the procedural requirements for foreign and international adoption, and providing an effective date.

House File 2229, an act relating to use of moneys in the strategic investment fund.

House File 2230, an act relating to sentences of incarceration for third or subsequent operating-while-intoxicated motor vehicle offenses.

House File 2246, an act relating to administrative procedures of county treasurers for property taxation and vehicle registration.

House File 2249, an act relating to criminal history checks of applicants for certain licenses, lottery employees, 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.

House File 2281, an act requiring the licensure of landscape architects.

House File 2289, an act relating to the preparation and filing of an assessment schedule for abatement of a nuisance by a city.

House File 2394, 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.

Senate File 2116, an act relating to the preservation and enhancement of the state capitol.

Senate File 2133, 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 2156, 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 2167, 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 2231, an act providing for hospital access to abuse registries for purposes of employment checks.

Also: That on April 1, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 2248, an act relating to the designation of a Bill of Rights Day.

House File 2310, an act relating to vendor contracts for the statewide underground facility notification center.

House File 2363, an act relating to permits for and the possession of weapons and providing penalties.

House File 2448, an act relating to diverting township taxes to a municipality providing emergency services to the township.

House File 2467, an act providing for licensure sanctions against defaulters of designated loan and scholarship programs.

House File 2488, an act relating to the department of elder affairs including provisions relating to the elder Iowans Act.

Senate File 2086, an act relating to the kilowatt threshold for electric transmission line franchises, making related changes, and providing an effective date.

Senate File 2098, an act relating to the criminal offenses of unauthorized computer access and criminal mischief, and providing a penalty.

Senate File 2201, an act relating to nonsubstantive Code corrections and including effective and retroactive applicability provisions.

Senate File 2278, an act relating to analyzing the confinement and detention needs of jails, and other local or regional confinement facilities, and providing an effective date.

Senate File 2288, an act relating to the appointment of an acting or a temporary county attorney.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

March 29, 2002

Brent Siegrist
Speaker of the House
State Capitol Building
L O C A L

Dear Speaker Siegrist:

I hereby transmit House File 2264, an Act relating to informed consent provisions relating to an abortion and providing criminal penalties, and providing an effective date.

House File 2264 provides that an abortion shall be prohibited without the "voluntary and informed consent" of the woman seeking the procedure. There has been an ongoing discussion in this state about the level of communication that takes place between medical professionals and women seeking abortion services. A number of Iowans believe that women who seek abortion services in this state do not receive sufficient information to make an informed decision about whether to terminate their pregnancies. Given this concern, I have directed the Iowa Department of Public Health to take all appropriate steps to ensure that Iowans confronted with this difficult choice are given access, at their option, to a full range of medically-accurate and comprehensive information. Furthermore, I have directed the Department to take appropriate steps to ensure that Iowans have access to information that also promotes quality pre-natal and neo-natal care, and encourages the use of family support services at every stage of pregnancy and family development. I believe my directive will make available more medically-accurate and comprehensive information than House File 2264 would have required without criminalizing the actions of doctors.

Given the current laws in Iowa and the now heightened level of information that will be made available to women pursuant to my directive to the Iowa Department of

Public Health, I conclude that House File 2264 is unnecessary. For these reasons, I hereby respectfully disapprove this bill.

Sincerely,
Thomas J. Vilsack
Governor

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\896 Irene Netten, Orange City – For celebrating her 90th birthday.
- 2002\897 Bertha Brady, Sioux Center – For celebrating her 103rd birthday.
- 2002\898 Tom and Agnes McCarty, Larchwood – For celebrating their 60th wedding anniversary.
- 2002\899 Reka Itzen, Grundy Center – For celebrating her 90th birthday.
- 2002\900 Dale and Lucille Henry, Indianola – For celebrating their 50th wedding anniversary.
- 2002\901 Aaron Kendall, Oelwein – For attaining the rank of Eagle Scout, the highest rank in the Boys Scouts of America.
- 2002\902 George-Little Rock Individual Speech Team, Mrs. Brenda Sandbulte and Mrs. Jill Perfect, George-Little Rock High School – For winning the Sweep Stakes Trophy which will be presented at UNI, for the largest number of Outstanding Nominations for All-State at the State Speech Tournament, and for being one of the very few 1-A schools to ever receive this trophy.
- 2002\903 Mildred Birdsell Pattschull, Clear Lake – For celebrating her 90th birthday.
- 2002\904 L.B. Bernard McMurray, Mason City – For celebrating his 80th birthday.
- 2002\905 Elizabeth Clark, Clear Lake – For celebrating her 100th birthday.
- 2002\906 Al Tracy, Mason City – For celebrating her 99th birthday.
- 2002\907 Garfield Seehawer, Mason City – For celebrating his 80th birthday.
- 2002\908 Stan Rodberg, Mason City – For celebrating his 80th birthday.

- 2002\909 Eva Kimble, Mason City – For celebrating her 100th birthday.
- 2002\910 Aileen Boyd, Mason City – For celebrating her 104th birthday.
- 2002\911 Harry LaVern and Sena Christensen, Clear Lake – For celebrating their 65th wedding anniversary.
- 2002\912 Merle and Pauline Harland, Clarinda – For celebrating their 74th wedding anniversary.
- 2002\913 Jeff Zittergruen, Van Horne – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\914 Don and Charlotte Oberbroeckling, Garnavillo – For celebrating their 50th wedding anniversary.
- 2002\915 Jessica Wilke, Elkader – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2002\915 Cara Doerscher, St. Olaf – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2002\917 Alma Mahaney, Sioux City – For celebrating her 88th birthday.
- 2002\918 Brandelle Slater, Guthrie Center – For being selected a Member of West Central Conference Academic Bowl Championship Teams for 2002.
- 2002\919 Tara Gilson, Guthrie Center – For being selected a Member of West Central Conference Academic Bowl Championship Teams for 2002.
- 2002\920 Jesse Riordan, Guthrie Center – For being selected a Member of West Central Conference Academic Bowl Championship Teams for 2001 and 2002.
- 2002\921 Jordan Dinkla, Guthrie Center – For being selected a Member of West Central Conference Academic Bowl Championship Teams for 2001 and 2002.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 716), 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 primary road fund, and providing for the nonreversion of certain moneys.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 1, 2002.

Committee Bill (Formerly House Study Bill 718), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 1, 2002

LSB7190HV, 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.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2002.

RESOLUTION FILED

HR 120, by Raecker, a resolution honoring the University of Iowa Women's Basketball Team and Coach Lisa Bluder.

Laid over under **Rule 25**.

On motion by Rants of Woodbury the House adjourned at 7:11 p.m., until 8:45 a.m., Tuesday, April 2, 2002.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 2, 2002

The House met pursuant to adjournment at 8:57 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Clayton George, pastor of the Apostolic Assembly, Anamosa. He was the guest of Representative Gene Manternach of Jones County.

The Journal of Monday, April 1, 2002 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story on request of Rants of Woodbury.

ADOPTION OF HOUSE RESOLUTION 122

Rants of Woodbury asked and received unanimous consent for the immediate consideration of **House Resolution 122**, a resolution honoring the Kirkwood Community College Women's Basketball Team.

Shey of Linn moved the adoption of House Resolution 122.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Shey of Linn introduced to the House, Coach Kim Muhl who introduced the Kirkwood Community College Eagles.

The House rose and expressed its welcome.

HOUSE INSISTS

Elgin of Linn called up for consideration **House File 2532**, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(House File 2532)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2532: Elgin of Linn, Chair; Gipp of Winneshiek, Larkin of Lee, Metcalf of Polk and T. Taylor of Linn.

SENATE AMENDMENTS CONSIDERED

Eddie of Buena Vista called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8483:

H-8483

- 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.

The motion prevailed and the House concurred in the Senate amendment H-8483.

Eddie of Buena Vista moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2193)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Ford
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wildurdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, none.

Absent or not voting, 5:

Connors	Foege	Garman	Smith
Teig			

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

Broers of Cerro Gordo called up for consideration **House File 2247**, a bill for an act relating to the regulation of health care facilities and the duties of resident advocate committees, amended by the Senate amendment H-8448, as follows:

H-8448

- 1 Amend House File 2247, as passed by the House, as
- 2 follows:

- 3 1. By striking page 2, line 14 through page 3,
4 line 2, and inserting the following:
5 "Sec. ___. Section 135C.25, subsection 2, Code
6 2001, is amended to read as follows:"
7 2. Page 3, by striking lines 7 through 12.
8 3. By striking page 6, line 31, through page 8,
9 line 14, and inserting the following:
10 "Sec. ___. SUBSTITUTE DECISION-MAKERS TASK FORCE –
11 REPORT. The governor's developmental disabilities
12 council in consultation with the substitute decision-
13 makers task force shall submit a report to the general
14 assembly by December 1, 2002, regarding the
15 continuation of resident advocate committees for
16 residential care facilities licensed to serve persons
17 with mental illness or mental retardation and
18 recommendations regarding resident advocacy
19 alternatives."
20 4. By renumbering as necessary.

Murphy of Dubuque asked and received unanimous consent that House File 2247 be temporarily deferred. (Amendment H-8448 pending)

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

O'Brien of Boone offered the following House Memorial Resolution 101 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 101

Whereas, The Honorable Donald E. Baker, of Boone County, Iowa, who was a member of the Sixty-first, Sixty-second, and Sixty-third General Assemblies, passed away June 22, 2001; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee O'Brien of Boone, Eichhorn of Hamilton and Tymeson of Madison.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

O'Brien of Boone offered the following House Memorial Resolution 102 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 102

Whereas, The Honorable Ernest W. Gilson, of Guthrie County, Iowa, who was a member of the Sixty-seventh and Sixty-seventh Extra General Assemblies, passed away January 14, 2002; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee O'Brien of Boone, Eichhorn of Hamilton and Tymeson of Madison.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

Boggess of Page offered the following House Memorial Resolution 103 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 103

Whereas, The Honorable Leo B. Hanna, of Adams County, Iowa, who was a member of the Fifty-third and Fifty-fourth General Assemblies, passed away October 8, 2001; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Boggess of Page, Dolecheck of Ringgold and Weidman of Cass.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

Millage of Scott offered the following House Memorial Resolution 104 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 104

Whereas, The Honorable Donald F. Hermann, of Scott County, Iowa, who was a member of the Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra and Seventy-third General Assemblies, passed away September 23, 2001; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Millage of Scott, Van Fossen of Scott and Seng of Scott.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 105

Arnold of Lucas offered the following House Memorial Resolution 105 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 105

Whereas, The Honorable Leo A. Hoegh, of Lucas County, Iowa, who was a member of the Forty-seventh, Forty-eighth, and Forty-ninth General Assemblies, passed away July 15, 2000; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Arnold of Lucas, Schrader of Marion and Dolecheck of Ringgold.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 106

Huseman of Cherokee offered the following House Memorial Resolution 106 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 106

Whereas, The Honorable Thomas H. Miller, of Cherokee County, Iowa, who was a member of the Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second

Extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra, Seventy-fourth Second Extra and Seventy-fifth General Assemblies, passed away May 25, 2001; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Huseman of Cherokee, Klemme of Plymouth and Warnstadt of Woodbury.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 107

Boal of Polk offered the following House Memorial Resolution 107 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 107

Whereas, The Honorable Paul L. Parker, of Polk County, Iowa, who was a member of the Fifty-fifth General Assembly, passed away September 26, 2001; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Boal of Polk, Huser of Polk and Metcalf of Polk.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 108

Tymeson of Madison offered the following House Memorial Resolution 108 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 108

Whereas, The Honorable Leroy H. Petersen, of Dallas County, Iowa, who was a member of the Fifty-ninth, Sixtieth, Sixtieth Extra and Sixty-second General Assemblies, passed away October 24, 2001; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House

to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Tymeson of Madison, Raecker of Polk and O'Brien of Boone.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 109

Rants of Woodbury offered the following House Memorial Resolution 109 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 109

Whereas, The Honorable Louis A. Peterson, of Woodbury County, Iowa, who was a member of the Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-third and Sixty-fifth General Assemblies, passed away June 29, 2001; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Rants of Woodbury, Kettering of Sac and Warnstadt of Woodbury.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 110

Huseman of Cherokee offered the following House Memorial Resolution 110 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 110

Whereas, The Honorable George P. Rapson, of Cherokee County, Iowa, who was a member of the Fifty-eighth and Fifty-ninth General Assemblies, passed away August 5, 1996; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Huseman of Cherokee, Klemme of Plymouth and Warnstadt of Woodbury.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 111

Dolecheck of Ringgold offered the following House Memorial Resolution 111 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 111

Whereas, The Honorable Lester Sickels, of Ringgold County, Iowa, who was a member of the Fifty-eighth and Fifty-ninth General Assemblies, passed away March 21, 2001; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Dolecheck of Ringgold, Boggess of Page and Richardson of Warren.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 112

Heaton of Henry offered the following House Memorial Resolution 112 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 112

Whereas, The Honorable Keith L. Vetter, of Washington County, Iowa, who was a member of the Sixtieth, Sixtieth Extra and Sixty-second General Assemblies, passed away November 14, 2001; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Heaton of Henry, De Boef of Mahaska and Reynolds of Van Buren.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 113

Sukup of Franklin offered the following House Memorial Resolution 113 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 113

Whereas, The Honorable Paul M. Walter, of Hardin County, Iowa, who was a member of the Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth and Sixtieth Extra General Assemblies, passed away September 25, 1996; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Sukup of Franklin, Smith of Marshall and Dix of Butler.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 114

Eichhorn of Hamilton offered the following House Memorial Resolution 114 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 114

Whereas, The Honorable Robert W. Naden, of Hamilton County, Iowa, who was a member of the Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth and Sixtieth Extra General Assemblies, passed away March 9, 2002; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Eichhorn of Hamilton, Cormack of Webster and Mertz of Kossuth.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 115

Foege of Linn offered the following House Memorial Resolution 115 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 115

Whereas, The Honorable Myron "Mike" B. Oxley, of Linn County, Iowa, who was a member of the Sixty-first, Sixty-seventh, Sixty-eighth, Sixty-ninth, Seventieth and Seventy-first General Assemblies, passed away March 14, 2002; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Foege of Linn, T. Taylor of Linn and Larson of Linn.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2193** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Rants of Woodbury asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on ways and means at 10:30 a.m.

On motion by Rants of Woodbury, the House was recessed at 10:04 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:09 p.m., Speaker Siegrist in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2532** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 2002, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is 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 Senate has on April 2, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 2, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2324, a bill for an act relating to the use of construction management services on public works projects.

MICHAEL E. MARSHALL, Secretary

HOUSE REFUSED TO CONCUR

The House resumed consideration of **House File 2247**, a bill for an act relating to the regulation of health care facilities and the duties of resident advocate committees, amended by the Senate, previously deferred. (Amendment H-8448 pending)

Broers of Cerro Gordo moved that the House concur in the Senate amendment, H-8448, found on pages 1124-1125 of the House Journal.

The motion lost and the House refused to concur in the Senate amendment H-8448.

INTRODUCTION OF BILL

House File 2615, by committee on appropriations, 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 placed on the **appropriations calendar**.

SENATE MESSAGE CONSIDERED

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 and referred to committee on **commerce and regulation**.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2247** be immediately messaged to the Senate.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 1, 2002. Had I been present, I would have voted "aye" on House Files 2365, 2591 and Senate File 466.

BRUNKHORST of Bremer

I was necessarily absent from the House chamber on April 1, 2002. Had I been present, I would have voted "aye" on House Files 2365, 2591 and Senate Files 466, 503 and 2268.

O'BRIEN of Boone

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 2nd day of April, 2002: House Files 2075, 2135, 2201, 2399, 2418, 2454, 2536 and 2552.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2002\922 | Jill Dinkla, Guthrie Center – For being selected a Member of West Central Conference Academic Bowl Championship Teams for 2000, 2001 and 2002. |
| 2002\923 | Shirley and Kenneth Burns, Maquoketa – For celebrating their 50 th wedding anniversary. |
| 2002\924 | Leonard Mains, Winterset – For celebrating his 80 th birthday. |
| 2002\925 | Gail and Betty Stech, Perry – For celebrating their 50 th wedding anniversary. |
| 2002\926 | Marie Folgero, Slater – For celebrating her 101 st birthday. |
| 2002\927 | LaVern and Louise Schultz, Lake View – For celebrating their 50 th wedding anniversary. |
| 2002\928 | Dorothy Stehr, Lake View – For celebrating her 80 th birthday. |
| 2002\929 | Russell Gray, Holstein – For celebrating his 90 th birthday. |
| 2002\930 | Wilma Gothier, Holstein – For celebrating her 85 th birthday. |
| 2002\931 | Ivel Carroll, Panora – For celebrating her 83 rd birthday. |

- 2002\932 Eugene and Maria Westphal, Fontanelle – For celebrating their 55th wedding anniversary.
- 2002\933 Betty Sheraden, Ollie – For celebrating her 80th birthday.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

LSB7191YC, relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 1, 2002.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 95), 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.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 2002.

Committee Bill (Formerly House File 2524), relating to the regulation of milk and milk products, by providing for permits, fees, and penalties, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 2, 2002.

RESOLUTIONS FILED

HR 121, by Raecker, Jacobs, Ford, and Eichhorn, a resolution honoring the Drake University Women's Basketball Team and Coach Lisa Stone.

Laid over under **Rule 25**.

HR 123, by Greimann, Finch, Murphy, Frevert, Witt, Stevens, Larkin, Myers, Jenkins, Bradley, Shoultz, Atteberry, Scherrman, Kreiman, Smith, Bukta, Reeder, Connors, Kuhn, D. Taylor, Dotzler, Mertz, Cohoon, Sievers, Winckler, Lensing, De Boef, Huseman, Kettering, Drake, Roberts, and Brauns, a resolution honoring Cael Sanderson on his athletic achievements as a wrestler.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8486	H.F.	2612	Bell of Jasper
	Wise of Lee		Stevens of Dickinson
	Frevert of Palo Alto		Greimann of Story
	Mertz of Kossuth		Kuhn of Floyd
	Bukta of Clinton		May of Worth
H—8487	H.F.	2612	Brauns of Muscatine
H—8488	H.F.	678	Boddicker of Cedar
H—8489	S.F.	240	Richardson of Warren
H—8490	S.F.	2280	Tymeson of Madison
H—8491	S.F.	2275	Senate Amendment
H—8492	H.F.	2614	Cormack of Webster

On motion by Rants of Woodbury the House adjourned at 1:59 p.m., until 8:45 a.m., Wednesday, April 3, 2002.

JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 3, 2002

The House met pursuant to adjournment at 8:59 a.m., Carroll of Poweshiek in the chair.

Prayer was offered by Reverend Paul Wilcox, pastor of the First United Methodist Church, Harlan. He was the guest of Representative Jack Drake of Pottawattamie County.

The Journal of Tuesday, April 2, 2002 was approved.

INTRODUCTION OF BILLS

House File 2616, by committee on ways and means, 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 placed on the **ways and means calendar**.

House File 2617, by committee on ways and means, 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 placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 2002, appointed the conference committee 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 Senate are: The Senator from Clinton, Senator Rittmer, Chair; the Senator from Palo Alto, Senator Kibbie; the Senator from Dubuque, Senator Connolly; the Senator from Muscatine, Senator Drake; the Senator from Calhoun, Senator Sexton.

Also: That the Senate has on April 2, 2002, passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

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 and referred to committee on **appropriations**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story on request of Rants of Woodbury; Jochum of Dubuque, until her arrival, on request of Myers of Johnson.

Rants of Woodbury asked and received unanimous consent for consideration of House Files 2612, 2613, 2614 and 2615 today.

CONSIDERATION OF BILLS Unfinished Business Calendar

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, with report of committee recommending passage, was taken up for consideration.

Eichhorn of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2124)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Carroll, Presiding			

The nays were, none.

Absent or not voting, 7:

Drake	Garman	Jochum	Siegrist, Spkr.
Sukup	Teig	Van Fossen	

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

Appropriations Calendar

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, was taken up for consideration.

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

The House resumed session at 12:06 p.m., Horbach of Tama in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-four members present, twenty-six absent.

The House resumed consideration of House File 2615.

Mascher of Johnson offered the following amendment H-8504 filed by her from the floor and moved its adoption:

H-8504

- 1 Amend House File 2615 as follows:
- 2 1. Page 3, line 20, by striking the figure
- 3 "5,000,000" and inserting the following: "9,345,394".

Roll call was requested by Mascher of Johnson and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-8504 be adopted?" (H.F. 2615)

The ayes were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shoultz	Smith

Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Shey	Siegrist, Spkr.
Sievers	Sukup	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Wilderdyke
Horbach, Presiding			

Absent or not voting, 3:

Garman	Huser	Teig
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Amendment H-8504 lost.

Brunkhorst of Bremer offered the following amendment H-8500 filed by him from the floor and moved its adoption:

H-8500

- 1 Amend House File 2615 as follows:
- 2 1. Page 4, by inserting after line 2, the
- 3 following:
- 4 "(4) Of the funds appropriated in this paragraph
- 5 "a", not less than 80 percent of the amount expended
- 6 in the fiscal year beginning July 1, 2001, for
- 7 community partnerships shall be expended in the fiscal
- 8 year beginning July 1, 2002, for that purpose."
- 9 2. By renumbering as necessary.

Roll call was requested by Brunkhorst of Bremer and Carroll of Poweshiek.

On the question "Shall amendment H-8500 be adopted?" (H.F. 2615)

The ayes were, 50:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Siegrist, Spkr.	Sievers	Sukup	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdylke	Horbach, Presiding		

The nays were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Elgin
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Quirk
Reeder	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

Absent or not voting, 6:

Garman	Hoffman	Kettering	Petersen
Shey	Teig		

Amendment H-8500 was adopted.

Dix of Butler in the chair at 2:00 p.m.

Smith of Marshall offered the following amendment H-8505 filed by him from the floor and moved its adoption:

H-8505

- 1 Amend House File 2615 as follows:
- 2 1. Page 4, line 5, by striking the figure
- 3 "10,000,000" and inserting the following:
- 4 "11,825,000".

Amendment H-8505 lost.

Lensing of Johnson offered the following amendment H-8503 filed by her and Stevens of Dickinson from the floor and moved its adoption:

H-8503

- 1 Amend House File 2615 as follows:
- 2 1. Page 7, line 5, by striking the figure
- 3 "2,100,000" and inserting the following: "3,600,000".

Amendment H-8503 lost.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2615)

The ayes were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carrroll	Cormack
De Boef	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Siegrist, Spkr.	Sievers	Sukup	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdyke	Dix,		
	Presiding		

The nays were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith

Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

Absent or not voting, 2:

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 3, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 415, a bill for an act relating to the jurisdiction of district associate judges.

Also: That the Senate has on April 3, 2002, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2615** and **Senate File 2124**.

HOUSE INSISTS

Hoversten of Woodbury 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 and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(House File 2192)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2192: Boddicker of Cedar, Chair; Hoversten of Woodbury, Boal of Polk, Osterhaus of Jackson and Smith of Marshall.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2192** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Dix of Butler introduced to the House the Honorable Danny Holmes, former state representative from Scott County.

The House rose and expressed its welcome.

Appropriations Calendar

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, was taken up for consideration.

Brauns of Muscatine offered the following amendment H-8487 filed by him and moved its adoption:

H-8487

- 1 Amend House File 2612 as follows:
- 2 1. Page 5, by inserting after line 2 the
- 3 following:
- 4 "Of the amount appropriated in this subsection,
- 5 \$35,000 is allocated to the Iowa civil air patrol."

- 6 2. Page 5, line 3, by inserting after the word
7 "The" the following: "remainder of the".

Sukup of Franklin in the chair at 3:03 p.m.

Amendment H-8487 lost.

Sievers of Scott offered the following amendment H-8518 filed by him and Hoversten of Woodbury from the floor and moved its adoption:

H-8518

- 1 Amend House File 2612 as follows:
2 1. Page 5, by striking lines 3 through 7.

Amendment H-8518 was adopted.

Fallon of Polk asked and received unanimous consent that amendment H-8494 be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Richardson of Warren on request of Murphy of Dubuque.

Fallon of Polk offered the following amendment H-8495 filed by him and Jochum of Dubuque from the floor and moved its adoption:

H-8495

- 1 Amend House File 2612 as follows:
2 1. Page 5, by inserting after line 10 the
3 following:
4 "Sec. ___. Section 312.2, subsection 14, Code
5 Supplement 2001, is amended to read as follows:
6 14. The treasurer of state, before making the
7 allotments provided for in this section, shall credit
8 monthly from the road use tax fund to the ~~general fund~~
9 of the state ~~department of transportation~~ from revenue
10 credited to the road use tax fund under section
11 423.24, subsection 1, paragraph "b", an amount equal
12 to one-twentieth of eighty percent of the revenue from
13 the operation of section 423.7.
14 ~~There is appropriated from the general fund of the~~
15 ~~state for each fiscal year to the state department of~~

16 ~~transportation the amount of revenues credited to the~~
 17 ~~general fund of the state during the fiscal year under~~
 18 ~~this subsection to be used for purposes of public~~
 19 ~~transit assistance under chapter 324A."~~

20 2. By renumbering as necessary.

Amendment H-8495 was adopted.

Bell of Jasper offered the following amendment H-8486 filed by Bell, et al., and moved its adoption:

H-8486

1 Amend House File 2612 as follows:

2 1. By striking page 4, line 28, through page 5,
 3 line 7, and inserting the following:

4 "____. For airport engineering studies and
 5 improvement projects as provided in chapter 328:
 6 \$ 2,248,780".

7 2. By renumbering, redesignating, and correcting
 8 internal references as necessary.

Roll call was requested by Bell of Jasper and Wise of Lee.

On the question "Shall amendment H-8486 be adopted?" (H.F. 2612)

The ayes were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Foege
Ford	Frevert	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

The nays were, 55:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Gipp	Grundberg	Hahn

Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wilderdyke	Sukup, Presiding	

Absent or not voting, 4:

Garman	Richardson	Taylor, D.	Teig
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Amendment H-8486 lost.

Fallon of Polk offered the following amendment H-8494, previously deferred, filed by him from the floor and moved its adoption:

H-8494

1 Amend House File 2612 as follows:
 2 1. Page 5, by inserting after line 10, the
 3 following:
 4 "Sec. ___. Section 312.2, subsection 14, Code
 5 Supplement 2001, is amended to read as follows:
 6 14. The treasurer of state, before making the
 7 allotments provided for in this section, shall credit
 8 monthly from the road use tax fund to the general fund
 9 of the state from revenue credited to the road use tax
 10 fund under section 423.24, subsection 1, paragraph
 11 "b", an amount equal to ~~one-twentieth~~ one-eighteenth
 12 of eighty percent of the revenue from the operation of
 13 section 423.7.
 14 There is appropriated from the general fund of the
 15 state for each fiscal year to the state department of
 16 transportation the amount of revenues credited to the
 17 general fund of the state during the fiscal year under
 18 this subsection to be used for purposes of public
 19 transit assistance under chapter 324A."
 20 2. By renumbering as necessary.

Amendment H-8494 lost.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2612)

The ayes were, 78:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Foege	Frevert	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Metcalf	Millage
Myers	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Roberts
Seng	Shey	Siegrist, Spkr.	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Sukup, Presiding		

The nays were, 19:

Connors	Dotzler	Fallon	Ford
Greimann	Hatch	Jochum	Kreiman
Mertz	Murphy	O'Brien	Osterhaus
Reeder	Reynolds	Scherrman	Schrader
Shoultz	Tremmel	Witt	

Absent or not voting, 3:

Garman	Richardson	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2612** be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 121

Raecker of Polk called up for consideration **House Resolution 121**, a resolution honoring the Drake University Women's Basketball Team and Coach Lisa Stone, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE MESSAGE CONSIDERED

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 and referred to committee on **ways and means**.

MOTION TO RECONSIDER WITHDRAWN
(Amendment H-8451 to Senate File 2118)

Sievers of Scott asked and received unanimous consent to withdraw the motion to reconsider amendment H-8451 to **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, filed by him on March 28, 2002.

SPECIAL PRESENTATION

Larson of Linn introduced to the House the Honorable U.S. Congressman Jim Nussle from the 2nd district.

The House rose and expressed its welcome.

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, was taken up for consideration.

Heaton of Henry offered the following amendment H-8508 filed by him from the floor and moved its adoption:

H-8508

1 Amend House File 2613 as follows:

2 1. Page 1, line 30, by striking the figure

3 "23,933,406" and inserting the following:

4 "21,733,406".

5 2. By striking page 1, line 32, through page 2,

6 line 3, and inserting the following:

7 "2. To implement nursing facility provider

8 reimbursements as provided in this subsection:

9 \$ 29,950,000

10 a. Notwithstanding the provision in 2001 Iowa
11 Acts, Senate File 2326, relating to the reimbursement
12 rate for nursing facilities under the medical
13 assistance program, for the fiscal year beginning July
14 1, 2002, nursing facilities shall instead be
15 reimbursed under the medical assistance program in
16 accordance with this subsection.

17 b. Notwithstanding 2001 Iowa Acts, chapter 192,
18 section 4, subsection 2, paragraph "b", nursing
19 facilities shall be reimbursed at the rate in effect
20 on June 30, 2002.

21 c. Of the moneys appropriated in this subsection,
22 \$3,000,000 shall be used to provide nursing facilities
23 a supplemental payment, in addition to the
24 reimbursement rate provided under paragraph "b". The
25 supplemental payment to nursing facilities shall be
26 determined by the department of human services, in
27 consultation with representatives of nursing
28 facilities and the vendor under contract with the
29 department to develop and implement the modified
30 price-based case-mix reimbursement system. The
31 additional payment amount may be determined in
32 accordance with 2001 Iowa Acts, chapter 192, section
33 4, subsection 2, paragraph "b", or may be determined
34 on an alternative basis.

35 d. In order to carry out the purposes of this
36 subsection, the department shall transfer funds
37 appropriated in this section to supplement other
38 appropriations to the department of human services."

39 3. Page 3, by inserting after line 7, the

40 following:

41 "Sec. 100. NURSING FACILITY CONVERSION GRANTS –
42 MORATORIUM. Nursing facility conversion grants as
43 described in section 249H.6 shall not be awarded
44 during the period beginning April 1, 2002, and ending
45 June 30, 2003. A nursing facility that has completed
46 a feasibility study prior to April 1, 2002, shall be
47 eligible for a nursing facility conversion grant
48 beginning July 1, 2003."

49 4. Page 3, by inserting after line 27, the

50 following:

Page 2

1 "Sec. ____ EFFECTIVE DATE RETROACTIVE
 2 APPLICABILITY. Section 100 of this Act, relating to a
 3 nursing facility conversion grants moratorium, being
 4 deemed of immediate importance, takes effect upon
 5 enactment, and is retroactively applicable to April 1,
 6 2002."
 7 5. Title page, by striking line 5, and inserting
 8 the following: "and providing effective dates and
 9 providing for retroactive applicability."
 10 6. By renumbering, redesignating, and correcting
 11 internal references as necessary.

Dolecheck of Ringgold in the chair at 4:34 p.m.

Amendment H-8508 was adopted.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2613)

The ayes were, 82:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dotzler
Drake	Eddie	Eichhorn	Elgin
Finch	Ford	Frevert	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Myers	Osterhaus
Quirk	Raecker	Rants	Rayhons
Rekow	Roberts	Scherrman	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Dolecheck, Presiding		

The nays were, 12:

Fallon	Foege	Greimann	Hatch
Kreiman	Murphy	O'Brien	Reeder
Reynolds	Taylor, D.	Taylor, T.	Tremmel

Absent or not voting, 6:

Atteberry	Garman	Petersen	Richardson
Schrader	Teig		

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

SENATE AMENDMENT CONSIDERED

Shey of Linn 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, further amended by the Senate and moved that the House concur in the following Senate amendment H-8491 to the House amendment:

H-8491

- 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.

The motion prevailed and the House concurred in the Senate amendment H-8491, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2275)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Roberts	Scherrman	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Dolecheck, Presiding

The nays were, none.

Absent or not voting, 4:

Garman	Richardson	Schrader	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2613** and **Senate File 2275**.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 5, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated

classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Senior Legislative Research Analyst	Lon W. Anderson	38-2 to 38-3	P-FT	03-29-02
Assistant to the Legal Counsel	Jessica M. Bash	19-1 to 19-2	S-O	03-15-02
Admin. Assistant III to Leader	Carolyn McNeill Gaukel	35-3 to 35-4	P-PT	04-26-02
Legislative Research Analyst I	Anna M. Hyatt-Crozier	29-3 to	P-FT	03-29-02
Legislative Research Analyst II		32-2		
Assistant Chief Clerk I	Susan K. Jennings	32-4 to 32-5	E-FT	03-15-02
Doorkeeper	Gary D. Lynch	11-1 to 11-2	S-O	04-12-02
Assistant Finance Officer Finance Officer I	Kelly M. Wacht	21-6 to 24-5	P-FT	04-12-02
Postmaster	William C. Walling	12-4 to 12-5	S-O	04-12-02
Doorkeeper	Robert B. Yeager	11-1 to 11-2	S-O	03-15-02
Legislative Committee Secretary	Clarice E. Alons	17-1 to 17-2	S-O	03-15-02
Legislative Committee Secretary	Cheryl K. Arnold	17-2	S-O	02-21-02
Legislative Secretary	Ajenai S. Clemmons	16-1 to 16-2	S-O	03-29-02
Legislative Secretary	Karen E. Conley	17-1 to 17-2	S-O	03-15-02
Legislative Committee Secretary	Kelley A. Fifer	17-1 to 17-2	S-O	03-29-02
Legislative Committee Secretary	Linda B. Gesling	18-1 to 18-2	S-O	03-15-02
Legislative Secretary	Brendan E. Greiner	17-1 to 17-2	S-O	03-15-02
Legislative Secretary	Sue L. Hammen	18-1 to 18-2	S-O	04-12-02
Legislative Secretary	Jeffrey M. Happe	15-1 to 15-2	S-O	03-15-02
Legislative Secretary	Jarad J. Klein	15-1 to 15-2	S-O	03-15-02
Legislative Committee Secretary	Katie M. Mammen	17-1 to 17-2	S-O	03-15-02

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Kerri E. Moran	16-1 to 16-2	S-O	03-15-02
Legislative Committee Secretary	Julie Kay Pierce	17-5 to 17-6	S-O	03-01-02
Legislative Secretary	Gwen L. Rekow	16-1 to 16-2	S-O	03-15-02
Legislative Secretary	Sharon R. Ringstad	15-1 to 15-2	S-O	03-15-02
Legislative Secretary	Molly M. Scherrman	15-1 to 15-2	S-O	03-15-02
Legislative Secretary	Amber K. Tischer	16-1 to 16-2	S-O	03-29-02
Legislative Secretary	Bryan L. Turner	16-1 to 16-2	S-O	03-29-02
Legislative Secretary	Jennifer E. VanZante	16-1 to 16-2	S-O	03-29-02
Legislative Secretary	Deloris S. Wacht	16-1 to 16-2	S-O	03-15-02
Legislative Committee Secretary	Regina A. Weller	17-1	S-O	03-11-02

Pursuant to Senate Concurrent Resolution 5, duly adopted, the following is a list of officers and employees of the Joint Senate/House and their recommended classification grades and steps:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Facilities Manager II	Mark L. Willemsen	38-4 to 38-5	P-FT	03-29-02

CARROLL of Poweshiek, Chair

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 28 and April 1, 2002. Had I been present, I would have voted "aye" on House Files 583, 2344, 2365, 2530, 2571, 2591, Senate Files 466, 503, 2118, 2228, 2268, 2279 and amendment H-8451 to Senate File 2118, amendments H-8412 and H-8416 to Senate File 2279.

FREVERT of Palo Alto

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 3rd day of April, 2002: House Files 583, 2152, 2482, 2506 and 2539.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five eighth grade students from Ruthven Ayrshire School, Ruthven, accompanied by Jon Josephson. By Frevert of Palo Alto.

Thirty Senior Government Class students from Mr. Pleasant High School, Mt. Pleasant, accompanied by Mrs. Shar Vermeer. By Heaton of Henry.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|----------|--|
| 2002\934 | Stan and Georgia Horak, Waterloo – For celebrating their 65 th wedding anniversary. |
| 2002\935 | Maurice and Jean Melrose, Waterloo – For celebrating their 50 th wedding anniversary. |
| 2002\936 | Lloyd and Dorothy Hambly, Waterloo – For celebrating their 60 th wedding anniversary. |
| 2002\937 | John Jacobsen, Waterloo – For celebrating his 98 th birthday. |

- 2002\938 Maria Courbat, Waterloo – For celebrating her 80th birthday.
- 2002\939 Ruby Lykins, Waterloo – For celebrating her 85th birthday.
- 2002\940 Blanche Wolf, Waterloo – For celebrating her 88th birthday.
- 2002\941 Ruth Dix, Waterloo – For celebrating her 85th birthday.
- 2002\942 Thelma Marxen, Davenport – For celebrating her 80th birthday.
- 2002\943 Iva Doellinger, Davenport – For celebrating her 90th birthday.
- 2002\944 Mr. and Mrs. Robert H. Haise, Davenport – For celebrating their 50th wedding anniversary.
- 2002\945 Rowena and Everett Ross, Osceola – For celebrating their 50th wedding anniversary.
- 2002\946 David Raithel, Strawberry Point – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\947 Paul and Lois Gerard, Brooklyn – For celebrating their 64th wedding anniversary.
- 2002\948 Iva Crouse, Sigourney – For celebrating her 107th birthday.
- 2002\949 Helen Fickel, Indianola – For celebrating her 90th birthday.
- 2002\950 Berniece Seymour, Indianola – For celebrating her 101st birthday.
- 2002\951 Mr. and Mrs. Lawrence Polsdofer, Corydon – For celebrating their 50th wedding anniversary.
- 2002\952 Chester and Verla Henderson, Promise City – For celebrating their 60th wedding anniversary.
- 2002\953 Betty and John Sulsen, Plano – For celebrating their 50th wedding anniversary.
- 2002\954 Aunt Alice Anstey, Cumberland – For celebrating her 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 264

Ways and Means: Hoffman, Chair; Finch, Richardson, Shoultz and Tymeson.

Senate File 2305

Ways and Means: Eichhorn, Chair; Shey and Shoultz.

Senate File 2318

Ways and Means: Hansen, Chair; Hoffman and Osterhaus.

Senate File 2323

Appropriations: Drake, Chair; Dolecheck and Mascher.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 719 Appropriations**

Relating to the reorganization of the administrative structure of the department of natural resources.

RESOLUTIONS FILED

HR 124, by O'Brien, a resolution honoring the Des Moines Area Community College Men's Basketball Team.

Laid over under **Rule 25**.

HR 125, by Finch, Tymeson, Brauns, Baudler, Wilderdyke, Jacobs, Boal, Gipp, Kettering, Rayhons, Boggess, Jenkins, Elgin, Metcalf, Carroll, Boddicker, Hahn, Dolecheck, Van Engelenhoven, Weidman, Dix, Huseman, Roberts, Eichhorn, Heaton, Brunkhorst, Siegrist, Johnson, Sievers, Broers, De Boef, Jones, Drake, Klemme, Millage, Rekow, Tyrrell, Horbach, Eddie, Arnold, Bradley, Grundberg, Alons, Sukup, Rants, Hoffman, Cormack, Shey, Raecker, Hoversten, Manternach, Larson, Van Fossen, Hansen, Greimann, Osterhaus, Cohoon, Scherrman, Winckler, Lensing, Atteberry, Murphy, Bukta, Larkin, Smith, Schrader, Richardson, Reeder, Quirk, Petersen, Wise, Ford, T. Taylor, Mascher, Chiodo, May, Bell, Hatch, Seng, Connors, Reynolds, Kuhn, D. Taylor, Myers, Witt, Jochum, Dotzler, Mertz, Shoultz, and Frevert, a resolution congratulating the Iowa State Cyclones Women's Basketball Team and Coach Bill Fennelly.

Laid over under **Rule 25**.

HR 126, by Shoultz and Dotzler, a resolution recognizing Ms. Effie Burt for her composition, "I'll Make Me a World".

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8493	H.F.	2614	Murphy of Dubuque Wise of Lee
H—8496	H.F.	2614	Cormack of Webster
H—8497	H.F.	2614	Raecker of Polk Cormack of Webster
H—8498	H.F.	2614	Gipp of Winneshiek
H—8499	H.F.	2614	Lensing of Johnson Stevens of Dickinson
H—8501	H.F.	2614	Mascher of Johnson Brunkhorst of Bremer Winckler of Scott
H—8502	S.F.	2286	Shey of Linn Kreiman of Davis Eichhorn of Hamilton
H—8506	H.F.	2614	Stevens of Dickinson Lensing of Johnson
H—8507	H.F.	2614	Millage of Scott
H—8509	H.F.	2614	Raecker of Polk Cormack of Webster Stevens of Dickinson Lensing of Johnson
H—8510	H.F.	2614	Alons of Sioux Stevens of Dickinson Tymeson of Madison Cormack of Webster Lensing of Johnson
H—8511	H.F.	2614	Alons of Sioux Stevens of Dickinson Tymeson of Madison Cormack of Webster Lensing of Johnson
H—8512	H.F.	2614	Gipp of Winneshiek
H—8513	H.F.	2614	Wise of Lee
H—8514	H.F.	2614	Wise of Lee
H—8515	H.F.	678	Kreiman of Davis
H—8516	H.F.	2614	Murphy of Dubuque
H—8517	H.F.	2614	Stevens of Dickinson Lensing of Johnson
H—8519	H.F.	2614	Wise of Lee

H—8520	H.F.	2614	Wise of Lee
H—8521	H.F.	2090	Dotzler of Black Hawk
			Myers of Johnson
			Connors of Polk
			Jochum of Dubuque
			Smith of Marshall
			T. Taylor of Linn
			Winckler of Scott
H—8522	H.F.	678	Boddicker of Cedar
			Kreiman of Davis
H—8523	H.F.	2614	Stevens of Dickinson
			Reeder of Fayette
			Hatch of Polk
			Lensing of Johnson

On motion by Rants of Woodbury the House adjourned at 4:54 p.m., until 8:45 a.m., Thursday, April 4, 2002.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 4, 2002

The House met pursuant to adjournment at 8:52 a.m., Carroll of Poweshiek in the chair.

Prayer was offered by the Honorable Mike O'Brien, state representative from Boone County.

The Journal of Wednesday, April 3, 2002 was approved.

SPECIAL PRESENTATIONS

Prior to convening Curt Carroll, the son of the Honorable Danny Carroll, state representative from Poweshiek County, played the violin before the House.

The House rose and expressed its appreciation and welcome.

In honor of their fifty-seventh wedding anniversary, the Honorable John Connors and his wife Marge played a song "If That Ain't Love" before the House.

Jenkins of Black Hawk introduced to the House a special delegation of the Embassy of the People's Republic of China including: the Minister Counselor Dai Yunlou, First Secretary Wang Zhongnan, First Secretary Zhao Baoqing and First Secretary Zhong Chuanshui.

The House rose and expressed it welcome.

PELLA TULIP FESTIVAL

Van Engelenhoven of Mahaska presented to the House, Hillary Recker, Queen of the 2002 Pella Tulip Festival and escorted her and her court to the Speaker's station.

Queen Recker presented her attendants, Sarah Way, Amy Van Hall, Andrea Vander Wilt, and Heather Vande Lune.

Also present from Pella were the parents of the Queen and her court, who wore native Dutch costume and distributed the famous Pella Dutch cookies.

Queen Recker addressed the House briefly and invited everyone to attend the Pella Tulip Festival on May 2, 3 and 4, 2002.

The House rose and expressed its welcome and appreciation.

Atteberry of Delaware introduced to the House, Joe Stepanek and Brandon Trapp, their families and the passengers they saved from a burning vehicle.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 117

Scherrman of Dubuque called up for consideration **House Resolution 117**, a resolution recognizing Mr. Joe Stepanek and Mr. Brandon Trapp for their acts of heroism, and moved its adoption.

The motion prevailed and the resolution was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas and Speaker Siegrist, until their arrival, Brauns of Muscatine, until his return, and Garman of Story on request of Rants of Woodbury.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 2002, insisted on its amendment to House File 2191, a bill for an act relating to notarial acts by judicial officers, and the members of the Conference Committee on the part of the Senate are: The Senator from Shelby, Senator Boettger, Chair; the Senator from Sac, Senator King; the Senator from Polk, Senator Maddox; the Senator from Linn, Senator Horn; The Senator from Cedar, Senator Fiegen.

Also: That the Senate has on April 3, 2002, appointed the conference committee 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 Senate are: The Senator from Scott, Senator Tinsman, Chair; the Senator from Iowa, Senator Schuerer; the Senator from Black Hawk, Senator Harper; the Senator from Jefferson, Senator Miller; the Senator from Washington, Senator Shearer.

Also: That the Senate has on April 3, 2002, passed the following bill in which the concurrence of the House is 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 Senate has on April 3, 2002, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

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 and referred to committee on **appropriations**.

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 and referred to committee on **appropriations**.

CONSIDERATION OF BILLS Appropriations Calendar

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, and providing effective dates, was taken up for consideration.

Wise of Lee offered amendment H-8514 filed by him as follows:

H-8514

1 Amend House File 2614 as follows:

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

4 "USE TAX REVENUES

5 Section 1. DEPARTMENT OF EDUCATION – USE TAX

6 APPROPRIATIONS. There is appropriated from use tax

7 receipts collected pursuant to sections 423.7 and

8 423.7A prior to their deposit in the road use tax fund

9 pursuant to section 423.24, to the department of

10 education for the fiscal year beginning July 1, 2002,

11 and ending June 30, 2003, the following amounts, or so

12 much thereof as is necessary, to be used for the

13 purposes designated:

14 1. For purposes, as provided in law, of the

15 student achievement and teacher quality program

16 established pursuant to chapter 284:

17 \$ 33,250,000

18 2. For phase III of the educational excellence

19 program:

20 \$ 12,750,000

21 3. For school improvement technology block grants,

22 in lieu of the appropriation in section 256D.5,

23 subsection 2:

24 \$ 10,000,000

25 The moneys appropriated in this lettered paragraph

26 shall be distributed on a per pupil basis to school

27 districts, notwithstanding section 256D.6. The moneys

28 appropriated in this lettered paragraph shall be

29 allocated to school districts in the proportion that

30 the basic enrollment of a district bears to the sum of

31 the basic enrollments of all school districts in the

32 state for the budget year. For purposes of this

33 lettered paragraph, "school district" means a school

34 district, the Iowa braille and sight saving school,

35 the state school for the deaf, the Price laboratory

36 school at the university of northern Iowa, and the

37 institutions under the control of the department of

38 human services as provided in section 218.1,

39 subsections 1 through 3, 5, 7, and 8.

40 4. For additional general state financial aid,

41 including general financial aid to merged areas in

42 lieu of personal property tax replacement payments, to

43 merged areas as defined in section 260C.2, for

44 vocational education programs in accordance with

45 chapters 258 and 260C, which shall be allocated to the
 46 merged areas in the same proportions as moneys
 47 appropriated and allocated for the same purpose in
 48 2002 Iowa Acts, Senate File 2326, if enacted:
 49 \$ 4,000,000
 50 DIVISION ___"

Page 2

- 1 2. Title page, line 3, by inserting after the
- 2 words "infrastructure fund," the following: "use tax
- 3 revenues,".
- 4 3. By renumbering, redesignating, and correcting
- 5 internal references as necessary.

The House stood at ease at 9:42 a.m., until the fall of the gavel.

The House resumed session at 11:16 a.m., Speaker pro tempore Sukup in the chair.

SPECIAL PRESENTATION

Hahn of Muscatine introduced to the House the Honorable Dan Petersen, former state representative from Muscatine County. He also paid tribute to his clerk, Kay Pierce thanking her for 17 years of service in the House, and introduced her family.

The House rose and expressed its appreciation.

The House resumed consideration of House File 2614 and amendment H-8514.

The following amendments were deferred by unanimous consent:

- Amendment H-8514 filed by Wise of Lee.
- Amendment H-8520 filed by Wise of Lee.
- Amendment H-8526 filed by Shoultz of Black Hawk.
- Amendment H-8492 filed by Cormack of Webster.
- Amendment H-8510 filed by Alons of Sioux et al.
- Amendment H-8511 filed by Alons of Sioux et al.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-8493 filed by him and Wise of Lee on April 3, 2002, placing out of order amendment H-8516, to amendment H-8493, filed by Murphy of Dubuque on April 3, 2002.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-8497 filed by him and Cormack of Webster on April 3, 2002.

Lensing of Johnson asked and received unanimous consent to withdraw amendment H-8499 filed by her and Stevens of Dickinson on April 3, 2002.

Raecker of Polk offered the following amendment H-8509 filed by Raecker, et al., and moved its adoption:

H-8509

1 Amend House File 2614 as follows:

2 1. Page 5, by inserting after line 12 the
3 following:

4 "3A. DEPARTMENT OF EDUCATION

5 For allocation to the public broadcasting division

6 for costs of installation of digital television at

7 Iowa public television facilities, notwithstanding

8 section 12E.12, subsection 1, paragraph "b",

9 subparagraph (1):

10 FY 2002-2003 \$ 1,000,000

11 FY 2003-2004 \$ 0

12 FY 2004-2005 \$ 0

13 FY 2005-2006 \$ 0"

14 2. Page 7, by striking lines 2 through 8.

15 3. Page 10, line 9, by striking the figure
16 "1,000,000" and inserting the following: "1,100,000".

17 4. Page 10, line 31, by striking the figure
18 "500,000" and inserting the following: "581,400".

19 5. By renumbering, redesignating, and correcting
20 internal references as necessary.

A non-record roll call was requested.

The ayes were 50, nays 14.

Amendment H-8509 was adopted.

Stevens of Dickinson asked and received unanimous consent to withdraw amendment H-8517 filed by him and Lensing of Johnson on April 3, 2002.

Gipp of Winneshiek offered amendment H-8498 filed by him as follows:

H-8498

1 Amend House File 2614 as follows:

2 1. Page 6, line 18, by striking the word

3 "completion" and inserting the following:

4 "expansion".

5 2. Page 7, by inserting after line 14 the
6 following:

7 "The legislative council shall approve all plans
8 for the renovation of the northeast quadrant of the
9 capitol prior to the department's receipt of bids for
10 the renovation."

11 3. Page 16, by striking lines 20 through 28 and
12 inserting the following:

13 "The moneys appropriated in this lettered paragraph
14 shall be distributed on a per pupil basis to school
15 districts, notwithstanding section 256D.6, to be used
16 for the purchase of technology, subject to the
17 restrictions of section 256D.8, subsection 1. The
18 moneys appropriated in this lettered paragraph shall
19 be allocated to school districts in the proportion
20 that the basic enrollment of a school district bears
21 to the sum of the basic enrollments of all school
22 districts in the state for the budget year. For
23 purposes of this lettered paragraph, "school district"
24 means a school district, the Iowa braille and sight
25 saving school, the state school for the deaf, the
26 Price laboratory school at the university of northern
27 Iowa, and the institutions under the control of the
28 department of human services as provided in section
29 218.1, subsections 1 through 3, 5, 7, and 8.

30 The moneys appropriated in this lettered paragraph
31 shall be allocated to school districts for the
32 purchase of technology for accredited nonpublic
33 schools as provided in 2001 Iowa Acts, chapter 189,
34 section 14.

35 A participating accredited nonpublic school, the
36 Iowa braille and sight saving school, the state school
37 for the deaf, the Price laboratory school at the
38 university of northern Iowa, and the department of
39 human services on behalf of the institutions under the
40 department's control as provided in section 218.1,
41 subsections 1 through 3, 5, 7, and 8, shall certify
42 their basic enrollments or average student yearly
43 enrollment, as applicable, to the department of
44 education by October 1, 2002."

45 4. Page 25, by inserting after line 22 the
46 following:

47 "DIVISION ____
48 STATUTORY AND RELATED CHANGES

49 Sec. ____ Section 2.43, unnumbered paragraph 1,
50 Code 2001, is amended to read as follows:

Page 2

1 The legislative council in cooperation with the
 2 officers of the senate and house shall have the duty
 3 and responsibility for preparing for each session of
 4 the general assembly. Pursuant to such duty and
 5 responsibility, the legislative council shall assign
 6 the use of areas in the state capitol except for the
 7 areas used by the governor ~~and the courts~~ as of
 8 January 1, 1986, and by the courts as of November 1,
 9 2002, and, in consultation with the director of the
 10 department of general services and the capitol
 11 planning commission, may assign areas in other state
 12 office buildings for use of the general assembly or
 13 legislative agencies. The legislative council may
 14 authorize the renovation, remodeling and preparation
 15 of the physical facilities used or to be used by the
 16 general assembly or legislative agencies subject to
 17 the jurisdiction of the legislative council and award
 18 contracts pursuant to such authority to carry out such
 19 preparation. The legislative council may purchase
 20 supplies and equipment deemed necessary for the proper
 21 functioning of the legislative branch of government."
 22 5. Title page, line 3, by inserting after the
 23 words "first fund," the following: "making related
 24 statutory changes,".
 25 6. By renumbering, redesignating, and correcting
 26 internal references as necessary.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8513, to amendment H-8498, filed by him on April 3, 2002.

Wise of Lee offered the following amendment H-8519, to amendment H-8498, filed by him and moved its adoption:

H-8519

1 Amend the amendment, H-8498, to House File 2614 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "___ Page 1, by inserting before line 2 the
 6 following:
 7 "USE TAX REVENUES
 8 Section 1. DEPARTMENT OF EDUCATION – USE TAX
 9 APPROPRIATIONS. There is appropriated from use tax
 10 receipts collected pursuant to sections 423.7 and
 11 423.7A prior to their deposit in the road use tax fund
 12 pursuant to section 423.24, to the department of

13 education for the fiscal year beginning July 1, 2002,
14 and ending June 30, 2003, the following amounts, or so
15 much thereof as is necessary, to be used for the
16 purposes designated:

17 1. For purposes, as provided in law, of the
18 student achievement and teacher quality program
19 established pursuant to chapter 284:
20 \$ 32,250,000

21 2. For phase III of the educational excellence
22 program:
23 \$ 11,750,000

24 3. For school improvement technology block grants,
25 in lieu of the appropriation in section 256D.5,
26 subsection 2:
27 \$ 10,000,000

28 The moneys appropriated in this lettered paragraph
29 shall be distributed on a per pupil basis to school
30 districts, notwithstanding section 256D.6. The moneys
31 appropriated in this lettered paragraph shall be
32 allocated to school districts in the proportion that
33 the basic enrollment of a district bears to the sum of
34 the basic enrollments of all school districts in the
35 state for the budget year. For purposes of this
36 lettered paragraph, "school district" means a school
37 district, the Iowa braille and sight saving school,
38 the state school for the deaf, the Price laboratory
39 school at the university of northern Iowa, and the
40 institutions under the control of the department of
41 human services as provided in section 218.1,
42 subsections 1 through 3, 5, 7, and 8.

43 4. For additional general state financial aid,
44 including general financial aid to merged areas in
45 lieu of personal property tax replacement payments, to
46 merged areas as defined in section 260C.2, for
47 vocational education programs in accordance with
48 chapters 258 and 260C, which shall be allocated to the
49 merged areas in the same proportions as moneys
50 appropriated and allocated for the same purpose in

Page 2

1 2002 Iowa Acts, Senate File 2326, if enacted:
2 \$ 4,000,000
3 DIVISION ____"

4 2. Page 2, by inserting before line 22, the
5 following:

6 "____. Title page, line 3, by inserting after the
7 words "infrastructure fund," the following: "use tax
8 revenues,"."

Carroll of Poweshiek in the chair at 12:28 p.m.

Roll call was requested by Wise of Lee and Millage of Scott.

Rule 75 was invoked.

On the question "Shall amendment H-8519, to amendment H-8498 be adopted?" (H.F. 2614)

The ayes were, 42:

Atteberry	Bell	Bukta	Cohoon
Connors	Dotzler	Fallon	Foege
Ford	Frevort	Greimann	Grundberg
Hatch	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Broers
Brunkhorst	Chiodo	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Gipp
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Siegrist, Spkr.	Sievers	Sukup	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wildurdyke	Carroll, Presiding		

Absent or not voting, 4:

Brauns	Garman	Richardson	Teig
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Amendment H-8519 lost.

Gipp of Winneshiek offered the following amendment H-8512, to amendment H-8498, filed by him and moved its adoption:

H-8512

- 1 Amend the amendment, H-8498, to House File 2614, as
- 2 follows:
- 3 1. Page 1, by inserting before line 11 the
- 4 following:
- 5 "___ Page 16, line 18, by inserting after the
- 6 word and figure "subsection 2" the following: ", Code
- 7 2001".
- 8 2. Page 1, line 15, by inserting after the figure
- 9 "256D.6," the following: "Code Supplement 2001,".
- 10 3. Page 1, line 17, by inserting after the word
- 11 and figure "subsection 1" the following: ", Code
- 12 Supplement 2001".

Amendment H-8512 was adopted.

Millage of Scott asked and received unanimous consent to withdraw amendment H-8507, to amendment H-8498, filed by him on April 3, 2002.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8525, to amendment H-8498, filed by him from the floor.

Gipp of Winneshiek offered the following amendment H-8531, to amendment H-8498, filed by him from the floor and moved its adoption:

H-8531

- 1 Amend the amendment, H-8498, to House File 2614 as
- 2 follows:
- 3 1. Page 1, line 20, by inserting after the word
- 4 "district" the following: "and the participating
- 5 accredited nonpublic schools located within the school
- 6 district for the budget year".
- 7 2. Page 1, line 22, by inserting after the word
- 8 "districts" the following: "and participating
- 9 accredited nonpublic schools".

Amendment H-8531 was adopted.

On motion by Gipp of Winneshiek amendment H-8498, as amended, was adopted.

Cormack of Webster asked and received unanimous consent that amendment H-8496 be deferred.

Stevens of Dickinson offered amendment H-8523 filed by Stevens, et al., and requested division as follows:

H-8523

1 Amend House File 2614 as follows:

H-8523A

2 1. Page 8, line 22, by striking the words
3 "DEPARTMENT OF MANAGEMENT" and inserting the
4 following: "INFORMATION TECHNOLOGY DEPARTMENT".
5 2. Page 8, line 23, by inserting after the word
6 "For" the following: "the payment of claims relating
7 to".

H-8523B

8 3. Page 17, line 13, by striking the words
9 "DEPARTMENT OF HUMAN SERVICES" and inserting the
10 following: "INFORMATION TECHNOLOGY DEPARTMENT".

Stevens of Dickinson asked and received unanimous consent to withdraw amendment H-8523B.

On motion by Stevens of Dickinson, amendment H-8523A was adopted.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8501 filed by Mascher, et al., on April 3, 2002.

Stevens of Dickinson asked and received unanimous consent that amendment H-8506 be deferred.

Wise of Lee asked and received unanimous consent to withdraw amendments H-8514 and H-8520, previously deferred, filed by him on April 3, 2002.

Huser of Polk asked and received unanimous consent that amendment H-8526, previously deferred, be deferred.

Cormack of Webster offered amendment H-8492, previously deferred, filed by him and requested division as follows:

H-8492

1 Amend House File 2614 as follows:

H-8492A

2 1. Page 4, line 26, by striking the figure
3 "2,500,000" and inserting the following: "3,116,280".
4 2. Page 5, line 18, by striking the figure
5 "15,750,000" and inserting the following:
6 "16,366,280".

H-8492B

7 3. Page 7, by striking lines 2 through 8.

H-8492A

8 4. Page 7, by striking lines 15 through 28.

H-8492B

9 5. Page 8, line 4, by striking the figure
10 "500,000" and inserting the following: "1,116,280".

H-8492A

11 6. Page 9, line 19, by striking the figure
12 "700,000" and inserting the following: "1,316,280".
13 7. Page 10, line 9, by striking the figure
14 "1,000,000" and inserting the following: "2,000,000".

H-8492B

15 8. Page 10, line 31, by striking the figure
16 "500,000" and inserting the following: "1,000,000".

H-8492A

17 9. Page 11, line 17, by striking the figure
18 "1,060,000" and inserting the following: "1,676,280".
19 10. By renumbering, redesignating, and correcting
20 internal references as necessary.

Cormack of Webster asked and received unanimous consent that amendment H-8492A, previously deferred, be deferred.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-8510, previously deferred, filed by Alons, et al., on April 3, 2002.

Alons of Sioux offered the following amendment H-8511, previously deferred, filed by Alons, et al., and moved its adoption:

H-8511

1 Amend House File 2614 as follows:

2 1. Page 5, by striking lines 9 through 12 and
3 inserting the following:

4 "The moneys appropriated in this paragraph "b"
5 shall comprise no more than 15 percent of the total
6 costs of construction of, and purchasing equipment
7 for, the facility.

8 3A. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
9 COMMISSION

10 For conversion of the Iowa communications network
11 to asynchronous transfer mode technology:

12 FY 2002-2003	\$ 3,400,000
13 FY 2003-2004	\$ 0
14 FY 2004-2005	\$ 0
15 FY 2005-2006	\$ 0

16 The appropriation in this subsection is contingent
17 upon certification of the Iowa communications network
18 by the federal government as a defense security
19 network test bed. The Iowa telecommunications and
20 technology commission shall notify the Code editor and
21 the department of management upon such certification."

22 2. Page 7, by striking lines 15 through 28.

23 3. By renumbering, redesignating, and correcting
24 internal references as necessary.

Horbach of Tama in the chair at 2:01 p.m.

A non-record roll call was requested.

The ayes were 45, nays 39.

Amendment H-8511 was adopted.

Cormack of Webster asked and received unanimous consent to withdraw amendments H-8492B, H-8492A and H-8496, all previously deferred, filed by him on April 2, 2002.

Stevens of Dickinson asked and received unanimous consent to withdraw amendment H-8506, previously deferred, filed by him and Lensing of Johnson on April 3, 2002.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-8526, previously deferred, filed by him from the floor.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2614)

The ayes were, 90:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Foege	Ford
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Hoversten	Huseman	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Roberts
Scherrman	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Warnstadt
Weidman	Wildurdyke	Winckler	Wise
Witt	Horbach, Presiding		

The nays were, 7:

Fallon	Huser	Kreiman	Murphy
Richardson	Schrader	Van Fossen	

Absent or not voting, 3:

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2416, a bill for an act relating to mental health and developmental disability services requirements.

Also: That the Senate has on April 4, 2002, amended and passed the following bill in which the concurrence of the House 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 Senate has on April 4, 2002, passed the following bill in which the concurrence of the Senate was 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.

MICHAEL E. MARSHALL, Secretary

Unfinished Business Calendar

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, with report of committee recommending passage, was taken up for consideration.

Brunkhorst of Bremer in the chair at 3:06 p.m.

Petersen of Polk offered amendment H-8524 filed by her from the floor as follows:

H-8524

- 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."

O'Brien of Boone in the chair at 3:07 p.m.

Amendment H-8524 was adopted.

Reynolds of Van Buren offered the following amendment H-8532
filed by her from the floor and moved its adoption:

H-8532

1 Amend Senate File 2205, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, by inserting after line 34, the
4 following:
5 "Sec. __. Section 237A.13, Code 2001, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 5A. A child care facility that
8 previously received child care wrap-around funding,
9 meets the requirements for being a shared vision
10 program except that a shared vision program is not
11 operated in the county in which the facility is
12 located, and is providing a child care wrap-around
13 service that is included in the community empowerment
14 area board's plan for the community empowerment area
15 in which the facility is located shall be deemed to be
16 qualified for child care wrap-around funding."
17 2. By renumbering, redesignating, and correcting
18 internal references as necessary.

Amendment H-8532 was adopted.

Broers of Cerro Gordo moved that the bill be read a last time now
and placed upon its passage which motion prevailed and the bill was
read a last time.

On the question "Shall the bill pass?" (S.F. 2205)

The ayes were, 91:

Arnold	Atteberry	Baudler	Bell
Boddicker	Bogges	Bradley	Broers
Brunkhorst	Carroll	Chiodo	Cohon
Connors	Cormack	Dix	Dolecheck
Dotzler	Drake	Eichhorn	Elgin
Fallon	Finch	Foege	Ford

Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	O'Brien, Presiding	

The nays were, 4:

Alons	Boal	De Boef	Sievers
-------	------	---------	---------

Absent or not voting, 5:

Brauns	Bukta	Eddie	Garman
Teig			

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bukta of Clinton on request of Myers of Johnson.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that **House File 2614** and **Senate File 2205** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 2618, by committee on ways and means, 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 placed on the **ways and means calendar**.

SENATE AMENDMENT CONSIDERED

Boddicker of Cedar 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 amendment H-8464:

H-8464

- 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, line 1, by inserting after the word
- 15 "Code" the following: "Supplement".
- 16 3. Page 1, by striking lines 10 through 16, and
- 17 inserting the following: "court shall require the
- 18 parties to participate in mediation or a settlement
- 19 conference in any dissolution of marriage action or
- 20 other domestic relations action which involves custody
- 21 of a child, unless the parties have agreed upon
- 22 custody and visitation prior to a court hearing or
- 23 trial. The participation in mediation or a settlement
- 24 conference under this subsection shall include
- 25 receiving assistance in the completion of a parenting
- 26 agreement between the parties that specifies the
- 27 details of visitation."
- 28 4. Page 1, line 25, by inserting after the word
- 29 "mediation" the following: "or a settlement
- 30 conference".
- 31 5. Page 1, line 27, by inserting after the word
- 32 "mediation" the following: "or a settlement
- 33 conference".
- 34 6. Page 1, line 31, by inserting after the word
- 35 "mediation" the following: "or settlement conference".

- 36 7. Page 2, line 9, by inserting after the word
 37 "mediation" the following: "or a settlement
 38 conference".
- 39 8. Page 2, line 10, by inserting after the word
 40 "mediation" the following: "or a settlement
 41 conference".
- 42 9. Page 2, by inserting after line 30, the
 43 following:
 44 "Sec. ____ EFFECTIVE DATE. The section of this
 45 Act enacting section 598.7A, subsection 6, takes
 46 effect July 1, 2003."
- 47 10. Title page, line 2, by inserting after the
 48 word "of" the following: "a settlement conference
 49 or".
- 50 11. Title page, line 3, by inserting after the

Page 2

- 1 word "disputed" the following: ", and providing an
 2 effective date".
- 3 12. By renumbering, relettering, or redesignating
 4 and correcting internal references as necessary.

Boddicker of Cedar offered the following amendment H-8522, to the Senate amendment H-8464, filed by him and Kreiman of Davis and moved its adoption:

H-8522

- 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.

Amendment H-8522 was adopted.

Kreiman of Davis offered the following amendment H-8515, to the Senate amendment H-8464, filed by him and moved its adoption:

H-8515

- 1 Amend the Senate amendment, H-8464, to House File
 2 678, as passed by the House, as follows:
 3 1. Page 1, by inserting after line 41, the
 4 following:
 5 " ____ Page 2, line 15, by striking the word
 6 "subsections" and inserting the following:
 7 "subsection".
 8 ____ Page 2, by striking lines 22 through 30."
 9 2. Page 1, by striking lines 44 through 46, and

10 inserting the following:
11 "Sec. __. EFFECTIVE DATE. This Act takes effect
12 July 1, 2003."

Amendment H-8515 was adopted.

Boddicker of Cedar offered amendment H-8488, to the Senate amendment H-8464, filed by him as follows:

H-8488

1 Amend the Senate amendment, H-8464, to House File
2 678, as passed by the House, as follows:
3 1. Page 1, by inserting after line 35, the
4 following:
5 " __. Page 1, by inserting after line 32, the
6 following:
7 "Sec. __. Section 598.41, subsection 5, Code
8 2001, is amended to read as follows:
9 5. a. Joint physical care may be in the best
10 interest of the child, but joint legal custody does
11 not require joint physical care.
12 b. On the application of either parent, the court
13 shall consider granting joint physical care in cases
14 where the parents do not agree to 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 2. By renumbering as necessary.

Mascher of Johnson rose on a point of order that amendment H-8488 was not germane, to amendment H-8464.

The Speaker ruled the point not well taken and amendment H-8488 germane, to amendment H-8464.

The House stood at ease at 3:38 p.m., until the fall of the gavel.

The House resumed session at 4:36 p.m., Dix of Butler in the chair.

Rants of Woodbury asked and received unanimous consent that House File 678 be deferred and that the bill retain its place on the calendar. (Senate amendment H-8464 and amendment H-8488 pending)

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 4th day of April, 2002: House Files 518, 2009, 2291, 2344, 2417, 2507, 2530 and 2546.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-four students from River Valley Middle School, Cushing, accompanied by Becky Collins, Chuck Hackett, Connie Kimple and Mike Nagent. By Huseman of Cherokee.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2002\955 Bill and Ruth Mund, Cedar Rapids – For celebrating their 50th wedding anniversary.

- 2002\956 Frank and Marilyn Vane, Cedar Rapids – For celebrating their 60th wedding anniversary.
- 2002\957 Gladys Myers, Cedar Rapids – For celebrating her 85th birthday.
- 2002\958 Arlene Thomas, Cedar Rapids – For celebrating her 80th birthday.
- 2002\959 Doris Elliot, Cedar Rapids – For celebrating her 80th birthday.
- 2002\960 Rosa LaVerne Abernathy, Cedar Rapids – For celebrating her 90th birthday.
- 2002\961 George Evans, Cedar Rapids – For celebrating his 90th birthday.
- 2002\962 Elsie Zajackowski, Cedar Rapids – For celebrating his 88th birthday.
- 2002\963 Kay Pierce, Johnston – For her 17 years of dedicated service to the Iowa House of Representatives.
- 2002\964 Charles Mayer, Fort Madison – For celebrating his 90th birthday.
- 2002\965 Will Schreck, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\966 Patrick Swieskowski, Des Moines – For receiving a perfect SAT score.
- 2002\967 Emily Trump, Des Moines – For receiving a perfect SAT score.
- 2002\968 Brandon Day, Urbandale – For receiving a perfect SAT score.
- 2002\969 Alison Lentz, Cedar Falls – For receiving a perfect SAT score.
- 2002\970 Tony Cyr, Cedar Rapids – For receiving a perfect SAT score.
- 2002\971 Claudia Lutz, Iowa City – For receiving a perfect SAT score.
- 2002\972 Elizabeth Zeitler, Iowa City – For receiving a perfect SAT score.
- 2002\973 Elizabeth Bastiaans, Ames – For receiving a perfect SAT score.
- 2002\974 Michael Zhu, Dubuque – For receiving a perfect SAT score.

SUBCOMMITTEE ASSIGNMENT**Senate File 2317**

Appropriations: Brunkhorst, Chair; Alons and Mascher.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 719

Appropriations: Drake, Chair; Jacobs, Mertz, Raecker and Seng.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 720 Ways and Means

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.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8527** April 4, 2002.

Senate File 2326, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters and including effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 2002.

COMMITTEE ON WAYS AND MEANS

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, providing for a study, and including an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 2002.

Committee Bill (Formerly House File 2570), relating to volunteer fire fighters by creating a township fire department fund and allocating a certain portion of insurance premiums tax to the township fire department fund, establishing a volunteer fire fighter pension task force, making an appropriation, and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 3, 2002.

RESOLUTIONS FILED

HCR 123, by Jacobs, Foege, Heaton, Johnson, and Osterhaus, 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.

Laid over under **Rule 25**.

HR 127, by Hansen, a resolution congratulating the 2001 University of Northern Iowa Baseball Team.

Laid over under **Rule 25**.

HR 128, by Alons, Kettering, Rayhons, Van Engelenhoven, Johnson, Klemme, and Baudler, a resolution requesting the enactment of a federal tax credit to offset the potential fiscal impact of new federal regulations pertaining to manure control structures.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8527	S.F.	2323	Committee on Appropriations
H—8528	H.F.	2416	Senate Amendment
H—8529	H.F.	2585	Senate Amendment
H—8530	H.F.	2617	Rekow of Allamakee
H—8533	H.R.	124	O'Brien of Boone

H—8534	S.F.	2326	Tremmel of Wapello Mertz of Kossuth Alons of Sioux De Boef of Mahaska
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On motion by Rants of Woodbury the House adjourned at 4:38 p.m., until 9:00 a.m., Friday, April 5, 2002.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 5, 2002

The House met pursuant to adjournment at 8:50 a.m., Tymeson of Madison in the chair.

The Journal of Thursday, April 4, 2002 was approved.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 5th day of April, 2002: House Files 681, 2341, 2453, 2495, 2510, 2514 and 2518.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 4, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 2109, 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.

House File 2116, 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 reciprocal income tax agreements with other states, 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.

House File 2317, an act relating to restrictions on advertising devices placed along interstate highways and providing a delayed effective date.

House File 2409, an act relating to election misconduct and providing criminal penalties.

House File 2536, an act relating to advertisements for requests for bids and proposals by state government.

House File 2538, 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.

House File 2552, an act relating to interviews conducted in association with a child abuse assessment.

Senate File 429, an act relating to price regulation for local exchange carriers, including the modification or adjustment of certain rates, making an appropriation, and providing an effective date.

Senate File 2140, an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Senate File 2155, an act providing for the issuance of out-of-hospital do-not-resuscitate orders and making penalties applicable.

Senate File 2160, an act relating to the dry fire hydrant and rural water supply education and demonstration project.

Senate File 2192, an act 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 non-operator's identification cards, regulation of oversize vehicles, and vehicle manufacturers, distributors, and dealers, and providing penalties and effective dates.

Senate File 2195, 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 2203, an act providing for access to the Iowa communications network by homeland security or defense facilities.

Senate File 2272, an act providing for agricultural land held by individuals lawfully admitted into the United States for permanent residence, and making penalties applicable.

Senate File 2301, an act relating to representation of indigent persons and the duties of the state public defender.

On motion by Rants of Woodbury the House adjourned at 8:51 a.m., until 1:00 p.m., Monday, April 8, 2002.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 8, 2002

The House met pursuant to adjournment at 1:03 p.m., Speaker Siegrist in the chair.

Prayer was offered and sung by Reverend Robert E. Connors, pastor of the Union Park Independent Christian Church, Des Moines. He was the guest of his brother, Representative John Connors of Polk County.

The Journal of Friday, April 5, 2002 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by sixty 6th grade students from Centennial Elementary. They were accompanied by Chris Hennigan, the sister-in-law of Representative Steve Sukup of Franklin County. They were the guests of Representative Geri Huser of Polk County.

Gipp of Winneshiek in the chair at 1:15 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story on request of Jacobs of Polk; Schrader of Marion on request of Huser of Polk.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 2002, amended and passed the following bill in which the concurrence of the House 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.

Also: That the Senate has on April 4, 2002, amended and passed the following bill in which the concurrence of the House 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.

Also: That the Senate has on April 4, 2002, passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

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 and referred to committee on **appropriations**.

SPECIAL PRESENTATION

Smith of Marshall called forth the honor guard from the Des Moines Fire Department to escort the Honorable John H. Connors, state representative from Polk County to commemorate and honor him for his thirty years of legislative service. He briefly addressed the House, thanking them for the opportunity to serve.

The House rose and expressed its appreciation.

ADOPTION OF HOUSE RESOLUTION 114

Smith of Marshall and Tyrrell of Iowa called up for consideration **House Resolution 114**, a resolution honoring Representative John H. Connors for his thirty years of legislative service, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 129

Grundberg of Polk asked and received unanimous consent for the immediate consideration of **House Resolution 129**, a 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, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Each student was introduced by the representative of their district including a short biography of their scholastic achievements.

The House rose and expressed its welcome.

On motion by Jacobs of Polk, the House was recessed at 1:37 p.m., until 3:15 p.m.

AFTERNOON SESSION

The House reconvened at 4:07 p.m., Millage of Scott in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-six members present, thirty-four absent.

INTRODUCTION OF BILLS

House File 2619, by committee on ways and means, 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 and placed on the **ways and means calendar**.

House File 2620, by committee on ways and means, a bill for an act regulating farmers markets, providing for fees, making penalties applicable, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

House File 2621, by committee on ways and means, 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 placed on the **ways and means calendar**.

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 2280, a bill for an act relating to the requirements of the department of human services for certain child welfare services providers, with report of committee recommending amendment and passage, was taken up for consideration.

Tymeson of Madison asked and received unanimous consent that the committee amendment H-8306 be deferred.

Tymeson of Madison offered amendment H-8490 filed by her as follows:

H-8490

- 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,

Page 2

1 whichever is later, to implement all of the following:

2 a. Eliminating the requirements that a case
3 permanency plan be included in the provider's records,
4 that the setting in which the service was provided be

5 documented, and that correspondence with the referral
6 worker be included in the provider's records.

7 b. Eliminating the care plan requirements
8 regarding licensing and treatment plan review;
9 accepting a change in the treatment plan in lieu of
10 requiring the plan to be rewritten; and permitting the
11 provider to determine the author of the treatment
12 plan.

13 c. Eliminating staff supervision requirements from
14 licensure rules.

15 4. The department of human services may adopt
16 administrative rules under section 17A.4, subsection
17 2, and section 17A.5, subsection 2, paragraph "b", to
18 implement this section and the rules shall become
19 effective immediately upon filing, unless the
20 effective date is delayed by the administrative rules
21 review committee, notwithstanding section 17A.4,
22 subsection 5, and section 17A.8, subsection 9, or a
23 later effective date is specified in the rules. Any
24 rules adopted in accordance with this section shall
25 not take effect before the administrative rules review
26 committee reviews the rules. Any rules adopted in
27 accordance with this section shall also be published
28 as notice of intended action as provided in section
29 17A.4.

30 Sec. __. EFFECTIVE DATE. This Act, being deemed
31 of immediate importance, takes effect upon enactment."

32 2. Title page, line 2, by inserting after the
33 word "providers" the following: "and providing an
34 effective date".

35 3. By renumbering as necessary.

Smith of Marshall offered the following amendment H-8538, to
amendment H-8490, filed by him and Tymeson of Madison from the
floor and moved its adoption:

H-8538

1 Amend the amendment, H-8490, to Senate File 2280,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 2 through 6.

5 2. Page 2, line 7, by striking the letter "b."
6 and inserting the following: "a."

7 3. Page 2, by striking lines 13 and 14 and
8 inserting the following:

9 "b. Revising and combining provider requirements
10 involving licensing, contracting, and certification so
11 that duplicative regulatory requirements are
12 eliminated or minimized while the department maintains
13 its quality assurance role to an appropriate degree.

- 14 The requirements addressed shall include but are not
 15 limited to those involving documentation in records,
 16 and treatment plan provisions involving reviews,
 17 changes, and authors."
 18 4. By renumbering, redesignating, and correcting
 19 internal references as necessary.

Amendment H-8538 was adopted.

On motion by Tymeson of Madison amendment H-8490, as amended, was adopted, placing out of order amendment H-8306 filed by the committee on human resources.

Tymeson of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2280)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Jones	Kettering	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Richardson	Roberts	Scherrman	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Millage, Presiding

The nays were, none.

Absent or not voting, 8:

Bradley	Garman	Johnson	Klemme
Reynolds	Schrader	Teig	Wilderdyke

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

CONFERENCE COMMITTEE APPOINTED
(House File 2191)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2191: Millage of Scott, Chair; Broers of Cerro Gordo, Larson of Linn, Jochum of Dubuque and Kreiman of Davis.

SENATE AMENDMENT CONSIDERED

Boal of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8529:

H-8529

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".

The motion prevailed and the House concurred in the Senate amendment H-8529.

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

On the question "Shall the bill pass?" (H.F. 2585)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggest
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Finch	Foege
Ford	Frevert	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Shoultz
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Winckler	Wise
Witt	Millage,		
	Presiding		

The nays were, 1:

Fallon

Absent or not voting, 5:

Garman

Klemme

Schrader

Teig

Wilderdike

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

Seng of Scott in the chair at 4:35 p.m.

SENATE AMENDMENT CONSIDERED

The House resumed consideration of **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, previously deferred and found on pages 1181-1183 of the House Journal. (Senate amendment H-8464 and H-8488 pending)

Boddicker of Cedar offered the following amendment H-8540, to amendment H-8488, to the Senate amendment H-8464 filed by him from the floor, and moved its adoption.

Amendment H-8540 was adopted. (Amendment found on page 1883 of the House Journal)

Boddicker of Cedar moved the adoption of amendment H-8488, as amended, to the Senate amendment H-8464.

A non-record roll call was requested.

The ayes were 55, nays 20.

Amendment H-8488, as amended, was adopted.

On motion by Boddicker of Cedar the House concurred in the Senate amendment H-8464, as amended.

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

On the question "Shall the bill pass?" (H.F. 678)

The ayes were, 79:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boguess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Chiodo	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Fallon
Finch	Ford	Gipp	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Manternach	May	Mertz
Millage	Murphy	Myers	O'Brien
Osterhaus	Quirk	Raecker	Rants
Rayhons	Rekow	Reynolds	Richardson
Roberts	Scherrman	Shey	Siegrist, Spkr.
Sievers	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wise	Witt	Seng, Presiding	

The nays were, 15:

Atteberry	Bukta	Dotzler	Greimann
Hatch	Huser	Jochum	Lensing
Mascher	Metcalf	Petersen	Reeder
Shoultz	Smith	Winckler	

Absent or not voting, 6:

Foege	Frevert	Garman	Schrader
Teig	Wildurdyke		

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on April 8, 2002, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is 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 Senate has on April 8, 2002, passed the following bill in which the concurrence of the House is 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 Senate has on April 8, 2002, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

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.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 678, 2585** and **Senate File 2280**.

Speaker Siegrist in the chair at 5:25 p.m.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 8, 2002, passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

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 and referred to committee on **ways and means**.

HOUSE REFUSED TO CONCUR

Eichhorn of Hamilton 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 House concur in the following Senate amendment H-8447 to the House amendment:

H-8447

- 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.

The motion lost and the House refused to concur in the Senate amendment H-8447, to the House amendment.

Ways and Means Calendar

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, was taken up for consideration.

Sievers of Scott offered the following amendment H-8539 filed by him from the floor and moved its adoption:

H-8539

- 1 Amend House File 2616 as follows:
- 2 1. Page 1, line 16, by striking the word "fifty"
- 3 and inserting the following: "twenty".
- 4 2. Page 1, by striking line 33 and inserting the
- 5 following:
- 6 "Sec. 3. Section 805.8B, subsection 3, paragraph
- 7 e, Code Supplement".

Amendment H-8539 was adopted.

Sievers of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2616)

The ayes were, 92:

Alons	Arnold	Atteberry	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Ford	Frevert
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrrell

Van Engelenhoven Winckler	Van Fossen Wise	Warnstadt Witt	Weidman Mr. Speaker Siegrist
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The nays were, none.

Absent or not voting, 8:

Baudler Schrader	Dolecheck Sukup	Foege Teig	Garman Wilderdyke
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

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, was taken up for consideration.

Rekow of Allamakee offered the following amendment H-8530 filed by him and moved its adoption:

H-8530

- 1 Amend House File 2617 as follows:
- 2 1. By striking page 5, line 26, through page 6,
- 3 line 2.
- 4 2. By renumbering, redesignating, and correcting
- 5 internal references as necessary.

Amendment H-8530 was adopted.

Sievers of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2617)

The ayes were, 89:

Alons	Arnold	Atteberry	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Ford	Gipp

Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Jones	Kettering
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Shoultz	Sievers	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 11:

Baudler	Dolecheck	Foege	Frevert
Garman	Johnson	Klemme	Schrader
Sukup	Teig	Wilderdyke	

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2616, 2617** and **Senate File 2197**.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 8, 2002, and is on file in the office of the Chief Clerk:

April 4, 2002

Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 6 claims of general nature that were denied by the State Appeal Board during April 2002.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Richard D. Johnson
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

MARGARET A. THOMSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
SUBMITTED TO THE 79TH GENERAL ASSEMBLY
April 2002

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G000207	Rod Allen Dickey	Mechanicsville, IA	IRP License Refund	Unspecified
G010772	Hubert Rainard Becker/H.R. Becker Sanitation	Fort Dodge, IA	License Refund	\$200.00
G020310	John O. Cornelius	Iowa City, IA	Excess Credit Refund	\$15.00
G020384	Colleen Gail Oliver	Harlan, IA	License Refund	\$31.00
G020482	Russell S. Engstler	Durant, IA	Mileage Expenses	\$874.64
G020797	Sac County Sheriff's Office – Sheriff Roger A. Owens	Sac City, IA	Housing Prisoner	\$1,050.00

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the

House and the President of the Senate, and presented to the Governor for his approval on this 8th day of April, 2002: House Files 608, 2446, 2531, 2547 and 2587.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 5, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 583, an act relating to the certification of persons providing water pump services.

House File 2075, an act relating to the repayment of moneys appropriated from the endowment for Iowa's health account of the tobacco settlement trust fund and from the senior living trust fund.

House File 2135, an act relating to the membership of the planning and zoning commission in certain cities.

House File 2152, an act concerning the volunteer emergency services provider death benefit by providing for the death benefit for reserve peace officers, eliminating the prospective repeal of the death benefit, and providing an effective date.

House File 2201, an act requiring all felons to submit a physical specimen for DNA profiling, and providing a contingent effective date.

House File 2399, 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.

House File 2418, an act relating to the applicability of the thermal efficiency energy conservation standards in the state building code.

House File 2454, 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 2482, an act expanding the board of educational examiners' authority with regard to licensee disciplinary investigations and proceedings.

House File 2506, 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.

House File 2539, 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.

Senate File 2146, an act establishing criminal offenses for acts of terrorism, changing related criminal penalties, and providing a penalty.

Senate File 2277, 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.

Also: That on April 8, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 518, an act relating to jurisdictional changes to small claims court cases.

House File 2009, an act allowing an assessor to be a candidate for elective public office and providing an effective date.

House File 2291, an act relating to judgment liens attaching to city real estate.

House File 2344, an act relating to the retention of unemployment benefits contested case hearing records.

House File 2417, an act relating to statewide standards, site-specific cleanup standards, and public participation in the Iowa land recycling and environmental remediation standards Act.

House File 2507, an act creating a criminal offense for possession or distribution of anthrax, and providing a penalty.

House File 2530, an act providing for the control of pseudorabies, making penalties applicable, and providing an effective date.

House File 2546, an act classifying the criminal offense of assault as a general intent crime.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH

A report on the organized delivery systems in Iowa, pursuant to Chapter 158, Code of Iowa.

IOWA WORKFORCE DEVELOPMENT

The Annual Status Report on the unemployment compensation trust fund, pursuant to Chapter 96.35, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\975 Tom Adams, Tama – For celebrating his 80th birthday.
- 2002\976 Beatrice McCollister, Tama – For celebrating her 90th birthday.
- 2002\977 Thelma Sevcik, Toledo – For celebrating her 90th birthday.
- 2002\978 Jerry and Arlene Merchant, Vinton – For celebrating their 55th wedding anniversary.
- 2002\979 Fonce and Ida Lou Murray, Dayton – For celebrating their 50th wedding anniversary.
- 2002\980 Imo Carlson, Dayton – For celebrating his 100th birthday.
- 2002\981 Florence Heid, Dayton – For celebrating her 95th birthday.
- 2002\982 Alice Enderson, Stratford – For celebrating her 80th birthday.
- 2002\983 Lyle Stewart, Gowrie – For celebrating his 80th birthday.
- 2002\984 Evan and Mable Swain, Dayton – For celebrating their 70th wedding anniversary.
- 2002\985 Harold and Beula Humm, Lake City – For celebrating their 65th wedding anniversary.
- 2002\986 Tom and Violet Meusburger, Rockwell City – For celebrating their 60th wedding anniversary.
- 2002\987 Lyle and Lois Buttolph, Rockwell City – For celebrating their 60th wedding anniversary.
- 2002\988 Opal Anderson, Gowrie – For celebrating her 90th birthday.
- 2002\989 Jim Maddy, Clare – For celebrating his 80th birthday.
- 2002\990 Duane Klinger, Farnhamville – For celebrating his 80th birthday.

- 2002\991 Irene Onnen, Rockwell City – For celebrating her 80th birthday.
- 2002\992 Ed Larson, Farnhamville – For celebrating his 80th birthday.
- 2002\993 Ray Koehn, Farmersburg – For celebrating his 80th birthday.
- 2002\994 Clara Nieland, Guttenberg – For celebrating her 100th birthday.
- 2002\995 Henrietta Zigtema, Orange City – For celebrating her 90th birthday.
- 2002\996 Mr. and Mrs. Harvey Blaisdell Jr., Perry – For celebrating their 50th wedding anniversary.
- 2002\997 Paul and Betty Scrivner, St. Charles – For celebrating their 50th wedding anniversary.
- 2002\998 Alice Hazen, Winterset – For celebrating her 90th birthday.
- 2002\999 Alice Lenze, Mason City – For celebrating her 90th birthday.
- 2002\1000 Jo "Pip" Ellefson, Mason City – For celebrating her 80th birthday.
- 2002\1001 Duane and Audrey Huff, Mason City – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENT

Senate File 2325

Appropriations: Jenkins, Chair; Hatch and Raecker.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 720

Ways and Means: Shey, Chair; Larson and Shoultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 721 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, special fuel, and inheritance taxes and including effective and retroactive applicability date provisions.

H.S.B. 722 Ways and Means

Updating an Iowa Code reference to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8541** April 8, 2002.

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.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 2002.

COMMITTEE ON WAYS AND MEANS

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.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 2002.

Committee Bill (Formerly House File 2236), regulating farmers market stands, providing for fees, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 4, 2002.

Committee Bill (Formerly House File 2352), providing an Iowa individual income tax checkoff for deposit in the free health clinic fund, making an appropriation, and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 4, 2002.

Committee Bill (Formerly House File 2522), relating to tax credits under the new jobs and income program for farmers' cooperatives that own ethanol-producing facilities and including a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 4, 2002.

RESOLUTION FILED

HR 130, by Siegrist, Rants, and Myers, a resolution honoring Virginia Rowen upon her retirement and recognizing her many contributions to the House of Representatives and the General Assembly.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8535	H.F.	2430	Senate Amendment
H—8536	H.F.	2472	Senate Amendment
H—8541	S.F.	2316	Committee on Appropriations
H—8542	S.F.	2316	Fallon of Polk
H—8543	S.F.	2228	Senate Amendment
H—8544	S.F.	2326	Atteberry of Delaware Smith of Marshall Jochum of Dubuque
H—8545	S.F.	2326	Quirk of Chickasaw Dotzler of Black Hawk Atteberry of Delaware Reeder of Fayette
H—8546	S.F.	2326	Winckler of Scott Wise of Lee Dotzler of Black Hawk T. Taylor of Linn

On motion by Rants of Woodbury the House adjourned at 6:36 p.m., until 8:45 a.m., Tuesday, April 9, 2002.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 9, 2002

The House met pursuant to adjournment at 9:13 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by Reverend Jim Wakelin, pastor of the Bloomfield Christian Church, Bloomfield. He was the guest of Representative Keith Kreiman of Davis County.

The Journal of Monday, April 8, 2002 was approved.

PETITION FILED

The following petition was received and placed on file:

By Wise of Lee from five hundred ten constituents opposing the introduction of legislation prohibiting the sale of paintball markers to anyone under twenty-one years of age.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2190, a bill for an act concerning workers' compensation.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

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 and referred to committee on **ways and means**.

SPECIAL PRESENTATION

Dolecheck of Ringgold introduced to the House, Julie Nixon Eisenhower, an author, editor and public speaker who has lectured extensively throughout the United States. She is the daughter of former President Richard Nixon and granddaughter of former President Eisenhower. She was in Iowa talking about the success of the Iowa JAG program, a program that assists over 1300 at-risk Iowa students to graduate. She briefly addressed the House, thanking them for their service as legislators and spoke about the JAG program.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS Unfinished Business Calendar

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, with report of committee recommending passage, was taken up for consideration.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8338 filed by her on March 19, 2002, placing out of order amendment H-8393 filed by Tremmel of Wapello on March 20, 2002.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8405 filed by him on March 20, 2002.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2034)

The ayes were, 98:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Gipp,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Shey Teig

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

SENATE AMENDMENTS CONSIDERED

Brunkhorst of Bremer 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, further amended by the Senate and moved that the House concur in the following Senate amendment H-8543, to the House amendment:

H-8543

- 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.

The motion prevailed and the House concurred in the Senate amendment H-8543, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2228)

The ayes were, 98:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Gipp,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

They Teig

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2034** and **2228**.

Carroll of Poweshiek called up for consideration **House File 2416**, a bill for an act relating to mental health and developmental disability services requirements, amended by the Senate, and moved that the House concur in the following Senate amendment H-8528:

H-8528

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.

The motion prevailed and the House concurred in the Senate amendment H-8528.

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

On the question "Shall the bill pass?" (H.F. 2416)

The ayes were, 98:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn

Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Winckler	Wise
Witt	Gipp, Presiding		

The nays were, none.

Absent or not voting, 2:

Shey Teig

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

Carroll of Poweshiek 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 amendment H-8535 as follows:

H-8535

- 1 Amend House File 2430, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 22, by inserting before the word
- 4 "Members" the following: "The commission shall meet
- 5 at least four times per year."
- 6 2. Page 2, line 5, by inserting before the word
- 7 "association" the following: "Iowa".
- 8 3. Page 2, by striking lines 19 through 21 and
- 9 inserting the following:
- 10 "h. Three members shall be service consumers or
- 11 family members of service consumers. Of these
- 12 members, one shall be a service consumer, one shall be
- 13 a parent of a child service consumer, and one shall be
- 14 a parent or other family member of a person admitted
- 15 to and living at a state resource center."
- 16 4. Page 2, line 23, by inserting after the word
- 17 "advocates." the following: "Of these members, one

18 shall be an active member of a statewide organization
19 for persons with brain injury."

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

22 "Sec. ___. Section 225C.6, Code Supplement 2001,
23 is amended by adding the following new subsection:
24 NEW SUBSECTION. 3. If the executive branch
25 creates a committee, task force, council, or other
26 advisory body to consider mental health and
27 developmental disabilities policy, services, or
28 program options involving children or adult consumers,
29 the commission is designated to receive and consider
30 any report, findings, recommendations, or other work
31 product issued by such body. The commission may
32 address the report, findings, recommendations, or
33 other work product in fulfilling the commission's
34 functions and to advise the department, council on
35 human services, governor, and general assembly
36 concerning disability services."

37 6. Page 11, line 30, by inserting after the word
38 "official," the following: "a representative of a
39 provider of mental health or developmental
40 disabilities services selected from nominees submitted
41 by the Iowa association of community providers."

42 7. Page 12, by inserting after line 30, the
43 following:

44 "Sec. ___. RESIDENT ADVOCATE COMMITTEES – REPORT.
45 The mental health and developmental disabilities
46 commission in consultation with the state long-term
47 care resident's advocate and the governor's
48 developmental disabilities council shall submit a
49 report to the general assembly by January 1, 2003,
50 regarding the continuation of resident advocate

Page 2

1 committees for residential care facilities licensed to
2 serve persons with mental illness or mental
3 retardation."

4 8. Page 12, by inserting after line 30 the
5 following:

6 "Sec. ___. APPLICABILITY. The requirements of
7 section 225C.6, subsection 3, as enacted by this Act,
8 apply to the findings, report, recommendations, or
9 other work product issued by a committee, task force,
10 council, or other advisory body created prior to July
11 1, 2002."

12 9. Title page, line 3, by striking the word
13 "provides" and inserting the following: "providing".

14 10. Title page, line 4, by inserting after the
15 word "duties" the following: "and including an
16 applicability provision".

17 11. By renumbering, relettering, or redesignating
 18 and correcting internal references as necessary.

Carroll of Poweshiek offered the following amendment H-8548, to the Senate amendment H-8535, filed by him from the floor and moved its adoption:

H-8548

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.

Amendment H-8548 was adopted.

On motion by Carroll of Poweshiek, the House concurred in the Senate amendment H-8535, as amended.

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

On the question "Shall the bill pass?" (H.F. 2430)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoan
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie

Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Witt
Gipp, Presiding			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2416 and 2430.**

Appropriations Calendar

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, with report of committee recommending amendment and passage, was taken up for consideration.

Drake of Pottawattamie offered amendment H-8527 filed by the committee on appropriations as follows:

H-8527

- 1 Amend Senate File 2323, as passed by the Senate, as
 2 follows:
- 3 1. Page 2, line 6, by striking the words
 - 4 "medically underserved rural".
 - 5 2. Page 2, line 10, by striking the words
 - 6 "medically underserved rural".
 - 7 3. Page 2, line 14, by striking the words
 - 8 "medically underserved".
 - 9 4. Page 2, line 17, by striking the words
 - 10 "medically underserved".
 - 11 5. Page 2, lines 21 and 22, by striking the words
 - 12 "medically underserved".
 - 13 6. Page 2, line 26, by striking the words
 - 14 "medically underserved".
 - 15 7. Page 2, by striking line 28 and inserting the
 - 16 following: "community" means a".
 - 17 8. Page 2, line 29, by striking the word "rural".

Drake of Pottawattamie offered the following amendment H-8547, to the committee amendment H-8527, filed by him and Mascher of Johnson from the floor and moved its adoption:

H-8547

- 1 Amend the amendment, H-8527, to Senate File 2323,
 2 as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 2 the
 - 4 following:
 - 5 "___ Page 1, line 18, by striking the word "a"
 - 6 and inserting the following: "an accredited".
 - 7 ___ Page 1, by striking line 19 ,and inserting
 - 8 the following: "this state, on a full-time or part-
 - 9 time basis in a course of study leading to a
 - 10 collegiate or associate degree of nursing, a diploma
 - 11 in nursing, or a graduate or equivalent degree in
 - 12 nursing, if the".
 - 13 ___ Page 1, line 29, by striking the words
 - 14 "registered nurse" and inserting the following:
 - 15 "student".
 - 16 ___ Page 1, by striking lines 32 and 33, and
 - 17 inserting the following:
 - 18 "3. A student enrolled at an accredited school of
 - 19 nursing, which is located in this state, on a full-
 - 20 time or part-time basis in a course of study leading
 - 21 to a collegiate or associate degree of nursing, a
 - 22 diploma in nursing, or a graduate or equivalent degree
 - 23 in nursing, shall be eligible for a tuition"."
 - 24 2. Page 1, by inserting after line 6 the
 - 25 following:

- 26 " _____. Page 2, line 13, by inserting after the
- 27 words "registered nurse" the following: "has received
- 28 from an accredited school of nursing located in this
- 29 state a collegiate or associate degree of nursing, a
- 30 diploma in nursing, or a graduate or equivalent degree
- 31 in nursing and". "
- 32 3. Page 1, by striking lines 7 through 10, and
- 33 inserting the following:
- 34 " _____. Page 2, by striking lines 14 through 17 and
- 35 inserting the following: "practice in an eligible". "
- 36 4. By renumbering as necessary.

Amendment H-8547 was adopted.

On motion by Drake of Pottawattamie the committee amendment H-8527, as amended, was adopted.

Mascher of Johnson offered the following amendment H-8555 filed by her from the floor and moved its adoption:

H-8555

- 1 Amend Senate File 2323, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. _____. ECONOMIC EMERGENCY FUND APPROPRIATION.
- 6 There is appropriated from the Iowa economic emergency
- 7 fund created in section 8.55 to the college student
- 8 aid commission for the fiscal year beginning July 1,
- 9 2002, and ending June 30, 2003, the following amount,
- 10 or so much thereof as is necessary, to be used for the
- 11 purposes designated:
- 12 For the registered nurse recruitment program
- 13 established as provided in this Act:
- 14 \$ 99,000
- 15 Moneys appropriated in this section are declared to
- 16 be appropriated for emergency expenditures as required
- 17 in section 8.55, subsection 3, paragraph "a". "
- 18 2. Title page, line 3, by inserting after the
- 19 word "commission" the following: "and making an
- 20 appropriation".
- 21 3. By renumbering as necessary.

Roll call was requested by Mascher of Johnson and Bukta of Clinton.

On the question "Shall amendment H-8555 be adopted?" (S.F. 2323)

The ayes were, 46:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Finch	Foege	Ford	Frevert
Garman	Greimann	Hatch	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reeder	Reynolds
Richardson	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Siegrist, Spkr.	Sievers
Sukup	Tymeson	Tyrrell	Van Fossen
Weidman	Wilderdyke	Gipp, Presiding	

Absent or not voting, 3:

Shey	Teig	Van Engelenhoven
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Amendment H-8555 lost.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2323)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon

Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Gipp, Presiding

The nays were, none.

Absent or not voting, 4:

Shey Teig Van Engelenhoven Witt

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

MOTION TO RECONSIDER WITHDRAWN
(Amendment H-8451 to Senate File 2118)

Hansen of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider amendment H-8451 to **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, filed by him on March 28, 2002.

Unfinished Business Calendar

The House resumed consideration of **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, previously deferred and found on pages 1070-1074 of the House Journal.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2118)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Lensing	Manternach	May	Mertz
Metcalf	Millage	Murphy	Myers
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Gipp, Presiding			

The nays were, 3:

Mascher	O'Brien	Osterhaus
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Absent or not voting, 4:

Garman	Larson	Shey	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Appropriations Calendar

Senate File 2326, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related

matters and including effective dates, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 10:38 a.m., until the fall of the gavel.

The House resumed session at 11:56 a.m., Van Fossen of Scott in the chair.

On motion by Rants of Woodbury, the House was recessed at 11:57 a.m., until 1:30 p.m. (Senate File 2326 pending)

AFTERNOON SESSION

The House reconvened at 1:36 p.m., Dix of Butler in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2378, a bill for an act relating to the enterprise zone program and providing an effective date.

Also: That the Senate has on April 9, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 348, a bill for an act relating to the establishment of Iowa charter schools and providing for a conditional effective date.

Also: That the Senate has on April 9, 2002, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

SPECIAL PRESENTATION

Dix of Butler introduced to the House, the Honorable Darrell Hanson, former state representative from Delaware County.

The House rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sukup of Franklin, until his return, on request of Rants of Woodbury.

CONSIDERATION OF BILLS

Appropriations Calendar

The House resumed consideration of **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. (Pending at recess)

The following amendments were deferred by unanimous consent:

Amendment H-8551 filed by T. Taylor of Linn.

Amendment H-8554 filed by Schrader of Marion.

Amendment H-8553 filed by Mertz of Kossuth.

Amendment H-8546 filed by Winckler of Scott.

Wise of Lee offered the following amendment H-8552 filed by Wise, Atteberry of Delaware, Bell of Jasper, Bukta of Clinton, Chiodo of Polk, Cohoon of Des Moines, Connors of Polk, Dotzler of Black Hawk, Fallon of Polk, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Greimann of Story, Hatch of Polk, Huser of Polk, Jochum of Dubuque, Kreiman of Davis, Kuhn of Floyd, Larkin of Lee, Lensing of Johnson, Mascher of Johnson, May of Worth, Mertz of Kossuth, Murphy of Dubuque, O'Brien of Boone, Osterhaus of Jackson, Petersen of Polk, Quirk of Chickasaw, Reeder of Fayette, Reynolds of Van Buren, Richardson of Warren, Scherrman of Dubuque, Schrader of Marion, Seng of Scott, Shoultz of Black Hawk, Smith of Marshall, Stevens of Dickinson, D. Taylor of Linn, T. Taylor of Linn, Tremmel of Wapello, Warnstadt of Woodbury, Winckler of Scott, Witt of Black Hawk and Myers of Johnson from the floor and moved its adoption:

H-8552

1 Amend Senate File 2326, as passed by the Senate, as
2 follows:

3 1. Page 47, by inserting after line 17, the
4 following:

5 "Sec. __. ECONOMIC EMERGENCY FUND APPROPRIATION.

6 There is appropriated from the Iowa economic emergency
7 fund created in section 8.55 to the general fund of
8 the state for the fiscal year beginning July 1, 2002,
9 and ending June 30, 2003, the following amount:

10 \$ 55,429,400

11 Moneys appropriated in this section are declared to
12 be appropriated for emergency expenditures as required
13 in section 8.55, subsection 3, paragraph "a".

14 2. Page 58, line 33, by striking the figure
15 "7,750,000" and inserting the following:

16 "40,000,000".

17 3. Page 59, by inserting after line 5, the
18 following:

19 " __. SCHOOL IMPROVEMENT TECHNOLOGY BLOCK GRANT

20 For school improvement technology block grants,
21 notwithstanding section 256D.5, subsection 2, Code
22 2001:

23 \$ 5,729,400"

24 Funds appropriated in this subsection shall
25 supplement, not supplant, funds appropriated for
26 school improvement technology block grants pursuant to
27 2002 Iowa Acts, House File 2614, if enacted, and shall
28 be distributed as provided in 2002 Iowa Acts, House
29 File 2614."

30 4. Page 59, by striking lines 12 through 29, and
31 inserting the following:

32 "..... \$141,585,680

33 The funds appropriated in this subsection shall be
34 allocated as follows:

- 35 a. Merged Area I \$ 6,803,571
- 36 b. Merged Area II \$ 7,972,238
- 37 c. Merged Area III \$ 7,394,131
- 38 d. Merged Area IV \$ 3,618,398
- 39 e. Merged Area V \$ 7,592,152
- 40 f. Merged Area VI \$ 7,012,464
- 41 g. Merged Area VII \$ 10,135,184
- 42 h. Merged Area IX \$ 12,471,509
- 43 i. Merged Area X \$ 19,599,744
- 44 j. Merged Area XI \$ 20,780,498
- 45 k. Merged Area XII \$ 8,189,046
- 46 l. Merged Area XIII \$ 8,414,808
- 47 m. Merged Area XIV \$ 3,660,799
- 48 n. Merged Area XV \$ 11,512,436
- 49 o. Merged Area XVI \$ 6,428,702"

50 5. Page 71, line 9, by striking the figure and word "1

Page 2

- 1 through" and inserting the following: "2 and".
- 2 6. Page 71, by striking lines 11 through 15.
- 3 7. Page 172, by striking lines 11 through 17.
- 4 8. By renumbering as necessary.

Kettering of Sac in the chair at 3:15 p.m.

Roll call was requested by Wise of Lee and T. Taylor of Linn.

Rule 75 was invoked.

On the question "Shall amendment H-8552 be adopted?" (S.F. 2326)

The ayes were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Bogess	Bradley	Broers
Brunkhorst	Carroll	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wildurdyke	Kettering, Presiding	

Absent or not voting, 5:

Brauns
Teig

Gipp

Grundberg

Sukup

Amendment H-8552 lost.

Rants of Woodbury asked and received unanimous consent that Senate File 2326 be deferred and that the bill retain its place on the calendar.

INTRODUCTION OF BILL

House File 2622, 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, special fuel, and inheritance taxes and including effective and retroactive applicability date provisions.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

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 and referred to committee on **ways and means**.

The House resumed consideration of Senate File 2326.

Quirk of Chickasaw offered amendment H-8545 filed by Quirk, et al., as follows:

H-8545

- 1 Amend Senate File 2326, as passed by the Senate, as
- 2 follows:
- 3 1. Page 33, by inserting after line 33, the
- 4 following:
- 5 "d. Incorporate the strategic plan developed by
- 6 the Iowa new economy council into a department-wide
- 7 strategic plan."

8 2. Page 44, by inserting after line 25 the
9 following:

10 "Sec. __. Section 15.108, Code 2001, is amended
11 by adding the following new subsection:
12 NEW SUBSECTION. 12. SCIENCE AND TECHNOLOGY. To
13 provide, through the science and technology advisor
14 appointed by the governor pursuant to section 15E.45,
15 advice to state governmental entities, academia, the
16 business community, and other constituencies regarding
17 science and technology issues.

18 Sec. __. NEW SECTION. 15E.41 SHORT TITLE.
19 This division shall be known and may be cited as
20 the "Iowa New Economy Act".

21 Sec. __. NEW SECTION. 15E.42 PURPOSE.
22 The purpose of the Iowa new economy Act is to
23 establish a structure for coordinating the development
24 and implementation of a technology-led economic
25 development strategic plan to competitively position
26 Iowa as a world leader in the new economy and create
27 high-wage, high-growth jobs in targeted industry
28 clusters. The Iowa new economy council shall work
29 with the board and the state board of regents to
30 create regional technology innovation networks in
31 areas of the state with a high concentration of
32 technology-intensive businesses within the targeted
33 industry clusters.

34 Sec. __. NEW SECTION. 15E.43 DEFINITIONS.
35 As used in this division, unless the context
36 otherwise requires:

37 1. "Board" means the Iowa economic development
38 board created in section 15.103.

39 2. "Department" means the Iowa department of
40 economic development created in chapter 15.

41 3. "Industry clusters" means a group of companies
42 that operate in the same or a related field, are
43 linked by buyer-seller relationships, common
44 customers, or other relationships, and rely on an
45 active set of relationships among themselves for
46 individual efficiency and competitiveness.

47 Sec. __. NEW SECTION. 15E.44 INDUSTRY CLUSTERS.
48 The Iowa new economy council shall define industry
49 clusters identified in section 15.329.

50 Sec. __. NEW SECTION. 15E.45 IOWA NEW ECONOMY

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1 COUNCIL.

2 1. An Iowa new economy council is created.
3 2. A science and technology advisor shall be
4 appointed by the governor and employed by the
5 department of economic development. The advisor shall
6 have significant, extensive expertise in the fields of

7 science and technology. The advisor shall advise
8 state governmental entities, academia, the business
9 community, and other constituencies regarding science
10 and technology issues.

11 3. The council shall initially consist of eleven
12 senior-level decision makers, who are voting members,
13 and five ex officio, nonvoting members. With the
14 exception of the member designated in paragraph "f",
15 the eleven senior-level decision makers shall be
16 appointed by the governor. The eleven senior-level
17 decision makers include all of the following:

18 a. One representative from each of the industry
19 leadership councils identified by the council pursuant
20 to section 15E.47.

21 b. Three additional representatives of the
22 business community. Representation under this
23 paragraph shall be from various size companies and
24 from different geographic areas of the state.

25 c. One representative of the university of Iowa,
26 the university of northern Iowa, or Iowa state
27 university of science and technology designated by the
28 state board of regents on a rotating basis.

29 d. One representative from the community college
30 system.

31 e. One representative of a labor union.

32 f. The director of the department of economic
33 development.

34 g. The science and technology advisor appointed
35 pursuant to subsection 2.

36 4. The ex officio members of the council shall
37 include all of the following:

38 a. One representative of the primary and secondary
39 educational system appointed by the governor.

40 b. The president of the senate, or a member of the
41 senate appointed by the president.

42 c. The minority leader of the senate, or a member
43 of the senate appointed by the minority leader.

44 d. The speaker of the house of representatives, or
45 a member of the house of representatives appointed by
46 the speaker.

47 e. The minority leader of the house of
48 representatives, or a member of the house of
49 representatives appointed by the minority leader.

50 5. Appointees to the council shall be senior-level

Page 3

1 decision makers within their organizations. Any
2 designee serving on the council shall also be a
3 senior-level decision maker who has the ability to
4 make a decision on behalf of the appointee. The
5 appointee or designee shall not designate a substitute

6 to participate in council meetings and activities.

7 6. The administration of the council shall be
8 coordinated by the science and technology advisor
9 appointed pursuant to subsection 2.

10 7. The initial appointments to the council made
11 pursuant to subsection 3, paragraph "a", shall be made
12 after the Iowa leadership councils are established
13 pursuant to section 15E.47.

14 8. The Iowa new economy council shall annually
15 elect a chairperson from among its members.

16 9. If more than three industry leadership councils
17 are established pursuant to section 15E.47, the voting
18 membership of the council shall be expanded to allow
19 one representative of each industry leadership council
20 to serve on the council.

21 10. The council shall be subject to the open
22 meetings law in chapter 21 and all meetings of the
23 council shall be conducted in the presence of a
24 representative of the department.

25 Sec. __. NEW SECTION. 15E.46 STRATEGIC FOCUS
26 AND ACTIVITIES.

27 1. The strategic focus of the Iowa new economy
28 council shall be to support and strengthen the
29 competitiveness of Iowa businesses within each of the
30 industry clusters. At a minimum, the council shall
31 perform all of the following duties:

32 a. Develop collaborative industry-led projects in
33 the industry clusters.

34 b. Lead efforts to improve Iowa's competitive
35 position in the industry cluster areas.

36 c. Facilitate activities designed to strengthen
37 relationships and advocate collaboration among Iowa
38 research institutions and Iowa's technology intensive
39 businesses.

40 d. Develop a three-year strategic plan with an
41 annual operating plan to share with the board for
42 consideration in developing the department-wide
43 strategic plan.

44 2. The Iowa new economy council shall develop and
45 implement activities addressing all of the following
46 economic foundation issues of the new economy:

47 a. Skilled and adaptable human resources.

48 b. Access to technologies on which new products
49 and processes are based.

50 c. Availability of financial capital to support

Page 4

1 new ventures, expansion of existing companies, and
2 reinvestment in transition industries.

3 d. Support of advanced physical infrastructure for
4 transportation, communications, energy and water, and

5 waste handling.

6 e. A review of the regulatory and taxation
7 environment and business climate resulting in
8 recommendations to balance competitiveness.
9 3. The council shall focus on nondiscriminatory
10 market expansion and shall foster a competitive and
11 open environment. The council shall not be a
12 mechanism to allocate markets, fix prices, or stifle
13 competition.

14 Sec. __. NEW SECTION. 15E.47 INDUSTRY
15 LEADERSHIP COUNCILS.

16 In conjunction with the creation of the Iowa new
17 economy council, leadership councils shall be
18 established in the advanced manufacturing, information
19 solutions, and life science industry clusters as well
20 as other industry clusters identified by the Iowa new
21 economy council. The leadership councils shall be
22 comprised of representatives of business and industry,
23 academia, government, and other representatives
24 identified by the Iowa new economy council. The
25 leadership councils shall be established to address
26 issues specific to the industry clusters. The ongoing
27 structure, membership, and operational objectives of
28 the industry leadership councils shall be determined
29 by the Iowa new economy council.

30 Sec. __. NEW SECTION. 15E.48 FUNDING.

31 The Iowa new economy council and the industry
32 leadership councils shall not receive a direct
33 appropriation from the state. The department may
34 allocate to the council moneys that have been
35 appropriated to the department for purposes identified
36 by the council to support council activities. Public
37 resources allocated for the operation of the Iowa new
38 economy council and the industry leadership councils
39 or for specific projects sponsored by the Iowa new
40 economy council and the industry leadership councils
41 shall be received through appropriate performance
42 agreements administered by the department or other
43 appropriate public entities. Private moneys secured
44 through contributions, contracts, or other means would
45 be administered and accounted for as determined by the
46 Iowa new economy council.

47 Sec. __. NEW SECTION. 15E.49 REPORTS.

48 The Iowa new economy council shall annually submit
49 a report to the governor and the general assembly
50 concerning the use of resources and the results

Page 5

1 derived from investments in the activities sponsored
2 by the council. Copies of status reports provided
3 under any performance agreement with the department or

4 other public entity shall be provided to the governor
 5 and the general assembly.
 6 Sec. __. NEW SECTION. 15E.50 COUNCIL
 7 COORDINATION.
 8 The council shall work with the board and state
 9 board of regents to review, evaluate, and monitor
 10 business outreach and assistance programs, including
 11 university technology transfer programs on an ongoing
 12 basis. In reviewing, evaluating, and monitoring
 13 programs and activities, the council shall seek input
 14 from business, academia, government, and other
 15 constituencies. The council shall make
 16 recommendations to the board and state board of
 17 regents with respect to each of the following:
 18 1. Strengthening collaboration among business and
 19 industry and Iowa's research institutions.
 20 2. Coordinating activities to facilitate the
 21 growth of the industry clusters."
 22 3. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-8545 was not germane.

The Speaker ruled the point well taken and amendment H-8545 not germane.

Quirk of Chickasaw asked for unanimous consent to suspend the rules to consider amendment H-8545.

Objection was raised.

Quirk of Chickasaw moved to suspend the rules to consider amendment H-8545.

Roll call was requested by Quirk of Chickasaw and Wise of Lee.

On the question "Shall the rules be suspended to consider amendment H-8545?" (S.F. 2326)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Cormack	Dotzler
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers

O'Brien	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	

The nays were, 50:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Jones
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Siegrist, Spkr.	Sievers
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Wildurdyke	Kettering, Presiding		

Absent or not voting, 7:

Gipp	Kuhn	Shey	Sukup
Teig	Weidman	Witt	

The motion to suspend the rules lost.

Tremmel of Wapello asked and received unanimous consent to withdraw amendment H-8534 filed by Tremmel, et al., on April 4, 2002.

Smith of Marshall asked and received unanimous consent that amendment H-8557 be deferred.

Fallon of Polk offered the following amendment H-8564 filed by him from the floor and moved its adoption:

H-8564

- 1 Amend Senate File 2326, as amended, passed, and reprinted by
- 2 the Senate, as follows:
- 3 1. Page 174, by striking lines 14 through 16.

Amendment H-8564 lost.

Atteberry of Delaware offered amendment H-8544 filed by Atteberry, et al., as follows:

H-8544

1 Amend Senate File 2326, as passed by the Senate, as
2 follows:

3 1. Page 176, by inserting after line 11 the
4 following:

5 "DIVISION ____
6 HEALTH COVERAGE
7 Sec. ____ NEW SECTION. 514C.21 MANDATED COVERAGE
8 FOR NEUROBIOLOGICAL DISORDERS AND UNDERLYING CO-
9 MORBIDITY.

10 1. For purposes of this section, unless the
11 context otherwise requires:

12 a. "Co-morbidity" means the coexistence of
13 conditions or diagnosable disorders such as
14 neurobiological disorders and substance abuse. For
15 purposes of this section, "substance abuse" means a
16 pattern of pathological use of alcohol or a drug that
17 causes impairment in social or occupational
18 functioning, or that produces physiological dependency
19 evidenced by physical tolerance or by physical
20 symptoms when the alcohol or drug is withdrawn.

21 b. "Neurobiological disorder" means the following:

- 22 (1) Schizophrenia and other psychotic disorders.
23 (2) Affective disorders.
24 (3) Anxiety disorders.
25 (4) Pervasive developmental disorders.
26 (5) Attention deficit hyperactivity disorder and
27 related disorders.
28 (6) Disorders identified in childhood and
29 adolescence.

30 The commissioner, by rule, shall identify the
31 neurobiological disorders covered by this definition,
32 consistent with the guidelines provided in the most
33 recent edition of the American psychiatric
34 association's diagnostic and statistical manual of
35 mental disorders, as such definitions may be amended
36 from time to time. The commissioner may adopt the
37 definitions provided in the manual by reference.

38 c. "Rates, terms, and conditions" means any
39 lifetime or annual payment limits, deductibles,
40 copayments, coinsurance, and any other cost-sharing
41 requirements, out-of-pocket limits, visit limitations,
42 and any other financial component of benefits coverage
43 that affects the covered individual.

44 2. a. Notwithstanding the uniformity of treatment
45 requirements of section 514C.6, a policy, contract, or
46 plan providing for third-party payment or prepayment

47 of health or medical expenses shall provide coverage
48 benefits for treatment for neurobiological disorders
49 and underlying co-morbidity based on rates, terms, and
50 conditions that are no more restrictive than the

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1 rates, terms, and conditions for coverage benefits
2 provided for other health or medical conditions under
3 the policy, contract, or plan.
4 b. Any restrictions or limitations with respect to
5 rates, terms, and conditions involving deductibles,
6 copayments, coinsurance, and any other cost-sharing
7 requirements shall be cumulative for coverage of
8 treatment for neurobiological disorders and underlying
9 co-morbidity and other health or medical conditions
10 under a policy, contract, or plan. A policy,
11 contract, or plan subject to this section shall not
12 impose an aggregate lifetime or annual limit on
13 treatment for neurobiological disorders and underlying
14 co-morbidity coverage benefits unless the policy,
15 contract, or plan imposes an aggregate lifetime or
16 annual limit on substantially all health or medical
17 coverage benefits. A policy, contract, or plan
18 subject to this section that imposes an aggregate
19 lifetime or annual limit on substantially all medical
20 and surgical coverage benefits shall not impose an
21 aggregate lifetime or annual limit on treatment for
22 neurobiological disorders and underlying co-morbidity
23 coverage benefits that is less than the aggregate
24 lifetime or annual limit imposed on substantially all
25 health or medical coverage benefits.
26 c. Coverage required under this section shall be
27 for the treatment of neurobiological disorders and
28 underlying co-morbidity, for services provided by a
29 health professional licensed under chapter 147A, 148,
30 150A, 152, 154B, 154C, or 154D, for services provided
31 in a hospital, clinic, office, community mental health
32 center, health care facility, outpatient treatment
33 facility, residential treatment facility, halfway
34 house, or similar facility for the provision of health
35 care services, and for services provided pursuant to
36 the comprehensive program for treatment for substance
37 abuse maintained by the department of public health
38 pursuant to section 125.12 in a hospital licensed
39 under chapter 135B or a facility licensed under
40 chapter 125.
41 3. This section applies to the following classes
42 of third-party payment provider policies, contracts,
43 or plans delivered, issued for delivery, continued, or
44 renewed in this state on or after January 1, 2003:
45 a. Individual or group accident and sickness

46 insurance providing coverage on an expense-incurred
 47 basis.
 48 b. An individual or group hospital or medical
 49 service contract issued pursuant to chapter 509, 514,
 50 or 514A.

Page 3

1 c. A plan established pursuant to chapter 509A for
 2 public employees.
 3 d. An individual or group health maintenance
 4 organization contract regulated under chapter 514B.
 5 e. An individual or group Medicare supplemental
 6 policy, unless coverage pursuant to such policy is
 7 preempted by federal law.
 8 f. Any other entity engaged in the business of
 9 insurance, risk transfer, or risk retention, which is
 10 subject to the jurisdiction of the commissioner.
 11 g. An organized delivery system licensed by the
 12 director of public health.
 13 4. The commissioner shall adopt rules pursuant to
 14 chapter 17A to administer this section.
 15 Sec. __. INSURANCE DIVISION STUDY IN CONJUNCTION
 16 WITH STATE AUDITOR.
 17 1. The insurance division of the department of
 18 commerce, in conjunction with the state auditor, shall
 19 conduct a study of the cost of providing
 20 neurobiological disorder coverage benefits in Iowa.
 21 2. The study shall assess at least all of the
 22 following:
 23 a. Identification of the costs attributed to
 24 treatment of neurobiological disorders, and to
 25 underlying co-morbidity.
 26 b. An estimate of the impact of mandated coverage
 27 on health care coverage benefit costs and
 28 availability.
 29 c. Actions taken by the division to ensure that
 30 third-party payors subject to this Act are in
 31 compliance.
 32 d. Identification of any segments of the
 33 population of this state that may be excluded from, or
 34 have limited access to, treatment, including the
 35 number of citizens that may be excluded from, or have
 36 limited access to, treatment under third-party payor
 37 policies or contracts provided by employers who
 38 receive substantial revenue from public sources.
 39 3. The insurance division shall submit a written
 40 report to the general assembly on or before January
 41 30, 2005.
 42 Sec. __. DEPARTMENT OF PUBLIC HEALTH STUDY.
 43 1. The department of public health shall conduct a
 44 two-year study of the mental health delivery system in

45 Iowa, beginning July 1, 2002.
46 2. The study shall include participation by at
47 least all of the following:
48 a. Representatives of professional health care
49 groups licensed under chapters 147A, 148, 150A, 152,
50 154B, 154C, and 154D.

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1 b. Representatives of associations or other groups
2 representing hospitals, clinics, community mental
3 health centers, community corrections and prison
4 corrections, health care facilities, outpatient
5 treatment facilities, and any other facility offering
6 mental health services.
7 c. County supervisors, representatives from the
8 department of human services, judges, mental health
9 advocates, and other state or county officials
10 involved in the provision of mental health services.
11 d. Consumers, family members, and patients.
12 3. The participants in the study shall assess the
13 relevant issues facing the mental health delivery
14 system in Iowa, and shall prepare a report with
15 recommendations for presentation to the general
16 assembly no later than November 1, 2004."
17 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-8544 was not germane.

The Speaker ruled the point well taken and amendment H-8544 not germane.

Atteberry of Delaware asked for unanimous consent to suspend the rules to consider amendment H-8544.

Objection was raised.

Atteberry of Delaware moved to suspend the rules to consider amendment H-8544.

Roll call was requested by Atteberry of Delaware and Bukta of Clinton.

On the question "Shall the rules be suspended to consider amendment H-8544?" (S.F. 2326)

The ayes were, 45:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Cormack	Dotzler
Fallon	Foege	Ford	Frevert
Greimann	Grundberg	Hatch	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	Osterhaus	Petersen
Quirk	Reeder	Reynolds	Richardson
Scherrman	Schrader	Seng	Shoultz
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Hahn	Hansen	Heaton
Hoffman	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wilderdyke	Kettering, Presiding	

Absent or not voting, 4:

Horbach	O'Brien	Sukup	Teig
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The motion to suspend the rules lost.

T. Taylor of Linn offered amendment H-8551, previously deferred, filed by T. Taylor, Greimann of Story, Lensing of Johnson, Smith of Marshall and Wise of Lee from the floor as follows:

H-8551

- 1 Amend Senate File 2326, as passed by the Senate, as
- 2 follows:
- 3 1. Page 20, by striking line 20 and inserting the
- 4 following:
- 5 " \$ 24,205,736"
- 6 2. Page 26, by inserting after line 9, the

7 following:

8 "Sec. ___. DEPARTMENT OF ADMINISTRATIVE SERVICES
9 CREATED.

10 1. Notwithstanding any provision of law to the
11 contrary, a new department of administrative services
12 is created under the control and supervision of the
13 governor. The new department shall subsume all of the
14 functions of the department of personnel, department
15 of general services, information technology
16 department, Iowa communications network, and the
17 accounting division of the department of revenue and
18 finance, which shall cease to exist as separate
19 departments or units. Upon establishment of the new
20 department of administrative services, the governor
21 shall appoint the director of the department, subject
22 to confirmation by the senate. The positions of
23 director of the departments of personnel, general
24 services, and information technology shall be
25 eliminated and the administrators of the divisions of
26 the new department responsible for those duties shall
27 be appointed by the director of the department of
28 administrative services.

29 2. There is appropriated from the general fund of
30 the state to the department of administrative services
31 for the fiscal year beginning July 1, 2002, and ending
32 June 30, 2003, the following amount, or so much
33 thereof as is necessary, to be used for the purposes
34 designated:

35 For salaries, support, maintenance, and
36 miscellaneous purposes:
37 \$ 14,272,722

38 The amounts appropriated in this subsection shall
39 be in lieu of appropriations otherwise provided in
40 this Act to the department of personnel, department of
41 general services, information technology department,
42 and the Iowa telecommunications and technology
43 commission for Iowa communications network operations.

44 3. The goal of the reorganization shall be to
45 consolidate administrative functions in state
46 government in order to streamline state government,
47 reduce governmental expenditures, and improve services
48 to other state departments. The new department shall
49 utilize entrepreneurial management techniques in order
50 to focus the department on being more responsive to

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1 customers and more efficient in providing services.
2 The new department shall negotiate performance
3 agreements with the department's customers and build
4 capacities to continuously improve service. The new
5 department shall have no more than three levels of

6 management and strive to meet a span of control ratio
 7 goal of twelve to one.
 8 4. The governor shall submit proposed legislation
 9 in accordance with section 2.16 for consideration by
 10 the Eightieth General Assembly, 2003 Session, as
 11 necessary to amend the Code of Iowa in order to codify
 12 the powers and duties of the newly created department
 13 of administrative services."

14 3. Page 39, line 13, by striking the figure
 15 "4,734,063" and inserting the following: "5,591,126".

16 4. Page 40, line 27, by striking the figure
 17 "485,463" and inserting the following: "570,577".

18 5. Page 41, line 23, by striking the figure
 19 "702,889" and inserting the following: "870,197".

20 6. Page 105, by inserting after line 13, the
 21 following:
 22 "Sec. __. HEALTH INSURANCE PORTABILITY AND
 23 ACCOUNTABILITY ACT. There is appropriated from the
 24 general fund of the state to the department of human
 25 services for the fiscal year beginning July 1, 2002,
 26 and ending June 30, 2003, the following amount, or so
 27 much thereof as is necessary, to be used for the
 28 purpose designated:

29 For implementation of the provisions of the federal
 30 Health Insurance Portability and Accountability Act,
 31 Pub. L. No. 104-191 relating to the medical assistance
 32 program, in addition to other funds appropriated for
 33 this purpose:
 34 \$ 1,500,000

35 Notwithstanding section 8.33, moneys appropriated
 36 in this section that are unobligated or unencumbered
 37 at the close of the fiscal year shall not revert but
 38 shall remain available for the specific purpose
 39 designated in this section until the close of the
 40 succeeding fiscal year."

41 7. By renumbering as necessary.

Broers of Cerro Gordo in the chair at 4:44 p.m.

Roll call was requested by T. Taylor of Linn and Myers of Johnson.

On the question "Shall amendment H-8551 be adopted?" (S.F. 2326)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Finch
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman

Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Brunkhorst	Carroll	Cormack	Dix
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Garman	Gipp	Grundberg
Hahn	Hansen	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wilderdyke	Broers, Presiding	

Absent or not voting, 6:

De Boef	Fallon	Heaton	O'Brien
Sukup	Teig		

Amendment H-8551 lost.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8577 filed by Smith, Osterhaus of Jackson, Foege of Linn, Reeder of Fayette and Atteberry of Delaware from the floor.

Smith of Marshall offered the following amendment H-8573 filed by Smith, Osterhaus of Jackson, Foege of Linn, Reeder of Fayette and Atteberry of Delaware from the floor and moved its adoption:

H-8573

- 1 Amend Senate File 2326, as passed by the Senate, as
- 2 follows:
- 3 1. Page 105, line 25, by striking the figure
- 4 "9,958,412" and inserting the following:
- 5 "13,658,412".
- 6 2. Page 136, by inserting before line 7, the

7 following:

8 "Sec. ___. NEW SECTION. 249A.21 INTERMEDIATE
9 CARE FACILITIES FOR PERSONS WITH MENTAL RETARDATION –
10 ASSESSMENT.

11 1. The department may assess intermediate care
12 facilities for persons with mental retardation, as
13 defined in section 135C.1, that are not operated by
14 the state, a fee in an amount not to exceed six
15 percent of the total annual revenue of the facility
16 for the preceding fiscal year. Counties shall not be
17 required to participate in the cost of the assessment.

18 2. The assessment shall be paid to the department
19 in equal monthly amounts on or before the fifteenth
20 day of each month. The department may deduct the
21 monthly amount from medical assistance payments to a
22 facility described in subsection 1. The amount
23 deducted from payments shall not exceed the total
24 amount of the assessments due.

25 3. Revenue from the assessments shall be credited
26 to the state medical assistance appropriation. This
27 revenue may be used only for services for which
28 federal financial participation under the medical
29 assistance program is available to match state funds.

30 4. If federal financial participation to match the
31 assessments made under subsection 1 becomes
32 unavailable under federal law, the department shall
33 terminate the imposing of the assessments beginning on
34 the date that the federal statutory, regulatory, or
35 interpretive change takes effect.

36 5. The department of human services may procure a
37 sole source contract to implement the provisions of
38 this section."

39 3. Page 142, by inserting after line 20, the
40 following:

41 " ___. The section in this division of this Act
42 relating to the assessment on intermediate care
43 facilities for persons with mental retardation."

44 4. By renumbering as necessary.

Roll call was requested by Smith of Marshall and Myers of Johnson.

On the question "Shall amendment H-8573 be adopted?" (S.F. 2326)

The ayes were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman

Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise			

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Brunkhorst	Carroll	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdyke	Broers, Presiding		

Absent or not voting, 5:

O'Brien	Richardson	Sukup	Teig
Witt			

Amendment H-8573 lost.

Smith of Marshall offered the following amendment H-8576 filed by Smith, Osterhaus of Jackson, Foege of Linn, Reeder of Fayette and Atteberry of Delaware from the floor and moved its adoption:

H-8576

- 1 Amend Senate File 2326, as passed by the Senate, as
- 2 follows:
- 3 1. Page 109, line 9, by striking the figure
- 4 "6,414,788" and inserting the following: "6,526,570".
- 5 2. Page 116, line 32, by striking the figure
- 6 "13,034,755" and inserting the following:
- 7 "13,437,892".
- 8 3. Page 116, line 33, by striking the figure
- 9 "227.65" and inserting the following: "232.65".
- 10 4. Page 117, line 3, by striking the figure
- 11 "7,407,087" and inserting the following: "7,636,142".

12 5. Page 117, line 9, by striking the figure
 13 "16,924,466" and inserting the following:
 14 "17,512,336".

15 6. Page 136, by inserting after line 6, the
 16 following:

17 "Sec. . NEW SECTION. 249A.21 INTERMEDIATE
 18 CARE FACILITIES FOR PERSONS WITH MENTAL RETARDATION –
 19 ASSESSMENT.

20 1. The department may assess intermediate care
 21 facilities for persons with mental retardation, as
 22 defined in section 135C.1, that are not operated by
 23 the state, a fee in an amount not to exceed six
 24 percent of the total annual revenue of the facility
 25 for the preceding fiscal year. Counties shall not be
 26 required to participate in the cost of the assessment.

27 2. The assessment shall be paid to the department
 28 in equal monthly amounts on or before the fifteenth
 29 day of each month. The department may deduct the
 30 monthly amount from medical assistance payments to a
 31 facility described in subsection 1. The amount
 32 deducted from payments shall not exceed the total
 33 amount of the assessments due.

34 3. Revenue from the assessments shall be credited
 35 to the state medical assistance appropriation. This
 36 revenue may be used only for services for which
 37 federal financial participation under the medical
 38 assistance program is available to match state funds.

39 4. If federal financial participation to match the
 40 assessments made under subsection 1 becomes
 41 unavailable under federal law, the department shall
 42 terminate the imposing of the assessments beginning on
 43 the date that the federal statutory, regulatory, or
 44 interpretive change takes effect.

45 5. The department of human services may procure a
 46 sole source contract to implement the provisions of
 47 this section."

48 7. Page 142, by inserting after line 20, the
 49 following:

50 " . The section in this division of this Act

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1 relating to the assessment on intermediate care
 2 facilities for persons with mental retardation."
 3 8. By renumbering as necessary.

Roll call was requested by Smith of Marshall and Bukta of Clinton.

On the question "Shall amendment H-8576 be adopted?" (S.F.
 2326)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Brunkhorst	Carroll	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Siegrist, Spkr.	Sievers	Tymeson	Tyrrell
Van Engelenhoven	Weidman	Wilderdyke	Broers, Presiding

Absent or not voting, 6:

Manternach	O'Brien	Richardson	Sukup
Teig	Van Fossen		

Amendment H-8576 lost.

Murphy of Dubuque offered the following amendment H-8578 filed by Murphy, Mascher of Johnson and Dotzler of Black Hawk from the floor and moved its adoption:

H-8578

- 1 Amend Senate File 2326 as follows:
- 2 1. Page 60, by inserting after line 8 the
- 3 following:
- 4 "Sec. __. ECONOMIC EMERGENCY FUND APPROPRIATION.
- 5 There is appropriated from the Iowa economic emergency
- 6 fund created in section 8.55 to the general fund of

7 the state for the fiscal year beginning July 1, 2002,
 8 and ending June 30, 2003, the following amount:
 9 \$ 31,163,594

10 Monies appropriated in this section are declared to
 11 be appropriated for emergency expenditures as required
 12 in section 8.55, subsection 3, paragraph "a".

13 2. By striking page 60, line 18 through page 68,
 14 line 12 and inserting the following:
 15 ".....\$ 1,237,427
 16 FTEs 16.00

17 The state board of regents, the department of
 18 management, and the legislative fiscal bureau shall
 19 cooperate to determine and agree upon, by November 15,
 20 2002, the amount that needs to be appropriated for
 21 tuition replacement for the fiscal year beginning July
 22 1, 2003.

23 The state board of regents shall submit a monthly
 24 financial report in a format agreed upon by the state
 25 board of regents office and the legislative fiscal
 26 bureau.

27 _____. For funds to be allocated to the southwest
 28 Iowa graduate studies center:
 29 \$ 109,741

30 _____. For funds to be allocated to the siouxland
 31 interstate metropolitan planning council for the
 32 tristate graduate center under section 262.9,
 33 subsection 21:
 34 \$ 80,024

35 _____. For funds to be allocated to the quad-cities
 36 graduate studies center:
 37 \$ 163,392

38 2. STATE UNIVERSITY OF IOWA

39 a. General university, including lakeside
 40 laboratory

41 For salaries, support, maintenance, equipment,
 42 miscellaneous purposes, and for not more than the
 43 following full-time equivalent positions:
 44 \$241,831,144
 45 FTEs 4,055.62

46 The university may continue progress on the school
 47 of public health and the public health initiative for
 48 the purposes of establishing an accredited school of
 49 public health and for funding an initiative for the
 50 health and independence of elderly Iowans. From the

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1 funds appropriated in this lettered paragraph, the
 2 university may use up to \$2,100,000 for the school of
 3 public health and the public health initiative.

4 Funds appropriated in this lettered paragraph shall
 5 not be available for expenditure for medically induced

6 termination of a pregnancy, including but not limited
7 to usage of mifepristone or RU-486, offered or
8 administered by the student health center.

9 b. University hospitals

10 For salaries, support, maintenance, equipment, and
11 miscellaneous purposes and for medical and surgical
12 treatment of indigent patients as provided in chapter
13 255, for medical education, and for not more than the
14 following full-time equivalent positions:

15	\$ 30,466,492
16	FTEs 5,485.01

17 The university of Iowa hospitals and clinics shall,
18 within the context of chapter 255 and when medically
19 appropriate, make reasonable efforts to extend the
20 university of Iowa hospitals and clinics' use of home
21 telemedicine and other technologies to reduce the
22 frequency of visits to the hospital required by
23 indigent patients. The university of Iowa hospitals
24 and clinics shall submit a report to the general
25 assembly and the legislative fiscal bureau by January
26 15, 2003, describing its use of these technologies to
27 accomplish this purpose.

28 The university of Iowa hospitals and clinics shall
29 submit quarterly a report regarding the portion of the
30 appropriation in this lettered paragraph expended on
31 medical education. The report shall be submitted in a
32 format jointly developed by the university of Iowa
33 hospitals and clinics, the legislative fiscal bureau,
34 and the department of management, and shall delineate
35 the expenditures and purposes of the funds.

36 Funds appropriated in this lettered paragraph shall
37 not be used to perform abortions except medically
38 necessary abortions, and shall not be used to operate
39 the early termination of pregnancy clinic except for
40 the performance of medically necessary abortions. For
41 the purpose of this lettered paragraph, an abortion is
42 the purposeful interruption of pregnancy with the
43 intention other than to produce a live-born infant or
44 to remove a dead fetus, and a medically necessary
45 abortion is one performed under one of the following
46 conditions:

47 (1) The attending physician certifies that
48 continuing the pregnancy would endanger the life of
49 the pregnant woman.

50 (2) The attending physician certifies that the

Page 3

1 fetus is physically deformed, mentally deficient, or
2 afflicted with a congenital illness.

3 (3) The pregnancy is the result of a rape which is
4 reported within 45 days of the incident to a law

5 enforcement agency or public or private health agency
6 which may include a family physician.

7 (4) The pregnancy is the result of incest which is
8 reported within 150 days of the incident to a law
9 enforcement agency or public or private health agency
10 which may include a family physician.

11 (5) The abortion is a spontaneous abortion,
12 commonly known as a miscarriage, wherein not all of
13 the products of conception are expelled.

14 The total quota allocated to the counties for
15 indigent patients for the fiscal year beginning July
16 1, 2002, shall not be lower than the total quota
17 allocated to the counties for the fiscal year
18 commencing July 1, 1998. The total quota shall be
19 allocated among the counties on the basis of the 2000
20 census pursuant to section 255.16.

21 c. Psychiatric hospital

22 For salaries, support, maintenance, equipment,
23 miscellaneous purposes, and for the care, treatment,
24 maintenance of committed and voluntary public
25 patients, and for not more than the following full-
26 time equivalent positions:

27 \$ 7,809,505
28 FTEs 273.19

29 d. Center for disabilities and development

30 For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-
32 time equivalent positions:

33 \$ 7,016,917
34 FTEs 148.91

35 From the funds appropriated in this lettered
36 paragraph, \$200,000 shall be allocated for purposes of
37 the creative employment options program.

38 e. Oakdale campus

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

42 \$ 2,948,667
43 FTEs 43.25

44 f. State hygienic laboratory

45 For salaries, support, maintenance, miscellaneous
46 purposes, and for not more than the following full-
47 time positions:

48 \$ 4,158,633
49 FTEs 102.49

50 g. Family practice program

Page 4

1 For allocation by the dean of the college of
2 medicine, with approval of the advisory board, to
3 qualified participants, to carry out chapter 148D for

4 the family practice program, including salaries and
5 support, and for not more than the following full-time
6 equivalent positions:

7	\$	2,305,212
8	FTEs	192.40

9 h. Child health care services
10 For specialized child health care services,
11 including childhood cancer diagnostic and treatment
12 network programs, rural comprehensive care for
13 hemophilia patients, the Iowa high-risk infant follow-
14 up program, including salaries and support, and for
15 not more than the following full-time equivalent
16 positions:

17	\$	691,332
18	FTEs	63.27

19 i. Statewide cancer registry
20 For the statewide cancer registry, and for not more
21 than the following full-time equivalent positions:

22	\$	199,762
23	FTEs	2.40

24 j. Substance abuse consortium
25 For funds to be allocated to the Iowa consortium
26 for substance abuse research and evaluation, and for
27 not more than the following full-time equivalent
28 positions:

29	\$	72,108
30	FTEs	1.50

31 k. Center for biocatalysis
32 For the center for biocatalysis, and for not more
33 than the following full-time equivalent positions:

34	\$	991,651
35	FTEs	5.20

36 l. Primary health care initiative
37 For the primary health care initiative in the
38 college of medicine, and for more than the following
39 full-time equivalent positions:

40	\$	849,070
41	FTEs	7.75

42 From the funds appropriated in this lettered
43 paragraph, \$330,000 shall be allocated to the
44 department of family practice at the state university
45 of Iowa college of medicine for family practice
46 faculty and support staff.

47 m. Birth defects registry
48 For the birth defects registry, and for not more
49 than the following full-time equivalent positions:

50	\$	49,702
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3 a. General university

4 For salaries, support, maintenance, equipment,
5 miscellaneous purposes, and for not more than the
6 following full-time equivalent positions:

7	\$190,866,120
8	FTEs 3,647.42

9 The university may continue progress on the center
10 for excellence in fundamental plant sciences. From
11 the funds appropriated in this lettered paragraph, the
12 university may use up to \$4,760,000 for the center for
13 excellence in fundamental plant sciences.

14 It is possible that a few large companies may be
15 able to control all levels of the food chain,
16 including production, because these companies own the
17 genetics needed to participate in the food system of
18 the future, and this possibility may be a major threat
19 to the independence and profitability of Iowa's
20 agricultural producers. To ensure public ownership of
21 plant genetic material, all rights to the research
22 products developed by the Iowa state university of
23 science and technology's botany institute using state-
24 appropriated funds will be made available to the
25 extent practicable for commercialization, for the
26 benefit of all Iowans, including Iowa's agricultural
27 producers, through a public process which normally
28 involves nonexclusive licensing of genes and
29 germplasm.

30 Funds appropriated in this lettered paragraph shall
31 not be available for expenditure for medically induced
32 termination of a pregnancy, including but not limited
33 to usage of mifepristone or RU-486, offered or
34 administered by the student health center.

35 b. Agricultural experiment station

36 For salaries, support, maintenance, miscellaneous
37 purposes, and for not more than the following full-
38 time equivalent positions:

39	\$ 34,601,714
40	FTEs 546.98

41 c. Cooperative extension service in agriculture
42 and home economics

43 For salaries, support, maintenance, miscellaneous
44 purposes, and for not more than the following full-
45 time equivalent positions:

46	\$ 21,866,928
47	FTEs 431.20

48 d. Leopold center

49 For agricultural research grants at Iowa state
50 university under section 266.39B, and for not more

1 than the following full-time equivalent positions:

2 \$ 528,928
3 FTEs 11.25
4 e. Livestock disease research
5 For deposit in and the use of the livestock disease
6 research fund under section 267.8, and for not more
7 than the following full-time equivalent positions:
8 \$ 251,679
9 FTEs 3.16
10 4. UNIVERSITY OF NORTHERN IOWA
11 a. General university
12 For salaries, support, maintenance, equipment,
13 miscellaneous purposes, and for not more than the
14 following full-time equivalent positions:
15 \$ 85,458,047
16 FTEs 1,454.35
17 The university may continue progress on the
18 implementation of a masters in social work program.
19 From the funds appropriated in this lettered
20 paragraph, the university may use up to \$450,000 for
21 the implementation of the masters in social work
22 program, up to \$100,000 for the roadside vegetation
23 project, and up to \$200,000 for the Iowa office for
24 staff development.
25 Funds appropriated in this lettered paragraph shall
26 not be available for expenditure for medically induced
27 termination of a pregnancy, including but not limited
28 to usage of mifepristone or RU-486, offered or
29 administered by the student health center.
30 b. Recycling and reuse center
31 For purposes of the recycling and reuse center, and
32 for not more than the following full-time equivalent
33 positions:
34 \$ 230,602
35 FTEs 1.50
36 5. STATE SCHOOL FOR THE DEAF
37 For salaries, support, maintenance, miscellaneous
38 purposes, and for not more than the following full-
39 time equivalent positions:
40 \$ 7,946,772
41 FTEs 126.60
42 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
43 For salaries, support, maintenance, miscellaneous
44 purposes, and for not more than the following full-
45 time equivalent positions:
46 \$ 4,454,332
47 FTEs 89.00
48 7. TUITION AND TRANSPORTATION COSTS
49 For payment to local school boards for the tuition
50 and transportation costs of students residing in the

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- 1 Iowa braille and sight saving school and the state
- 2 school for the deaf pursuant to section 262.43 and for
- 3 payment of certain clothing and transportation costs
- 4 for students at these schools pursuant to section
- 5 270.5:
- 6 \$ 15,256"
- 7 3. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment H-8578 be adopted?" (S.F. 2326)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Brunkhorst	Carroll	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Tymeson
Tyrell	Van Engelenhoven	Van Fossen	Weidman
Wildurdyke	Broers,		
	Presiding		

Absent or not voting, 4:

O'Brien

Richardson

Sukup

Teig

Amendment H-8578 lost.

Hansen of Pottawattamie asked and received unanimous consent to withdraw amendment H-8579 filed by him from the floor.

Schrader of Marion offered amendment H-8554, previously deferred, filed by him from the floor as follows:

H-8554

1 Amend Senate File 2326, as passed by the Senate, as
2 follows:

3 1. Page 27, by inserting after line 9 the
4 following:

5 "Sec. . NEW SECTION. 476B.1 DEFINITIONS.

6 As used in this chapter, unless the context
7 otherwise requires:

8 1. "ADAD equipment" means automatic dialing-
9 announcing device equipment, which is a device or
10 system of devices used, either alone or in conjunction
11 with other equipment, for the purpose of automatically
12 selecting or dialing telephone numbers, for
13 disseminating prerecorded messages to the numbers
14 selected or dialed without the use of a live operator.

15 2. "Autodialer" means an automatic telephone
16 dialing system or equipment that has both the capacity
17 to store or produce telephone numbers to be called
18 using a random or sequential number generator, and to
19 dial such numbers.

20 3. "Board" means the utilities board created in
21 section 474.1.

22 4. "Caller identification" means the display, on
23 the call recipient's telephone or related equipment,
24 of the caller's telephone number or identity to the
25 recipient of the call.

26 5. "Consumer" means an actual or prospective
27 purchaser, lessee, or recipient of a consumer good or
28 service.

29 6. "Consumer good or service" means any real
30 property or any tangible or intangible personal
31 property that is normally used for personal, family,
32 or household purposes, including, without limitation,
33 any such property intended to be attached to or
34 installed in any real property without regard to
35 whether such property is so attached or installed, as
36 well as cemetery lots and timeshare estates, and any

37 service related to such property.

38 7. "Conversation time" is the time when two-way
39 telecommunications is possible during a telephone
40 call.

41 8. "Doing business in this state" means a business
42 that conducts telephone solicitations from a location
43 in this state or from other states or nations to
44 consumers located in this state.

45 9. "Existing business relationship" means an
46 established pattern of activity between a consumer and
47 a merchant, involving an inquiry, application,
48 purchase, or transaction initiated by a consumer
49 regarding consumer goods or services offered by a
50 merchant.

Page 2

1 10. "Merchant" means a person who, directly or
2 indirectly, offers or makes available to a consumer
3 any consumer good or service.

4 11. "Predictive dialing technology" means an
5 automated dialing system or computer software that
6 utilizes a formula or similar mechanism to initiate a
7 certain greater number of telephone calls than the
8 number of telephone solicitors available to speak to
9 prospective customers, with a goal of keeping the
10 available telephone solicitors continually speaking to
11 one prospective customer after another.

12 12. "Prepaid calling card" means an object
13 containing an access number and authorization code
14 that enables an end user to use prepaid calling
15 services.

16 13. "Prepaid calling card company" means any
17 person providing prepaid calling services to the
18 public using its own or another person's
19 telecommunication network or networks.

20 14. "Prepaid calling services" means any prepaid
21 telecommunications service that allows end users to
22 originate calls through an access number and
23 authorization code, whether manually or electronically
24 dialed.

25 15. "Telephone solicitation" means any voice
26 communication, wherever originated, transmitted over a
27 telephone for the purpose of encouraging action on the
28 part of a consumer, including but not limited to any
29 of the following actions:

30 a. The purchase or rental of consumer goods or
31 services.

32 b. Investment in consumer goods or services.

33 c. Soliciting a sale of a consumer good or
34 service.

35 d. Offering an extension of credit for a consumer

36 good or service.

37 e. Obtaining information that will or may be used
38 for the direct solicitation of a sale of a consumer
39 good or service or an offer of extension of credit for
40 such purpose.

41 f. Soliciting a donation for any group,
42 organization, or purpose.

43 16. "Telephone solicitor" means a person doing
44 business in this state, who makes or causes to be made
45 a telephone solicitation, including, but not limited
46 to, calls made by use of ADAD equipment, predictive
47 dialing technology, or an autodialer.

48 17. "Unsolicited telephone solicitation" means a
49 telephone solicitation other than a telephone call
50 made as follows:

Page 3

1 a. In response to an express request of the person
2 called.

3 b. Primarily in connection with an existing debt
4 or contract, payment, or performance of which has not
5 been completed at the time of such call.

6 c. To a person with whom the telephone solicitor
7 has an existing business relationship.

8 d. To a residential subscriber if the telephone
9 solicitation is made on behalf of a not-for-profit
10 organization exempt from paying taxes under section
11 501(c) of the Internal Revenue Code, and if a bona
12 fide member of the exempt organization directly makes
13 such call, and does not contract with a telemarketing
14 firm or other third party to make the call.

15 e. By a person licensed pursuant to chapter 543B
16 who makes a telephone call to an actual or prospective
17 seller or lessor of real property if the call is made
18 in response to a yard sign or other form of real
19 estate sales advertisement placed by the seller or
20 lessor.

21 Sec. __. NEW SECTION. 476B.2 RESTRICTIONS ON
22 THE USE OF CERTAIN TELEMARKETING EQUIPMENT.

23 1. A person shall not do any of the following:

24 a. Utilize any ADAD equipment, predictive dialing
25 technology, or autodialer to call any person
26 registered on the do-not-call list maintained pursuant
27 to section 476B.3.

28 b. Make a telephone call to any person registered
29 on the do-not call list maintained pursuant to section
30 476B.3 while the person who is making the call is
31 performing paid telephone solicitation services
32 pursuant to contract, including payment by acceptance
33 of a percentage of any charitable donations collected
34 by the person while performing telephone solicitation

35 services.

36 c. Operate any ADAD equipment, predictive dialing
37 technology, or autodialers in a manner that
38 intentionally impedes or prevents the function of a
39 recipient's caller identification if the caller's
40 existing equipment is capable of allowing the display
41 of the caller's telephone number or identity.

42 2. a. Except as provided in paragraph "b", a
43 person shall not use, employ, or direct another person
44 to use, or contract for the use of, ADAD equipment.

45 b. Except for ADAD equipment that randomly or
46 sequentially selects the telephone numbers for
47 calling, the prohibition in paragraph "a" does not
48 apply to any of the following, provided that the
49 telephone numbers selected for automatic dialing have
50 been screened to exclude any consumer who is included

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1 on the do-not-call list pursuant to section 476B.3 or
2 who has an unlisted telephone number, unless the calls
3 made concern a consumer good or service that has been
4 previously ordered or purchased:

5 (1) Calls made with ADAD equipment by a nonprofit
6 organization or by an individual using the calls other
7 than for commercial profit-making purposes or fund-
8 raising, if the calls do not involve the advertisement
9 or offering for sale, lease, or rental of goods,
10 services, or property.

11 (2) Calls made with ADAD equipment relating to
12 payment for, service of, or warranty coverage of
13 previously ordered or purchased consumer goods or
14 services or to persons or organizations with an
15 existing business relationship with the persons or
16 organizations using the calls.

17 (3) Calls made with ADAD equipment relating to the
18 collection of lawful debts.

19 (4) Calls made with ADAD equipment to members or
20 employees of the organization making the calls.

21 (5) Calls made with ADAD equipment that use an
22 initial prerecorded message of a duration no greater
23 than seven seconds prior to a live operator intercept,
24 or calls that involve an initial message from a live
25 operator.

26 3. Calls made with ADAD equipment must terminate
27 the connection with any call within ten seconds after
28 the person receiving the call acts to disconnect the
29 call.

30 4. Calls made with predictive dialing technology
31 must meet a standard that allows a live telephone
32 solicitor to engage in conversation with a call
33 recipient within two seconds after the call is

34 answered by the call recipient.

35 Sec. . NEW SECTION. 476B.3 DO-NOT-CALL
36 LISTING.

37 1. The secretary of state shall contract with a
38 service that maintains a national do-not-call list, so
39 that Iowa telephone subscribers who do not wish to
40 receive unsolicited telephone solicitations utilizing
41 any ADAD equipment, predictive dialing technology, or
42 autodialers may register to be included on the list.
43 The contract shall be made in consultation with the
44 consumer protection division of the department of
45 justice, so that all evidentiary issues and other
46 issues related to enforcement are considered.
47 2. A residential, mobile, or telephonic paging
48 device telephone subscriber who does not wish to
49 receive unsolicited telephone solicitations may
50 register to be included on the do-not-call list

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1 contracted for by the secretary of state pursuant to
2 subsection 1.

3 3. A telephone solicitor doing business in Iowa
4 shall pay a fee to be determined pursuant to
5 subsection 5, and shall obtain a subscription to
6 receive the quarterly updated subscription listings of
7 consumers in Iowa who have registered to be included
8 on the do-not-call list referred to in this section.

9 4. A telephone solicitor shall not make a
10 telephone call with any ADAD equipment, predictive
11 dialing technology, or autodialer to any consumer in
12 Iowa whose name is on the do-not-call list referred to
13 in this section.

14 5. The secretary of state and consumer protection
15 division of the department of justice shall adopt
16 rules pursuant to chapter 17A to administer this
17 section, including appropriate notices to consumers of
18 the types of telephone calls toward which such
19 registration is directed, and the charging of a fee
20 for subscriptions to the list so that the list income
21 supports the cost of maintaining the list.

22 Sec. . NEW SECTION. 476B.4 TELEPHONE
23 SOLICITATION RESTRICTIONS.

24 A telephone solicitor who makes a telephone
25 solicitation to a residential, mobile, or telephonic
26 paging device telephone number shall disclose the
27 identity of the telephone solicitor and the business
28 on whose behalf the telephone solicitor is making the
29 telephone solicitation, immediately upon making
30 contact by telephone with the person who is the object
31 of the telephone solicitation. The telephone
32 solicitor shall also comply with the provisions of 16

33 C.F.R. § 310.4 in regard to required disclosures and
34 other actions of the telephone solicitor. The
35 business employing the telephone solicitor shall also
36 comply with the provisions of 16 C.F.R. § 310.5,
37 particularly with regard to the use of fictitious
38 names by employees and recordkeeping by the business
39 regarding such names.

40 Sec. __. NEW SECTION. 476B.5 REQUIREMENTS FOR
41 CONTRACTS MADE PURSUANT TO TELEPHONE SOLICITATION.

42 1. A contract made pursuant to a telephone
43 solicitation is not valid and enforceable against a
44 consumer unless made in compliance with this section.

45 2. A contract made pursuant to a telephone
46 solicitation must satisfy all of the following:

47 a. The contract must be reduced to writing and
48 signed by the consumer.

49 b. The contract must comply with all other
50 applicable laws and rules.

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1 c. The contract must match the description of
2 consumer goods or services as principally communicated
3 in the telephone solicitation.

4 d. The contract must contain the name, address,
5 and telephone number of the seller, the total price of
6 the contract, and a detailed description of the
7 consumer goods or services being sold.

8 e. The contract must contain, in bold, conspicuous
9 type, immediately preceding the signature, the
10 following statement:

11 "You are not obligated to pay any money unless you
12 sign this contract and return it to the seller."

13 f. The contract must not exclude from its terms
14 any oral or written representations made by the
15 telephone solicitor to the consumer in connection with
16 the transaction.

17 This section does not apply to contractual sales
18 specifically regulated by other law, or to the sale of
19 financial services, security sales, or sales
20 transacted by insurance companies or their wholly
21 owned subsidiaries or agents, or to the sale of cable
22 television services to a franchised cable television
23 operator's existing subscribers within that cable
24 television operator's franchise area, or to any sales
25 where no prior payment is made to the merchant and an
26 invoice accompanies the consumer goods or services
27 allowing the consumer no less than seven days to
28 cancel or return the consumer goods or services
29 without obligation for any payment.

30 Sec. __. NEW SECTION. 476B.6 RESTRICTIONS ON
31 CHARGES TO CREDIT CARD ACCOUNTS AND ELECTRONIC

32 TRANSFERS OF FUNDS.

33 1. A merchant who engages a telephone solicitor to
34 make or cause to be made a telephone solicitation
35 shall not make or submit any charge to a consumer's
36 credit card account or make or cause to be made any
37 electronic transfer of funds until after the merchant
38 receives from the consumer a copy of the contract,
39 signed by the consumer, that complies with section
40 476B.5.

41 2. This section does not apply to any of the
42 following:

43 a. A transaction made pursuant to prior
44 negotiations in the course of a visit by the consumer
45 to a merchant operating a retail business
46 establishment which has a fixed permanent location and
47 where consumer goods or services are displayed or
48 offered for sale on a continuing basis.

49 b. A transaction in which the consumer may obtain
50 a full refund for the return of undamaged and unused

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1 consumer goods or a cancellation of consumer services
2 by notice to the seller within seven days after
3 receipt by the consumer, and the seller will process
4 the refund within thirty days after receipt of the
5 returned consumer goods or cancellation of the
6 consumer services by the consumer.

7 c. A transaction in which the consumer purchases
8 consumer goods or services pursuant to an examination
9 of a television, radio, or print advertisement or a
10 sample, brochure, or catalog of the merchant that
11 contains all of the following:

12 (1) The name, address, and telephone number of the
13 merchant.

14 (2) A description of the consumer goods or
15 services being sold.

16 (3) Any limitations or restrictions that apply to
17 the offer.

18 d. A transaction in which the merchant is a bona
19 fide charitable organization or a newspaper.

20 Sec. __. **NEW SECTION. 476B.7 PREPAID CALLING**
21 **CARDS – DISCLOSURES – REQUIREMENTS.**

22 1. A prepaid calling card company shall provide
23 all of the following information about the prepaid
24 calling services in a prominent area at the point of
25 sale of the prepaid calling services, legibly and
26 visibly printed on the card, packaging, or display in
27 such a manner that the consumer may make an informed
28 decision about the prepaid calling services prior to
29 purchase:

30 a. The maximum charge per minute for the prepaid

- 31 calling services.
- 32 b. All applicable surcharges.
- 33 c. The expiration policy for the prepaid calling
34 services, if applicable.
- 35 The company shall insure by contract with its
36 retailers or distributors that the information is
37 provided to the consumer.
- 38 2. A prepaid calling card company shall legibly
39 print all of the following information on the prepaid
40 calling card:
- 41 a. The name of the prepaid calling card company,
42 as registered with the secretary of state.
- 43 b. A toll-free customer service number.
- 44 c. A toll-free network access number.
- 45 d. The authorization code, if such a code is
46 required to access telecommunications service.
- 47 3. A prepaid calling card company shall provide
48 all of the following information and services through
49 its customer service telephone number:
- 50 a. Rates and surcharges.

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- 1 b. Balance of use in account.
- 2 c. Expiration date or period, if applicable.
- 3 d. A live operator to answer incoming calls
4 twenty-four hours a day, seven days a week, or
5 electronic voice recording of consumer messages. A
6 combination of live operators or recorders may be
7 used. If a recorder is used, the company shall
8 attempt to contact each consumer no later than the
9 next business day following the date of the recording.
- 10 4. A prepaid calling card company shall use the
11 following billing standards:
- 12 a. A prepaid calling card company shall only
13 charge a consumer for conversation time used plus
14 applicable surcharges.
- 15 b. The billing increment used by a prepaid calling
16 card company shall not exceed one minute.
- 17 c. Conversation time of less than a full minute
18 shall not be rounded up beyond the next full minute.
- 19 5. Cards that do not have a specific expiration
20 period printed on the card, and that have a balance of
21 service remaining, shall be considered active for a
22 minimum of one year from the date of first use, or if
23 recharged, from the date of the last recharge.
- 24 6. A prepaid calling card company shall have a
25 refund policy that meets all of the following minimum
26 requirements:
- 27 a. For prepaid calling services that are rendered
28 unusable for reasons beyond the consumer's control,
29 and have not exceeded the expiration period, a prepaid

30 calling card company shall provide a refund equal to
31 the value remaining in the account.

32 b. Each company may, but shall not be required to,
33 provide a refund when a card has been lost or stolen.

34 c. Refunds may be cash or replacement service, at
35 the prepaid calling card company's option, but must be
36 made to the consumer within sixty days of the request
37 for a refund by the consumer.

38 7. All cards sold by a prepaid calling card
39 company in Iowa after July 1, 2002, shall comply with
40 this section.

41 Sec. __. NEW SECTION. 476B.8 INVESTIGATIONS –
42 CIVIL ACTIONS – CIVIL PENALTY – OTHER REMEDIES.

43 1. A violation of this chapter is a violation of
44 section 714.16, subsection 2, paragraph "a". All the
45 powers conferred upon the attorney general to
46 accomplish the objectives and carry out the duties
47 prescribed pursuant to section 714.16 are also
48 conferred upon the attorney general to enforce this
49 chapter, including, but not limited to, the power to
50 issue subpoenas, adopt rules pursuant to chapter 17A

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1 which shall have the force of law, and seek injunctive
2 relief and civil penalties.

3 2. In seeking reimbursement pursuant to section
4 714.16, subsection 7, from a person who has committed
5 a violation of this chapter, the attorney general may
6 seek an order from the court that the person pay to
7 the attorney general on behalf of consumers the
8 amounts for which the person would be liable under
9 section 476B.9, subsection 2, for each consumer who
10 has a cause of action pursuant to section 476B.9,
11 subsection 2. Section 714.16, as it relates to
12 consumer reimbursement, shall apply to consumer
13 reimbursement pursuant to this section.

14 Sec. __. NEW SECTION. 476B.9 PRIVATE CAUSE OF
15 ACTION – DAMAGES AND INJUNCTIVE RELIEF.

16 In addition to any other remedies, a consumer who
17 receives more than one telephone solicitation within
18 any twelve-month period by or on behalf of the same
19 person in violation of any provision of this chapter
20 may bring an action against the person to recover all
21 of the following:

22 1. Preliminary and permanent injunctive relief
23 necessary to protect the public against further
24 violations.

25 2. The greater of actual monetary damages or a sum
26 not less than one hundred dollars but not more than
27 two thousand dollars for each telephone call made in
28 violation of this chapter.

29 3. Costs and reasonable attorney fees.
 30 Reimbursement awarded to the attorney general
 31 pursuant to section 714.16, subsection 7, on behalf of
 32 a plaintiff who has filed an action pursuant to this
 33 section concerning the same set of facts shall be
 34 deducted from any damages awarded to the plaintiff in
 35 an action filed under this section.
 36 Sec.____. NEW SECTION. 476B.10 NOTIFICATION OF
 37 RIGHTS.
 38 The board shall by rule ensure that
 39 telecommunications providers inform their customers of
 40 the customers' rights under this chapter. The
 41 notification shall be made by at least both of the
 42 following:
 43 1. Annual inserts in the billing statements mailed
 44 to customers.
 45 2. Conspicuous publication of the notice in the
 46 consumer information pages of the local telephone
 47 directories."
 48 2. Page 28, by inserting after line 14 the
 49 following:
 50 "Sec.____. Section 476.57, Code 2001, is

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1 repealed."

Millage of Scott rose on a point of order that amendment H-8554 was not germane.

The Speaker ruled the point well taken and amendment H-8554 not germane.

Schrader of Marion moved to suspend the rules to consider amendment H-8554.

Roll call was requested by Schrader of Marion and Myers of Johnson.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-8554?" (S.F. 2326)

The ayes were, 42:

Atteberry
Cohoon

Bell
Connors

Bukta
Cormack

Chiodo
Dotzler

Fallon	Foegen	Ford	Frevort
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	Osterhaus	Petersen	Reeder
Reynolds	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Brunkhorst	Carroll	De Boef	Dix
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Finch	Garman	Gipp
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyke	Broers, Presiding

Absent or not voting, 6:

Grundberg	O'Brien	Quirk	Richardson
Sukup	Teig		

The motion to suspend the rules lost.

Dix of Butler in the chair at 6:50 p.m.

Mertz of Kossuth offered the following amendment H-8553, previously deferred, filed by Mertz, Kuhn of Floyd, Frevort of Palo Alto and Stevens of Dickinson from the floor and moved its adoption:

H-8553

1 Amend Senate File 2326, as passed by the Senate, as
 2 follows:
 3 1. Page 30, by inserting after line 35 the
 4 following:
 5 "___ Of the amount appropriated in this section,
 6 \$1,250,000 shall be used for salaries, support,
 7 maintenance, and miscellaneous purposes for activities
 8 regarding animal agriculture."

- 9 2. By renumbering, redesignating, and correcting
10 internal references as necessary.

Sievers of Scott in the chair at 6:58 p.m.

Roll call was requested by Mertz of Kossuth and T. Taylor of Linn.

Rule 75 was invoked.

On the question "Shall amendment H-8553 be adopted?" (S.F. 2326)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Garman
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise		

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Wildurdyke
Sievers, Presiding			

Absent or not voting, 5:

O'Brien	Richardson	Sukup	Teig
Witt			

Amendment H-8553 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone on request of Myers of Johnson.

Winckler of Scott offered the following amendment H-8546 filed by Winckler, et al., and moved its adoption:

H-8546

- 1 Amend Senate File 2326, as passed by the Senate, as
- 2 follows:
- 3 1. Page 42, by striking line 15 and inserting the
- 4 following:
- 5 " \$ 5,454,745"

Roll call was requested by Winckler of Scott and T. Taylor of Linn.

On the question "Shall amendment H-8546 be adopted?" (S.F. 2326)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise		

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins

Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdylke	Sievers, Presiding		

Absent or not voting, 4:

O'Brien	Sukup	Teig	Witt
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Amendment H-8546 lost.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8557, previously deferred, filed by Smith, Osterhaus of Jackson, Foege of Linn, Reeder of Fayette and Atteberry of Delaware from the floor.

Smith of Marshall asked and received unanimous consent to consider the following amendment H-8577 filed by Smith, Osterhaus of Jackson, Foege of Linn, Reeder of Fayette and Atteberry of Delaware from the floor, previously withdrawn, and moved its adoption:

H-8577

- 1 Amend Senate File 2326, as passed by the Senate, as
- 2 follows:
- 3 1. Page 96, line 4, by striking the figure
- 4 "35,288,782" and inserting the following:
- 5 "36,178,782".
- 6 2. Page 110, line 4, by striking the figure
- 7 "100,351,905" and inserting the following:
- 8 "101,228,905".
- 9 3. Page 125, line 28, by striking the figure
- 10 "52,356,098" and inserting the following:
- 11 "52,623,098".
- 12 4. Page 130, by striking lines 4 through 16.
- 13 5. Page 136, by inserting after line 6, the
- 14 following:
- 15 "Sec. . **NEW SECTION.** 249A.21 INTERMEDIATE
- 16 CARE FACILITIES FOR PERSONS WITH MENTAL RETARDATION -
- 17 ASSESSMENT.
- 18 1. The department may assess intermediate care
- 19 facilities for persons with mental retardation, as
- 20 defined in section 135C.1, that are not operated by
- 21 the state, a fee in an amount not to exceed six
- 22 percent of the total annual revenue of the facility
- 23 for the preceding fiscal year. Counties shall not be

24 required to participate in the cost of the assessment.
 25 2. The assessment shall be paid to the department
 26 in equal monthly amounts on or before the fifteenth
 27 day of each month. The department may deduct the
 28 monthly amount from medical assistance payments to a
 29 facility described in subsection 1. The amount
 30 deducted from payments shall not exceed the total
 31 amount of the assessments due.
 32 3. Revenue from the assessments shall be credited
 33 to the state medical assistance appropriation. This
 34 revenue may be used only for services for which
 35 federal financial participation under the medical
 36 assistance program is available to match state funds.
 37 4. If federal financial participation to match the
 38 assessments made under subsection 1 becomes
 39 unavailable under federal law, the department shall
 40 terminate the imposing of the assessments beginning on
 41 the date that the federal statutory, regulatory, or
 42 interpretive change takes effect.
 43 5. The department of human services may procure a
 44 sole source contract to implement the provisions of
 45 this section."
 46 6. Page 142, by inserting after line 20, the
 47 following:
 48 "____. The section in this division of this Act
 49 relating to the assessment on intermediate care
 50 facilities for persons with mental retardation."

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1 7. By renumbering as necessary.

Roll call was requested by Smith of Marshall and Osterhaus of Jackson.

On the question "Shall amendment H-8577 be adopted?" (S.F. 2326)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevort	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise		

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdike	Sievers, Presiding		

Absent or not voting, 4:

O'Brien	Sukup	Teig	Witt
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Amendment H-8577 lost.

Speaker Siegrist in the chair at 7:59 p.m.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-nine members present, forty-one absent.

Kreiman of Davis moved to rerefer Senate File 2326 back to the committee on appropriations.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 42, nays 51.

The motion to rerefer lost.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2326)

The ayes were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wildurdyke	Mr. Speaker		
	Siegrist		

The nays were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Schrader	Seng
Shoultz	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

Absent or not voting, 3:

O'Brien	Scherrman	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 2002, amended and passed the following bill in which the concurrence of the House 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.

Also: That the Senate has on April 9, 2002, amended and passed the following bill in which the concurrence of the House is asked:

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 effective dates and providing for retroactive applicability.

Also: That the Senate has on April 9, 2002, amended and passed the following bill in which the concurrence of the House 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.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2118 and 2323.**

Rants of Woodbury asked and received unanimous consent for the immediate consideration of House File 2622.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Scherrman of Dubuque on request of Myers of Johnson.

Ways and Means Calendar

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, was taken up for consideration.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8575 filed by him from the floor.

Wise of Lee offered the following amendment H-8574 filed by him from the floor and moved its adoption:

H-8574

1 Amend House File 2622 as follows:
2 1. Page 9, by inserting after line 19 the
3 following:
4 "Sec. ____ Section 421.60, subsection 2, paragraph
5 m, subparagraphs (1) and (3), Code 2001, are amended
6 to read as follows:
7 (1) The director ~~may~~ shall abate unpaid state
8 sales and use taxes and local sales and services taxes
9 owed by a retailer in the event that the retailer
10 failed to collect tax from the purchaser or owed by a
11 purchaser in the event that the purchaser failed to
12 pay the tax to a retailer as a result of erroneous
13 written advice issued by the department that was
14 specially directed to the retailer or purchaser, as
15 applicable, by the department ~~and the retailer is~~
16 ~~unable to collect the tax, interest, or penalties from~~
17 ~~the purchaser~~. Before the tax, interest, and
18 penalties shall be abated on the basis of erroneous
19 written advice, the ~~retailer~~ retailer person must present a
20 copy of the ~~retailer's~~ retailer's person's request for written
21 advice to the department and a copy of the
22 department's reply. The department shall not maintain
23 a position against the ~~retailer~~ retailer person that is
24 inconsistent with the erroneous written advice, except
25 on the basis of subsequent written advice sent by the
26 department to that ~~retailer~~ retailer person, or a change in
27 state or federal law, a reported court case to the
28 contrary, a contrary rule adopted by the department, a
29 change in material facts or circumstances relating to
30 the ~~retailer~~ retailer person, or the ~~retailer's~~ retailer's person's
31 misrepresentation or incomplete or inadequate
32 representation of material facts and circumstances in
33 requesting the written advice.
34 (3) The director shall prepare quarterly reports
35 summarizing each case in which abatement of tax,
36 interest, or penalties was made. However, the report
37 shall not disclose the identity of the taxpayer. An
38 abatement authorized by this paragraph to a retailer
39 shall ~~not~~ preclude the department from proceeding to

40 collect the liability from a purchaser."
 41 2. Page 20, by inserting after line 2 the
 42 following:
 43 "Sec. ___. REFUNDS. Refunds of taxes, interest,
 44 or penalties which arise from claims resulting from
 45 the amendment to section 421.60, subsection 2,
 46 paragraph "m", subparagraphs (1) and (3), in this Act,
 47 for sales for which erroneous written advice was
 48 issued by the department to the claimant between
 49 October 1, 1999, and the enactment of the amendment to
 50 section 421.60, subsection 2, paragraph "m", in this

Page 2

1 Act, shall not be allowed unless refund claims are
 2 filed prior to October 1, 2002."
 3 3. Page 20, by inserting after line 19 the
 4 following:
 5 "___ The section of this Act amending section
 6 421.60, subsection 2, paragraph "m", relating to the
 7 abatement of sales and use taxes and local sales and
 8 services taxes, being deemed of immediate importance,
 9 takes effect upon enactment and applies retroactively
 10 to October 1, 1999."

Amendment H-8574 was adopted.

Warnstadt of Woodbury offered the following amendment H-8586
 filed by him from the floor and moved its adoption:

H-8586

1 Amend House File 2622 as follows:
 2 1. Page 9, by inserting after line 19 the
 3 following:
 4 "Sec. ___. Section 422.7, Code Supplement 2001, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 38. Subtract, to the extent not
 7 otherwise excluded, the amount of withdrawals from
 8 tax-deferred savings accounts made during the tax year
 9 if the taxpayer or taxpayer's spouse is a member of
 10 the Iowa national guard or reserve forces of the
 11 United States who is ordered to active state service
 12 or federal service or duty. In addition, a penalty
 13 for such withdrawals shall not be assessed by the
 14 state."
 15 2. Page 20, by inserting after line 19, the
 16 following:
 17 "___ The section of this Act amending section
 18 422.7 applies retroactively to January 1, 2002, for
 19 tax years beginning on or after that date."

Amendment H-8586 was adopted.

Van Fossen of Scott offered the following amendment H-8585 filed by him from the floor and moved its adoption:

H-8585

1 Amend House File 2622 as follows:
2 1. Page 11, by inserting after line 14 the
3 following:
4 "Sec. __. Section 422.43, subsection 11,
5 unnumbered paragraph 1, Code Supplement 2001, is
6 amended to read as follows:
7 The following enumerated services are subject to
8 the tax imposed on gross taxable services: alteration
9 and garment repair; armored car; vehicle repair;
10 battery, tire, and allied; investment counseling;
11 service charges of ~~all a financial institutions~~
12 institution which are assessed by that financial
13 institution to its customers; barber and beauty; boat
14 repair; vehicle wash and wax; carpentry; roof,
15 shingle, and glass repair; dance schools and dance
16 studios; dating services; dry cleaning, pressing,
17 dyeing, and laundering; electrical and electronic
18 repair and installation; rental of tangible personal
19 property, except manufactured or mobile homes which
20 are tangible personal property; excavating and
21 grading; farm implement repair of all kinds; flying
22 service; furniture, rug, upholstery repair and
23 cleaning; fur storage and repair; golf and country
24 clubs and all commercial recreation; house and
25 building moving; household appliance, television, and
26 radio repair; jewelry and watch repair; limousine
27 service, including driver; machine operator; machine
28 repair of all kinds; motor repair; motorcycle,
29 scooter, and bicycle repair; oilers and lubricators;
30 office and business machine repair; painting,
31 papering, and interior decorating; parking facilities;
32 pipe fitting and plumbing; wood preparation; licensed
33 executive search agencies; private employment
34 agencies, excluding services for placing a person in
35 employment where the principal place of employment of
36 that person is to be located outside of the state;
37 sewage services for nonresidential commercial
38 operations; sewing and stitching; shoe repair and
39 shoeshine; sign construction and installation; storage
40 of household goods, mini-storage, and warehousing of
41 raw agricultural products; swimming pool cleaning and
42 maintenance; taxidermy services; telephone answering
43 service; test laboratories, including mobile testing
44 laboratories and field testing by testing

45 laboratories, and excluding tests on humans or
 46 animals; termite, bug, roach, and pest eradicators;
 47 tin and sheet metal repair; turkish baths, massage,
 48 and reducing salons, excluding services provided by
 49 massage therapists licensed under chapter 152C;
 50 weighing; welding; well drilling; wrapping, packing,

Page 2

1 and packaging of merchandise other than processed
 2 meat, fish, fowl, and vegetables; wrecking service;
 3 wrecker and towing; pay television; campgrounds;
 4 carpet and upholstery cleaning; gun and camera repair;
 5 janitorial and building maintenance or cleaning; lawn
 6 care, landscaping, and tree trimming and removal; pet
 7 grooming; reflexology; security and detective
 8 services; tanning beds or salons; and water
 9 conditioning and softening."

Amendment H-8585 was adopted.

Richardson of Warren offered the following amendment H-8569
 filed by him from the floor and moved its adoption:

H-8569

1 Amend House File 2622 as follows:
 2 1. Page 12, by inserting after line 22, the
 3 following:
 4 "Sec. ___. Section 422.74, Code 2001, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. There is annually
 7 appropriated from moneys in the general fund of the
 8 state not otherwise appropriated the sum of one
 9 hundred sixty thousand dollars for data processing
 10 staff for purposes of processing state tax returns."
 11 2. Page 20, by inserting after line 19 the
 12 following:
 13 " ___. The section of this Act amending section
 14 422.74, being deemed of immediate importance, takes
 15 effect upon enactment and applies to fiscal years
 16 beginning on or after July 1, 2001."

Amendment H-8569 lost.

Shoultz of Black Hawk offered the following amendment H-8570
 filed by him and Bell of Jasper from the floor and moved its adoption:

H-8570

- 1 Amend House File 2622 as follows:
- 2 1. By striking page 15, line 27 through page 16,
- 3 line 7.

Amendment H-8570 was adopted.

Eichhorn of Hamilton offered the following amendment H-8582 filed by him from the floor and moved its adoption:

H-8582

- 1 Amend House File 2622 as follows:
- 2 1. Page 19, by inserting after line 31 the
- 3 following:
- 4 "Sec. ___. ABATEMENT OF PROPERTY TAXES.
- 5 Notwithstanding the requirement for the filing of a
- 6 claim for property tax exemption by April 15 as
- 7 provided in section 427.1, subsection 14, Code
- 8 Supplement 1999, the board of supervisors of a county
- 9 having a population based upon the latest federal
- 10 census of more than one hundred eighty thousand but
- 11 not more than two hundred thousand shall abate the
- 12 property taxes owed, with all interest, fees, and
- 13 costs, levied for the fiscal year beginning July 1,
- 14 2000, which were payable during the fiscal year
- 15 beginning July 1, 2001, on the land and buildings of a
- 16 religious institution that did not receive a property
- 17 tax exemption for failure to file for the exemption.
- 18 To receive the abatement provided in this section, the
- 19 religious institution shall apply to the county board
- 20 of supervisors by October 1, 2002, and provide
- 21 appropriate information establishing that the lands
- 22 and buildings for which the abatement is sought were
- 23 used by the religious institution for its appropriate
- 24 objects during the fiscal year beginning July 1, 2000.
- 25 The abatement allowed under this section only applies
- 26 to property taxes, with all interests, fees, and
- 27 costs, levied for the fiscal year beginning July 1,
- 28 2000, and due and payable in the fiscal year beginning
- 29 July 1, 2001."
- 30 2. Page 20, by inserting after line 19 the
- 31 following:
- 32 " ___. The section of this Act providing for the
- 33 abatement of property taxes on religious property,
- 34 being deemed of immediate importance, takes effect
- 35 upon enactment, and applies retroactively to property
- 36 taxes due and payable in the fiscal year beginning
- 37 July 1, 2001."

Amendment H-8582 was adopted.

Eichhorn of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2622)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Mr. Speaker Siegrist

The nays were, none.

Absent or not voting, 4:

O'Brien	Richardson	Scherrman	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2622** be immediately messaged to the Senate.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

House File 2509

1. Page 7, line 7 – "(1) For purposes..." should be a new paragraph.
2. Page 23, line 19 – Put quotes around the a where it reads "paragraph a".
3. Page 43, line 32 – Two spaces between 490.1002 and AMENDMENT.
4. Page 71, line 34 – Don't strike the space between created and is.
5. Page 85, line 14 – Add an a to the word "as".
6. Page 106, line 22 – Take comma out after Act.

MARGARET A. THOMSON
Chief Clerk of the House

MOTION TO RECONSIDER
(Senate File 2326)

I move to reconsider the vote by which Senate File 2326 passed the House on April 9, 2002.

RANTS of Woodbury

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 8, 2002. Had I been present, I would have voted "aye" on House File 2617 and "nay" on House File 678.

FREVERT of Palo Alto

I was necessarily absent from the House chamber on April 8, 2002. Had I been present, I would have voted "aye" on House File 2617 and Senate File 2280.

JOHNSON of Osceola

I was necessarily absent from the House chamber on April 9, 2002. Had I been present, I would have voted "aye" on House Files 2416, 2430 and Senate Files 2034, 2118, 2228 and 2323.

SHEY of Linn

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

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 HOUSE:

JEFF ELGIN, Chair
CHUCK GIPP
RICK LARKIN
JANET METCALF
TODD TAYLOR

ON THE PART OF THE SENATE:

SHELDON RITTMER, Chair
MIKE CONNOLLY
RICHARD DRAKE
JOHN P. KIBBIE
MIKE SEXTON

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 9th day of April, 2002: House Files 2193, 2365, 2404, 2571 and 2582.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 9, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 681, 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 2341, an act relating to electric transmission lines.

House File 2453, an act relating to the offices of the state and county medical examiners, establishing fees, and making penalties applicable.

House File 2495, an act providing for the issuance of no-contact orders against persons who are arrested for the crime of sexual abuse.

House File 2510, an act relating to the movement of dairy cattle from livestock markets, and making penalties applicable.

House File 2514, an act relating to the indemnification of owners of animals with a contagious disease under a plan of eradication.

House File 2518, an act relating to foster care and adoption requirements involving licensing periods, foster parent training, and annual reports.

Senate File 2309, an act providing for regulation of processors, providing for penalties, and providing an effective date and for retroactive applicability.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nine students from Lamoni High School, Lamoni, accompanied by Jack Vanderflight. By Dolecheck of Ringgold.

Fifty fifth and sixth grade students from Longfellow Elementary School, Iowa City, accompanied by Joe Winston and parents. By Lensing of Johnson, Mascher of Johnson and Myers of Johnson.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\1002 Walter and Ednalouise Lenz, Sioux City – For celebrating their 50th wedding anniversary.
- 2002\1003 Hilda Bichel, Silver City – For celebrating her 90th birthday.
- 2002\1004 Dora Parrott, Manchester – For celebrating her 101st birthday.
- 2002\1005 Hap Kint, Manchester – For celebrating her 80th birthday.
- 2002\1006 Hugo Henry Ehlers, Davenport – For celebrating his 80th birthday.
- 2002\1007 Gertrude Marie Ehlers, Davenport – For celebrating her 80th birthday.
- 2002\1008 Hugo Henry and Gertrude Marie Ehlers, Davenport – For celebrating their 50th wedding anniversary.
- 2002\1009 Mr. and Mrs. Charles DeSmet, Davenport – For celebrating their 50th wedding anniversary.
- 2002\1010 Ruth Fuller, Davenport – For celebrating her 95th birthday.
- 2002\1011 Emma Sissel, Davenport – For celebrating her 90th birthday.
- 2002\1012 Howard (Willie) Poore, Bedford – For celebrating his 90th birthday.
- 2002\1013 Thelma Larson, Corning – For celebrating her 91st birthday.
- 2002\1014 Steve Agnew, Calrinda – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\1015 Betty O'Brien, Oelwein – For celebrating her 90th birthday.
- 2002\1016 Mildred B. Westendorf, Readlyn – For celebrating her 85th birthday.
- 2002\1017 Betty Moore, Oelwein – For celebrating her 90th birthday.
- 2002\1018 Jean Edwards, North English – For celebrating her 80th birthday.
- 2002\1019 Mr. and Mrs. Francis Dick, Sigourney – For celebrating their 64th wedding anniversary.
- 2002\1020 Orville and Loanna Bloethe, Victor – For celebrating their 55th wedding anniversary.
- 2002\1021 Wilbur and Lois Shine, Victor – For celebrating their 60th wedding anniversary.
- 2002\1022 Leo and Henrietta Yaeger, Sigourney – For celebrating their 60th wedding anniversary.

- 2002\1023 Vanalia McNeill, Onawa – For celebrating her 90th birthday on May 27, 2002.
- 2002\1024 Brian Forney, Spirit Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\1025 Trent Thunhorst, Spirit Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\1026 John P. Nelson, Council Bluffs – For being honored as the Citizen of the Year by the United Way of the Midlands.
- 2002\1027 Mike Schwarck, Charles City – For celebrating his 80th birthday.
- 2002\1028 Forrest and Virginia Ellison, Osage – For celebrating their 60th wedding anniversary.
- 2002\1029 Roger and Gilma Lenz, Riceville – For celebrating their 50th wedding anniversary.
- 2002\1030 Robert and Helen Spinler, Lost Nation – For celebrating their 50th wedding anniversary.
- 2002\1031 Bill and Donna Matthiesen, Wadena – For celebrating their 50th wedding anniversary.
- 2002\1032 Roman and Rosemary Welter, Monticello – For celebrating their 50th wedding anniversary.
- 2002\1033 Bill and Mary Ellen Dreier, Cedar Falls – For celebrating their 60th wedding anniversary.
- 2002\1034 Harry C. "Bob" and Melba Kelly, Cedar Falls – For celebrating their 60th wedding anniversary.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 721

Ways and Means: Eichhorn, Chair; Shey and Shoultz.

House Study Bill 722

Ways and Means: Eichhorn, Chair; Shey and Shoultz.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 729, a bill for an act relating to the linked investments for tomorrow Act and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8566** April 8, 2002.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 721), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 9, 2002.

RESOLUTIONS FILED

HR 131, by O'Brien, a resolution honoring the Des Moines Area Community College Men's Basketball Team.

Laid over under **Rule 25**.

HR 132, by Sievers, a resolution requesting Iowa's congressional delegation to work to permanently repeal the federal death tax.

Laid over under **Rule 25**.

HR 133, by Huser, Jenkins, Drake, Weidman, Lensing, Bell, Greimann, Winckler, Raecker, Gipp, Jacobs, Scherrman, Chiodo, T. Taylor, Foege, and Dotzler, a resolution offering condolences to the

people of Great Britain upon the death of Elizabeth, Queen Consort of King George VI and mother of Queen Elizabeth II.

Laid over under **Rule 25**.

HR 134, by Siegrist, Rants, and Myers, a resolution honoring Diane E. Bolender upon her retirement as Director of the Legislative Service Bureau.

Laid over under **Rule 25**.

HR 135, by Siegrist, Rants, and Myers, a resolution honoring Thane R. Johnson upon his retirement from the Legislative Service Bureau as a Senior Research Analyst.

Laid over under **Rule 25**.

HR 136, by Bell, a 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.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8549	S.F.	2286	Hatch of Polk
H—8550	S.F.	2144	Chiodo of Polk
H—8556	S.F.	2144	Chiodo of Polk
H—8558	S.F.	2325	Mascher of Johnson
H—8559	S.F.	2305	Warnstadt of Woodbury
H—8560	H.F.	2618	Tymeson of Madison Huser of Polk
H—8561	H.F.	2618	Metcalf of Polk
H—8562	S.F.	2318	Fallon of Polk
H—8563	S.F.	2144	Chiodo of Polk
H—8565	S.F.	2316	Cormack of Webster
H—8566	H.F.	729	Committee on Appropriations

H—8567	S.F.	2144	Horbach of Tama Dotzler of Black Hawk Brunkhorst of Bremer Hansen of Pottawattamie Elgin of Linn
H—8568	S.F.	2106	Brunkhorst of Bremer Warnstadt of Woodbury
H—8571	H.F.	2378	Senate Amendment
H—8572	S.F.	2144	Chiodo of Polk
H—8580	H.F.	2613	Senate Amendment
H—8581	H.F.	2612	Senate Amendment
H—8583	H.F.	2614	Senate Amendment
H—8584	H.F.	2618	Shey of Linn Kreiman of Davis Dotzler of Black Hawk Connors of Polk Sievers of Scott
H—8587	S.F.	2144	Kettering of Sac

On motion by Rants of Woodbury the House adjourned at 10:12 p.m., until 8:45 a.m., Wednesday, April 10, 2002.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day - Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 10, 2002

The House met pursuant to adjournment at 8:50 a.m., Speaker pro tempore Sukup in the chair.

Prayer was offered by the music ministry of "Godz Guys" from Gloria Dei Lutheran Church, Urbandale. They were the guests of Representative Scott Raecker of Polk County.

The Journal of Tuesday, April 9, 2002 was approved.

ADOPTION OF HOUSE RESOLUTION 132

Sievers of Scott called up for consideration **House Resolution 132**, a resolution requesting Iowa's congressional delegation to work to permanently repeal the federal death tax, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2532)

Elgin of Linn called up for consideration the report of the conference committee on House File 2532 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2532

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on House File 2532, a bill for an act relating to public retirement systems and providing effective and retroactive applicability dates, respectfully make the following report:

1. That the House recedes from its amendment, S-5261.

2. That the Senate amendment, H-8419, to House File 2532, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, line 27, by striking the word "twenty-five" and inserting the following: "thirty".

2. Page 2, line 19, by striking the words "elected official" and inserting the following: "employer of elected officials".

3. Page 2, lines 21 and 22, by striking the words "be provided" and inserting the following: "provide".

4. Page 2, line 22, by striking the words "as an employee" and inserting the following: "to those elected officials as employees".

5. Page 2, lines 25 and 26, by striking the words "an elected official" and inserting the following: "elected officials".

ON THE PART OF THE HOUSE:

JEFF ELGIN, Chair
CHUCK GIPP
RICK LARKIN
JANET METCALF
TODD TAYLOR

ON THE PART OF THE SENATE:

SHELDON RITTMER, Chair
MIKE CONNOLLY
RICHARD DRAKE
JOHN P. KIBBIE
MIKE SEXTON

Speaker Siegrist in the chair at 9:09 a.m.

A non-record roll call was requested.

The ayes were 54, nays 24.

The motion prevailed and the conference committee report was adopted.

Elgin of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2532)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix

Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Roberts	Scherrman	Schrader	Seng
Shoultz	Sievers	Smith	Stevens
Sukup	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 6:

Heaton	Huser	Richardson	Shey
Taylor, D.	Teig		

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

SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8536:

H-8536

- 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 striking page 1, line 29 through page 2,
- 5 line 7.
- 6 3. Page 11, line 6, by inserting after the word
- 7 "person" the following: "described in section 222.2.
- 8 subsection 4.".

- 9 4. Page 11, by striking line 7, and inserting the
 10 following: "in a proceeding held pursuant".
 11 5. Page 17, line 22, by striking the words
 12 "contiguous cities" and inserting the following: "all
 13 polling places".
 14 6. Page 54, lines 26 and 27, by striking the
 15 words "by reason of mental retardation".
 16 7. Page 54, line 27, by inserting after the word
 17 "ward" the following: "because the proposed ward is a
 18 person described in section 222.2, subsection 4".
 19 8. By striking page 54, line 34 through page 55,
 20 line 2, and inserting the following:
 21 "Sec.____. EFFECTIVE AND APPLICABILITY DATE. This
 22 Act takes effect January 1, 2003, and applies to
 23 elections held on or after that date."
 24 9. By renumbering, relettering, or redesignating
 25 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8536.

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

On the question "Shall the bill pass?" (H.F. 2472)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Schrader
Seng	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, T.	Tremmel

Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wildurdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, none.

Absent or not voting, 5:

Huser	Richardson	Shey	Taylor, D.
Teig			

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

CONSIDERATION OF BILLS Appropriations Calendar

House File 2589, a bill for an act relating to the meetings of the revenue estimating conference, was taken up for consideration.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2589)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Schrader

Seng	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Huser	Richardson	Shey	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Rants of Woodbury asked and received unanimous consent for the immediate consideration of Senate File 2317.

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, with report of committee recommending passage, was taken up for consideration.

Brunkhorst of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2317)

The ayes were, 97:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach

Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyeke	Winckler	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 3:

Huser	Richardson	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk, until her arrival, on request of T. Taylor of Linn.

SENATE AMENDMENT CONSIDERED

Jenkins of Black Hawk called up for consideration **House File 2378**, a bill for an act relating to the enterprise zone program and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8571:

H-8571

- 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".

The motion prevailed and the House concurred in the Senate amendment H-8571.

Jenkins of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2378)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Sievers	Smith	Stevens

Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, none.

Absent or not voting, 4:

Bradley	Huser	Richardson	Teig
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Under the provision of Rule 76, conflict of interest, Hatch of Polk refrained from voting.

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2378, 2472, 2532, 2589** and **Senate File 2317**.

Rants of Woodbury asked and received unanimous consent to rerefer House File 2468 to the committee on agriculture to consider an amendment.

On motion by Rants of Woodbury, the House was recessed at 10:26 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:04 p.m., Sievers of Scott in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-two members present, thirty-eight absent.

Speaker Siegrist in the chair at 1:09 p.m.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on April 10, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

MICHAEL E. MARSHALL, Secretary

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2057)

Cormack of Webster asked and received unanimous consent to withdraw the motion to reconsider **Senate File 2057**, a bill for an act relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day, filed by him on February 5, 2002.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2057)

Klemme of Plymouth asked and received unanimous consent to withdraw the motion to reconsider **Senate File 2057**, a bill for an act relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day, filed by him on February 5, 2002.

SPECIAL PRESENTATION

Speaker Siegrist introduced to the House renown Iowa State wrestler Cael Sanderson and the famous wrestling coach Dan Gable.

ADOPTION OF HOUSE RESOLUTION 123

Greimann of Story, D. Taylor of Linn and Finch of Story called up for consideration **House Resolution 123**, a resolution honoring Cael Sanderson on his athletic achievements as a wrestler, and moved its adoption.

The motion prevailed and the resolution was adopted.

Mr. Sanderson thanked the House for the honor and was thankful for all his time spent in Iowa and appreciated all the support his team has been given.

The House rose and expressed its welcome.

The House stood at ease at 1:24 p.m., until the fall of the gavel.

The House resumed session at 2:48 p.m., Speaker pro tempore Sukup in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 123

Jacobs of Polk called up for consideration **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, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 2286, a bill for an act relating to the civil commitment of sexually violent predators and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Shey of Linn offered amendment H-8502 filed by Shey, et al., as follows:

H-8502

- 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, lines 24 and 25, by striking the words
- 13 and 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.

Rants of Woodbury asked and received unanimous consent that Senate File 2286 be deferred and that the bill retain its place on the calendar. (Amendment H-8502 pending)

ADOPTION OF HOUSE RESOLUTION 127

Hansen of Pottawattamie called up for consideration **House Resolution 127**, a resolution congratulating the 2001 University of Northern Iowa Baseball Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 137

Jenkins of Black Hawk asked and received unanimous consent for the immediate consideration of **House Resolution 137**, a resolution congratulating the University of Northern Iowa Panthers Women's Volleyball Team, Jenkins, Shoultz of Black Hawk and Witt of Black Hawk moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Shoultz of Black Hawk introduced to the House, Sloan Tyler, athletic director of the University of Northern Iowa, who addressed the House briefly.

The House rose and expressed its welcome.

The House resumed consideration of Senate File 2286.
(Amendment H-8502 pending)

Hatch of Polk asked and received unanimous consent to withdraw amendment H-8549, to amendment H-8502, filed by him on April 9, 2002.

On motion by Shey of Linn, amendment H-8502 was adopted.

Shey of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2286)

The ayes were, 99:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Richardson	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Sukup,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Teig

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

Ways and Means Calendar

House File 2620, a bill for an act regulating farmers markets, providing for fees, making penalties applicable, and providing an effective date, was taken up for consideration.

Shey of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2620)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Broers	Brunkhorst	Bukta
Chiodo	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Witt	Sukup, Presiding

The nays were, none.

Absent or not voting, 4:

Brauns

Carroll

Teig

Wise

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2620, House Concurrent Resolution 123** and **Senate File 2286**.

ADOPTION OF HOUSE RESOLUTION 130

Rants of Woodbury called up for consideration **House Resolution 130**, a resolution honoring Virginia Rowen upon her retirement and recognizing her many contributions to the House of Representatives and the General Assembly, and moved its adoption.

The motion prevailed and the resolution was adopted.

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, providing for a study, and including an effective date, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 4:00 p.m., until the fall of the gavel.

The House resumed session at 6:11 p.m., Dix of Butler in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-four members present, thirty-six absent.

The House resumed consideration of Senate File 2318.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-8605 filed by him and Osterhaus of Jackson from the floor, placing out of order amendment H-8616 filed by Shoultz of Black Hawk and Osterhaus of Jackson from the floor.

Fallon of Polk offered the following amendment H-8562 filed by him and moved its adoption:

H-8562

1 Amend Senate File 2318, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 14, by striking the words "and
4 subsequent calendar years" and inserting the
5 following: "calendar year".
6 2. Page 2, by inserting after line 15 the
7 following:
8 "f. For the 2007 and subsequent calendar years:
9 (1) If the revenue estimating conference's
10 estimate of state general fund receipts for the fiscal
11 year ending June 30, 2006, made in December of 2005,
12 is at least twelve percent greater than the actual
13 state general fund receipts for the fiscal year ending
14 June 30, 2002, one percent.
15 (2) If the revenue estimate requirement of
16 subparagraph (1) is not met, two percent."
17 3. Page 3, line 3, by striking the words "and
18 subsequent calendar years" and inserting the
19 following: "calendar year".
20 4. Page 3, by inserting after line 4 the
21 following:
22 "f. For the 2008 and subsequent calendar years:
23 (1) If the revenue estimating conference's
24 estimate of state general fund receipts for the fiscal
25 year ending June 30, 2007, made in December of 2006 is
26 at least twelve percent greater than the actual state
27 general fund receipts for the fiscal year ending June
28 30, 2003, one percent.
29 (2) If the revenue estimate requirement of
30 subparagraph (1) is not met, two percent."

A non-record roll call was requested.

The ayes were 2, nays 31.

Amendment H-8562 lost.

Hansen of Pottawattamie offered the following amendment H-8614 filed by him from the floor and moved its adoption:

H-8614

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."

A non-record roll call was requested.

The ayes were 52, nays 1.

Amendment H-8614 was adopted.

Hansen of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2318)

The ayes were, 66:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Carroll
Chiodo	De Boef	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Ford	Gipp	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Larson	Manternach

May	Mertz	Metcalf	Millage
O'Brien	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Smith
Sukup	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdye
Wise	Dix, Presiding		

The nays were, 33:

Atteberry	Bukta	Cphoon	Connors
Cormack	Dotzler	Fallon	Foege
Frevert	Garman	Greimann	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	Murphy	Myers	Osterhaus
Reeder	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Stevens
Taylor, D.	Taylor, T.	Tremmel	Winckler
Witt			

Absent or not voting, 1:

Teig

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

INTRODUCTION OF BILL

House File 2623, 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 and placed on the **appropriations calendar**.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2318** be immediately messaged to the Senate.

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, was taken up for consideration.

Tymeson of Madison offered the following amendment H-8560 filed by her and Huser of Polk and moved its adoption:

H-8560

1 Amend House File 2618 as follows:
2 1. Page 1, by striking lines 22 through 27, and
3 inserting the following:
4 "d. For the fiscal year beginning July 1, 2004,
5 five hundred thousand dollars of premium tax receipts
6 collected in that fiscal year pursuant to section
7 432.1, subsection 2, from property and casualty
8 insurance, shall be deposited in the volunteer fire
9 fighters pension fund. For each fiscal year
10 thereafter, an amount of such premium tax receipts
11 equal to the amount deposited in the previous fiscal
12 year plus five hundred thousand dollars shall be
13 deposited in the volunteer fire fighters pension fund
14 until the amount annually deposited in such fund
15 reaches five million dollars. Thereafter, the amount
16 of premium tax receipts that shall be deposited in the
17 volunteer fire fighters pension fund in each fiscal
18 year shall be five million dollars. The moneys
19 deposited in".
20 2. Page 2, line 24, by inserting after the word
21 "fighters." the following: "The task force shall also
22 determine a procedure by which a city, township,
23 county, or benefited fire district fire department may
24 elect to join the pension system."

Amendment H-8560 was adopted.

Metcalf of Polk offered amendment H-8561 filed by her as follows:

H-8561

1 Amend House File 2618 as follows:
2 1. By striking page 1, line 1, through page 2,
3 line 15.
4 2. Title page, by striking lines 2 through 4 and
5 inserting the following: "volunteer fire fighters
6 pension task force."
7 3. By renumbering as necessary.

Metcalf of Polk offered the following amendment H-8608, to amendment H-8561, filed by her from the floor and moved its adoption:

H-8608

1 Amend the amendment, H-8561, to House File 2618, as
2 follows:
3 1. Page 1, by inserting after line 3, the
4 following:
5 "___ Page 2, line 24, by inserting after the
6 word "fighters." the following: "The task force shall
7 also identify and examine the difficulties that
8 volunteer fire departments have with attracting and
9 retaining fire fighters and shall propose solutions to
10 these issues of attraction and retention."

Amendment H-8608 was adopted.

Carroll of Poweshiek in the chair at 8:21 p.m.

Metcalf of Polk moved the adoption of amendment H-8561, as amended.

A non-record roll call was requested.

The ayes were 23, nays 46.

Amendment H-8561, as amended, lost.

Shey of Linn asked and received unanimous consent to withdraw amendment H-8584 filed by Shey of Linn et al., on April 9, 2002.

Rants of Woodbury asked and received unanimous consent that House File 2618 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of House File 2618, previously deferred.

Huser of Polk offered the following amendment H-8632 filed by her from the floor and moved its adoption:

H-8632

- 1 Amend House File 2618 as follows:
- 2 1. Page 1, line 19, by striking the words "are
- 3 appropriated and".
- 4 2. Page 1, line 28, by striking the words "are
- 5 appropriated and".

Amendment H-8632 was adopted.

Tymeson of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2618)

The ayes were, 89:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Broers	Brunkhorst	Bukta
Chiodo	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Finch
Foege	Ford	Frevert	Gipp
Greimann	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	May	Mertz
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Witt
Carroll,			
Presiding			

The nays were, 6:

Elgin	Fallon	Garman	Grundberg
Metcalf	Schrader		

Absent or not voting, 5:

Brauns
Teig

Hatch

Mascher

Smith

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

SENATE AMENDMENT CONSIDERED

Gipp of Winneshiek called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8581:

H-8581

- 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.

The motion prevailed and the House concurred in the Senate amendment H-8581.

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

On the question "Shall the bill pass?" (H.F. 2612)

The ayes were, 80:

Alons
Bell

Arnold
Boal

Atteberry
Boddicker

Baudler
Bogges

Bradley	Brauns	Broers	Brunkhorst
Bukta	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Drake	Eddie	Eichhorn	Elgin
Finch	Foege	Ford	Frevert
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jones	Kettering	Klemme
Kuhn	Larkin	Larson	Lensing
Manternach	May	Metcalf	Millage
Myers	Petersen	Quirk	Raecker
Rants	Rayhons	Rekow	Richardson
Roberts	Seng	Shey	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Carroll, Presiding

The nays were, 17:

Dotzler	Fallon	Greimann	Jochum
Kreiman	Mascher	Mertz	Murphy
O'Brien	Osterhaus	Reeder	Reynolds
Shcherrman	Schrader	Shoultz	Tremmel
Witt			

Absent or not voting, 3:

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

Ways and Means Calendar

Senate File 2320, a bill for an act relating to the assessment of court fees by the clerk of district court, with report of committee recommending passage, was taken up for consideration.

Eichhorn of Hamilton offered amendment H-8590 filed by Eichhorn, Rekow of Allamakee and Brunkhorst of Bremer from the floor as follows:

H-8590

- 1 Amend Senate File 2320, as passed by the Senate, as
- 2 follows:

3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 602.6105, Code 2001, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 2A. The court shall maintain a
 8 magistrate court in a city that is not the county seat
 9 if a magistrate court existed in that city as of July
 10 1, 2001, and if the city requests a magistrate. Any
 11 additional costs to the judicial branch for
 12 maintaining a magistrate in a city other than the
 13 county seat shall be paid by the city requesting the
 14 magistrate.
 15 Sec. 2. Section 602.6401, subsection 1, Code 2001,
 16 is amended by adding the following new paragraph:
 17 NEW PARAGRAPH. f. The existence of a city in the
 18 county other than the county seat that maintained a
 19 magistrate court as of July 1, 2001."
 20 2. Title page, line 1, by inserting after the
 21 word "relating to" the following: "courts,
 22 including".
 23 3. Title page, line 2, by inserting after the
 24 word "court" the following: "and the location of
 25 magistrate courts".

They of Linn rose on a point of order that amendment H-8590 was not germane.

The Speaker ruled the point well taken and amendment H-8590 not germane.

Shultz of Black Hawk offered the following amendment H-8611 filed by him from the floor and moved its adoption:

H-8611

1 Amend Senate File 2320, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 17 the
 4 following:
 5 "Sec. ____ . COURT FILING FEES. Notwithstanding any
 6 provision of law enacted by the Seventy-ninth General
 7 Assembly, 2002 Session, that increases court filing
 8 fees, no court filing fees shall be increased for the
 9 fiscal year beginning July 1, 2002, and ending June
 10 30, 2003, unless the total amount appropriated to the
 11 judicial branch for the fiscal year beginning July 1,
 12 2002, and ending June 30, 2003, in this division of
 13 this Act and in all other laws enacted by the Seventy-
 14 ninth General Assembly, 2002 Session equals at least
 15 \$114,373,228 for salaries, receipt and disbursement of

16 child support payments, auditor expenses, maintenance,
 17 equipment, and miscellaneous purposes, and at least
 18 \$3,739,587 for judicial retirement contributions by
 19 the state."

Roll call was requested by Shoultz of Black Hawk and Kreiman of Davis.

On the question "Shall amendment H-8611 be adopted?" (S.F. 2320)

The ayes were, 42:

Atteberry	Bell	Bukta	Cohoon
Connors	Dotzler	Eichhorn	Fallon
Foege	Ford	Frevert	Garman
Greimann	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	O'Brien	Osterhaus
Petersen	Quirk	Reeder	Reynolds
Richardson	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 56:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Chiodo	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Elgin	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Myers
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Sukup	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyke	Carroll, Presiding

Absent or not voting, 2:

Hatch	Teig
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Amendment H-8611 lost.

They of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2320)

The ayes were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	De Boef	Dix
Dolecheck	Drake	Eddie	Elgin
Finch	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Sukup
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wildurdyke	Carroll,	
		Presiding	

The nays were, 47:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Cormack	Dotzler
Eichhorn	Fallon	Foege	Ford
Frevert	Garman	Greimann	Huser
Jochum	Kreiman	Kuhn	Larkin
Larson	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reeder
Reynolds	Richardson	Scherrman	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 2618** and **Senate File 2320** be immediately messaged to the Senate.

Jacobs of Polk asked and received unanimous consent for the immediate consideration of Senate File 2325.

Appropriations Calendar

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, with report of committee recommending amendment and passage, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment H-8589 filed by the committee on appropriations and moved its adoption:

H-8589

- 1 Amend Senate File 2325, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 27, line 27, through page 30,
- 4 line 4.
- 5 2. Title page, line 7, by inserting after the
- 6 word "resources," the following: "and".
- 7 3. Title page, by striking lines 8 and 9 and
- 8 inserting the following: "review of state agencies."
- 9 4. By renumbering as necessary.

Speaker pro tempore Sukup in the chair at 10:58 p.m.

A non-record roll call was requested.

The ayes were 33, nays 49.

The committee amendment H-8589 lost.

Mascher of Johnson offered the following amendment H-8558 filed by her and moved its adoption:

H-8558

- 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. By renumbering as necessary.

Amendment H-8558 was adopted.

Jenkins of Black Hawk asked and received unanimous consent that Senate File 2325 be deferred and that the bill retain its place on the calendar.

Dix of Butler in the chair at 11:53 p.m.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 10, 2002. Had I been present, I would have voted "aye" on House File 2612.

JOHNSON of Osceola

I was necessarily absent from the House chamber on April 9, 2002. Had I been present, I would have voted "aye" on House File 2622 and "nay" on Senate File 2326.

O'BRIEN of Boone

I was necessarily absent from the House chamber on April 9, 2002. Had I been present, I would have voted "aye" on House File 2622 and "nay" on Senate File 2326.

SCHERRMAN of Dubuque

I was necessarily absent from the House chamber on April 10, 2002. Had I been present, I would have voted "aye" on House Files 2472, 2532 and 2589.

SHEY of Linn

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of April, 2002: House Files 2509 and 2586.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty students from Okoboji Schools, accompanied by Georgia and Dean Sheeley, Laura Stevens and Dee Vaage. By Stevens of Dickinson.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

AUDITOR OF STATE

The Single Audit Report for the Fiscal Year 2001, pursuant to Chapter 11, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\1035 Adam Weber, Danbury – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America on April 27, 2002.
- 2002\1036 Nicholas Mauch, Danbury – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America on April 27, 2002.
- 2002\1037 Virgil Geno, Sigourney – For celebrating his 90th birthday.
- 2002\1038 Gladys Mark, Casey – For celebrating her 90th birthday.
- 2002\1039 Lucille Meyers, Bagley – For celebrating her 90th birthday.
- 2002\1040 Chester Frank, Lake View – For celebrating his 80th birthday.
- 2002\1041 Marvin and Ethel Wiley, Sac City – For celebrating their 65th wedding anniversary.
- 2002\1042 George and Mae Sargent, Anthon – For celebrating their 50th wedding anniversary.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 2468, a bill for an act relating to animal agriculture.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8613** April 10, 2002.

COMMITTEE ON APPROPRIATIONS

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.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 2002.

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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8589** April 9, 2002.

LSB7171YC, 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 9, 2002.

COMMITTEE ON COMMERCE AND REGULATION

Senate File 2324, a bill for an act relating to the use of construction management services on public works projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8596** April 10, 2002.

COMMITTEE ON WAYS AND MEANS

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.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 2002.

Senate File 2320, a bill for an act relating to the assessment of court fees by the clerk of district court.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 2002.

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.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 2002.

RESOLUTION FILED

HR 138, by Jenkins and Witt, a resolution recognizing and congratulating the City of Cedar Falls for receiving the Great American Main Street Award from the National Trust for Historic Preservation.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8588	S.F.	2310	Sievers of Scott Fallon of Polk Finch of Story Frevert of Palo Alto
H—8591	S.F.	2324	T. Taylor of Linn
H—8592	S.F.	2324	Brunkhorst of Bremer
H—8593	S.F.	2324	Dotzler of Black Hawk
H—8594	S.F.	2324	Dotzler of Black Hawk
H—8595	S.F.	2321	Shoultz of Black Hawk
H—8596	S.F.	2324	Committee on Commerce and Regulation
H—8597	H.F.	2614	Brunkhorst of Bremer
H—8598	S.F.	2324	Wise of Lee
H—8599	H.F.	2614	Gipp of Winneshiek
H—8600	S.F.	2324	Reynolds of Van Buren
H—8601	S.F.	2324	Reynolds of Van Buren
H—8602	S.F.	2324	Reynolds of Van Buren
H—8603	S.F.	2324	Reynolds of Van Buren
H—8604	H.F.	2614	Elgin of Linn Gipp of Winneshiek Raecker of Polk
H—8606	S.F.	2324	Bradley of Clinton
H—8607	H.F.	2614	Warnstadt of Woodbury
H—8609	S.F.	2316	Jenkins of Black Hawk
H—8610	S.F.	2324	Chiodo of Polk
H—8612	S.F.	2324	Reynolds of Van Buren
H—8613	H.F.	2468	Committee on Agriculture

H—8615	S.F.	2316	Cormack of Webster
H—8617	H.F.	2614	Cohon of Des Moines Wise of Lee
H—8618	H.F.	2623	Kreiman of Davis Reynolds of Van Buren
H—8619	H.F.	2614	Cormack of Webster
H—8620	H.F.	2623	Kreiman of Davis
H—8621	H.F.	2623	Mertz of Kossuth Drake of Pottawattamie
H—8622	H.F.	2623	Alons of Sioux Finch of Story Brunkhorst of Bremer
H—8623	H.F.	2623	Alons of Sioux Brunkhorst of Bremer Raecker of Polk Tyrrell of Iowa
			Eichhorn of Hamilton
			Baudler of Adair
			Rekow of Allamakee
H—8624	S.F.	2324	Shoultz of Black Hawk
H—8625	H.F.	2623	Wise of Lee
H—8626	H.F.	2623	Wise of Lee
H—8627	H.F.	2623	Bell of Jasper Gipp of Winneshiek Murphy of Dubuque
H—8628	H.F.	2623	Wise of Lee
H—8629	S.F.	2324	Hatch of Polk
H—8630	H.F.	2623	Stevens of Dickinson Lensing of Johnson
H—8631	S.F.	2324	Shoultz of Black Hawk
H—8633	H.F.	2623	Kreiman of Davis Rekow of Allamakee
H—8634	S.F.	2324	Reynolds of Van Buren
H—8635	S.F.	2325	Jenkins of Black Hawk
H—8636	H.F.	2623	Murphy of Dubuque
H—8637	H.F.	2623	Rekow of Allamakee Brunkhorst of Bremer Boggess of Page
H—8638	S.F.	2326	Ford of Polk
H—8639	H.F.	2623	Ford of Polk

On motion by Rants of Woodbury the House adjourned at 12:32 a.m., until 8:45 a.m., Thursday, April 11, 2002.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day - Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 11, 2002

The House met pursuant to adjournment at 8:52 a.m., Speaker Siegrist in the chair.

Prayer was offered by Reverend Donald Illian, pastor of St. John Lutheran Church, Denver. He was the guest of Representatives Bob Brunkhorst of Bremer County and Bill Dix of Butler County.

The Journal of Wednesday, April 10, 2002 was approved.

Prior to convening the House was entertained by the Okoboji High School Jazz Band. They were the guests of Representative Greg Stevens of Dickinson County.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 2002, amended and passed the following bill in which the concurrence of the House 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.

Also: That the Senate has on April 10, 2002, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on April 11, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2293, a bill for an act relating to animal agriculture.

MICHAEL E. MARSHALL, Secretary

SPECIAL PRESENTATION

Jenkins of Black Hawk introduced to the House the President of Bulgaria, Peter Stoyanov, whom addressed the House briefly regarding the achievements of his country. The mayor of Waterloo, John Roofff was also introduced in the House, whom just returned from a trip to Bulgaria.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 128

Alons of Sioux called up for consideration **House Resolution 128**, a resolution requesting the enactment of a federal tax credit to offset the potential fiscal impact of new federal regulations pertaining to manure control structures, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 131

O'Brien of Boone asked and received unanimous consent for the immediate consideration of **House Resolution 131**, a resolution honoring the Des Moines Area Community College Men's Basketball Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Appropriations Calendar

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, with report of committee recommending passage, was taken up for consideration.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2168)

The ayes were, 95:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boguess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Heaton	Hoffman	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Warnstadt	Weidman	Wilderdyke	Winckler
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, none.

Absent or not voting, 5:

Chiodo	Hatch	Horbach	Teig
Van Fossen			

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2168** be immediately messaged to the Senate.

The House resumed consideration of **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, previously deferred and found on pages 1320-1321 of the House Journal.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-8635 filed by him on April 10, 2002.

Jenkins of Black Hawk offered the following amendment H-8641 filed by him and Boddicker of Cedar from the floor and moved its adoption:

H-8641

- 1 Amend Senate File 2325, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 28, by striking lines 8 through 11 and
- 4 inserting the following:
- 5 "Sec. ___. Section 135.61, subsection 2, Code
- 6 2001, is amended by striking the subsection and
- 7 inserting in lieu thereof the following:
- 8 2. "Birth center" means a facility or institution,
- 9 which is not an ambulatory surgical center or a
- 10 hospital or in a hospital, in which births are planned
- 11 to occur following a normal, uncomplicated, low-risk
- 12 pregnancy."
- 13 2. By renumbering as necessary.

Roll call was requested by Hansen of Pottawattamie and Jenkins of Black Hawk.

On the question "Shall amendment H-8641 be adopted?" (S.F. 2325)

The ayes were, 57:

Arnold	Baudler	Bell	Boal
Boddicker	Bradley	Brauns	Broers
Brunkhorst	Carroll	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Elgin	Finch	Gipp	Grundberg
Hahn	Hansen	Heaton	Hoffman
Hoversten	Huseman	Huser	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Mertz
Metcalf	Millage	Myers	Petersen

Raecker	Rants	Reeder	Rekow
Roberts	Schrader	Seng	Shey
Sievers	Sukup	Tymeson	Tyrrell
Van Fossen	Warnstadt	Weidman	Wilderdyke
Mr. Speaker			
Siegrist			

The nays were, 37:

Alons	Atteberry	Boggess	Bukta
Cohoon	Dotzler	Eichhorn	Fallon
Foege	Ford	Frevert	Garman
Greimann	Hatch	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Murphy	O'Brien	Osterhaus
Quirk	Reynolds	Richardson	Scherrman
Shoultz	Smith	Stevens	Taylor, T.
Tremmel	Van Engelenhoven	Winckler	Wise
Witt			

Absent or not voting, 6:

Chiodo	Connors	Horbach	Rayhons
Taylor, D.	Teig		

Amendment H-8641 was adopted.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2325)

The ayes were, 98:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf

Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Richardson	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Witt	Mr. Speaker		
	Siegrist		

The nays were, none.

Absent or not voting, 2:

Chiodo Teig

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

SENATE MESSAGE CONSIDERED

Senate File 2293, by committee on agriculture, a bill for an act relating to animal agriculture, providing for fees, providing for penalties, and including retroactive applicability and effective date provisions.

Read first time and **passed on file**.

Ways and Means Calendar

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, was taken up for consideration.

Sievers of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2621)

The ayes were, 96

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Bukta
Carroll	Cohoon	Connors	Cormack
De Boef	Dix	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Mertz	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Winckler	Wise	Witt	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4

Brunkhorst	Chiodo	Grundberg	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

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, with report of committee recommending passage, was taken up for consideration.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-8559 filed by him on April 9, 2002.

Eichhorn of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2305)

The ayes were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Mertz	Metcalf	Millage
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Scherrman	Schrader
Seng	Shey	Shoultz	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyke	Winckler	Wise	Mr. Speaker
			Siegrist

The nays were, none.

Absent or not voting, 4:

Chiodo	Grundberg	Teig	Witt
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2621, Senate Files 2305 and 2325.**

SENATE FILE 2328 REREFERRED

The Speaker announced that Senate File 2328, previously referred to the committee on **appropriations** was rereferred to the committee on **education**.

The House stood at ease at 9:59 a.m., until the fall of the gavel.

The House resumed session at 11:38 a.m., Dix of Butler in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-one members present, forty-nine absent.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 2002, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 117, a concurrent resolution honoring Mr. Harold "Tommy" Thompson upon his retirement as the Executive Director of the Iowa Communications Network.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Gipp of Winneshiek 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 amendment H-8583 as follows:

H-8583

- 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 5, line 26, by inserting before the word 8 "For" the following: "a."	
9 4. Page 5, by inserting after line 33 the 10 following:	
11 "b. For school improvement technology block 12 grants, notwithstanding section 12E.12, subsection 1, 13 paragraph "b", subparagraph (1), and notwithstanding 14 section 256D.5, subsection 2, Code 2001:	
15 FY2002-2003	\$ 2,700,600
16 FY2003-2004	\$ 0
17 FY2004-2005	\$ 0
18 FY2005-2006	\$ 0

19 The moneys appropriated in this lettered paragraph
20 shall be distributed on a per pupil basis to school
21 districts, notwithstanding section 256D.6, Code
22 Supplement 2001, to be used for the purchase of
23 technology, subject to the restrictions of section
24 256D.8, subsection 1, Code Supplement 2001. The
25 moneys appropriated in this lettered paragraph shall
26 be allocated to school districts in the proportion
27 that the basic enrollment of a school district and the
28 participating accredited nonpublic schools located
29 within the school district for the budget year bears
30 to the sum of the basic enrollments of all school
31 districts and participating accredited nonpublic
32 schools in the state for the budget year. For purposes
33 of this lettered paragraph, "school district" means a
34 school district, the Iowa braille and sight saving
35 school, the state school for the deaf, the Price
36 laboratory school at the university of northern Iowa,
37 and the institutions under the control of the
38 department of human services as provided in section
39 218.1, subsections 1 through 3, 5, 7, and 8.

40 The moneys appropriated in this lettered paragraph
41 shall be allocated to school districts for the
42 purchase of technology for accredited nonpublic
43 schools as provided in 2001 Iowa Acts, chapter 189,
44 section 14.

45 A participating accredited nonpublic school, the
46 Iowa braille and sight saving school, the state school
47 for the deaf, the Price laboratory school at the
48 university of northern Iowa, and the department of
49 human services on behalf of the institutions under the
50 department's control as provided in section 218.1,

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1 subsections 1 through 3, 5, 7, and 8, shall certify

2 their basic enrollments or average student yearly
3 enrollment, as applicable, to the department of
4 education by October 1, 2002."

5 5. Page 7, by inserting after line 32 the
6 following:

7 "___ For planning, design, and construction of an
8 expansion of the parking structure being built at the
9 northwest corner of the intersection of Grand and
10 Pennsylvania avenues in Des Moines:

11	FY 2002-2003	\$ 3,400,000
12	FY 2003-2004	\$ 0
13	FY 2004-2005	\$ 0
14	FY 2005-2006	\$ 0

15 The department may amend the chapter 28E agreement
16 entered into with a private agency pursuant to 2001
17 Iowa Acts, First Extraordinary Session, chapter 5,
18 sections 5 and 6, to provide for the construction of
19 additional parking spaces for the parking structure.
20 Awarding of a contract for the construction of such
21 additional parking spaces shall be pursuant to the
22 competitive bidding and all other requirements of
23 section 18.6, subsection 9, and any rules adopted
24 pursuant to that subsection."

25 6. Page 8, by striking lines 26 through 32.

26 7. Page 18, by inserting after line 8 the
27 following:

28 "The automation shall be developed in a manner so
29 that it may be easily integrated for use with the 211
30 telephone number system being implemented statewide to
31 improve public access to social services."

32 8. Page 19, by inserting after line 6 the
33 following:

34 "___ COMMISSION OF VETERANS AFFAIRS

35 For demolition and removal of the fire-damaged
36 dwelling of the commandant of the Iowa veterans home:

37	\$ 50,000"
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38 9. By renumbering, relettering, or redesignating
39 and correcting internal references as necessary.

Brunkhorst of Bremer offered the following amendment H-8597,
to the Senate amendment H-8583, filed by him and moved its
adoption:

H-8597

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 renumbering as necessary.

Amendment H-8597 was adopted.

Gipp of Winneshiek offered the following amendment H-8599, to the Senate amendment H-8583, filed by him and moved its adoption:

H-8599

- 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. By striking page 1, line 7, through page 2,
- 5 line 4.
- 6 2. Page 2, by striking line 25.
- 7 3. By renumbering as necessary.

Amendment H-8599 was adopted, placing out of order amendment H-8604, to the Senate amendment H-8583.

Cormack of Webster offered the following amendment H-8619, to the Senate amendment H-8583 filed by him and moved its adoption:

H-8619

- 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 2, by striking lines 5 through 24.
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 25, nays 37.

Amendment H-8619 lost.

Cohoon of Des Moines offered the following amendment H-8617, to the Senate amendment H-8583, filed by him and Wise of Lee and moved its adoption:

H-8617

- 1 Amend the amendment, H-8583, to House File 2614, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, by inserting before line 26 the
- 5 following:

6 "___". Page 16, line 23, by striking the figure
 7 "5,770,600" and inserting the following:
 8 "11,500,000".
 9 2. By renumbering as necessary.

Roll call was requested by Cohoon of Des Moines and Wise of Lee.

On the question "Shall amendment H-8617, to the Senate amendment H-8583 be adopted?" (H.F. 2614)

The ayes were, 37:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Cormack	Dotzler
Fallon	Ford	Frevert	Greimann
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Murphy	Myers	O'Brien	Petersen
Reeder	Reynolds	Richardson	Roberts
Scherrman	Seng	Stevens	Taylor, D.
Taylor, T.	Tremmel	Van Engelenhoven	Winckler
Wise			

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	De Boef
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Finch	Garman	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Shey	Siegrist, Spkr.
Sievers	Sukup	Tymeson	Tyrrell
Van Fossen	Warnstadt	Weidman	Wilderdyke
Dix, Presiding			

Absent or not voting, 10:

Foege	Hatch	Mertz	Osterhaus
Quirk	Schrader	Shoultz	Smith
Teig	Witt		

Amendment H-8617 lost.

Warnstadt of Woodbury offered the following amendment H-8607, to the Senate amendment H-8583 filed by him and moved its adoption:

H-8607

- 1 Amend the amendment, H-8583, to House File 2614, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 2, line 36, by inserting after the word
- 5 "home" the following: ", notwithstanding section
- 6 8.57, subsection 5, paragraph "c".

Amendment H-8607 was adopted.

On motion by Gipp of Winneshiek the House concurred in the Senate amendment H-8583, as amended.

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

On the question "Shall the bill pass?" (H.F. 2614)

The ayes were, 86:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Finch	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Jochum	Johnson
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Mertz
Metcalf	Millage	Myers	O'Brien
Petersen	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Seng	Shey
Siegrist, Spkr.	Sievers	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt

Weidman Witt	Wilderdyke Dix, Presiding	Winckler	Wise
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The nays were, 7:

Cormack Garman	Fallon Huser	Ford Murphy	Frevert
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Absent or not voting, 7:

Foege Shoultz	Osterhaus Smith	Quirk Teig	Schrader
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2614** be immediately messaged to the Senate.

RULE 57 SUSPENDED

Rants of Woodbury asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on education immediately.

The House stood at ease at 1:07 p.m., until the fall of the gavel.

The House resumed session at 1:39 p.m., Bradley of Clinton in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-four members present, forty-six absent.

SENATE AMENDMENT CONSIDERED

Brunkhorst of Bremer 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 amendment H-8642 as follows:

H-8642

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 and for not more than
14 the following full-time equivalent positions:

15 \$ 1,100,000
16FTEs 17.87"

17 2. By striking page 7, line 33, through page 8,
18 line 11, and inserting the following:

19 "Sec.____. PRIOR YEAR NONREVERSION.
20 Notwithstanding 2001 Iowa Acts, chapter 184, section
21 3, subsection 3, 2001 Iowa Acts, chapter 184, section
22 13, and section 8.33, moneys appropriated under 2001
23 Iowa Acts, chapter 184, section 3, subsection 2, for
24 the establishment and operating of a substance abuse
25 treatment facility which are unobligated or
26 unencumbered on April 1, 2002, shall not be expended
27 or obligated during the remainder of the fiscal year
28 beginning July 1, 2001, and ending June 30, 2002, and
29 shall not revert but shall be available for the fiscal
30 year beginning July 1, 2002, and ending June 30, 2003,
31 for the following:

32 1. The first \$200,000 available shall be used for
33 a value-based treatment program at the Newton
34 correctional facility.

35 2. The remaining moneys available shall be used to
36 supplement the appropriations in this or any other Act
37 for substance abuse treatment under the substance
38 abuse treatment program.

39 3. Any unobligated or unencumbered moneys
40 remaining at the end of the fiscal year beginning July
41 1, 2002, shall revert to the healthy Iowans tobacco
42 trust."

43 3. Page 10, by striking lines 3 through 7.

44 4. Page 10, by inserting after line 11, the
45 following:

46 "Sec.____. EFFECTIVE DATE – RETROACTIVE

47 APPLICABILITY. Section 6 of this Act, relating to
48 nonexpenditure, nonobligation, and nonreversion of
49 funds remaining unencumbered or unobligated on April
50 1, 2002, which were appropriated for the establishment

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1 and operation of a substance abuse treatment facility
2 and which are to be available in the fiscal year
3 beginning July 1, 2002, and ending June 30, 2003, to
4 supplement appropriations for substance abuse
5 treatment under the substance abuse treatment program,
6 takes effect upon enactment and is retroactively
7 applicable to April 1, 2002."
8 5. Title page, by striking line 3, and inserting
9 the following: "and providing effective dates, and
10 providing for retroactive applicability."

Warnstadt of Woodbury offered the following amendment H-8648,
to the Senate amendment H-8642, filed by him from the floor and
moved its adoption:

H-8648

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 though 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.

Rants of Woodbury asked and received unanimous consent that
House File 2615 be deferred and that the bill retain its place on the
calendar. (Amendments H-8642 and H-8648 pending)

CONSIDERATION OF BILLS
Ways and Means Calendar

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, with report of committee recommending passage, was taken up for consideration.

SPECIAL PRESENTATION

Shoultz of Black Hawk introduced to the House the Honorable Bill Bernau, former state representative from Story County.

The House rose and expressed its welcome.

Shoultz of Black Hawk offered the following amendment H-8595 filed by him and moved its adoption:

H-8595

- 1 Amend Senate File 2321, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 29 and 30 and
- 4 inserting the following: "paragraph 2, Code
- 5 Supplement 2001, is amended to read as follows:
- 6 This subsection is repealed December 31, ~~2002~~
- 7 2004."
- 8 2. Page 2, by striking lines 32 and 33, and
- 9 inserting the following: "2, Code Supplement 2001, is
- 10 amended to read as follows:
- 11 This subsection is repealed December 31, ~~2002~~
- 12 2004."
- 13 3. Title page, line 4, by striking the word
- 14 "striking" and inserting the following: "extending
- 15 the time for".

Roll call was requested by Larson of Linn and Millage of Scott.

On the question "Shall amendment H-8595 be adopted?" (S.F. 2321)

The ayes were, 48:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Cormack	Dotzler
Drake	Fallon	Finch	Foege
Ford	Frevert	Greimann	Hatch
Hoffman	Huser	Jochum	Kettering
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Richardson	Scherrman
Schrader	Seng	Shultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 50:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Brauns	Broers
Brunkhorst	Carroll	De Boef	Dix
Dolecheck	Eddie	Eichhorn	Elgin
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Klemme	Larson	Manternach
Metcalf	Millage	Raecker	Rants
Rayhons	Rekow	Roberts	Shey
Siegrist, Spkr.	Sievers	Sukup	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wildurdyke	Bradley, Presiding		

Absent or not voting, 2:

Mertz Teig

Amendment H-8595 lost.

Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2321)

The ayes were, 75:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Cormack

De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Ford	Garman	Gipp	Grundberg
Hahn	Hansen	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Manternach	May	Metcalf
Millage	Myers	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Roberts	Seng	Shey
Siegrist, Spkr.	Sievers	Smith	Stevens
Sukup	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Wise	Witt	Bradley, Presiding	

The nays were, 22:

Connors	Dotzler	Fallon	Foege
Frevert	Greimann	Hatch	Jochum
Lensing	Mascher	Murphy	O'Brien
Osterhaus	Reynolds	Richardson	Scherrman
Schrader	Shoultz	Taylor, D.	Taylor, T.
Tremmel	Winckler		

Absent or not voting, 3:

Heaton	Mertz	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2321** be immediately messaged to the Senate.

Speaker Siegrist in the chair at 3:05 p.m.

ADOPTION OF HOUSE RESOLUTION 138

Jenkins of Black Hawk asked and received unanimous consent for the immediate consideration of **House Resolution 138**, a resolution recognizing and congratulating the City of Cedar Falls for receiving the Great American Main Street Award from the National Trust for Historic Preservation, Jenkins and Witt of Black Hawk moved its adoption.

The motion prevailed and the resolution was adopted.

Appropriations Calendar

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.

The House stood at ease at 4:16 p.m., until the fall of the gavel.

The House resumed session at 5:48 p.m., Speaker pro tempore Sukup in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 2002, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 11, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2339, a bill for an act relating to the filing of a supersedeas bond.

Also: That the Senate has on April 11, 2002, passed the following bill in which the concurrence of the Senate was 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.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

Millage of Scott offered the following amendment H-8659 filed by him from the floor and moved its adoption:

H-8659

1 Amend House File 2623 as follows:

2 1. Page 1, line 5, by striking the word
3 "TRANSFER." and inserting the following: "AND
4 UNDERGROUND STORAGE TANK FUND TRANSFERS.
5 a."

6 2. Page 1, by inserting after line 14 the
7 following:
8 "b. Notwithstanding section 455G.3, subsection 1,
9 on July 1, 2002, \$11,100,000 is transferred from the
10 Iowa comprehensive petroleum underground storage tank
11 fund created in section 455G.3, subsection 1, to the
12 salary adjustment fund."

13 3. Page 1, line 16, by inserting after the word
14 "PROCEEDS" the following: " - UNDERGROUND STORAGE
15 TANK FUND TRANSFER".

16 4. Page 1, line 17, by inserting after the word
17 "proceeds" the following: "and underground storage
18 tank fund moneys".

19 5. Page 1, line 23, by striking the figure
20 "\$30,000,000" and inserting the following:
21 "\$41,100,000".

22 6. Page 4, line 3, by striking the figure
23 "\$18,000,000" and inserting the following:
24 "\$25,000,000".

25 7. Page 4, line 20, by striking the figure
26 "\$2,970,000" and inserting the following:
27 "\$4,000,000".

28 8. Page 46, by inserting after line 13 the
29 following:

30 "DIVISION ____
31 APPROPRIATION ADJUSTMENTS
32 Sec.____. SECRETARY OF STATE. 2002 Iowa Acts,
33 Senate File 2326, section 23, subsection 2, if
34 enacted, is amended to read as follows:

35 2. BUSINESS SERVICES

36 For salaries, support, maintenance, miscellaneous
37 purposes, and for not more than the following full-
38 time equivalent positions

39	\$	1,433,235
40		<u>1,533,235</u>
41	FTEs	32.00

42 Sec.____. 2002 Iowa Acts, Senate File 2326,
43 section 79, subsections 17 and 18, if enacted, are
44 amended to read as follows:

45 17. STUDENT ACHIEVEMENT AND TEACHER QUALITY
46 PROGRAM

47 For purposes, as provided in law, of the student
 48 achievement and teacher quality program established
 49 pursuant to chapter 284:
 50 \$ 7,750,000

Page 2

1 16,100,000

2 Notwithstanding section 8.33, any moneys remaining
 3 unencumbered or unobligated from the moneys allocated
 4 as provided in this subsection shall not revert but
 5 shall remain available in the succeeding fiscal year
 6 for expenditure for the purposes designated. The
 7 provisions of section 8.39 shall not apply to the
 8 funds appropriated pursuant to this subsection.

9 18. COMMUNITY COLLEGES

10 For general state financial aid, including general
 11 financial aid to merged areas in lieu of personal
 12 property tax replacement payments, to merged areas as
 13 defined in section 260C.2, for vocational education
 14 programs in accordance with chapters 258 and 260C:

15 \$ 137,585,680

16 138,585,680

17 The funds appropriated in this subsection shall be
 18 allocated as follows:

19 a. Merged Area I..... \$ 6,602,820

20 6,650,811

21 b. Merged Area II..... \$ 7,755,900

22 7,812,271

23 c. Merged Area III..... \$ 7,205,055

24 7,257,423

25 d. Merged Area IV..... \$ 3,521,678

26 3,547,274

27 e. Merged Area V..... \$ 7,367,785

28 7,421,336

29 f. Merged Area VI..... \$ 6,826,113

30 6,875,727

31 g. Merged Area VII..... \$ 9,849,174

32 9,920,760

33 h. Merged Area IX..... \$ 12,113,770

34 12,201,815

35 i. Merged Area X..... \$ 19,011,042

36 19,149,218

37 j. Merged Area XI..... \$ 20,177,551

38 20,324,204

39 k. Merged Area XII..... \$ 7,949,367

40 8,007,145

41 l. Merged Area XIII..... \$ 8,174,348

42 8,233,761

43 m. Merged Area XIV..... \$ 3,563,670

44 3,589,571

45 n. Merged Area XV..... \$ 11,213,616

46 11,295,119
 47 o. Merged Area XVI..... \$ 6,253,791
 48 6,299,245
 49 Sec.____. REGENTS INSTITUTIONS. The amounts
 50 appropriated from the general fund of the state to the

Page 3

1 state board of regents for the state university of
 2 Iowa, the Iowa state university of science and
 3 technology, and the university of northern Iowa, in
 4 2002 Iowa Acts, Senate File 2326, section 81,
 5 subsections 2, 3, and 4, if enacted, for the fiscal
 6 year beginning July 1, 2002, and ending June 30, 2003,
 7 are reduced by the following amount:

8 \$ 5,000,000

9 The state board of regents shall apply the
 10 reduction made in this section to the appropriations
 11 made to the indicated institutions in a manner so that
 12 an institution's appropriation is reduced in
 13 proportion to the amount the institution's
 14 appropriation in 2002 Iowa Acts, Senate File 2326,
 15 section 81, bears to the total amount appropriated in
 16 that section to the three institutions.

17 Sec.____. MEDICAL ASSISTANCE. 2002 Iowa Acts,
 18 Senate File 2326, section 104, unnumbered paragraph 2,
 19 if enacted, is amended to read as follows:

20 For medical assistance reimbursement and associated
 21 costs as specifically provided in the reimbursement
 22 methodologies in effect on June 30, 2002, except as
 23 otherwise expressly authorized by law, including
 24 reimbursement for abortion services, which shall be
 25 available under the medical assistance program only
 26 for those abortions which are medically necessary:
 27 \$ 416,607,073
 28 412,907,073

29 Sec.____. CHILDREN'S HEALTH INSURANCE PROGRAM.
 30 2002 Iowa Acts, Senate File 2326, section 106,
 31 unnumbered paragraph 2, if enacted, is amended to read
 32 as follows:

33 For maintenance of the healthy and well kids in
 34 Iowa (hawk-i) program pursuant to chapter 514I for
 35 receipt of federal financial participation under Title
 36 XXI of the federal Social Security Act, which creates
 37 the state children's health insurance program:
 38 \$ 9,958,412
 39 11,458,412

40 Sec.____. 2002 Iowa Acts, Senate File 2326,
 41 section 172, if enacted, is amended to read as
 42 follows:

43 SEC. 172. EDUCATIONAL EXCELLENCE. Notwithstanding
 44 section 294A.25, subsection 1, the amount appropriated

45 from the general fund of the state under section
 46 294A.25, subsection 1, to the department of education
 47 for phase III moneys for the fiscal year beginning
 48 July 1, 2002, and ending June 30, 2003, is reduced by
 49 the following amount:
 50 \$ 11,750,000

Page 4

1 14,000,000
 2 Sec. __. UNDERGROUND STORAGE TANK FUND.
 3 Notwithstanding section 455G.3, subsection 1, there is
 4 transferred from the Iowa comprehensive petroleum
 5 underground storage tank fund created in section
 6 455G.3, subsection 1, to the department of education
 7 during the fiscal year beginning July 1, 2002, and
 8 ending June 30, 2003, the following amount, to be used
 9 for the purposes designated:
 10 For purposes, as provided in law, of the student
 11 achievement and teacher quality program established
 12 pursuant to chapter 284:
 13 \$ 8,900,000

14 Moneys transferred in this section are appropriated
 15 to the department to be used for the purposes
 16 designated. Notwithstanding section 8.33, moneys
 17 appropriated in this section that remain unencumbered
 18 or unobligated at the close of the fiscal year shall
 19 not revert but shall remain available for expenditure
 20 for the purposes designated until the close of the
 21 succeeding fiscal year. The provisions of section
 22 8.39 do not apply to the moneys appropriated in this
 23 section.
 24 Sec. __. PREMIUM TAX REVENUES. Notwithstanding
 25 any provision of law to the contrary, if 2002 Iowa
 26 Acts, Senate File 2318, is enacted, before any premium
 27 tax revenues are credited to the general fund of the
 28 state for the fiscal year beginning July 1, 2002, and
 29 ending June 30, 2003, the following amount of the
 30 revenues first received is appropriated to the
 31 department of education for the fiscal year beginning
 32 July 1, 2002, and ending June 30, 2003, to be used for
 33 the purposes designated:
 34 For purposes, as provided in law, of the student
 35 achievement and teacher quality program established
 36 pursuant to chapter 284:
 37 \$ 10,000,000

38 Notwithstanding section 8.33, moneys appropriated
 39 in this section that remain unencumbered or
 40 unobligated at the close of the fiscal year shall not
 41 revert but shall remain available for expenditure for
 42 the purposes designated until the close of the
 43 succeeding fiscal year. The provisions of section

44 8.39 do not apply to the moneys appropriated in this
 45 section.
 46 Sec. ___. REBUILD IOWA INFRASTRUCTURE FUND –
 47 GAMBLING REVENUES. Notwithstanding section 8.57,
 48 subsection 5, there is transferred from pari-mutuel
 49 wagering and gambling revenues credited to the rebuild
 50 Iowa infrastructure fund created in section 8.57,

Page 5

1 subsection 5, for public vertical infrastructure
 2 projects, to the department of education for the
 3 fiscal year beginning July 1, 2002, and ending June
 4 30, 2003, the following amount, to be used for the
 5 purposes designated:
 6 For purposes, as provided in law, of the student
 7 achievement and teacher quality program established
 8 pursuant to chapter 284:
 9 \$ 5,000,000
 10 Moneys transferred in this section are appropriated
 11 to the department to be used for the purposes
 12 designated. Notwithstanding section 8.33, moneys
 13 appropriated in this section that remain unencumbered
 14 or unobligated at the close of the fiscal year shall
 15 not revert but shall remain available for expenditure
 16 for the purposes designated until the close of the
 17 succeeding fiscal year. The provisions of section
 18 8.39 do not apply to the moneys appropriated in this
 19 section."
 20 9. By renumbering as necessary.

They of Linn in the chair at 6:03 p.m.

Amendment H-8659 was adopted.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-8647 filed by him from the floor.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8663 filed by her from the floor.

The following amendments were deferred by unanimous consent:

- Amendment H-8644 filed by Grundberg of Polk.
- Amendment H-8650 filed by Grundberg of Polk.
- Amendment H-8646 filed by Grundberg of Polk.
- Amendment H-8643 filed by Osterhaus of Jackson.

Bell of Jasper offered the following amendment H-8627 filed by Bell, Gipp of Winneshiek and Murphy of Dubuque and moved its adoption:

H-8627

- 1 Amend House File 2623 as follows:
- 2 1. Page 13, by striking lines 11 through 22.

Amendment H-8627 was adopted.

Ford of Polk offered amendment H-8639 filed by him as follows:

H-8639

- 1 Amend House File 2623 as follows:
- 2 1. Page 13, by inserting after line 22 the
- 3 following:
- 4 "Sec. ___. Section 123.3, subsection 12A, Code
- 5 2001, is amended to read as follows:
- 6 12A. "Designated security employee" means an
- 7 agent, contract employee, or employee of a licensee or
- 8 permittee who ~~is primarily employed for security~~
- 9 purposes works in a security position in any capacity
- 10 at a commercial establishment licensed or permitted
- 11 under this chapter."
- 12 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-8639 was not germane.

The Speaker ruled the point well taken and amendment H-8639 not germane.

Ford of Polk asked for unanimous consent to suspend the rules to consider amendment H-8639.

Objection was raised.

Ford of Polk moved to suspend the rules to consider amendment H-8639.

Roll call was requested by Huser of Polk and T. Taylor of Linn.

On the question "Shall the rules be suspended to consider amendment H-8639?" (H.F. 2623)

The ayes were, 42:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Cormack	Dotzler
Fallon	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Murphy	Myers	Osterhaus
Petersen	Quirk	Reeder	Reynolds
Richardson	Scherrman	Schrader	Seng
Shoultz	Smith	Stevens	Taylor, D.
Taylor, T.	Tremmel	Warnstadt	Winckler
Wise	Witt		

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carrroll	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Siegrist, Spkr.	Sievers
Sukup	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyke	Shey, Presiding

Absent or not voting, 6:

Foege	Grundberg	Hahn	Mertz
O'Brien	Teig		

The motion to suspend the rules lost.

Metcalf of Polk in the chair at 6:31 p.m.

Ford of Polk asked and received unanimous consent that amendment H-8655 be deferred.

Millage of Scott offered the following amendment H-8664 filed by him from the floor and moved its adoption:

H-8664

1 Amend House File 2623 as follows:

2 1. Page 13, by inserting after line 22 the
3 following:

4 "Sec. ___. Section 124.401A, Code 2001, is amended
5 to read as follows:

6 124.401A ENHANCED PENALTY FOR MANUFACTURE OR
7 DISTRIBUTION TO PERSONS ON CERTAIN REAL PROPERTY.

8 In addition to any other penalties provided in this
9 chapter, a person who is eighteen years of age or
10 older who unlawfully manufactures with intent to
11 distribute, distributes, or possesses with intent to
12 distribute a substance or counterfeit substance listed
13 in schedule I, II, or III, or a simulated controlled
14 substance represented to be a controlled substance
15 classified in schedule I, II, or III, to another
16 person who is eighteen years of age or older in or on,
17 or within one thousand feet of the real property
18 comprising a public or private elementary or secondary
19 school, public park, public swimming pool, public
20 recreation center, or on a marked school bus, may be
21 sentenced up to an additional term of confinement of
22 five years.

23 Sec. ___. Section 124.409, subsection 1, Code
24 2001, is amended by striking the subsection."

25 2. Page 22, by inserting after line 34 the
26 following:

27 "Sec. ___. Section 546.10, subsection 3,
28 unnumbered paragraph 2, if enacted by Senate File
29 2326, section 32, is amended to read as follows:

30 Notwithstanding subsection 5, eighty-five percent
31 of the funds received annually resulting from an
32 increase in licensing fees ~~approved and~~ implemented on
33 or after ~~July~~ April 1, 2002, by a licensing board or
34 commission listed in subsection 1, is appropriated to
35 the professional licensing and regulation division to
36 be allocated to the board or commission for the fiscal
37 year beginning July 1, 2002, and succeeding fiscal
38 years, for purposes related to the duties of the board
39 or commission, including but not limited to additional
40 full-time equivalent positions. The director of
41 revenue and finance shall draw warrants upon the
42 treasurer of state from the funds appropriated as
43 provided in this section and shall make the funds
44 available to the professional licensing division on a
45 monthly basis during each fiscal year."

46 3. Page 25, line 9, by inserting after the word
47 and figure "division I," the following: "if
48 enacted,".

49 4. Page 25, line 24, by inserting after the
50 figure "2326," the following: "if enacted,".

Page 2

1 5. Page 26, by inserting after line 11 the
 2 following:
 3 "Sec.____. STATE MEDICAL LIBRARY TRANSFER. The
 4 state medical library, in consultation with the Des
 5 Moines university – osteopathic medical center, shall
 6 develop a transition plan for the purpose of
 7 transferring the responsibilities of the state medical
 8 library to the Des Moines university – osteopathic
 9 medical center. The transition plan shall be filed
 10 with the general assembly by January 1, 2003. The
 11 transfer of the state medical library shall occur by
 12 April 1, 2003."

13 6. Page 26, by inserting after line 27 the
 14 following:
 15 "Sec.____. SCHOOL FOR THE DEAF POSITIONS. 2002
 16 Iowa Acts, Senate File 2326, section 81, subsection 5,
 17 if enacted, is amended to read as follows:

18 5. STATE SCHOOL FOR THE DEAF
 19 For salaries, support, maintenance, miscellaneous
 20 purposes, and for not more than the following full-
 21 time equivalent positions:
 22 \$ 7,891,351
 23 FTEs 117.29
 24 129.60"

25 7. Page 27, by inserting after line 11 the
 26 following:
 27 "Sec.____. 2002 Iowa Acts, Senate File 2326,
 28 section 127, subsection 1, paragraph a, if enacted, is
 29 amended to read as follows:
 30 a. ~~Notwithstanding 2001 Iowa Acts, chapter 192,~~
 31 ~~section 4, subsection 2, paragraph "b", the modified~~
 32 ~~price-based case-mix reimbursement rate upon which the~~
 33 ~~reimbursement rate for nursing facilities is~~
 34 ~~determined shall only include an additional inflation~~
 35 ~~factor to the extent of the funding budgeted and~~
 36 ~~appropriated specifically for nursing facility~~
 37 ~~reimbursement based on a case-mix reimbursement~~
 38 ~~methodology in this division of this Act or in other~~
 39 ~~appropriations. For the fiscal year beginning July 1,~~
 40 ~~2002, and ending June 30, 2003, nursing facilities~~
 41 ~~shall be reimbursed as provided in 2002 Iowa Acts,~~
 42 ~~House File 2613, if enacted.~~ Nursing facilities
 43 reimbursed under the medical assistance program shall
 44 submit annual cost reports and additional
 45 documentation as required by rules adopted by the
 46 department."

47 8. Page 38, by inserting after line 15 the
 48 following:
 49 "Sec.____. Section 256F.4, subsections 1 and 3, if
 50 enacted by 2002 Iowa Acts, Senate File 348, section 4,

Page 3

1 are amended to read as follows:

2 1. Within fifteen days after approval of a charter
3 school application submitted in accordance with
4 section 256F.3, subsection 2, a school board shall
5 report to the department the name of the charter
6 school applicant ~~entry~~, the proposed charter school
7 location, and its projected enrollment.

8 3. A charter school shall not discriminate in its
9 student admissions policies or practices on the basis
10 of intellectual or athletic ability, measures of
11 achievement or aptitude, or status as a person with a
12 disability. However, a charter school may limit
13 admission to students who are within a particular
14 range of ~~age~~ ages or ~~grade level~~ levels or on any
15 other basis that would be legal if initiated by a
16 school district. Enrollment priority shall be given
17 to the siblings of students enrolled in a charter
18 school."

19 9. Page 40, by inserting after line 7 the
20 following:

21 "Sec. ___. Section 453A.58, subsection 1,
22 paragraph a, as created in 2002 Iowa Acts, Senate File
23 2317, section 4, if enacted, is amended to read as
24 follows:

25 a. The tobacco product manufacturer of the brand,
26 or any predecessor tobacco product manufacturer of the
27 brand, is a participating manufacturer ~~in compliance~~
28 with as described in section 453C.2, subsection 1.

29 Sec. ___. Section 453A.58, subsection 2, as
30 created in 2002 Iowa Acts, Senate File 2317, section
31 4, if enacted, is amended to read as follows:

32 2. A distributor shall not affix stamps or cause
33 stamps to be affixed to individual packages of any
34 brand of cigarettes, subsequent to notice to the
35 distributor by the department of revenue and finance
36 that the tobacco product manufacturer is ~~in violation~~
37 of chapter 453C not in compliance with subsection 1
38 with reference to that brand.

39 Sec. ___. Section 453A.59, subsection 1, paragraph
40 a, as created in 2002 Iowa Acts, Senate File 2317,
41 section 5, if enacted, is amended to read as follows:

42 a. A participating manufacturer ~~pursuant to~~
43 described in section 453C.2, subsection 1.

44 Sec. ___. Section 490.732, subsection 4, if
45 enacted by 2002 Iowa Acts, House File 2509, section
46 22, is amended to read as follows:

47 4. An agreement authorized by this section shall
48 cease to be effective when shares of the corporation
49 are listed on a national securities exchange or
50 regularly ~~traced~~ traded in a market maintained by one

Page 4

1 or more members of a national or affiliated securities
2 association. If the agreement ceases to be effective
3 for any reason, the board of directors may, if the
4 agreement is contained or referred to in the
5 corporation's articles of incorporation or bylaws,
6 adopt an amendment to the articles of incorporation or
7 bylaws, without shareholder action, to delete the
8 agreement and any references to it.

9 Sec. ___. Section 490.853, subsection 3,
10 unnumbered paragraph 1, if enacted by 2002 Iowa Acts,
11 House File 2509, section 47, is amended to read as
12 follows:

13 Authorizations under this section shall be made
14 according to ~~the~~ one of the following:

15 Sec. ___. Section 490.1003, subsection 2, if
16 enacted by 2002 Iowa Acts, House File 2509, section
17 56, is amended to read as follows:

18 2. Except as provided in ~~section~~ sections
19 490.1005, 490.1007, and 490.1008, after adopting the
20 proposed amendment, the board of directors must submit
21 the amendment to the shareholders for their approval.
22 The board of directors must also transmit to the
23 shareholders a recommendation that the shareholders
24 approved the amendment, unless the board of directors
25 makes a determination that because of conflicts of
26 interest or other special circumstances it should not
27 make such a recommendation, in which case the board of
28 directors must transmit to the shareholders the basis
29 for the determination.

30 Sec. ___. Section 490.1303, subsection 2,
31 paragraph b, Code 2001, as amended by 2002 Iowa Acts,
32 House File 2509, section 80, if enacted, is amended to
33 read as follows:

34 b. Does so with respect to all shares of the class
35 ~~of or~~ series that are beneficially owned by the
36 beneficial shareholder."

37 10. Page 40, line 33, by inserting after the
38 figure "2531," the following: "section 12,".

39 11. Page 42, by inserting after line 24 the
40 following:

41 "Sec. ___. 2002 Iowa Acts, House File 2378,
42 section 10, subsection 1, if enacted, is amended to
43 read as follows:

44 1. Section 4 of this Act, amending section
45 15E.193C, subsections 2, 5, and 10, Code Supplement
46 2001, being deemed of immediate importance, takes
47 effect April 30, 2002, and, if approved by the
48 governor after April 30, 2002, shall apply
49 retroactively to April 30, 2002.

50 Sec. ___. 2002 Iowa Acts, Senate File 2275,

Page 5

1 sections 170 through 174, if enacted, are repealed."

Amendment H-8664 was adopted.

Tremmel of Wapello asked and received unanimous consent to withdraw amendment H-8670 filed by him from floor.

Kreiman of Davis asked and received unanimous consent that amendment H-8618 be deferred.

Smith of Marshall offered amendment H-8656 filed by him from the floor as follows:

H-8656

1 Amend House File 2623 as follows:

2 1. Page 17, by inserting after line 16, the
3 following:

4 "Sec. __. NEW SECTION. 249A.21 INTERMEDIATE
5 CARE FACILITIES FOR PERSONS WITH MENTAL RETARDATION -
6 ASSESSMENT.

7 1. The department may assess intermediate care
8 facilities for persons with mental retardation, as
9 defined in section 135C.1, that are not operated by
10 the state, a fee in an amount not to exceed six
11 percent of the total annual revenue of the facility
12 for the preceding fiscal year. Counties shall not be
13 required to participate in the cost of the assessment.

14 2. The assessment shall be paid to the department
15 in equal monthly amounts on or before the fifteenth
16 day of each month. The department may deduct the
17 monthly amount from medical assistance payments to a
18 facility described in subsection 1. The amount
19 deducted from payments shall not exceed the total
20 amount of the assessments due.

21 3. Revenue from the assessments shall be credited
22 to the state medical assistance appropriation. This
23 revenue may be used only for services for which
24 federal financial participation under the medical
25 assistance program is available to match state funds.

26 4. If federal financial participation to match the
27 assessments made under subsection 1 becomes
28 unavailable under federal law, the department shall
29 terminate the imposing of the assessments beginning on
30 the date that the federal statutory, regulatory, or
31 interpretive change takes effect.

32 5. The department of human services may procure a

33 sole source contract to implement the provisions of
34 this section."

35 2. Page 27, by inserting after line 11, the
36 following:

37 "Sec. ___. 2002 Iowa Acts, House File 2326,
38 section 93, subsection 2, unnumbered paragraph 1, if
39 enacted, is amended to read as follows:

40 2. IOWA VETERANS HOME

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

44	\$ 14,445,694
45	<u>\$ 14,937,583</u>

46 Sec. ___. 2002 Iowa Acts, House File 2326, section
47 106, if enacted, is amended by adding the following
48 new subsection:

49 NEW SUBSECTION. 3. Moneys received in excess of
50 \$491,899 pursuant to section 249A.21, if enacted by

Page 2

1 the Seventy-ninth General Assembly, 2002 Session,
2 shall be used to supplement the appropriation for the
3 hawk-i program in this section and in any other Act."

4 3. Page 32, by inserting after line 14, the
5 following:

6 "Sec. ___. EFFECTIVE DATE. The section of this
7 division of this Act that creates section 249A.21,
8 relating to an assessment on intermediate care
9 facilities for persons with mental retardation, being
10 deemed of immediate importance, takes effect upon
11 enactment."

Millage of Scott rose on a point of order that amendment H-8656 was not germane.

The Speaker ruled the point well taken and amendment H-8656 not germane.

Grundberg of Polk asked and received unanimous consent that amendment H-8657 be deferred.

T. Taylor of Linn asked and received unanimous consent that amendment H-8661 be deferred.

Murphy of Dubuque offered the following amendment H-8636 filed by him and moved its adoption:

H-8636

- 1 Amend House File 2623 as follows:
- 2 1. By striking page 22, line 35, through page 23,
- 3 line 16.

Amendment H-8636 lost.

Rekow of Allamakee asked and received unanimous consent to withdraw amendment H-8637 filed by Rekow, et al., on April 10, 2002.

Heaton of Henry offered the following amendment H-8653 filed by him and Johnson of Osceola from the floor and moved its adoption:

H-8653

- 1 Amend House File 2623 as follows:
- 2 1. Page 24, by inserting after line 30, 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. It is the intent of the
- 14 general assembly that for the fiscal year beginning
- 15 July 1, 2002, the budget targets for group foster care
- 16 will be determined at levels so that special statutory
- 17 authority for exceeding the budget targets beyond the
- 18 amount authorized in section 232.143, subsection 1,
- 19 will not be necessary."
- 20 2. Page 25, by inserting after line 35 the
- 21 following:
- 22 "Sec. ___. MEDICAL ASSISTANCE – DENTAL SERVICES
- 23 FOR ADULTS. In addition to other dental services
- 24 provided to adults under the medical assistance
- 25 program in accordance with 2002 Iowa Acts, House File
- 26 2245, section 7, subsection 2, the following services
- 27 shall be provided:
- 28 1. Root canal treatments on permanent anterior
- 29 teeth.
- 30 2. General anesthesia and intravenous sedation if
- 31 necessitated by the physical or mental disability of
- 32 the patient.
- 33 The department may adopt emergency rules to

34 implement this section in accordance with the
35 provisions of 2002 Iowa Acts, Senate File 2326,
36 division VI, section 135, if enacted."

37 3. Page 27, by inserting before line 12, the
38 following:

39 "Sec.____. 2002 Iowa Acts, Senate File 2326,
40 section 99, subsection 1, if enacted, is amended to
41 read as follows:

42 1. To be credited to the family investment program
43 account and used for assistance under the family
44 investment program under chapter 239B:

45 \$ 45,618,447
46 46,508,982

47 Sec.____. 2002 Iowa Acts, Senate File 2326,
48 section 99, subsection 11, unnumbered paragraph 2, if
49 enacted, is amended to read as follows:

50 Pregnancy prevention grants shall be awarded to

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1 programs in existence on or before July 1, 2002, if
2 the programs are comprehensive in scope and have
3 demonstrated positive outcomes. Grants shall be
4 awarded to pregnancy prevention programs which are
5 developed after July 1, 2002, if the programs are
6 comprehensive in scope and are based on existing
7 models that have demonstrated positive outcomes.
8 Grants shall comply with the requirements provided in
9 1997 Iowa Acts, chapter 208, section 14, subsections 1
10 and 2, including the requirement that grant programs
11 must emphasize sexual abstinence. Priority in the
12 awarding of grants shall be given to programs that
13 serve areas of the state which demonstrate the highest
14 percentage of unplanned pregnancies of females age or
15 older but younger than age 18 within the geographic
16 area to be served by the grant.

17 In addition to the full-time equivalent positions
18 funded in this division of this Act, the department
19 may use a portion of the funds appropriated in this
20 subsection to employ an employee in up to 1.00 full-
21 time equivalent position for the administration of
22 programs specified in this subsection."

23 4. Page 32, by inserting after line 10, the
24 following:

25 "Sec. ____ . EFFECTIVE DATE. The section in this
26 Act relating to dental services for adults under the
27 medical assistance program, being deemed of immediate
28 importance, takes effect upon enactment."

29 5. Page 32, by inserting after line 14, the
30 following:

31 "Sec.____. EFFECTIVE DATE. The provision of this
32 division of this Act amending 2001 Iowa Acts, chapter

33 191, section 14, relating to the department of human
34 services exceeding its budget target for group foster
35 care by up to twenty percent in fiscal year 2001-
36 2002."
37 6. By renumbering as necessary.

Amendment H-8653 was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8620 filed by him on April 10, 2002.

Stevens of Dickinson offered the following amendment H-8630 filed by him and Lensing of Johnson and moved its adoption:

H-8630

1 Amend House File 2623 as follows:
2 1. Page 26, by inserting after line 11, the
3 following:
4 "Sec. __. INFORMATION TECHNOLOGY DEPARTMENT -
5 ADDITIONAL POSITIONS AUTHORIZED. For the fiscal year
6 beginning July 1, 2002, and ending June 30, 2003, the
7 information technology department shall be authorized
8 to hire additional FTEs over those authorized in other
9 Acts, provided that the amounts expended for the
10 additional FTEs are reimbursable, and provided that
11 the following conditions are satisfied:
12 1. The department shall notify the department of
13 management, the legislative fiscal bureau, and the
14 members of the legislative fiscal committee of the
15 necessity for the additional FTEs.
16 2. The department shall file with each of the
17 entities listed in subsection 1 a written
18 justification for the department's determination that
19 additional FTEs are necessary, and an estimated cost
20 for the additional FTE expenditures."

Amendment H-8630 lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-8633 filed by him and Rekow of Allamakee on April 10, 2002.

Dix of Butler asked and received unanimous consent to withdraw amendment H-8651 filed by him from the floor.

Drake of Pottawattamie offered the following amendment H-8621 filed by him and Mertz of Kossuth and moved its adoption:

H-8621

1 Amend House File 2623 as follows:
2 1. Page 26, by inserting after line 27 the
3 following:
4 "Sec. ___. 2002 Iowa Acts, Senate File 2326,
5 section 39, if enacted, is amended by adding the
6 following new subsection:
7 NEW SUBSECTION. 5. Of the amount appropriated in
8 this section, \$1,250,000 shall be used for salaries,
9 support, maintenance, and miscellaneous purposes for
10 activities regarding animal agriculture."

Amendment H-8621 was adopted.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-8623 filed by Alons of Sioux, et al., on April 10, 2002.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-8645 filed by him from the floor.

Alons of Sioux offered the following amendment H-8622 filed by Alons, et al., and moved its adoption:

H-8622

1 Amend House File 2623 as follows:
2 1. Page 27, by inserting after line 9 the
3 following:
4 "Sec. ___. 2002 Iowa Acts, Senate File 2326,
5 section 92, subsection 6, if enacted, is amended by
6 adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The appropriation in
8 this subsection is contingent upon the appointment of
9 an administrator of the division on the status of
10 African-Americans and the appointment of all nine
11 members to the commission on the status of African-
12 Americans."

Amendment H-8622 was adopted.

Wise of Lee offered the following amendment H-8625 filed by him and moved its adoption:

H-8625

- 1 Amend House File 2623 as follows:
- 2 1. Page 31, by inserting after line 22 the
- 3 following:
- 4 "Sec. __. 2002 Iowa Acts, Senate File 2326,
- 5 section 172, if enacted, is amended by striking the
- 6 section."
- 7 2. By renumbering as necessary.

Roll call was requested by Wise of Lee and Chiodo of Polk.

On the question "Shall amendment H-8625 be adopted?" (H.F. 2623)

The ayes were, 41:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Foege
Ford	Frevert	Greimann	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reeder	Reynolds	Richardson
Scherrman	Schrader	Seng	Shoultz
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Warnstadt	Winckler	Wise
Witt			

The nays were, 53:

Alons	Arnold	Baudler	Boal
Bogges	Bradley	Brauns	Broers
Carroll	Cormack	De Boef	Dix
Dolecheck	Drake	Eddie	Eichhorn
Elgin	Finch	Garman	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Larson	Manternach
Millage	Raecker	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Sukup	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Wilderdyke
Metcalf,			
Presiding			

Absent or not voting, 6:

Boddicker	Brunkhorst	Fallon	Hatch
Mertz	Teig		

Amendment H-8625 lost.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-8652 filed by her and Fallon of Polk from the floor.

Wise of Lee asked and received unanimous consent to withdraw amendments H-8626 and H-8628 filed by him on April 10, 2002.

Connors of Polk asked and received unanimous consent that amendment H-8671, previously deferred, be deferred.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8644, previously deferred, filed by her from the floor, placing out of order amendment H-8668 filed by Jochum of Dubuque, Myers of Johnson, Bukta of Clinton, Cohoon of Des Moines, Larkin of Lee, D. Taylor of Linn, Witt of Black Hawk, Greimann of Story, Frevert of Palo Alto, Reynolds of Van Buren, Hatch of Polk, Dotzler of Black Hawk, Kuhn of Floyd, Stevens of Dickinson, Mascher of Johnson, Winckler of Scott, Lensing of Johnson, Ford of Polk, Smith of Marshall, Foege of Linn, Petersen of Polk, Wise of Lee, Reeder of Fayette, Murphy of Dubuque, Scherrman of Dubuque, Atteberry of Delaware, Osterhaus of Jackson, Schrader of Marion, Connors of Polk, Seng of Scott, Kreiman of Davis, Bell of Jasper, May of Worth, Shoultz of Black Hawk, O'Brien of Boone, Fallon of Polk and Tremmel of Wapello from the floor.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8646, previously deferred, filed by her from the floor.

Murphy of Dubuque offered the following amendment H-8679 filed by him from the floor and moved its adoption:

H-8679

- 1 Amend House File 2623 as follows:
- 2 1. Page 4, line 3, by inserting before the word
- 3 "shall" the following: "plus needed supplemental
- 4 funds appropriated in section 5A,".
- 5 2. Page 4, line 20, by inserting before the word
- 6 "shall" the following: "plus needed supplemental
- 7 funds appropriated in section 5A,".

8 3. Page 6, by inserting after line 10 the
9 following:

10 "Sec. 5A. OTHER FUNDS.

11 1. ECONOMIC EMERGENCY FUND APPROPRIATION. There
12 is appropriated from the Iowa economic emergency fund
13 created in section 8.55 to the salary adjustment fund
14 for the fiscal year beginning July 1, 2002, and ending
15 June 30, 2003, the following amount:

16\$ 7,000,000

17 Moneys appropriated in this subsection are declared
18 to be appropriated for emergency expenditures as
19 required in section 8.55, subsection 3, paragraph "a".

20 2. UNDERGROUND STORAGE TANK FUND. Notwithstanding
21 section 455G.3, subsection 1, there is transferred
22 from the Iowa comprehensive petroleum underground
23 storage tank fund created in section 455G.3,
24 subsection 1, to the salary adjustment fund during the
25 fiscal year beginning July 1, 2002, and ending June
26 30, 2003, the following amount:

27\$ 7,000,000

28 3. The moneys appropriated or transferred in
29 subsection 1 or 2 to the salary adjustment fund are
30 appropriated to supplement the appropriation made in
31 section 1, subsection 2, of this division of this
32 Act."

Speaker pro tempore Sukup in the chair at 8:00 p.m.

Roll call was requested by Murphy of Dubuque and Huser of Polk.

On the question "Shall amendment H-8679 be adopted?" (H.F. 2623)

The ayes were, 40:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Foege
Ford	Frevert	Greimann	Huser
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reeder	Reynolds	Richardson
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns

Broers	Carroll	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdyeke	Sukup, Presiding		

Absent or not voting, 6:

Brunkhorst	Fallon	Hatch	Mertz
Scherrman	Teig		

Amendment H-8679 lost.

Grundberg of Polk offered amendment H-8650 filed by her from the floor as follows:

H-8650

1 Amend House File 2623 as follows:
 2 1. Page 9, by inserting after line 30, the
 3 following:
 4 "Sec. __. **NEW SECTION.** 509A.6A NEUROBIOLOGICAL
 5 DISORDER COVERAGE FOR STATE EMPLOYEES.
 6 1. A state health or medical group insurance plan
 7 for state employees shall provide coverage benefits
 8 for treatment services for neurobiological disorders
 9 that shall be provided on terms and conditions that
 10 are no more restrictive than the terms and conditions
 11 for coverage benefits provided for other medical
 12 conditions under such plan.
 13 2. For purposes of this section:
 14 a. "Neurobiological disorder" means the following:
 15 (1) Schizophrenia and other psychotic disorders.
 16 (2) Mood disorders.
 17 (3) Anxiety disorders.
 18 (4) Pervasive development disorders and attention
 19 deficit.
 20 b. "State employee" means a person who is a paid
 21 employee of the state of Iowa, including a paid
 22 employee of the state board of regents.
 23 c. "State health or medical group insurance plan"
 24 means as defined in section 509A.13A.
 25 3. The commissioner, by rule, shall define the

26 neurobiological disorder identified in subsection 2.
27 Definitions established by the commissioner shall be
28 consistent with definitions provided in the most
29 recent edition of the American psychiatric
30 association's diagnostic and statistical manual of
31 mental disorders, as such definitions may be amended
32 from time to time. The commissioner may adopt the
33 definitions provided in such manual by reference.
34 4. This section shall not apply to accident only,
35 specified disease, short-term hospital or medical,
36 hospital confinement indemnity, credit, dental,
37 vision, Medicare supplement, long-term care, basic
38 hospital and medical-surgical expense coverage as
39 defined by the commissioner, disability income
40 insurance coverage, coverage issued as a supplement to
41 liability insurance, workers' compensation or similar
42 insurance, or automobile medical payment insurance, or
43 individual accident and sickness policies issued to
44 individuals or to individual members of a member
45 association.
46 5. A carrier, organized delivery system, or plan
47 may manage the benefits provided under this section
48 provided through common methods including, but not
49 limited to, providing payment of benefits or providing
50 care and treatment under a capitated payment system,

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1 prospective reimbursement rate system, utilization
2 control system, incentive system for the use of least
3 restrictive and least costly levels of care, a
4 preferred provider contract limiting choice of
5 specific providers, or any other system, method, or
6 organization designed to ensure that services are
7 medically necessary and clinically appropriate.
8 6. a. A plan covered under this section shall not
9 impose an aggregate annual or lifetime limit on
10 neurobiological disorder coverage benefits unless the
11 plan imposes an aggregate annual or lifetime limit on
12 substantially all medical and surgical coverage
13 benefits.
14 b. A plan covered under this section that imposes
15 an aggregate annual or lifetime limit on substantially
16 all medical and surgical coverage benefits shall not
17 impose an aggregate annual or lifetime limit on
18 neurobiological disorder coverage benefits which is
19 less than the aggregate annual or lifetime limit
20 imposed on substantially all medical and surgical
21 coverage benefits.
22 7. A plan covered under this section shall at a
23 minimum allow for thirty inpatient days and fifty-two
24 outpatient visits annually. The plan may also include

25 deductibles, coinsurance, or copayments, provided the
 26 amounts and extent of such deductibles, coinsurance,
 27 or copayments applicable to other medical or surgical
 28 services coverage under the plan are the same. It is
 29 not a violation of this section if the plan excludes
 30 entirely from coverage benefits for the cost of
 31 providing the following:

- 32 a. Marital, family, educational, developmental, or
- 33 training services.
- 34 b. Care that is substantially custodial in nature.
- 35 c. Services and supplies that are not medically
- 36 necessary or clinically appropriate.
- 37 d. Experimental treatments.

38 8. This section applies to plans established
 39 pursuant to this chapter delivered, issued for
 40 delivery, continued, or renewed in this state on or
 41 after January 1, 2003."

Millage of Scott rose on a point of order that amendment H-8650 was not germane.

The Speaker ruled the point well taken and amendment H-8650 not germane.

Osterhaus of Jackson asked and received unanimous consent to withdraw H-8643, previously deferred, filed by Osterhaus, Atteberry of Delaware, Jochum of Dubuque, Scherrman of Dubuque and Murphy of Dubuque from the floor.

Ford of Polk asked and received unanimous consent to withdraw amendment H-8655, previously deferred, filed by him from the floor.

Kreiman of Davis offered amendment H-8618, previously deferred, filed by him and Reynolds of Van Buren as follows:

H-8618

1 Amend House File 2623 as follows:
 2 1. Page 17, by inserting after line 16 the
 3 following:
 4 "Sec. ___. Section 249A.4, subsection 7, Code
 5 2001, is amended by adding the following new
 6 unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Advanced registered
 8 nurse practitioners licensed pursuant to chapter 152
 9 shall be regarded as approved providers of health care
 10 services, including primary care pursuant to chapter
 11 152, for purposes of managed care or prepaid services
 12 contracts under the medical assistance program."

Brunkhorst of Bremer rose on a point of order that amendment H-8618 was not germane.

The Speaker ruled the point well taken and amendment H-8618 not germane.

Larson of Linn asked and received unanimous consent to withdraw amendment H-8671, previously deferred, filed by him and Hatch of Polk from the floor.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-8657, previously deferred, filed by her from the floor.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8661, previously deferred, filed by her from the floor.

Jochum of Dubuque asked and received unanimous consent that amendment H-8683 be deferred.

Mascher of Johnson moved to reconsider the vote by which amendment H-8664, printed on pages 1355 through 1359 of the House Journal, passed the House, filed by Mascher, Scherrman of Dubuque and Wise of Lee from the floor.

The motion prevailed and the House reconsidered amendment H-8664.

Division was requested as follows:

Page 1, lines 2 through 50, division A

Page 2, lines 13 through the remainder (Page 5, line 1), division A

Page 2, lines 1 through 12, division B

Millage of Scott moved the adoption of amendment H-8664A.

Amendment H-8664A was adopted.

Millage of Scott asked and received unanimous consent to withdraw amendment H-8664B.

Jochum of Dubuque offered amendment H-8683, previously deferred, filed by her from the floor as follows:

H-8683

1 Amend House File 2623 as follows:

2 1. Page 9, by inserting after line 28 the
3 following:

4 "Sec. . NEW SECTION. 514C.21 NEUROBIOLOGICAL
5 DISORDER.

6 1. Notwithstanding the uniformity of treatment
7 requirements of section 514C.6, a group policy or
8 contract providing for third-party payment or
9 prepayment of health or medical expenses issued by a
10 carrier, as defined in section 513B.2, or by an
11 organized delivery system authorized under 1993 Iowa
12 Acts, chapter 158, shall provide coverage benefits for
13 treatment of a neurobiological disorder if either of
14 the following is satisfied:

15 a. The policy or contract is issued to an employer
16 who on at least fifty percent of the employer's
17 working days during the preceding calendar year
18 employed more than fifty full-time equivalent
19 employees. In determining the number of full-time
20 equivalent employees of an employer, employers who are
21 affiliated or who are able to file a consolidated tax
22 return for purposes of state taxation shall be
23 considered one employer.

24 b. The policy or contract is issued to a small
25 employer as defined in section 513B.2, and such policy
26 or contract provides coverage benefits for the
27 treatment of neurobiological disorder.

28 2. Notwithstanding the uniformity of treatment
29 requirements of section 514C.6, a plan established
30 pursuant to chapter 509A for public employees shall
31 provide coverage benefits for treatment of a
32 neurobiological disorder.

33 3. For purposes of this section:

34 a. "Neurobiological disorder" means the following:

35 (1) Schizophrenia and other psychotic disorders.

36 (2) Mood disorders.

37 (3) Anxiety disorders.

38 (4) Pervasive developmental disorders and
39 attention deficit.

40 b. "Substance abuse" means a pattern of
41 pathological use of alcohol or a drug that causes
42 impairment in social or occupational functioning, or
43 that produces physiological dependency evidenced by
44 physical tolerance or by physical symptoms when the
45 alcohol or drug is withdrawn.

46 4. The commissioner, by rule, shall define the

47 neurobiological disorders identified in subsection 3.
48 Definitions established by the commissioner shall be
49 consistent with definitions provided in the most
50 recent edition of the American psychiatric

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1 association's diagnostic and statistical manual of
2 mental disorders, as the definitions may be amended
3 from time to time. The commissioner may adopt the
4 definitions provided in such manual by reference.

5 5. This section shall not apply to accident only,
6 specified disease, short-term hospital or medical,
7 hospital confinement indemnity, credit, dental,
8 vision, Medicare supplement, long-term care, basic
9 hospital and medical-surgical expense coverage as
10 defined by the commissioner, disability income
11 insurance coverage, coverage issued as a supplement to
12 liability insurance, workers' compensation or similar
13 insurance, or automobile medical payment insurance, or
14 individual accident and sickness policies issued to
15 individuals or to individual members of a member
16 association.

17 6. A carrier, organized delivery system, or plan
18 established pursuant to chapter 509A may manage the
19 benefits provided through common methods including,
20 but not limited to, providing payment of benefits or
21 providing care and treatment under a capitated payment
22 system, prospective reimbursement rate system,
23 utilization control system, incentive system for the
24 use of least restrictive and least costly levels of
25 care, a preferred provider contract limiting choice of
26 specific providers, or any other system, method, or
27 organization designed to assure services are medically
28 necessary and clinically appropriate.

29 7. a. A group policy or contract or plan covered
30 under this section shall not impose an aggregate
31 annual or lifetime limit on neurobiological disorder
32 coverage benefits unless the policy or contract or
33 plan imposes an aggregate annual or lifetime limit on
34 substantially all medical and surgical coverage
35 benefits.

36 b. A group policy or contract or plan covered
37 under this section that imposes an aggregate annual or
38 lifetime limit on substantially all medical and
39 surgical coverage benefits shall not impose an
40 aggregate annual or lifetime limit on neurobiological
41 disorder coverage benefits which is less than the
42 aggregate annual or lifetime limit imposed on
43 substantially all medical and surgical coverage
44 benefits.

45 8. A group policy or contract or plan covered

46 under this section shall at a minimum allow for thirty
47 inpatient days and fifty-two outpatient visits
48 annually. The policy or contract or plan may also
49 include deductibles, coinsurance, or copayments,
50 provided the amounts and extent of such deductibles,

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1 coinsurance, or copayments applicable to other medical
2 or surgical services coverage under the policy or
3 contract or plan are the same. It is not a violation
4 of this section if the policy or contract or plan
5 excludes entirely from coverage benefits for the cost
6 of providing the following:

7 a. Marital, family, educational, developmental, or
8 training services.

9 b. Care that is substantially custodial in nature.

10 c. Services and supplies that are not medically
11 necessary or clinically appropriate.

12 d. Experimental treatments.

13 9. This section applies to third-party payment
14 provider policies or contracts and plans established
15 pursuant to chapter 509A delivered, issued for
16 delivery, continued, or renewed in this state on or
17 after January 1, 2003."

18 2. Page 25, by inserting after line 17 the
19 following:

20 "Sec.____. INSURANCE DIVISION STUDY.

21 1. The insurance division of the department of
22 commerce shall conduct a study to determine the impact
23 of providing coverage for substance abuse. The
24 division shall include in the study all of the
25 following:

26 a. An estimate of the impact of mandated coverage
27 for substance abuse treatment on health care coverage
28 benefit costs.

29 b. Actions taken by the division to ensure that
30 third-party payors subject to section 514C.21, if
31 enacted by this Act are in compliance, and that the
32 quality of and access to treatment for substance abuse
33 are not compromised by providing for coverage parity
34 with other coverage benefits provided for other health
35 or medical conditions under third-party payor
36 contracts or policies.

37 c. An analysis and comparison of the choices for
38 treatment of substance abuse with regard to level of
39 access, choice, and financial burden on the
40 individual.

41 d. Identification of any segments of the
42 population of this state that may be excluded from, or
43 have limited access to, treatment for substance abuse,
44 including the number of citizens that may be excluded

45 from, or have limited access to, treatment under
46 third-party payor policies or contracts provided by
47 employers who receive substantial revenue from public
48 sources.

49 2. The insurance division shall submit a written
50 report to the general assembly on or before January

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1 15, 2003."

2 3. By renumbering as necessary.

Jochum of Dubuque offered the following amendment H-8684, to amendment H-8683, filed by her from the floor and moved its adoption:

H-8684

1 Amend the amendment, H-8683, to House File 2623 as
2 follows:

3 1. By striking page 1, line 4, through page 4,
4 line 2, and inserting the following:

5 ""Sec. ____ NEW SECTION. 514C.21 MANDATED
6 COVERAGE FOR NEUROBIOLOGICAL DISORDERS AND UNDERLYING
7 CO-MORBIDITY.

8 1. For purposes of this section, unless the
9 context otherwise requires:

10 a. "Co-morbidity" means the coexistence of
11 conditions or diagnosable disorders such as
12 neurobiological disorders and substance abuse. For
13 purposes of this section, "substance abuse" means a
14 pattern of pathological use of alcohol or a drug that
15 causes impairment in social or occupational
16 functioning, or that produces physiological dependency
17 evidenced by physical tolerance or by physical
18 symptoms when the alcohol or drug is withdrawn.

19 b. "Neurobiological disorder" means the following:

20 (1) Schizophrenia and other psychotic disorders.

21 (2) Affective disorders.

22 (3) Anxiety disorders.

23 (4) Pervasive developmental disorders.

24 (5) Attention deficit hyperactivity disorder and
25 related disorders.

26 (6) Disorders identified in childhood and
27 adolescence.

28 The commissioner, by rule, shall identify the
29 neurobiological disorders covered by this definition,
30 consistent with the guidelines provided in the most
31 recent edition of the American psychiatric
32 association's diagnostic and statistical manual of
33 mental disorders, as such definitions may be amended

34 from time to time. The commissioner may adopt the
35 definitions provided in the manual by reference.

36 c. "Rates, terms, and conditions" means any
37 lifetime or annual payment limits, deductibles,
38 copayments, coinsurance, and any other cost-sharing
39 requirements, out-of-pocket limits, visit limitations,
40 and any other financial component of benefits coverage
41 that affects the covered individual.

42 2. a. Notwithstanding the uniformity of treatment
43 requirements of section 514C.6, a policy, contract, or
44 plan providing for third-party payment or prepayment
45 of health or medical expenses shall provide coverage
46 benefits for treatment for neurobiological disorders
47 and underlying co-morbidity based on rates, terms, and
48 conditions that are no more restrictive than the
49 rates, terms, and conditions for coverage benefits
50 provided for other health or medical conditions under

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1 the policy, contract, or plan.

2 b. Any restrictions or limitations with respect to
3 rates, terms, and conditions involving deductibles,
4 copayments, coinsurance, and any other cost-sharing
5 requirements shall be cumulative for coverage of
6 treatment for neurobiological disorders and underlying
7 co-morbidity and other health or medical conditions
8 under a policy, contract, or plan. A policy,
9 contract, or plan subject to this section shall not
10 impose an aggregate lifetime or annual limit on
11 treatment for neurobiological disorders and underlying
12 co-morbidity coverage benefits unless the policy,
13 contract, or plan imposes an aggregate lifetime or
14 annual limit on substantially all health or medical
15 coverage benefits. A policy, contract, or plan
16 subject to this section that imposes an aggregate
17 lifetime or annual limit on substantially all medical
18 and surgical coverage benefits shall not impose an
19 aggregate lifetime or annual limit on treatment for
20 neurobiological disorders and underlying co-morbidity
21 coverage benefits that is less than the aggregate
22 lifetime or annual limit imposed on substantially all
23 health or medical coverage benefits.

24 c. Coverage required under this section shall be
25 for the treatment of neurobiological disorders and
26 underlying co-morbidity, for services provided by a
27 health professional licensed under chapter 147A, 148,
28 150A, 152, 154B, 154C, or 154D, for services provided
29 in a hospital, clinic, office, community mental health
30 center, health care facility, outpatient treatment
31 facility, residential treatment facility, halfway
32 house, or similar facility for the provision of health

33 care services, and for services provided pursuant to
34 the comprehensive program for treatment for substance
35 abuse maintained by the department of public health
36 pursuant to section 125.12 in a hospital licensed
37 under chapter 135B or a facility licensed under
38 chapter 125.

39 3. This section applies to the following classes
40 of third-party payment provider policies, contracts,
41 or plans delivered, issued for delivery, continued, or
42 renewed in this state on or after January 1, 2003:

43 a. Individual or group accident and sickness
44 insurance providing coverage on an expense-incurred
45 basis.

46 b. An individual or group hospital or medical
47 service contract issued pursuant to chapter 509, 514,
48 or 514A.

49 c. A plan established pursuant to chapter 509A for
50 public employees.

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1 d. An individual or group health maintenance
2 organization contract regulated under chapter 514B.

3 e. An individual or group Medicare supplemental
4 policy, unless coverage pursuant to such policy is
5 preempted by federal law.

6 f. Any other entity engaged in the business of
7 insurance, risk transfer, or risk retention, which is
8 subject to the jurisdiction of the commissioner.

9 g. An organized delivery system licensed by the
10 director of public health.

11 4. The commissioner shall adopt rules pursuant to
12 chapter 17A to administer this section.

13 Sec. __. INSURANCE DIVISION STUDY IN CONJUNCTION 14 WITH STATE AUDITOR.

15 1. The insurance division of the department of
16 commerce, in conjunction with the state auditor, shall
17 conduct a study of the cost of providing
18 neurobiological disorder coverage benefits in Iowa.

19 2. The study shall assess at least all of the
20 following:

21 a. Identification of the costs attributed to
22 treatment of neurobiological disorders, and to
23 underlying co-morbidity.

24 b. An estimate of the impact of mandated coverage
25 on health care coverage benefit costs and
26 availability.

27 c. Actions taken by the division to ensure that
28 third-party payors subject to this Act are in
29 compliance.

30 d. Identification of any segments of the
31 population of this state that may be excluded from, or

32 have limited access to, treatment, including the
 33 number of citizens that may be excluded from, or have
 34 limited access to, treatment under third-party payor
 35 policies or contracts provided by employers who
 36 receive substantial revenue from public sources.
 37 3. The insurance division shall submit a written
 38 report to the general assembly on or before January
 39 30, 2005.
 40 Sec.____. DEPARTMENT OF PUBLIC HEALTH STUDY.
 41 1. The department of public health shall conduct a
 42 two-year study of the mental health delivery system in
 43 Iowa, beginning July 1, 2002.
 44 2. The study shall include participation by at
 45 least all of the following:
 46 a. Representatives of professional health care
 47 groups licensed under chapters 147A, 148, 150A, 152,
 48 154B, 154C, and 154D.
 49 b. Representatives of associations or other groups
 50 representing hospitals, clinics, community mental

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1 health centers, community corrections and prison
 2 corrections, health care facilities, outpatient
 3 treatment facilities, and any other facility offering
 4 mental health services.
 5 c. County supervisors, representatives from the
 6 department of human services, judges, mental health
 7 advocates, and other state or county officials
 8 involved in the provision of mental health services.
 9 d. Consumers, family members, and patients.
 10 3. The participants in the study shall assess the
 11 relevant issues facing the mental health delivery
 12 system in Iowa, and shall prepare a report with
 13 recommendations for presentation to the general
 14 assembly no later than November 1, 2004."
 15 2. By renumbering, redesignating, and correcting
 16 internal references as necessary.

Roll call was requested by Jochum of Dubuque and Lensing of Johnson.

On the question "Shall amendment H-8684, to amendment H-8683 be adopted?" (H.F. 2623)

The ayes were, 68:

Atteberry	Bell	Boddicker	Boggess
Bradley	Broers	Bukta	Chiodo
Cphoon	Connors	Cormack	Dolecheck

Dotzler	Drake	Fallon	Finch
Foege	Ford	Frevert	Greimann
Grundberg	Hahn	Hatch	Heaton
Hoversten	Huseman	Huser	Jochum
Jones	Kettering	Klemme	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Raecker
Reeder	Rekow	Reynolds	Richardson
Roberts	Scherrman	Schrader	Seng
Shey	Shoultz	Sievers	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Van Fossen	Warnstadt	Weidman
Winckler	Wise	Witt	Sukup, Presiding

The nays were, 28:

Alons	Arnold	Baudler	Boal
Brauns	Carroll	De Boef	Dix
Eddie	Eichhorn	Elgin	Garman
Gipp	Hansen	Hoffman	Horbach
Jacobs	Jenkins	Johnson	Larson
Manternach	Metcalf	Millage	Rants
Siegrist, Spkr.	Tyrrell	Van Engelenhoven	Wilderdyke

Absent or not voting, 4:

Brunkhorst	Mertz	Rayhons	Teig
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Amendment H-8684 was adopted.

Millage of Scott rose on a point of order that amendment H-8683, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-8683, as amended, not germane.

Jochum of Dubuque moved to suspend the rules to consider amendment H-8683, as amended.

A non-record roll call was requested.

The ayes were 47, nays 50.

The motion to suspend the rules lost.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2623)

The ayes were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Siegrist, Spkr.	Sievers	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdyke			

The nays were, 45:

Atteberry	Bell	Bukta	Cphoon
Chiodo	Connors	Cormack	Dotzler
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Richardson	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt
Sukup, Presiding			

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2623** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 2002, amended and passed the following bill in which the concurrence of the House is asked:

House File 2515, a bill for an act relating to the duties and operation of the department of education and providing an effective and applicability date.

Also: That the Senate has on April 11, 2002, amended and passed the following bill in which the concurrence of the House 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.

Also: That the Senate has on April 11, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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, providing for a study, and including an effective date.

Also: That the Senate has on April 11, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

MICHAEL E. MARSHALL, Secretary

The House resumed consideration of **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, previously deferred and found on pages 1341 through 1343 of the House Journal. (Amendments H-8642 and H-8648 pending)

Ford of Polk offered the following amendment H-8677, to amendment H-8648, to the Senate amendment H-8642 filed by him from the floor and moved its adoption:

H-8677

- 1 Amend the amendment, H-8648, to the Senate
- 2 amendment, H-8642, to House File 2615, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, line 10, by inserting after the word
- 5 "value-based" the following: ", culturally specific".

Amendment H-8677 lost.

On motion by Warnstadt of Woodbury amendment H-8648, to the Senate amendment H-8642 was adopted, placing out of order amendment H-8672, to the Senate amendment H-8642 filed by Ford of Polk from the floor, amendment H-8660, to the Senate amendment H-8642, filed by Mascher of Johnson from the floor and amendment H-8654, to the Senate amendment H-8642 filed by Brunkhorst of Bremer from the floor.

Wise of Lee offered the following amendment H-8678, to the Senate amendment H-8642, filed by him from the floor and moved its adoption:

H-8678

- 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 inserting after line 42, the
- 5 following:
- 6 "____. Page 8, by inserting after line 11, the
- 7 following:
- 8 "Sec.____. PRIOR YEAR NONREVERSION – ALTERNATIVE
- 9 USE OF FUNDS. Notwithstanding 2001 Iowa Acts, chapter
- 10 184, section 3, subsection 3, 2001 Iowa Acts, chapter
- 11 184, section 13 and section 8.33, moneys appropriated
- 12 under 2001 Iowa Acts, chapter 184, section 3,
- 13 subsection 2, for the establishment and operating of a
- 14 substance abuse treatment facility which are
- 15 unobligated or unencumbered on April 1, 2002, which
- 16 are otherwise prohibited under this Act from being
- 17 expended or obligated for the remainder of the fiscal
- 18 year beginning July 1, 2001, and ending June 30, 2002,
- 19 and which are otherwise prohibited under this Act from

20 reverting that remain unobligated or unencumbered at
21 the end of the fiscal year beginning July 1, 2001, and
22 ending June 30, 2002, and that are made available
23 under this Act for a value-based treatment program at
24 the Newton correctional facility, \$24,000 shall be
25 used for maintaining canine units at the Fort Madison
26 correctional facility, Anamosa correctional facility,
27 Oakdale correctional facility, Newton correctional
28 facility, Mt. Pleasant correctional facility, and the
29 Clarinda correctional facility:""

30 2. Page 2, line 3, by striking the word "to".

31 3. Page 2, by striking lines 4 and 5.

A non-record roll call was requested.

The ayes were 38, nays 55.

Amendment H-8678 lost.

Petersen of Polk offered the following amendment H-8686, to the Senate amendment H-8642 filed by her and Wise of Lee from the floor and moved its adoption:

H-8686

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 inserting after line 42, the
5 following:

6 "____. Page 8, by inserting after line 11, the
7 following:

8 "Sec. ____ . PRIOR YEAR NONREVERSION – ALTERNATIVE
9 USE OF FUNDS. Notwithstanding 2001 Iowa Acts, chapter
10 184, section 3, subsection 3, 2001 Iowa Acts, chapter
11 184, section 13 and section 8.33, moneys appropriated
12 under 2001 Iowa Acts, chapter 184, section 3,
13 subsection 2, for the establishment and operating of a
14 substance abuse treatment facility which are
15 unobligated or unencumbered on April 1, 2002, which
16 are otherwise prohibited under this Act from being
17 expended or obligated for the remainder of the fiscal
18 year beginning July 1, 2001, and ending June 30, 2002,
19 and which are otherwise prohibited under this Act from
20 reverting that remain unobligated or unencumbered at
21 the end of the fiscal year beginning July 1, 2001, and
22 ending June 30, 2002, and that are made available
23 under this Act for a value-based treatment program at
24 the Newton correctional facility, \$172,591 shall be

25 used to supplement the appropriations in this or any
 26 other Act for the tobacco use prevention and control
 27 initiatives for the fiscal year beginning July 1,
 28 2002."
 29 2. Page 2, line 3, by striking the word "to".
 30 3. Page 2, by striking lines 4 and 5.

A non-record roll call was requested.

The ayes were 29, nays 47.

Amendment H-8686 lost.

Mascher of Johnson offered the following amendment H-8687, to the Senate amendment H-8642, filed by her from the floor and moved its adoption:

H-8687

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 inserting after line 42, the
 5 following:
 6 "____. Page 8, by inserting after line 11, the
 7 following:
 8 "Sec.____. PRIOR YEAR NONREVERSION – ALTERNATIVE
 9 USE OF FUNDS. Notwithstanding 2001 Iowa Acts, chapter
 10 184, section 3, subsection 3, 2001 Iowa Acts, chapter
 11 184, section 13 and section 8.33, moneys appropriated
 12 under 2001 Iowa Acts, chapter 184, section 3,
 13 subsection 2, for the establishment and operating of a
 14 substance abuse treatment facility which are
 15 unobligated or unencumbered on April 1, 2002, which
 16 are otherwise prohibited under this Act from being
 17 expended or obligated for the remainder of the fiscal
 18 year beginning July 1, 2001, and ending June 30, 2002,
 19 and which are otherwise prohibited under this Act from
 20 reverting that remain unobligated or unencumbered at
 21 the end of the fiscal year beginning July 1, 2001, and
 22 ending June 30, 2002, and that are made available
 23 under this Act for a value-based treatment program at
 24 the Newton correctional facility, \$172,591 shall be
 25 used to fund the forgivable loan portion of the
 26 registered nurse recruitment program as established in
 27 2002 Iowa Acts, Senate File 2323, section 1, if
 28 enacted for the fiscal year beginning July 1, 2002.""
 29 2. Page 2, line 3, by striking the word "to".
 30 3. Page 2, by striking lines 4 and 5.

Amendment H-8687 lost.

Mascher of Johnson offered amendment H-8689, to the Senate amendment H-8642 filed by her from the floor as follows:

H-8689

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 inserting after line 2 the
5 following:
6 "___". Page 3, line 20, by striking the figure
7 "5,000,000" and inserting the following:
8 "9,345,394".
9 2. Page 1, by inserting after line 42 the
10 following:
11 "___". Page 9, line 18, by striking the figure
12 "9,000,000" and inserting the following:
13 "13,345,394".

Brunkhorst of Bremer rose on a point of order that amendment H-8689, to the Senate amendment H-8642 was not germane.

The Speaker ruled the point not well taken and amendment H-8689, to the Senate amendment H-8642 germane.

On motion by Mascher of Johnson amendment H-8689, to the Senate amendment H-8642 lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8665, to the Senate amendment H-8642 filed by her from the floor.

On motion by Brunkhorst of Bremer the House concurred in the Senate amendment H-8642, as amended.

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

On the question "Shall the bill pass?" (H.F. 2615)

The ayes were, 56:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Hoversten	Huseman	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Raecker	Rants	Rayhons	Rekow
Roberts	Shey	Siegrist, Spkr.	Sievers
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wilderdyke	Witt	Sukup, Presiding

The nays were, 39:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Dotzler	Fallon	Foege
Ford	Frevrt	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Murphy	Myers	Osterhaus	Petersen
Quirk	Reeder	Reynolds	Scherrman
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	

Absent or not voting, 5:

Connors	Mertz	O'Brien	Richardson
Teig			

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2615** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Millage of Scott called up for consideration **House File 2339**, a bill for an act relating to the filing of a supersedeas bond, amended by the Senate amendment H-8669 as follows:

H-8669

- 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".

Hatch of Polk asked and received unanimous consent that amendment H-8673, to the Senate amendment H-8669, be deferred.

Rants of Woodbury asked and received unanimous consent that House File 2339 be deferred and that the bill retain its place on the calendar. (Amendment H-8669 pending)

Rants of Woodbury asked and received unanimous consent for the immediate consideration of House File 2456.

Unfinished Business Calendar

House File 2456, 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.

Cphoon of Des Moines asked and received unanimous consent to withdraw amendment H-8214 filed by him on March 8, 2002.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-8185 filed by him on March 5, 2002.

Richardson of Warren asked and received unanimous consent to withdraw amendment H-8170 filed by him on March 4, 2002.

SENATE FILE 2259 SUBSTITUTED FOR HOUSE FILE 2456

Finch of Story asked and received unanimous consent to substitute Senate File 2259 for House File 2456.

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.

Finch of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2259)

The ayes were, 94:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Metcalf	Millage
Murphy	Myers	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Roberts
Scherrman	Schrader	Seng	Shey
Shoultz	Siegrist, Spkr.	Sievers	Smith
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdike	Winckler	Wise
Witt	Sukup, Presiding		

The nays were, none.

Absent or not voting, 6:

Connors
Stevens

Mertz
Teig

O'Brien

Richardson

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

HOUSE FILE 2456 WITHDRAWN

Finch of Story asked and received unanimous consent to withdraw House File 2456 from further consideration by the House.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2259** be immediately messaged to the Senate.

The House resumed consideration of **House File 2339**, a bill for an act relating to the filing of a supersedeas bond, amended by the Senate amendment H-8669, (pending) and found on pages 1386 through 1387 of the House Journal.

Kreiman of Davis asked and received unanimous consent to withdraw amendments H-8674, H-8675 and H-8676 to the Senate amendment H-8669, filed by him from the floor.

Hatch of Polk asked and received unanimous consent to withdraw amendment H-8673, to the Senate amendment H-8669, filed by him from the floor.

On motion by Millage of Scott, the House concurred in the Senate amendment H-8669.

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

On the question "Shall the bill pass?" (H.F. 2339)

The ayes were, 75:

Alons	Arnold	Atteberry	Baudler
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Cohoon	Cormack	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Garman
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	Metcalf	Millage
Murphy	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Roberts	Scherrman	Shey
Siegrist, Spkr.	Sievers	Smith	Stevens
Taylor, D.	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wildurdyke
Wise	Witt	Sukup, Presiding	

The nays were, 20:

Bell	Chiodo	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Kreiman	May
Myers	Reynolds	Schrader	Seng
Shoultz	Taylor, T.	Tremmel	Winckler

Absent or not voting, 5:

Connors	Mertz	O'Brien	Richardson
Teig			

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2339** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Brunkhorst of Bremer 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 dates, amended by the Senate amendment H-8681 as follows:

H-8681

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

Page 2

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. Page 2, by striking lines 20 through 32.

40 3. Page 3, by inserting after line 20 the
 41 following:

42 "Sec. 201. Section 257.14, subsection 2, Code
 43 Supplement 2001, is amended to read as follows:

44 2. For the budget years commencing July 1, 2002,
 45 and July 1, 2003, if the department of management

46 determines that the regular program district cost of a
47 school district for a budget year is less than the
48 total of the regular program district cost plus any
49 adjustment added under this section for the base year
50 for that school district, the school district shall be

Page 3

1 eligible to receive a budget adjustment for that
2 district for that budget year up to an amount equal to
3 the difference. The board of directors of a school
4 district that wishes to receive a budget adjustment
5 pursuant to this subsection shall adopt a resolution
6 to receive the budget adjustment ~~and shall~~, by April
7 ~~1~~, 15, annually, ~~and shall~~ notify the department of
8 management of the adoption of the resolution and the
9 amount of the budget adjustment to be received.

10 Sec. 202. Section 257.14, subsection 3, unnumbered
11 paragraph 3, Code Supplement 2001, is amended to read
12 as follows:

13 The board of directors of a school district that
14 wishes to receive a budget adjustment pursuant to this
15 subsection shall adopt a resolution to receive the
16 budget adjustment ~~and shall~~, by April ~~1~~, 15, annually,
17 ~~and shall~~ notify the department of management of the
18 adoption of the resolution and the amount of the
19 budget adjustment to be received."

20 4. Page 3, by inserting after line 20 the
21 following:

22 "Sec. ____ Section 257.16, Code 2001, is amended
23 to read as follows:

24 1. There is appropriated each year from the
25 general fund of the state an amount necessary to pay
26 the foundation aid and supplementary aid under section
27 257.4, subsection 2.

28 2. All state aids paid under this chapter, unless
29 otherwise stated, shall be paid in monthly
30 installments beginning on September 15 of a budget
31 year and ending on or about June 15 of the budget year
32 as determined by the department of management, taking
33 into consideration the relative budget and cash
34 position of the state resources.

35 3. All moneys received by a school district from
36 the state under this chapter shall be deposited in the
37 general fund of the school district, and may be used
38 for any school general fund purpose.

39 4. Notwithstanding any provision to the contrary,
40 if the governor orders budget reductions in accordance
41 with section 8.31, reductions in the appropriations
42 provided in accordance with this section shall be
43 distributed on a per pupil basis calculated with the
44 weighted enrollment determined in accordance with

45 section 257.6, subsection 5."

46 5. Page 3, by inserting after line 20 the
47 following:

48 "Sec. . NEW SECTION. 257.50 FEDERAL
49 ASSISTANCE – SCHOOL DISTRICT RESPONSIBILITIES.
50 The director of the department of education, in

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1 accepting and administering federal funds in
2 accordance with section 256.9, subsection 7, shall
3 upon receiving federal grant moneys under the federal
4 21st Century Community Learning Center Grant, Title
5 IV, Part B of the federal No Child Left Behind Act of
6 2001, Pub. L. No. 107-110, designate that a school
7 district be the fiscal agent for an eligible local
8 grant. Whenever possible, the grant applicant school
9 district shall collaborate with a community-based
10 organization, a public or private entity, or a
11 consortium of two or more of such organizations or
12 entities in establishing a community learning center.
13 The department shall give priority to applications for
14 programs serving students determined through research-
15 based methods to be in the greatest need of eligible
16 services. Notwithstanding the provisions of this
17 section, if federal rules or regulations relating to
18 the 21st Century Community Learning Center Grant are
19 adopted that are inconsistent with the provisions of
20 this section, the department of education shall comply
21 with the requirements of the federal rules or
22 regulations."

23 6. Page 5, by inserting after line 13, the
24 following:

25 "Sec. 301. Section 275.23A, subsection 2, Code
26 2001, is amended to read as follows:

27 2. Following each federal decennial census the
28 school board shall determine whether the existing
29 director district boundaries meet the standards in
30 subsection 1 according to the most recent federal
31 decennial census. If necessary, the board of
32 directors shall redraw the director district
33 boundaries. The director district boundaries shall be
34 described in a resolution adopted by the school board.
35 The resolution shall be adopted no earlier than
36 November 15 of the year immediately following the year
37 in which the federal decennial census is taken nor
38 later than ~~April 30~~ May 15 of the second year
39 immediately following the year in which the federal
40 decennial census is taken. A copy of the plan shall
41 be filed with the area education agency administrator
42 of the area education agency in which the school's
43 electors reside."

44 7. Page 14, by inserting after line 7 the
45 following:
46 "Sec. ___. Section 301.1, Code 2001, is amended to
47 read as follows:
48 301.1 ADOPTION – PURCHASE AND SALE – ACCREDITED
49 NONPUBLIC SCHOOL PUPIL TEXTBOOK SERVICES.
50 1. The board of directors of each and every school

Page 5

1 district is hereby authorized and empowered to adopt
2 textbooks for the teaching of all branches that are
3 now or may hereafter be authorized to be taught in the
4 public schools of the state, and to contract for and
5 buy said books and any and all other necessary school
6 supplies at said contract prices, and to sell the same
7 to the pupils of their respective districts at cost,
8 loan such textbooks to such pupils free, or rent them
9 to such pupils at such reasonable fee as the board
10 shall fix, and said money so received shall be
11 returned to the general fund.
12 2. Textbooks adopted and purchased by a school
13 district ~~may, and shall,~~ to the extent funds are
14 appropriated by the general assembly, be made
15 available to pupils attending accredited nonpublic
16 schools upon request of the pupil or the pupil's
17 parent under comparable terms as made available to
18 pupils attending public schools. If the general
19 assembly appropriates moneys for purposes of making
20 textbooks available to accredited nonpublic school
21 pupils, the department of education shall ascertain
22 the amount available to a school district for the
23 purchase of nonsectarian, nonreligious textbooks for
24 pupils attending accredited nonpublic schools. The
25 amount shall be in the proportion that the basic
26 enrollment of a participating accredited nonpublic
27 school bears to the sum of the basic enrollments of
28 all participating accredited nonpublic schools in the
29 state for the budget year. For purposes of this
30 section, a "participating accredited nonpublic school"
31 means an accredited nonpublic school that submits a
32 written request on behalf of the school's pupils in
33 accordance with this subsection, and that certifies
34 its actual enrollment to the department of education
35 by October 1, annually. By October 15, annually, the
36 department of education shall certify to the director
37 of revenue and finance the annual amount to be paid to
38 each school district, and the director of revenue and
39 finance shall draw warrants payable to school
40 districts in accordance with this subsection. For
41 purposes of this subsection, an accredited nonpublic
42 school's enrollment count shall include only students

43 who are residents of Iowa. The costs of providing
 44 textbooks to accredited nonpublic school pupils as
 45 provided in this subsection shall not be included in
 46 the computation of district cost under chapter 257,
 47 but shall be shown in the budget as an expense from
 48 miscellaneous income. Textbook expenditures made in
 49 accordance with this subsection shall be kept on file
 50 in the school district.

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1 ~~3.~~ As used in ~~this paragraph~~ subsection 2,
 2 "textbooks" means books and loose-leaf or bound
 3 manuals, systems of reusable instructional materials
 4 or combinations of books and supplementary
 5 instructional materials which convey information to
 6 the student or otherwise contribute to the learning
 7 process, or electronic textbooks, including but not
 8 limited to computer software, applications using
 9 computer-assisted instruction, interactive videodisc,
 10 and other computer courseware and magnetic media."
 11 8. Page 18, by inserting after line 18 the
 12 following:
 13 "Sec.____. Section 403.19, subsections 2 and 7,
 14 Code Supplement 2001, are amended to read as follows:
 15 2. That portion of the taxes each year in excess
 16 of such amount shall be allocated to and when
 17 collected be paid into a special fund of the
 18 municipality to pay the principal of and interest on
 19 loans, moneys advanced to, or indebtedness, whether
 20 funded, refunded, assumed, or otherwise, including
 21 bonds issued under the authority of section 403.9,
 22 subsection 1, incurred by the municipality to finance
 23 or refinance, in whole or in part, an urban renewal
 24 project within the area, and to provide assistance for
 25 low and moderate income family housing as provided in
 26 section 403.22, except that taxes for the regular and
 27 voter-approved physical plant and equipment levy of a
 28 school district imposed pursuant to section 298.2,
 29 taxes for the instructional support levy of a school
 30 district imposed pursuant to section 257.21, and taxes
 31 for the payment of bonds and interest of each taxing
 32 district must be collected against all taxable
 33 property within the taxing district without limitation
 34 by the provisions of this subsection. However, all or
 35 a portion of the taxes for the physical plant and
 36 equipment levy and for the instructional support levy
 37 shall be paid by the school district to the
 38 municipality if the auditor certifies to the school
 39 district by July 1 the amount of such levy that is
 40 necessary to pay the principal and interest on bonds
 41 issued by the municipality to finance an urban renewal

42 ~~project, which bonds were issued before July 1, 2001.~~
43 ~~Indebtedness incurred to refund bonds issued prior to~~
44 ~~July 1, 2001, shall not be included in the~~
45 ~~certification. Such school district shall pay over~~
46 ~~the amount certified by November 1 and May 1 of the~~
47 ~~fiscal year following certification to the school~~
48 ~~district as provided in subsection 7. Unless and~~
49 ~~until the total assessed valuation of the taxable~~
50 ~~property in an urban renewal area exceeds the total~~

Page 7

1 assessed value of the taxable property in such area as
2 shown by the last equalized assessment roll referred
3 to in subsection 1, all of the taxes levied and
4 collected upon the taxable property in the urban
5 renewal area shall be paid into the funds for the
6 respective taxing districts as taxes by or for the
7 taxing districts in the same manner as all other
8 property taxes. When such loans, advances,
9 indebtedness, and bonds, if any, and interest thereon,
10 have been paid, all moneys thereafter received from
11 taxes upon the taxable property in such urban renewal
12 area shall be paid into the funds for the respective
13 taxing districts in the same manner as taxes on all
14 other property.

15 7. a. All or a portion of the taxes for the
16 physical plant and equipment levy shall be paid by the
17 school district to the municipality if the auditor
18 certifies to the school district by July 1 the amount
19 of such levy that is necessary to pay the principal
20 and interest on bonds issued by the municipality to
21 finance an urban renewal project, which bonds were
22 issued before July 1, 2001. Indebtedness incurred to
23 refund bonds issued prior to July 1, 2001, shall not
24 be included in the certification. Such school district
25 shall pay over the amount certified by November 1 and
26 May 1 of the fiscal year following certification to
27 the school district. For any fiscal year, a
28 municipality may certify to the county auditor for
29 physical plant and equipment revenue necessary for
30 payment of principal and interest on bonds issued
31 prior to July 1, 2001, only if the municipality
32 certified for such revenue for the fiscal year
33 beginning July 1, 2000. A municipality shall not
34 certify to the county auditor for a school district
35 more than the amount the municipality certified for
36 the fiscal year beginning July 1, 2000. If for any
37 fiscal year a municipality fails to certify to the
38 county auditor for a school district by July 1 the
39 amount of physical plant and equipment revenue
40 necessary for payment of principal and interest on

41 such bonds, as provided in subsection 2, the school
42 district is not required to pay over the revenue to
43 the municipality. If a school district and a
44 municipality are unable to agree on the amount of
45 physical plant and equipment revenue certified by the
46 municipality for the fiscal year beginning July 1,
47 2001, either party may request that the state appeal
48 board review and finally pass upon the amount that may
49 be certified. Such appeals must be presented in
50 writing to the state appeal board no later than July

Page 8

1 31 following certification. The burden shall be on
2 the municipality to prove that the physical plant and
3 equipment levy revenue is necessary to pay principal
4 and interest on bonds issued prior to July 1, 2001. A
5 final decision must be issued by the state appeal
6 board no later than the following October 1.
7 b. All or a portion of the taxes for the
8 instructional support levy shall be paid by the school
9 district to the municipality if the auditor certifies
10 to the school district by July 1 the amount of such
11 levy that is necessary to pay the principal and
12 interest on bonds issued by the municipality to
13 finance an urban renewal project, which bonds were
14 issued before July 1, 2002. Indebtedness incurred to
15 refund bonds issued prior to July 1, 2002, 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 shall not certify to the county auditor
21 for a school district more than the amount the
22 municipality certified for the fiscal year beginning
23 July 1, 2002. If for any fiscal year a municipality
24 fails to certify to the county auditor for a school
25 district by July 1 the amount of instructional support
26 property tax revenue necessary for payment of
27 principal and interest on such bonds, as provided in
28 subsection 2, the school district is not required to
29 pay over the revenue to the municipality. If a school
30 district and a municipality are unable to agree on the
31 amount of instructional support property tax revenue
32 certified by the municipality for the fiscal year
33 beginning July 1, 2002, either party may request that
34 the state appeal board review and finally pass upon
35 the amount that may be certified. Such appeals must
36 be presented in writing to the state appeal board no
37 later than July 31 following certification. The
38 burden shall be on the municipality to prove that the
39 instructional support property tax revenue is

40 necessary to pay principal and interest on bonds
 41 issued prior to July 1, 2002. A final decision must
 42 be issued by the state appeal board no later than the
 43 following October 1."

44 9. Page 21, by striking line 21 and inserting the
 45 following:

46 "Sec. ___. Sections 256.34, 260C.70, 301.29, and
 47 301.30, Code 2001, are".

48 10. Page 21, by inserting after line 32, the
 49 following:

50 "Sec. ___. EFFECTIVE DATE. Section 301 of this

Page 9

1 Act, amending section 275.23A, subsection 2, being
 2 deemed of immediate importance, takes effect upon
 3 enactment."

4 11. Page 21, by striking line 33 and inserting
 5 the following:

6 "Sec. ___. EFFECTIVE DATES – APPLICABILITY.

7 1. Sections 201 and 202 of this Act, relating to
 8 the date of adoption of a budget adjustment resolution
 9 and notification of that adoption, being deemed of
 10 immediate importance, take effect upon enactment and
 11 apply retroactively for budget adjustment notification
 12 for the school budget year beginning July 1, 2002.

13 2. Section 36 of".

14 12. Page 22, by inserting after line 5 the
 15 following:

16 "Sec. ___. EFFECTIVE DATE. The section of this
 17 Act, amending section 403.19, being deemed of
 18 immediate importance, takes effect upon enactment."

19 13. Title page, line 2, by inserting after the
 20 word "education" the following: "and school boards".

21 14. By renumbering, relettering, or redesignating
 22 and correcting internal references as necessary.

Brunkhorst of Bremer offered the following amendment H-8688,
 to the Senate amendment H-8681, filed by him from the floor and
 moved its adoption:

H-8688

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.

Rants of Woodbury asked and received unanimous consent that House File 2515 be deferred and that the bill retain its place on the calendar. (Amendments H-8681 and H-8688 pending)

**ADOPTION OF THE REPORT OF THE
 CONFERENCE COMMITTEE
 (House File 2191)**

Millage of Scott called up for consideration the report of the conference committee on House File 2191, filed from the floor, and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2191

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2191, a

bill for an Act relating to notarial acts of judicial officers, respectfully make the following report:

1. That the Senate recedes from its amendment, H-8421.
2. That House File 2191, as passed by the House, is amended as follows:

1. Page 1, by striking lines 5 through 10, and inserting the following: "chapter. However, this section shall not apply to a ~~person performing a~~ notarial act ~~under performed by a judicial officer as defined in section 602.1101, if the notarial act is performed in accordance with state or federal~~ statutory authority."

ON THE PART OF THE HOUSE

DAVID MILLAGE, Chair
 ROGER BROERS
 PAM JOCHUM
 KEITH KREIMAN
 CHARLES LARSON

ON THE PART OF THE SENATE

NANCY BOETTGER, Chair
 THOMAS FIEGEN
 WALLY HORN
 STEVE KING
 O. GENE MADDOX

The motion prevailed and the conference committee report was adopted.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2191)

The ayes were, 92:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Lensing	Manternach	Mascher	May
Metcalf	Millage	Murphy	Myers
Osterhaus	Petersen	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Reynolds	Roberts	Scherrman	Seng

Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Taylor, D.
Taylor, T.	Tremmel	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wildurdyke	Winckler	Wise	Gipp, Presiding

The nays were, none.

Absent or not voting, 8:

Connors	Larson	Mertz	O'Brien
Richardson	Schrader	Teig	Witt

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

SENATE AMENDMENT CONSIDERED

Eichhorn of Hamilton 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 amendment H-8682 as follows:

H-8682

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. Page 10, line 20, by striking the words "tax-
 6 deferred savings" and inserting the following:
 7 "qualified retirement plan".
 8 3. By striking page 12, line 22 through page 13,
 9 line 35 and inserting the following:
 10 "Sec. __. Section 422.43, subsection 11, Code
 11 Supplement 2001, is amended by adding the following
 12 new unnumbered paragraph:
 13 NEW UNNUMBERED PARAGRAPH. For purposes of the tax
 14 on enumerated services under this subsection, service
 15 charges of financial institutions do not include
 16 surcharges assessed with regard to nonproprietary ATM
 17 transactions. This paragraph is repealed June 30,
 18 2003."
 19 4. Page 16, by inserting after line 32 the
 20 following:

21 "Sec.____. Section 425.15, Code 2001, is amended
22 to read as follows:
23 **425.15 DISABLED VETERAN TAX CREDIT.**
24 If the owner of a homestead allowed a credit under
25 this chapter is a veteran of any of the military
26 forces of the United States, who acquired the
27 homestead under 38 U.S.C. § 21.801, 21.802, or 38
28 U.S.C. § 2101, 2102, the credit allowed on the
29 homestead from the homestead credit fund shall be the
30 entire amount of the tax levied on the homestead. The
31 credit allowed shall be continued to the estate of a
32 veteran who is deceased or the surviving spouse and
33 any child, as defined in section 234.1, who are the
34 beneficiaries of a deceased veteran, so long as the
35 surviving spouse remains unmarried. This section is
36 not applicable to the holder of title to any homestead
37 whose annual income, together with that of the
38 titleholder's spouse, if any, for the last preceding
39 twelve-month income tax accounting period exceeds
40 ~~twenty five~~ thirty-five thousand dollars. For the
41 purpose of this section "income" means taxable income
42 for federal income tax purposes plus income from
43 securities of state and other political subdivisions
44 exempt from federal income tax. A veteran or a
45 beneficiary of a veteran who elects to secure the
46 credit provided in this section is not eligible for
47 any other real property tax exemption provided by law
48 for veterans of military service. If a veteran
49 acquires a different homestead, the credit allowed
50 under this section may be claimed on the new homestead

Page 2

1 unless the veteran fails to meet the other
2 requirements of this section."
3 5. Page 18, by inserting after line 2 the
4 following:
5 "Sec.____. Section 427.1, subsection 2, Code
6 Supplement 2001, is amended by adding the following
7 new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. The operation of bingo
9 games on property of a school corporation shall not
10 adversely affect the exemption of that property under
11 this subsection if all proceeds, in excess of
12 expenses, are used for the legitimate purposes of the
13 school corporation."
14 6. Page 18, by inserting after line 12 the
15 following:
16 "Sec.____. Section 427.1, subsection 8, Code
17 Supplement 2001, is amended by adding the following
18 new unnumbered paragraph:
19 NEW UNNUMBERED PARAGRAPH. The operation of bingo

20 games on property of a literary, scientific,
 21 charitable, benevolent, agricultural, and religious
 22 institutions and societies shall not adversely affect
 23 the exemption of that property under this subsection
 24 if all proceeds, in excess of expenses, are used for
 25 the legitimate purposes of the institutions or
 26 societies.

27 Sec.____. Section 427.1, subsection 9, Code
 28 Supplement 2001, is amended by adding the following
 29 new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. The operation of bingo
 31 games on property of an educational institution shall
 32 not adversely affect the exemption of that property
 33 under this subsection if all proceeds, in excess of
 34 expenses, are used for the legitimate purposes of the
 35 educational institution."

36 7. Page 21, by striking lines 33 through 35.

37 8. Page 22, by striking lines 24 through 29.

38 9. By striking page 22, line 30, through page 23,
 39 line 3, and inserting the following:

40 "Sec.____.

41 1. ABATEMENT OF SALES AND USE TAXES. The director
 42 of revenue and finance shall abate unpaid state sales
 43 and use taxes and local sales and services taxes owed
 44 by any foundry located in Lee or Jefferson county on
 45 purchases of tangible personal property used by the
 46 foundry in making patterns, molds, or dies which
 47 purchases occurred between July 1, 1997, and the
 48 effective date of this section.

49 2. REFUNDS. If the state sales and use taxes and
 50 local sales and services taxes have been paid on the

Page 3

1 purchases of tangible personal property which occurred
 2 between July 1, 1997, and the effective date of this
 3 section and which taxes would have been abated under
 4 subsection 1 if not paid, then such taxes and any
 5 interest and penalties, that were paid, are eligible
 6 for refund. However, refunds shall not be allowed
 7 unless claims are filed prior to October 1, 2002, and
 8 shall be limited to twenty-five thousand dollars in
 9 the aggregate. If the amount of claims totals more
 10 than twenty-five thousand dollars in the aggregate,
 11 the department of revenue and finance shall prorate
 12 the twenty-five thousand dollars among all claimants
 13 in relation to the amounts of the claimants' valid
 14 claims."

15 10. Page 23, by inserting before line 4 the
 16 following:

17 "Sec.____. VOLUNTEER FIRE FIGHTERS PENSION TASK
 18 FORCE –REPORT. A volunteer fire fighters pension

19 task force is created concerning the establishment of
20 a pension system for volunteer fire fighters in this
21 state. The task force shall examine pension plans
22 established by other states for volunteer fire
23 fighters and shall solicit information from volunteer
24 fire fighters, and cities and townships with volunteer
25 fire fighters, concerning the establishment of a
26 pension system for volunteer fire fighters. The task
27 force shall also identify and examine issues relating
28 to volunteer fire departments' attraction and
29 retention of fire fighters and shall propose solutions
30 to these issues of attraction and retention.

31 Membership of the task force is to be determined by
32 the legislative council. Members shall be appointed
33 by the legislative council. The membership shall
34 include, but not be limited to, the following:

- 35 1. The commissioner of insurance or the
36 commissioner's designee.
- 37 2. The treasurer of state or the treasurer's
38 designee.
- 39 3. A representative of a pension system
40 established pursuant to Code chapter 411.
- 41 4. A representative of the Iowa public employees'
42 retirement system.
- 43 5. A representative of a pension system
44 established for private sector employees.
- 45 6. A representative of the state fire and
46 emergency response council.
- 47 7. A representative of volunteer fire fighters in
48 the state.
- 49 8. A representative of township trustees.
- 50 9. A representative of the Iowa league of cities.

Page 4

1 The legislative service bureau and the legislative
2 fiscal bureau shall provide staffing assistance to the
3 task force. The department of management shall
4 provide other assistance to the task force in
5 completing its duties.

6 The task force shall submit a report to the general
7 assembly by January 1, 2003. The report shall contain
8 the findings and recommendations of the task force."

9 11. Page 23, by inserting before line 4, the
10 following:

11 Sec. ___. IMPLEMENTATION OF ACT. Section 25B.7
12 does not apply to the section of this Act amending
13 section 425.15 relating to the disabled veteran tax
14 credit."

15 12. Page 23, by striking lines 17 through 20.

16 13. Page 23, by striking lines 26 through 30 and
17 inserting the following:

18 " _____. The section of this Act that provides for
19 the abatement of sales and use taxes owed or the
20 refund of sales and use tax paid on the purchases of
21 certain tangible personal property by a foundry, being
22 deemed of immediate importance, takes effect upon
23 enactment."
24 14. Page 23, by inserting after line 33 the
25 following:
26 " _____. The section of this Act amending section
27 425.15, being deemed of immediate importance, takes
28 effect upon enactment and applies retroactively to
29 January 1, 2002, for claims filed or on file on or
30 after that date."
31 15. Title page, line 5, by inserting after the
32 word "taxes" the following: ", directing a study,".
33 16. By renumbering, relettering, or redesignating
34 and correcting internal references as necessary.

Raecker of Polk offered the following amendment H-8690, to the Senate amendment H-8682, filed by Raecker, Garman of Story and Boddicker of Cedar from the floor and moved its adoption:

H-8690

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.

A non-record roll call was requested.

The ayes were 50, nays 28.

Amendment H-8690 was adopted.

On motion by Eichhorn of Hamilton the House concurred in the Senate amendment H-8682, as amended.

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

On the question "Shall the bill pass?" (H.F. 2622)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Bogges
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Gipp, Presiding			

The nays were, none.

Absent or not voting, 7:

Connors	Mertz	O'Brien	Richardson
Schrader	Teig	Witt	

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

The House 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, previously deferred and found on pages 1390 through 1400 of the House Journal.

On motion by Brunkhorst of Bremer amendment H-8688 was adopted.

On motion by Brunkhorst of Bremer the House concurred in the Senate amendment H-8681, as amended.

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

On the question "Shall the bill pass?" (H.F. 2515)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Seng	Shay	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Gipp, Presiding			

The nays were, none.

Absent or not voting, 7:

Connors	Mertz	O'Brien	Richardson
Schrader	Teig	Witt	

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2191, 2515 and 2622.**

SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration **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 effective dates and providing for retroactive applicability, amended by the Senate, and moved that the House concur in the following Senate amendment H-8580:

H-8580

- 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,".

The motion prevailed and the House concurred in the Senate amendment H-8580.

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

On the question "Shall the bill pass?" (H.F. 2613)

The ayes were, 81:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Cornack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Finch	Frevert	Garman

Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kuhn	Larkin	Larson	Lensing
Manternach	Mascher	May	Metcalf
Millage	Myers	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Roberts	Scherrman
Seng	Shey	Siegrist, Spkr.	Sievers
Smith	Stevens	Sukup	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Gipp, Presiding			

The nays were, 12:

Fallon	Foege	Ford	Greimann
Hatch	Kreiman	Murphy	Reynolds
Shoultz	Taylor, D.	Taylor, T.	Tremmel

Absent or not voting, 7:

Connors	Mertz	O'Brien	Richardson
Schrader	Teig	Witt	

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

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2192)

Boddicker of Cedar called up for consideration the report of the conference committee on House File 2192, filed from the floor, and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2192

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2192, an Act relating to the establishment of a state agency work group to develop an interstate prescription drug purchasing cooperative, respectfully make the following report:

1. That the House recedes from its amendment, S-5255.

2. That the Senate recedes from its amendment, H-8326.

3. That House File 2192, as amended, passed, and reprinted by the House, is amended as follows:

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

"Section 1. INTERSTATE PRESCRIPTION DRUG PURCHASING COOPERATIVE – TASK FORCE – REPORT.

1. The Iowa department of public health shall convene a task force to determine the feasibility of establishing an interstate prescription drug purchasing cooperative with other midwestern states.

2. The task force shall consist of all of the following voting members:

a. The director of public health, or the director's designee.

b. The director of human services, or the director's designee.

c. The director of the department of elder affairs, or the director's designee.

d. The director of the department of management, or the director's designee.

e. The director of the department of personnel, or the director's designee.

f. Four members of the general assembly.

3. a. The legislative members of the task force shall be appointed by the majority leader of the senate, after consultation with the president of the senate and the minority leader of the senate, and by the speaker of the house of representatives, after consultation with the majority leader and the minority leader of the house of representatives. The legislative appointments shall comply with sections 69.16 and 69.16A.

b. Vacancies on the task force shall be filled by the original appointing authority and in the manner of the original appointments.

4. The task force shall elect a chairperson. A majority of the members of the task force shall constitute a quorum. A majority vote of those members present shall be required for any action of the task force. The Iowa department of public health and the department of human services shall cooperate in providing staffing for the task force.

5. All of the following shall act as advisors to the task force:

a. The chairperson of the board of pharmacy examiners, or the chairperson's designee.

b. The chairperson of the board of medical examiners, or the chairperson's designee.

c. One person who is a representative of pharmaceutical manufacturers, selected by the pharmaceutical research and manufacturers of America.

d. One person who is a representative of the Iowa pharmacy association, selected by the Iowa pharmacy association.

e. One person who is a representative of the Iowa medical society, selected by the Iowa medical society.

6. The task force shall pursue the development of an interstate prescription drug purchasing cooperative through a minimum of the following means:

a. Utilizing regional and national entities such as the council of state governments, the national conference of state legislatures, and others in establishing contact with the governors and legislative leaders of other midwestern states.

b. Contacting the governors and legislative leaders of other states with existing interstate cooperatives, including the states participating in the southern states coalition purchasing pool, and other interstate cooperatives.

c. Contacting industry trade associations whose members are involved in the delivery and reimbursement of state-funded pharmaceutical care.

7. The task force shall submit bimonthly progress reports of its findings and recommendations regarding the establishment of an interstate prescription drug purchasing cooperative to the oversight committee of the legislative council. The task force shall also submit a final report of its findings and recommendations to the governor and the general assembly no later than December 15, 2002."

2. Title page, line 1, by striking the words "state agency work group" and inserting the following: "task force".

ON THE PART OF THE HOUSE:

DAN BODDICKER, Chair
 CARMINE BOAL
 GREG HOVERSTEN
 ROBERT OSTERHAUS
 MARK SMITH

ON THE PART OF THE SENATE:

MAGGIE TINSMAN, Chair
 PATRICIA HARPER
 DAVID MILLER
 NEAL SCHUERER
 MARK SHEARER

The motion prevailed and the conference committee report was adopted.

Boddicker of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2192)

The ayes were, 93:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Winckler	Wise
Gipp, Presiding			

The nays were, none.

Absent or not voting, 7:

Connors	Mertz	O'Brien	Richardson
Schrader	Teig	Witt	

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2192** be immediately messaged to the Senate.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following correction was made:

House File 2378

1. Title page, line 1 – By striking the word "an" at the end of the line.

MARGARET A. THOMSON
Chief Clerk of the House

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 11th day of April, 2002: House Files 2584 and 2585.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 11, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 2446, an act relating to the proposed uniform computer information transactions Act.

House File 2531, an act making certain amendments to the Iowa trust code.

House File 2547, an act relating to certain programs and public health issues under the purview of the Iowa department of public health, and providing a penalty.

House File 2587, 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.

Senate File 144, 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.

Senate File 466, an act 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.

Senate File 2273, an act relating to the designation of a Juneteenth National Freedom Day.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 11, 2002

Brent Siegrist
Speaker of the House
State Capitol Building
L O C A L

Dear Speaker Siegrist:

I hereby transmit House File 608, an act relating to the delinquency charges on certain pre-computed consumer credit transactions.

At a time when predatory lending is on the rise, this legislation would be a benefit to such lenders. It represents a risk to Iowa Consumers and a loss to the Iowa economy. The added costs are born by the citizens of Iowa then realized by out-of-state high-cost lenders.

The Attorney General's Office supports the rejection of this bill as poor consumer practice that would ultimately represent no benefit to the citizens and economy of our state. In fact, he indicates that Iowans participating in these loan programs may find repayment to be a strain and in the end, only compound their financial problems.

For the above reasons, I hereby respectfully disapprove House File 608.

Sincerely,
Thomas J. Vilsack
Governor

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-two eighth grade students from Odebolt-Arthur Middle School, accompanied by Steve Walsh. By Kettering of Sac.

Seven students from Okoboji FFA, accompanied by Rich Martin. By Stevens of Dickinson.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2002\1043 | Cory Kuykendall, Roland – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America |
| 2002\1044 | Edwin Evenson, Oelwein – For celebrating his 90 th birthday. |
| 2002\1045 | George and Anne Webber, Waterloo – For celebrating their 50 th wedding anniversary. |
| 2002\1046 | George and Mildred Smith, Waterloo – For celebrating their 50 th wedding anniversary. |
| 2002\1047 | Cleston and RoseMary Fathke, Waterloo – For celebrating their 50 th wedding anniversary. |
| 2002\1048 | Olen and Ruth Rhoads, Waterloo – For celebrating their 50 th wedding anniversary. |
| 2002\1049 | Glen Whited, Waterloo – For celebrating his 90 th birthday. |
| 2002\1050 | Paul and Doris Aardsma, Des Moines For celebrating their 50 th wedding anniversary. |
| 2002\1051 | Kali Liljedahl, Missouri Valley – For being named to the Des Moines Register Academic All-State Team and being named a National Merit Scholarship Finalist. |
| 2002\1052 | Angelo P. Costanzo, Des Moines – For celebrating his 80 th birthday. |
| 2002\1053 | Bryan Llewellyn, St. Charles – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

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.

Fiscal Note is not required.

Recommended **Do Pass** April 11, 2002.

RESOLUTIONS FILED

HR 139, by Manternach, a resolution requesting the Secretary of Agriculture to establish a task force to study value-added agricultural issues.

Laid over under **Rule 25**.

HR 140, by Manternach, a resolution requesting the Secretary of Agriculture to establish a task force to study value-added agricultural issues.

Laid over under **Rule 25**.

SCR 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.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8640	S.F.	2118	Senate Amendment
H—8649	H.F.	2468	Klemme of Plymouth
H—8658	S.F.	2328	Wise of Lee
			Cphoon of Des Moines
			Greimann of Story
			Mascher of Johnson
			Stevens of Dickinson
			Winckler of Scott
H—8662	S.F.	2293	Frevert of Palo Alto
H—8666	S.F.	2293	Ford of Polk

H—8667 S.F. 2293 Ford of Polk

On motion by Rants of Woodbury the House adjourned at 12:29 a.m., until 8:45 a.m., Friday, April 12, 2002.

JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day - Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 12, 2002

The House met pursuant to adjournment at 8:51 a.m., Dix of Butler in the chair.

Prayer was offered by the Honorable Rod Roberts, state representative from Carroll County.

The Journal of Thursday, April 11, 2002 was approved.

ADOPTION OF HOUSE RESOLUTION 140

Manternach of Jones called up for consideration **House Resolution 140**, a resolution requesting the Secretary of Agriculture to establish a task force to study value-added agricultural issues, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 135

Rants of Woodbury called up for consideration **House Resolution 135**, a resolution honoring Thane R. Johnson upon his retirement from the Legislative Service Bureau as a Senior Research Analyst, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 134

Rants of Woodbury called up for consideration **House Resolution 134**, a resolution honoring Diane E. Bolender upon her retirement as Director of the Legislative Service Bureau, and moved its adoption.

The motion prevailed and the resolution was adopted.

Speaker Siegrist in the chair at 9:17 a.m.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Siegrist invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-ninth General Assembly were presented to the following Pages by Speaker Siegrist, Majority Leader Christopher Rants of Woodbury and Minority Leader Dick Myers of Johnson County.

Jonathan Bracewell	Erin Kreiman
Laura Byrd	Jonathan Law
Rebecca Castle	Megan Mahler
Milissa Clark	Autumn Noble
Daniel Dvorak	Megan Riney
Sara Hildreth	Brian Rolek
Mindy Jensen	Kylene Wentland

CONSIDERATION OF BILLS Unfinished Business Calendar

House File 2468, a bill for an act relating to animal agriculture, was taken up for consideration.

The House stood at ease at 9:31 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 2468 at 11:34 a.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Atteberry of Delaware on request of Huser of Polk.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

Klemme of Plymouth asked and received unanimous consent that the committee amendment H-8613 be deferred.

Klemme of Plymouth offered the following amendment H-8649 filed by him and moved its adoption:

H-8649

1 Amend House File 2468 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

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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.

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- 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 chickens 0.010

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

39 three hundred thirty-three or 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

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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

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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

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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:

	For a confinement feeding operation having an animal unit capacity of less than 1,000 animal units	For a confinement feeding operation having an animal unit capacity of 1,000 or more but less than 3,000 animal units	For a confinement feeding operation having an animal unit capacity of 3,000 or more animal units
16 <u>Type of structure</u>			
17 Anaerobic lagoon	1,875	2,500	3,000
18 Uncovered earthen			
19 manure storage			
20 basin	1,875	2,500	3,000
21 Uncovered formed			
22 manure storage			
23 structure	1,500	2,000	2,500
24 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	<u>NEW SUBSECTION.</u> 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
	less than	1,000 or more	3,000 or
	1,000 animal	but less than	more animal
	units	3,000 animal	units
	units	units	units
22	<u>Type of structure</u>	<u>units</u>	<u>units</u>
23	Confinement feeding		
24	operation		
25	structure	1,875	2,500
26			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~~ For a confinement feeding
14 operation structure as constructed or expanded prior
15 to January 1, 1999, any construction or expansion of a
16 confinement feeding operation structure complies with
17 the distance requirements applying to that structure
18 as provided in section 455B.162, subsections 1 and 3.

19 b. ~~An animal~~ For a confinement feeding operation
20 structure as constructed or expanded on or after
21 January 1, 1999, but prior to March 1, 2003, any
22 construction or expansion of a confinement feeding
23 operation structure complies with the distance
24 requirements applying to that structure as provided in
25 section 455B.162, subsections 2 and 3.

26 c. For a confinement feeding operation constructed
27 on or after March 1, 2003, any construction or
28 expansion of a confinement feeding operation structure
29 complies with the distance requirements applying to
30 that structure as provided in section 455B.162,
31 subsections 3A and 3B.

32 2. All of the following apply to the expansion of

33 the animal confinement feeding operation:

34 a. No portion of the animal confinement feeding
35 operation after expansion is closer than before
36 expansion to a location or object for which separation
37 is required under section 455B.162.

38 b. The For a confinement feeding operation that
39 includes a confinement feeding operation structure
40 constructed prior to March 1, 2003, the animal weight
41 capacity of the animal confinement feeding operation
42 as expanded is not more than the lesser of the
43 following:

44 (1) Double its animal weight capacity on the
45 following dates:

46 (a) May 31, 1995, for ~~an animal a confinement~~
47 feeding operation that includes a confinement feeding
48 operation structure constructed prior to January 1,
49 1999, ~~or on,~~

50 (b) January 1, 1999, for ~~an animal a confinement~~

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1 feeding operation that only includes a confinement
2 feeding operation structure constructed on or after
3 January 1, 1999, but does include a confinement
4 feeding operation structure constructed prior to March
5 1, 2003.

6 (2) Either of the following:

7 (a) Six hundred twenty-five thousand pounds animal
8 weight capacity for animals other than bovine cattle.

9 (b) One million six hundred thousand pounds animal
10 weight capacity for bovine cattle.

11 c. For a confinement feeding operation that does
12 not include a confinement feeding operation structure
13 constructed prior to March 1, 2003, the animal unit
14 capacity of the confinement feeding operation as
15 expanded is not more than the lesser of the following:

16 (1) Double its animal unit capacity on March 1,
17 2003.

18 (2) One thousand animal units.

19 Sec. 19. Section 455B.163, subsection 3,

20 unnumbered paragraph 1, Code 2001, is amended to read
21 as follows:

22 The animal confinement feeding operation was
23 includes a confinement feeding operation structure
24 that is constructed prior to ~~January 1, 1999~~ March 1,
25 2003, and is expanded by replacing one or more
26 unformed manure storage structures with one or more
27 formed manure storage structures, if all of the
28 following apply:

29 Sec. 20. Section 455B.163, subsection 3, paragraph

30 a, Code 2001, is amended to read as follows:

31 a. The animal weight capacity or animal unit

32 capacity, whichever is applicable, is not increased
33 for that portion of the animal confinement feeding
34 operation that utilizes all replacement formed manure
35 storage structures.

36 Sec. 21. Section 455B.165, subsections 1, 4, and
37 5, Code 2001, are amended by striking the subsections.

38 Sec. 22. Section 455B.165, subsection 3, paragraph
39 a, Code 2001, is amended to read as follows:

40 a. ~~An animal~~ A confinement feeding operation
41 structure which is constructed or expanded, if the
42 titleholder of the land benefiting from the distance
43 separation requirement executes a written waiver with
44 the titleholder of the land where the structure is
45 located. If ~~an animal~~ a confinement feeding operation
46 structure is constructed or expanded within the
47 separation distance required between ~~an animal~~ a
48 confinement feeding operation structure and a public
49 thoroughfare as required pursuant to section 455B.162,
50 the state or a political subdivision constructing or

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1 maintaining the public thoroughfare benefiting from
2 the distance separation requirement may execute a
3 written waiver with the titleholder of the land where
4 the structure is located. The animal confinement
5 feeding operation structure shall be constructed or
6 expanded under such terms and conditions that the
7 parties negotiate.

8 Sec. 23. NEW SECTION. 455B.166 DEPARTMENT OF
9 NATURAL RESOURCES – DEVELOPMENT OF COMPREHENSIVE
10 PLANS AND PROGRAMS FOR AIR QUALITY.

11 1. As used in this section, unless the context
12 otherwise requires:

13 a. "Airborne pollutant" means hydrogen sulfide,
14 ammonia, or odor.

15 b. "Separated location" means a location or object
16 from which a separation distance is required under
17 section 455B.162, other than a public thoroughfare.

18 2. The department shall conduct a comprehensive
19 field study to monitor the level of airborne
20 pollutants emitted from animal feeding operations in
21 this state, including but not limited to each type of
22 confinement feeding operation structure.

23 3. a. After the completion of the field study,
24 the department may develop comprehensive plans and
25 programs for the abatement, control, and prevention of
26 airborne pollutants originating from animal feeding
27 operations in accordance with this section. The
28 comprehensive plans and programs may be developed if
29 the baseline data from the field study demonstrates to
30 a reasonable degree of scientific certainty that

31 airborne pollutants emitted by an animal feeding
32 operation are present at a separated location at
33 levels commonly known to cause a material and
34 verifiable adverse health effect. The department may
35 adopt any comprehensive plans or programs in
36 accordance with chapter 17A prior to implementation or
37 enforcement of an air quality standard but in no event
38 shall the plans and programs provide for the
39 enforcement of an air quality standard prior to
40 December 1, 2004.

41 b. Any air quality standard established by the
42 department for animal feeding operations shall be
43 based on and enforced at distances measured from a
44 confinement feeding operation structure to a separated
45 location. In providing for the enforcement of the
46 standards, the department shall take all initial
47 measurements at the separated location. If the
48 department determines that a violation of the
49 standards exists, the department may conduct an
50 investigation to trace the source of the airborne

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1 pollutant. This section does not prohibit the
2 department from entering the premises of an animal
3 feeding operation in compliance with section 455B.103.
4 The department shall comply with standard biosecurity
5 requirements customarily required by the animal
6 feeding operation which are necessary in order to
7 control the spread of disease among an animal
8 population.

9 c. The department shall establish recommended best
10 management practices, mechanisms, processes, or
11 infrastructure under the comprehensive plans and
12 programs in order to reduce the airborne pollutants
13 emitted from an animal feeding operation.

14 d. The department shall provide a procedure for
15 the approval and monitoring of alternative or
16 experimental practices, mechanisms, processes, or
17 infrastructure to reduce the airborne pollutants
18 emitted from an animal feeding operation, which may be
19 incorporated as part of the comprehensive plans and
20 programs developed under this section.

21 Sec. 24. NEW SECTION. 455B.167 CIVIL PENALTY.
22 A person who violates this part shall be subject to
23 a civil penalty which shall be established, assessed,
24 and collected in the same manner as provided in
25 section 455B.109. Any civil penalty collected shall
26 be deposited in the animal agriculture compliance fund
27 created in section 455B.127.

28 Sec. 25. Section 455B.171, subsections 2, 3, 4, 5,
29 6, 8, 20, 43, and 47, Code 2001, are amended by

30 striking the subsections.

31 Sec. 26. Section 455B.191, subsection 8, Code
32 2001, is amended to read as follows:

33 8. Moneys assessed and collected in civil
34 penalties and interest earned on civil penalties,
35 arising out of a violation involving an animal feeding
36 operation, shall be deposited in the ~~manure storage~~
37 ~~indemnity animal agriculture compliance~~ fund as
38 created in section ~~455J.2~~ 455B.127.

39 SUBPART B

40 ANIMAL FEEDING OPERATIONS

41 Sec. 27. Section 455B.200, Code 2001, is amended
42 to read as follows:

43 455B.200 GENERAL.

44 1. The commission shall establish by rule adopted
45 pursuant to chapter 17A, requirements relating to the
46 construction, including expansion, or operation of
47 animal feeding operations, including related animal
48 feeding operation structures. The requirements shall
49 include but are not limited to minimum manure control,
50 the issuance of permits, and departmental

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1 investigations, inspections, and testing.
2 2. Any provision referring generally to compliance
3 with the requirements of this chapter as applied to
4 animal feeding operations also includes compliance
5 with requirements in rules adopted by the commission
6 pursuant to this section, orders issued by the
7 department as authorized under this chapter, and the
8 terms and conditions applicable to permits or manure
9 management plans required under this subpart.
10 However, for purposes of approving or disapproving an
11 application for a construction permit as provided in
12 section 455B.200E, conditions for the approval of an
13 application based on results produced by a master
14 matrix are not requirements of this chapter until the
15 department approves or disapproves an application
16 based on those results.
17 3. The department and the attorney general shall
18 enforce the provisions of this chapter in the same
19 manner as provided in division I, unless otherwise
20 provided in this section.

21 Sec. 28. Section 455B.200A, subsections 1 through
22 4, Code 2001, are amended to read as follows:

23 1. The department shall ~~issue~~ approve or
24 disapprove applications for permits for the
25 construction, including the expansion, of animal
26 ~~confinement~~ feeding operation structures, ~~including~~
27 ~~structures which are part of confinement feeding~~
28 ~~operations~~, as provided by rules adopted pursuant to

29 section 455B.200 this chapter. The department's
 30 decision to approve or disapprove a permit for the
 31 construction of a confinement feeding operation shall
 32 be based on whether the application is submitted
 33 according to procedures required by the department and
 34 the application meets standards established by the
 35 department. A person shall not begin construction of
 36 a confinement feeding operation structure requiring a
 37 permit under this section, unless the department shall
 38 issue a first approves the person's application and
 39 issues to the person a construction permit to an
 40 animal feeding operation if an application is
 41 submitted according to procedures required by the
 42 department and. The department shall provide
 43 conditions for requiring when a person must obtain a
 44 construction permit.

45 a. Except as provided in paragraph "b", a person
 46 must obtain a permit to construct any of the
 47 following:

48 (1) A confinement feeding operation structure if
 49 after construction its confinement feeding operation
 50 would have an animal unit capacity of at least one

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1 thousand animal units.

2 (2) The confinement feeding operation structure is
 3 an unformed manure storage structure.

4 b. A person is not required to obtain a permit to
 5 construct a confinement feeding operation structure,
 6 if any of the following apply:

7 (1) The confinement feeding operation structure,
 8 if constructed, would be part of a small animal
 9 feeding operation. However, the person must obtain a
 10 permit under this section if the confinement feeding
 11 operation structure is an unformed manure storage
 12 structure.

13 (2) The confinement feeding operation structure is
 14 part of a confinement feeding operation which is owned
 15 by a research college conducting research activities
 16 as provided in section 455B.206.

17 2. The department shall issue a construction
 18 permit upon approval of an application. The
 19 department shall approve the application meets
 20 standards established by the department, if the
 21 application is submitted to the county board of
 22 supervisors in the county where the proposed
 23 confinement feeding operation is to be located as
 24 required pursuant to section 455B.200E, and the
 25 application meets the requirements of this chapter.
 26 If a county submits an approved recommendation
 27 pursuant to a construction evaluation resolution filed

28 with the department, the application must also achieve
29 a satisfactory rating produced by the master matrix
30 used by the board or department under section
31 455B.200E. The department shall approve the
32 application regardless of whether the animal feeding
33 operation applicant is required to obtain such to be
34 issued a construction permit. The department shall
35 not require that a person obtain a permit for the
36 construction of an animal feeding operation structure
37 if the structure is part of a small animal feeding
38 operation. For purposes of this section, an animal
39 feeding operation structure includes a manure storage
40 structure.
41 2. 3. The department shall not issue approve an
42 application for a construction permit for the
43 construction of an animal feeding operation structure
44 which is part of a confinement feeding operation
45 unless the person applicant submits all of the
46 following:
47 a. An indemnity fee as provided in section 455J.3
48 which that the department shall deposit into the
49 manure storage indemnity fund created in section
50 455J.2.

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1 b. A manure management plan as provided in section
2 455B.203 and manure management plan filing fee as
3 provided in section 455B.203C.
4 c. A construction permit application fee as
5 provided in section 455B.203C.
6 3A. The applicant may submit a master matrix as
7 completed by the applicant.
8 3. 4. a. A confinement feeding operation meets
9 threshold requirements under this paragraph if the
10 confinement feeding operation after construction of a
11 proposed confinement feeding operation structure would
12 have a minimum animal unit capacity of the following:
13 (1) Three thousand animal units for animals other
14 than swine maintained as part of a swine farrowing and
15 gestating operation or farrow-to-finish operation or
16 cattle maintained as part of a cattle operation.
17 (2) One thousand two hundred fifty animal units
18 for swine maintained as part of a swine farrowing and
19 gestating operation.
20 (3) Two thousand seven hundred fifty animal units
21 for swine maintained as part of a farrow-to-finish
22 operation.
23 (4) Four thousand animal units for cattle
24 maintained as part of a cattle operation.
25 b. The department shall not issue approve an
26 application for a construction permit for the

27 ~~construction of unless the following apply:~~

28 (1) If the application is for a permit to
 29 construct an unformed manure storage structure, the
 30 application must include a statement approved by a
 31 professional engineer certifying that the construction
 32 of the unformed manure storage structure complies with
 33 the construction design standards required in this
 34 subpart.

35 (2) If the application is for a permit to
 36 construct three or more animal confinement feeding
 37 operation structures unless the applicant files, the
 38 application must include a statement approved by a
 39 professional engineer registered pursuant to chapter
 40 542B certifying providing that the construction of the
 41 animal confinement feeding operation structures will
 42 not impede the drainage through established drainage
 43 tile lines which cross property boundary lines unless
 44 measures are taken to reestablish the drainage prior
 45 to completion of construction. For a confinement
 46 feeding operation that meets threshold requirements,
 47 the statement must be approved by a professional
 48 engineer. Otherwise, if the application is for a
 49 permit to construct a formed manure storage structure,
 50 the statement must be part of the construction design

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1 statement as provided in section 455B.200C.
 2 (3) If the application is for a permit to
 3 construct a formed manure storage structure, other
 4 than for a confinement feeding operation meeting
 5 threshold requirements, the applicant must include a
 6 construction design statement as provided in section
 7 455B.200C. An application for a permit to construct a
 8 formed manure storage structure as part of a
 9 confinement feeding operation that meets threshold
 10 requirements must include a statement approved by a
 11 professional engineer certifying that the construction
 12 of the formed manure storage structure complies with
 13 the requirements of this subpart.

14 (4) The department may only require that an
 15 application for a permit to construct a formed manure
 16 storage structure or egg washwater storage structure
 17 that is part of a confinement feeding operation
 18 meeting threshold requirements include an engineering
 19 report, construction plans, or specifications prepared
 20 by a licensed professional engineer or the natural
 21 resources conservation service of the United States
 22 department of agriculture.

23 4.5. Prior As a condition to issuing a permit to
 24 a person approving an application for the construction
 25 of an animal feeding operation a construction permit,

26 the department may require any of the following:
27 a. The installation of a related pollution control
28 device or practice, including but not limited to the
29 installation and operation of a hydrological water
30 pollution monitoring system for an exclusively earthen
31 unformed manure storage structure according to rules
32 which shall be adopted by the department.
33 b. The department's approval of the installation
34 of any proposed system to permanently lower the
35 groundwater table at a site as part of the
36 construction of an unformed manure storage structure,
37 as is necessary to ensure that the unformed manure
38 storage structure does not pollute groundwater
39 sources, including providing for standards as provided
40 in section 455B.205.
41 Sec. 29. Section 455B.200A, subsections 5 through
42 8, Code 2001, are amended by striking the subsections.
43 Sec. 30. Section 455B.200B, unnumbered paragraph
44 1, Code 2001, is amended to read as follows:
45 For purposes of this ~~part~~ subpart, all of the
46 following shall apply:
47 Sec. 31. Section 455B.200B, subsection 1, Code
48 2001, is amended by striking the subsection and
49 inserting in lieu thereof the following:
50 1. Two or more animal feeding operations under

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1 common ownership or management are deemed to be a
2 single animal feeding operation if they are adjacent
3 or utilize a common area or system for manure
4 disposal. In addition, for purposes of determining
5 whether two or more confinement feeding operations are
6 adjacent, all of the following must apply:
7 a. At least one confinement feeding operation
8 structure must be constructed on and after May 21,
9 1998.
10 b. A confinement feeding operation structure which
11 is part of one confinement feeding operation is
12 separated by less than a minimum required distance
13 from a confinement feeding operation structure which
14 is part of the other confinement feeding operation.
15 The minimum required distance shall be as follows:
16 (1) One thousand two hundred fifty feet for
17 confinement feeding operations having a combined
18 animal unit capacity of less than one thousand animal
19 units.
20 (2) Two thousand five hundred feet for confinement
21 feeding operations having a combined animal unit
22 capacity of one thousand animal units or more.
23 Sec. 32. Section 455B.200B, Code 2001, is amended
24 by adding the following new subsections:

25 NEW SUBSECTION. 3. In calculating the animal unit
26 capacity of a confinement feeding operation, the
27 animal unit capacity shall include the animal unit
28 capacity of all confinement feeding operation
29 buildings which are part of the confinement feeding
30 operation, unless a confinement feeding operation
31 building has been abandoned as provided in section
32 455B.161A.

33 NEW SUBSECTION. 4. All distances between
34 locations or objects provided in this subpart shall be
35 measured in feet from their closest points.

36 NEW SUBSECTION. 5. a. The department shall
37 designate by rule each one hundred year floodplain in
38 this state according to the location of the one
39 hundred year floodplain. A person shall not be
40 prohibited from constructing a confinement feeding
41 operation on a one hundred year floodplain unless the
42 one hundred year floodplain is designated by rule in
43 accordance with this subsection.

44 b. (1) Until the effective date of rules adopted
45 by the department to designate the location of each
46 one hundred year floodplain in this state, a person
47 shall not construct a confinement feeding operation
48 structure on land that contains a soil type classified
49 as alluvial unless the one of the following applies:

50 (a) If the person does not apply for a

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1 construction permit as provided in section 455B.200A,
2 the person must petition the department for a
3 declaratory order pursuant to section 17A.9 to
4 determine whether the location of the proposed
5 confinement feeding operation structure is located on
6 a one hundred year floodplain. The department shall
7 issue a declaratory order in response to the petition,
8 notwithstanding any other provision provided in
9 section 17A.9 to the contrary, within thirty days from
10 the date that the petition is filed with the
11 department.

12 (b) If the person does apply for a construction
13 permit as provided in section 455B.200A, the person
14 must identify that the land contains a soil type
15 classified as alluvial. The department shall
16 determine whether the land is located on a one hundred
17 year floodplain.

18 (2) The department shall provide in its
19 declaratory order or its approval or disapproval of a
20 construction permit application a determination
21 regarding whether the confinement feeding operation is
22 to be located on a one hundred year floodplain,
23 whether the confinement feeding operation may be

24 constructed at the location, and any conditions for
25 the construction.

26 (3) This paragraph "b" is repealed on the
27 effective date that rules are adopted by the
28 department pursuant to paragraph "a". The department
29 shall provide a caption on the adopted rule as
30 published in the Iowa administrative bulletin as
31 provided in section 17A.4, stating that this paragraph
32 is repealed as provided in this subparagraph
33 subdivision. The director of the department shall
34 deliver a copy of the adopted rule to the Iowa Code
35 editor.

36 NEW SUBSECTION. 6. As used in this subpart,
37 unless the context otherwise requires:

38 a. "Critical public area" means land as designated
39 by the department pursuant to rules adopted pursuant
40 to chapter 17A, if all of the following apply:

41 (1) The land is part of a public park, preserve,
42 or recreation area that is owned or managed by the
43 federal government; by the department, including under
44 chapter 461A or 465C; or by a political subdivision.

45 (2) The land has a unique scenic, cultural,
46 archaeological, scientific, or historic significance
47 or contains a rare or valuable ecological system.

48 b. "Designated wetland" means land designated as a
49 protected wetland by the United States department of
50 the interior or the department of natural resources,

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1 including but not limited to a protected wetland as
2 defined in section 456B.1, if the land is owned and
3 managed by the federal government or the department of
4 natural resources. However, a designated wetland does
5 not include land where an agricultural drainage well
6 has been plugged causing a temporary wetland or land
7 within a drainage district or levee district.

8 c. "Document" means any form required to be
9 processed by the department under this subpart
10 regulating animal feeding operations, including but
11 not limited to applications or related materials for
12 permits as provided in section 455B.200A, manure
13 management plans as provided in section 455B.203,
14 comment or evaluation by a county board of supervisors
15 considering an application for a construction permit,
16 the department's analysis of the application including
17 using and responding to a master matrix pursuant to
18 section 455B.200E, and notices required under those
19 sections.

20 d. "High-quality water resource" means that part
21 of a water source or wetland that the department has
22 designated as any of the following:

23 (1) A high-quality water (Class "HQ") or a high-
 24 quality resource water (Class "HQR") according to 567
 25 IAC ch. 61, in effect on January 1, 2001.

26 (2) A protected water area system, according to a
 27 state plan adopted by the department in effect on
 28 January 1, 2001.

29 e. "Karst terrain" means land having karst
 30 formations that exhibit surface and subterranean
 31 features of a type produced by the dissolution of
 32 limestone, dolomite, or other soluble rock and
 33 characterized by closed depressions, sinkholes, or
 34 caves.

35 f. "Major water source" means a water source that
 36 is a lake, reservoir, river, or stream located within
 37 the territorial limits of the state, or any marginal
 38 river area adjacent to the state, if the water source
 39 is capable of supporting a floating vessel capable of
 40 carrying one or more persons during a total of a six-
 41 month period in one out of ten years, excluding
 42 periods of flooding which has been identified by rules
 43 adopted by the commission.

44 g. "One hundred year floodplain" means the land
 45 adjacent to a major water source, if there is at least
 46 a one percent chance that the land will be inundated
 47 in any one year, according to calculations adopted by
 48 rules adopted pursuant to section 455B.200. In making
 49 the calculations, the department shall consider
 50 available maps or data compiled by the federal

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1 emergency management agency.

2 h. "Professional engineer" means a person engaged
 3 in the practice of engineering as defined in section
 4 542B.2 who is issued a certificate of licensure as a
 5 professional engineer pursuant to section 542B.17.

6 i. "Water of the state" means the same as defined
 7 in section 455B.171.

8 j. "Water source" means a lake, river, reservoir,
 9 creek, stream, ditch, or other body of water or
 10 channel having definite banks and a bed with water
 11 flow, except lakes or ponds without outlet to which
 12 only one landowner is riparian.

13 Sec. 33. NEW SECTION. 455B.200C CONSTRUCTION
 14 DESIGN STATEMENT – FORMED MANURE STORAGE STRUCTURES.

15 1. a. Except as provided in paragraph "b", a
 16 person shall not construct a formed manure storage
 17 structure, unless the person submits a construction
 18 design statement for filing with the department.

19 b. The following persons are not required to
 20 submit a construction design statement with the
 21 department:

22 (1) A person who constructs a formed manure
23 storage structure as part of a small animal feeding
24 operation.

25 (2) A person who submits a statement approved by a
26 professional engineer certifying that the construction
27 of the formed manure storage structure complies with
28 the construction design standards required in this
29 subpart, including a person required to submit such a
30 statement as part of an application for a construction
31 permit pursuant to section 455B.200A.

32 2. The construction design statement must include
33 all of the following:

34 a. A summary description of the type of formed
35 manure storage structure proposed to be constructed,
36 including whether such formed manure storage structure
37 is to be constructed of concrete.

38 b. (1) If the formed manure storage structure is
39 to be constructed of concrete, a statement by the
40 person responsible for constructing the formed manure
41 storage structure certifying that such person will
42 construct the formed manure storage structure in
43 accordance with the construction design standards
44 required in this subpart.

45 (2) If the formed manure storage structure is not
46 to be constructed of concrete, a statement by the
47 person responsible for constructing the formed manure
48 storage structure certifying that such person will
49 construct the formed manure storage structure in
50 accordance with the construction design standards

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1 required in this subpart.

2 c. If a construction permit is required pursuant
3 to section 455B.200A for the construction of three or
4 more confinement feeding operation structures that
5 include a formed manure storage structure, the
6 contractor must provide that the construction of the
7 formed manure storage structure will not impede
8 drainage through established drainage tile lines which
9 cross property boundary lines unless measures are
10 taken to reestablish the drainage prior to completion
11 of construction.

12 d. A manure management plan as required in section
13 455B.203 which may be submitted as part of an
14 application for a construction permit as provided in
15 section 455B.200A.

16 3. Unless the construction design statement is
17 part of a construction permit application as provided
18 in section 455B.200A, the department shall file the
19 construction design statement. Otherwise, the
20 department shall approve or disapprove the

21 construction design statement as part of the
 22 construction permit application. The construction
 23 design statement shall be considered filed on the date
 24 that it is first received by the department. The
 25 department may request information from the person
 26 submitting the construction design statement if the
 27 department determines that it is incorrect or
 28 incomplete. Within thirty days after filing the
 29 construction design statement, the department shall
 30 notify the person that the construction design
 31 statement is filed and request any additional
 32 information.

33 Sec. 34. NEW SECTION. 455B.200D DOCUMENT
 34 PROCESSING REQUIREMENTS.

35 1. The department shall adopt and promulgate forms
 36 required to be completed in order to comply with this
 37 subpart including forms for documents that the
 38 department shall make available on the internet.

39 2. a. The department shall provide for procedures
 40 for the receipt, filing, processing, and return of
 41 documents in an electronic format, including but not
 42 limited to the transmission of documents by the
 43 internet. The department shall provide for
 44 authentication of the documents that may include
 45 electronic signatures as provided in chapter 554D.

46 b. The department shall to every extent feasible
 47 provide for the processing of permits and manure
 48 management plans required under this subpart using
 49 electronic systems, including programming, necessary
 50 to ensure the completeness and accuracy of the

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1 documents in accordance with the requirements of this
 2 subpart.

3 Sec. 35. NEW SECTION. 455B.200E CONSTRUCTION
 4 PERMIT APPLICATION PROCEDURE – COMMENTS – MASTER
 5 MATRIX.

6 1. a. The department shall deliver a copy or
 7 require the applicant to deliver a copy of the
 8 application for a permit to construct, including
 9 expanding, a confinement feeding operation structure
 10 pursuant to section 455B.200A, including supporting
 11 documents, to the county board of supervisors in the
 12 county where the confinement feeding operation
 13 structure subject to the permit is proposed to be
 14 constructed.

15 b. The county auditor or other county officer
 16 designated by the county board of supervisors may
 17 accept the application on behalf of the board. If the
 18 department requires the applicant to deliver a copy of
 19 the application to the county board of supervisors,

20 the board shall notify the department that the board
21 has received the application according to procedures
22 required by the department.

23 2. Regardless of whether the county board of
24 supervisors has adopted a construction evaluation
25 resolution, the county may provide comment to the
26 department on a construction permit application for a
27 confinement feeding operation structure.

28 a. The board shall provide for comment as follows:

29 (1) The board shall publish a notice that the
30 board has received the application in a newspaper
31 having a general circulation in the county.

32 (2) The notice shall include all of the following:

33 (a) The name of the person applying to receive the
34 construction permit.

35 (b) The name of the township where the confinement
36 feeding operation structure is to be constructed.

37 (c) Each type of confinement feeding operation
38 structure proposed to be constructed.

39 (d) The animal unit capacity of the confinement
40 feeding operation if the construction permit were to
41 be approved.

42 (e) The time when and the place where the
43 application may be examined as provided in section
44 22.2.

45 (f) Procedures for providing public comments to
46 the board as provided by the board.

47 b. The board may hold a public hearing to receive
48 public comments regarding the application. The county
49 board of supervisors may submit comments by the board
50 and the public to the department as provided in this

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1 section, including but not limited to all of the
2 following:

3 (1) The existence of an object or location not
4 included in the application that benefits from a
5 separation distance requirement as provided in section
6 455B.162 or 455B.204.

7 (2) The suitability of soils and the hydrology of
8 the site where construction of a confinement feeding
9 operation structure is proposed.

10 (3) The availability of land for the application
11 of manure originating from the confinement feeding
12 operation.

13 (4) Whether the construction of a proposed
14 confinement feeding operation structure will impede
15 drainage through established tile lines, laterals, or
16 other improvements which are constructed to facilitate
17 the drainage of land not owned by the person applying
18 for the construction permit.

19 3. A county board of supervisors may adopt a
20 construction evaluation resolution relating to the
21 construction of a confinement feeding operation
22 structure. The board must submit such resolution to
23 the department for filing. If the board has submitted
24 such resolution to the department, the board may
25 evaluate the construction permit application and
26 submit an adopted recommendation to the department to
27 approve or disapprove a construction permit
28 application as provided in this subsection. The board
29 must make its decision to recommend approval or
30 disapproval of the permit application as provided in
31 this subsection.

32 a. For the expansion of a confinement feeding
33 operation that includes a confinement feeding
34 operation structure constructed prior to April 1,
35 2002, the board shall not evaluate a construction
36 permit application for the construction or expansion
37 of a confinement feeding operation structure if after
38 the expansion of the confinement feeding operation,
39 its animal unit capacity is one thousand six hundred
40 sixty-six animal units or less.

41 b. The board must conduct an evaluation of the
42 application using the master matrix as provided in
43 section 455B.200F. The board's recommendation may be
44 based on the master matrix as provided or may be based
45 on comments under this section regardless of the
46 results of the master matrix.

47 c. In completing the master matrix, the board
48 shall not score criteria on a selective basis. The
49 board must score all criteria which is part of the
50 master matrix according to the terms and conditions

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1 relating to construction as specified in the
2 application or commitments for manure management that
3 are to be incorporated into a manure management plan
4 as provided in section 455B.203.

5 d. The board's adopted recommendation to the
6 department shall include the specific reasons and any
7 supporting documentation for the decision to recommend
8 approval or disapproval of the application.

9 4. The department must receive the county board of
10 supervisor's comments or evaluation for approval or
11 disapproval of an application for a construction
12 permit not later than thirty days following the
13 applicant's delivery of the application to the
14 department. Regardless of whether the department
15 receives comments or an evaluation by a county board
16 of supervisors, the department must approve or
17 disapprove an application for a construction permit

18 within sixty days following the applicant's delivery
19 of the application to the department. However, the
20 applicant may deliver a notice requesting a
21 continuance. Upon receipt of a notice, the time
22 required for the county or department to act upon the
23 application shall be suspended for the period provided
24 in the notice, but for not more than thirty days after
25 the department's receipt of the notice. The applicant
26 may submit more than one notice. However, the
27 department may provide that an application is
28 terminated if no action is required by the department
29 for one year following delivery of the application to
30 the board. The department may also provide for a
31 continuance when it considers the application. The
32 department shall provide notice to the applicant and
33 the board of the continuance. The time required for
34 the department to act upon the application shall be
35 suspended for the period provided in the notice, but
36 for not more than thirty days. However, the
37 department shall not provide for more than one
38 continuance.

39 5. a. The department shall approve an application
40 for a construction permit if the board of supervisors
41 which has filed a county construction evaluation
42 resolution submits an adopted recommendation to
43 approve the construction permit application which may
44 be based on a satisfactory rating produced by the
45 master matrix to the department and the department
46 determines that the application meets the requirements
47 of this chapter. The department shall disapprove an
48 application that does not satisfy the requirements of
49 this chapter regardless of the adopted recommendation
50 of the board. The department shall consider any

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1 timely filed comments made by the board as provided in
2 this section to determine if an application meets the
3 requirements of this chapter.

4 b. If the board submits to the department an
5 adopted recommendation to disapprove an application
6 for a construction permit that is based on a rating
7 produced by the master matrix, the department shall
8 first determine if the application meets the
9 requirements of this chapter as provided in section
10 455B.200. The department shall disapprove an
11 application that does not satisfy the requirements of
12 this chapter regardless of any result produced by
13 using the master matrix. If the application meets the
14 requirements of this chapter, the department shall
15 conduct an independent evaluation of the application
16 using the master matrix. The department shall approve

17 the application if it achieves a satisfactory rating
18 according to the department's evaluation. The
19 department shall disapprove the application if it
20 produces an unsatisfactory rating regardless of
21 whether the application satisfies the requirements of
22 this chapter. The department shall consider any
23 timely filed comments made by the board as provided in
24 this section to determine if an application meets the
25 requirements of this chapter.

26 c. If the county board of supervisors does not
27 submit a construction evaluation resolution to the
28 department, fails to submit an adopted recommendation,
29 submits only comments, or fails to submit comments,
30 the department shall approve the application if the
31 application meets the requirements of this chapter as
32 provided in section 455B.200.

33 6. The department may conduct an inspection of the
34 site on which the construction is proposed after
35 providing at a minimum twenty-four hours notice or
36 upon receiving consent from the construction permit
37 applicant. The county board of supervisors that has
38 adopted a construction evaluation resolution may
39 designate a county employee to accompany a
40 departmental official during the site inspection. The
41 county employee shall have the same right to access to
42 the site's real estate as the departmental official
43 conducting the inspection during the period that the
44 county employee accompanies the departmental official.
45 The departmental official and the county employee
46 shall comply with standard biosecurity requirements
47 customarily required by the confinement feeding
48 operation that are necessary in order to control the
49 spread of disease among an animal population.
50 7. Upon written request by a county resident, the

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1 county board of supervisors shall forward to the
2 county resident a copy of the board's adopted
3 recommendation, any county comments to the department
4 on the permit application, and the department's
5 responses, as provided in chapter 22.

6 8. a. The department shall deliver a notice to
7 the applicant within three days of the department's
8 decision to approve or disapprove an application for a
9 construction permit. If the board of supervisors has
10 submitted an adopted recommendation to the department
11 for the approval or disapproval of a construction
12 permit application as provided in this section, the
13 department shall notify the board of the department's
14 decision to approve or disapprove the application at
15 the same time.

16 b. (1) The applicant may contest the department's
17 decision by requesting a hearing and may elect to have
18 the hearing conducted before an administrative law
19 judge pursuant to chapter 17A or before the
20 commission. If the applicant and a board of
21 supervisors are both contesting the department's
22 decision, the applicant may request that the
23 commission conduct the hearing on a consolidated
24 basis. The commission shall hear the case according
25 to procedures established by rules adopted by the
26 department. The commission may hear the case as a
27 contested case proceeding under chapter 17A. The
28 department, upon petition by the applicant, shall
29 deliver to the administrative law judge or the
30 commission a copy of the board of supervisors'
31 recommendation together with the results produced by
32 its master matrix and any supporting data or documents
33 submitted with the results, comments submitted by the
34 board to the department, and the department's
35 evaluation of the application including the results
36 produced by its matrix and any supporting data or
37 documents. If the commission hears the case, its
38 decision shall be the department's final agency
39 action. The commission shall render a decision within
40 thirty-five days from the date that the applicant or
41 board files a demand for a hearing.

42 (2) A county board of supervisors that has
43 submitted an adopted recommendation to the department
44 may contest the department's decision by requesting a
45 hearing before the commission. The commission shall
46 hear the case according to procedures established by
47 rules adopted by the department. The commission may
48 hear the case as a contested case proceeding under
49 chapter 17A. The board may request that the
50 department submit a copy of the department's

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1 evaluation of the application including the results
2 produced by its matrix and any supporting data or
3 documents. The decision by the commission shall be
4 the department's final agency action. The commission
5 shall render a decision within thirty-five days from
6 the date that the board initiates the proceeding.

7 c. Judicial review of the decision of either the
8 department or the commission may be sought in
9 accordance with the terms of chapter 17A.

10 9. An applicant for a construction permit may
11 withdraw the permit application from consideration by
12 the department at any time by filing a written request
13 with the department. The filing of the request shall
14 not prejudice the right of the applicant to resubmit

15 the application.

16 Sec. 36. **NEW SECTION.** 455B.200F MASTER MATRIX.

17 1. The department shall adopt rules for the
18 development and use of a master matrix. The purpose
19 of the master matrix is to provide a comprehensive
20 assessment mechanism in order to produce a
21 statistically verifiable basis for determining whether
22 to approve or disapprove an application for the
23 construction, including expansion, of a confinement
24 feeding operation structure requiring a permit
25 pursuant to section 455B.200A.

26 a. The master matrix shall be used to establish
27 conditions for the construction of a confinement
28 feeding operation structure and for the implementation
29 of manure management practices, which conditions shall
30 be included in the approval of the construction permit
31 or the original manure management plan as applicable.
32 The master matrix shall be used to determine all of
33 the following:

34 (1) The appropriate location to construct a
35 confinement feeding operation structure, including the
36 proximity and orientation of a proposed confinement
37 feeding operation structure to objects or locations
38 for which separation distances are required pursuant
39 to sections 455B.162 and 455B.204.

40 (2) The appropriate type of a confinement feeding
41 operation structure required to be constructed,
42 including the type and size of the manure storage
43 structure, or the installation of a related pollution-
44 control device.

45 b. The master matrix shall be designed to produce
46 quantifiable results based on the scoring of objective
47 criteria according to an established value scale.
48 Each criterion shall be assigned points corresponding
49 to the value scale. The master matrix shall consider
50 risks and factors mitigating risks if the confinement

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1 feeding operation structure were constructed according
2 to the application.

3 c. The master matrix may be a computer model.
4 However, the master matrix must be a practical tool
5 for use by persons when completing applications and by
6 persons when scoring applications. To every extent
7 feasible, the master matrix shall include criteria
8 presented in the form of questions that may be readily
9 scored according to ascertainable data and upon which
10 reasonable persons familiar with the location of a
11 proposed construction site would not ordinarily
12 disagree.

13 2. The master matrix shall include criteria

14 valuing environmental and community impacts, for use
 15 by county boards of supervisors and the department.
 16 The master matrix shall include definite point
 17 selections for all criteria provided in the master
 18 matrix. The master matrix shall provide only for
 19 scoring of positive points and shall not provide for
 20 deduction of points. The master matrix shall provide
 21 for a minimum threshold score required to receive a
 22 satisfactory rating. The master matrix shall be
 23 structured to ensure that it feasibly provides for a
 24 satisfactory rating. Criteria valuing environmental
 25 impacts shall account for animal agriculture's
 26 relationship to quality of the environment and the
 27 conservation of natural resources, and may include
 28 factors that refer to all of the following:

- 29 (a) Topography.
- 30 (b) Surface water drainage characteristics.
- 31 (c) The suitability of the soils and the hydrology
 32 or hydrogeology of the site.
- 33 (d) The proximity to public use areas and critical
 34 public areas.
- 35 (e) The proximity to water sources, including
 36 high-quality water resources.

37 Sec. 37. Section 455B.201, Code 2001, is amended
 38 by adding the following new subsection:

39 NEW SUBSECTION. 2A. The department may require
 40 that the owner of a confinement feeding operation
 41 install and operate a water pollution monitoring
 42 system as part of an unformed manure storage
 43 structure.

44 Sec. 38. Section 455B.203, subsections 1 and 2,
 45 Code 2001, are amended to read as follows:

46 1. The following persons shall submit a manure
 47 management plan, including an original manure
 48 management plan and an updated manure management plan,
 49 as required in this section to the department:

50 a. The owner of a confinement feeding operation,

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1 other than a small animal feeding operation, if ~~the~~
 2 ~~animal~~ any of the following apply:
 3 (1) The confinement feeding operation was
 4 constructed after May 31, 1985, regardless of whether
 5 the confinement feeding operation structure was
 6 required to be constructed pursuant to a construction
 7 permit ~~approved by rules adopted by the department.~~
 8 b. (2) ~~The owner of a confinement feeding~~
 9 ~~operation, if the confinement feeding operation is~~
 10 ~~required to be constructed pursuant to a permit issued~~
 11 ~~by the department~~ The owner constructs a manure
 12 storage structure, regardless of whether the person is

13 required to be issued a permit for the construction
14 pursuant to section 455B.200A or whether the person
15 has submitted a prior manure management plan.

16 e. b. A person who applies manure from a
17 confinement feeding operation, other than a small
18 animal feeding operation, which is located in another
19 state, if the manure is applied on land located in
20 this state.

21 1A. Not more than one confinement feeding
22 operation shall be covered by a single manure
23 management plan.

24 1B. The owner of a confinement feeding operation
25 who is required to submit a manure management plan
26 under this section shall submit an updated manure
27 management plan to the department on an annual basis.
28 The department shall provide for a date that each
29 updated manure management plan is required to be
30 submitted to the department. The department may
31 provide for staggering the dates on which updated
32 manure management plans are due. To satisfy the
33 requirements of an updated manure management plan, an
34 owner of a confinement feeding operation may, in lieu
35 of a submitting a complete plan, file a document
36 stating that the manure management plan has not
37 changed, or state all of the changes made since the
38 original manure management plan or a previous updated
39 manure management plan was submitted and approved.

40 1C. The department shall deliver a copy of the
41 manure management plan or require the person
42 submitting the manure management plan to deliver a
43 copy of the manure management plan to all of the
44 following:

45 a. The county board of supervisors in the county
46 where the manure storage structure owned by the person
47 is located.

48 b. The county board of supervisors in the county
49 where the manure storage structure is proposed to be
50 constructed. If the person is required to be issued a

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1 permit for the construction of the manure storage
2 structure as provided in section 455B.200A, the manure
3 management plan shall accompany the application for
4 the construction permit as provided in section
5 455B.200A.

6 c. The county board of supervisors in the county
7 where the manure is to be applied.

8 The manure management plan shall be filed with the
9 county board of supervisors. The county auditor or
10 other county officer may accept the manure management
11 plan on behalf of the board.

12 2. A person shall not remove manure from a manure
13 storage structure which is part of a confinement
14 feeding operation for which a manure management plan
15 is required under this section, unless the department
16 approves a manure management plan, including an
17 original manure management plan and an updated manure
18 management plan, as required in this section. The
19 manure management plan shall be submitted by the owner
20 of the confinement feeding operation as provided by
21 the department ~~on forms prescribed by the department~~
22 in accordance with section 455B.200D. The owner of a
23 confinement feeding operation required to submit a
24 manure management plan for the construction of a
25 manure storage structure may remove manure from
26 another manure storage structure that is constructed,
27 if the department has approved a manure management
28 plan covering that manure storage structure. The
29 department may adopt rules allowing a person to remove
30 manure from a manure storage structure until the
31 manure management plan is approved or disapproved by
32 the department according to terms and conditions
33 required by rules adopted by the department. ~~The~~
34 ~~department shall approve or disapprove a manure~~
35 ~~management plan within sixty days of the date that the~~
36 ~~department receives a completed plan.~~

37 2A. The department shall not approve an original
38 manure management plan unless the plan is accompanied
39 by a manure management plan filing fee required
40 pursuant to section 455B.203C. The department shall
41 not approve an updated manure management plan unless
42 the updated manure management plan is accompanied by
43 an annual compliance fee required pursuant to section
44 455B.203C.

45 2B. a. The department shall not issue approve an
46 application for a permit for the construction of to
47 construct a confinement feeding operation or a related
48 animal feeding operation structure unless the
49 applicant owner of the confinement feeding operation
50 applying for approval submits a an original manure

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1 management plan together with ~~an~~ the application for
2 the construction permit as provided in section
3 455B.200A.

4 b. The department shall not file a construction
5 design statement as provided in section 455B.200C,
6 unless the owner of the confinement feeding operation
7 structure submits an original manure management plan
8 together with the construction design statement. The
9 construction design statement and manure management
10 plan may be submitted as part of a construction permit

11 as provided in section 455B.200A.

12 2C. A manure management plan must be authenticated
 13 by the person required to submit the manure management
 14 plan as required by the department in accordance with
 15 section 455B.200D.

16 2D. The department shall approve or disapprove a
 17 manure management plan according to procedures
 18 established by the department:

19 a. For an original manure management plan
 20 submitted due to the construction of a confinement
 21 feeding operation structure, the department shall
 22 approve or disapprove the manure management plan as
 23 follows:

24 (1) If the confinement feeding operation structure
 25 is constructed pursuant to a construction permit
 26 issued pursuant to section 455B.200A, the manure
 27 management plan shall be approved or disapproved as
 28 part of the construction permit application.

29 (2) If the confinement feeding operation structure
 30 is not constructed pursuant to a construction permit
 31 issued pursuant to section 455B.200A, the manure
 32 management plan shall be approved or disapproved
 33 within sixty days from the date that the department
 34 receives the manure management plan.

35 b. For an original manure management plan
 36 submitted for a reason other than the construction of
 37 a confinement feeding operation structure, the manure
 38 management plan shall be approved within sixty days
 39 from the date that the department receives the manure
 40 management plan.

41 c. For an updated manure management plan, the
 42 manure management plan shall be approved within thirty
 43 days from the date that the department receives the
 44 updated manure management plan.

45 Sec. 39. Section 455B.203, subsection 3, paragraph
 46 a, Code 2001, is amended to read as follows:

47 a. Restrictions on the application of manure based
 48 on all of the following:

49 (1) Calculations necessary to determine the land
 50 area required for the application of manure from a

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1 confinement feeding operation based on nitrogen use
 2 levels in order to obtain optimum crop yields
 3 according to a crop schedule specified in the manure
 4 management plan, and according to requirements adopted
 5 by the department ~~after receiving recommendations from~~
 6 ~~the animal agriculture consulting organization~~
 7 ~~provided for in 1995 Iowa Acts, chapter 195, section~~
 8 ~~37.~~

9 (2) (a) A phosphorus index. The department shall

10 establish a phosphorus index by rule in order to
11 determine the manner and timing of the application to
12 a land area of manure originating from a confinement
13 feeding operation. The phosphorus index shall provide
14 for the application of manure on a field basis. The
15 phosphorus index shall be used to determine
16 application rates, based on the number of pounds of
17 phosphorus that may be applied per acre and
18 application practices. The phosphorus index shall be
19 based on the field office technical guide for Iowa as
20 published by the United States department of
21 agriculture, natural resources conservation service,
22 which sets forth nutrient management standards.
23 (b) The department shall develop a state
24 comprehensive nutrient management strategy. Prior to
25 developing the state comprehensive nutrient management
26 strategy, the department shall complete all of the
27 following:
28 (i) The development of a comprehensive state
29 nutrient budget for the maximum volume, frequency, and
30 concentration of nutrients for each watershed that
31 addresses all significant sources of nutrients in a
32 water of this state on a watershed basis.
33 (ii) The assessment of the available nutrient
34 control technologies required to identify and assess
35 their effectiveness.
36 (iii) The development and adoption of
37 administrative rules pursuant to chapter 17A required
38 to establish a numeric water quality standard for
39 phosphorus.
40 (c) Regardless of the development of the state
41 comprehensive nutrient management strategy as provided
42 in subparagraph subdivision (b), the department shall
43 adopt rules required to establish a phosphorus index.
44 The department shall cooperate with the United States
45 department of agriculture natural resource
46 conservation service technical committee for Iowa to
47 refine and calibrate the phosphorus index in adopting
48 the rules. Rules adopted by the department pursuant
49 to this subparagraph shall become effective on July 1,
50 2003.

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1 (d) The department shall conduct a study that
2 considers the effects on waters of this state from
3 phosphorus originating from municipal and industrial
4 sources and from farm and lawn and garden use. The
5 department shall report the results of its study to
6 the general assembly by January 1, 2004.
7 (e) A person submitting a manure management plan
8 shall include a phosphorus index as part of the manure

9 management plan as follows:

10 (i) A person who has submitted an original manure
11 management plan prior to April 1, 2002, shall not be
12 required to submit a manure management plan update
13 which includes a phosphorus index, until on and after
14 the four-year anniversary date that the department's
15 rules adopted to implement the phosphorus index become
16 effective.

17 (ii) A person required to submit an original
18 manure management plan on and after April 1, 2002, but
19 prior to the date that is sixty days after the
20 department's rules adopted to implement the phosphorus
21 index become effective, shall not be required to
22 submit a manure management plan update that includes a
23 phosphorus index until on and after the two-year
24 anniversary date that the department's rules adopted
25 to implement the phosphorus index become effective.

26 (iii) A person required to submit an original
27 manure management plan on and after the date that is
28 sixty days after the department's rules adopted to
29 implement the phosphorus index become effective shall
30 include the phosphorus index as part of the original
31 manure management plan and updated manure management
32 plans.

33 Subparagraph subdivisions (b) through (e) and this
34 paragraph are repealed on the date that any person who
35 has submitted an original manure management plan prior
36 to April 1, 2002, is required to submit a manure
37 management plan update which includes a phosphorus
38 index as provided in subparagraph subdivision (c),
39 subparagraph subdivision part (i). The department
40 shall publish a notice in the Iowa administrative
41 bulletin published immediately prior to that date, and
42 the director of the department shall deliver a copy of
43 the notice to the Iowa Code editor.

44 Sec. 40. Section 455B.203, subsection 4, Code
45 2001, is amended to read as follows:

46 4. A person confinement feeding operation
47 classified as a habitual violator or a confinement
48 feeding operation in which a habitual violator owns a
49 controlling interest, as provided in section 455B.191,
50 shall submit a manure management plan to the

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1 department on an annual basis, which must be approved
2 by the department for the following year of operation.
3 The manure management plan shall be a replacement
4 original manure management plan rather than a manure
5 management plan update. However, the habitual
6 violator required to submit a replacement original
7 manure management plan must submit an annual

8 compliance fee in the same manner as if the habitual
9 violate were submitting an updated manure management
10 plan.

11 Sec. 41. Section 455B.203, subsection 7, Code
12 2001, is amended to read as follows:

13 7. A person submitting required to authenticate a
14 manure management plan submitted to the department who
15 is found in violation of the terms and conditions of
16 the plan shall not be subject to an enforcement action
17 other than the assessment of a civil penalty pursuant
18 to section ~~455B.191~~ 455B.207.

19 Sec. 42. Section 455B.203A, subsection 6,
20 paragraph b, Code 2001, is amended by striking the
21 paragraph.

22 Sec. 43. **NEW SECTION.** 455B.203C COMPLIANCE FEES.

23 1. The department shall establish, assess, and
24 collect all of the following compliance fees:

25 a. A construction permit application fee that is
26 required to accompany an application submitted to the
27 department for approval to construct a confinement
28 feeding operation structure as provided in section
29 455B.200A. The amount of the construction permit
30 application fee shall not exceed two hundred fifty
31 dollars.

32 b. A manure management plan filing fee that is
33 required to accompany an original manure management
34 plan submitted to the department for approval as
35 provided in section 455B.203. However, the manure
36 management plan required to be filed as part of an
37 application for a construction permit shall be paid
38 together with the construction permit application fee.
39 The amount of the manure management plan filing fee
40 shall not exceed two hundred fifty dollars.

41 c. An annual compliance fee that is required to
42 accompany an updated manure management plan submitted
43 to the department for approval as provided in section
44 455B.203. The amount of the annual compliance fee
45 shall not exceed a rate of fifteen cents per animal
46 unit based on the animal unit capacity of the
47 confinement feeding operation covered by the manure
48 management plan. If the person submitting the manure
49 management plan is a contract producer, as provided in
50 chapter 202, the active contractor shall be assessed

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1 the annual compliance fee.

2 d. Fees paid by persons required by the department
3 to be certified as commercial manure applicators or
4 confinement site manure applicators pursuant to
5 section 455B.203A.

6 2. a. Except as provided in paragraph "b", fees

7 collected by the department shall be deposited into
 8 the animal agriculture compliance fund created in
 9 section 455B.127. Moneys collected from all fees
 10 other than the annual compliance fee shall be
 11 deposited into the compliance fund's general account.
 12 Moneys collected from the annual compliance fee shall
 13 be deposited into the compliance fund's assessment
 14 account.

15 b. Receipts that are required to be received by
 16 the department from persons required to be certified
 17 pursuant to section 455B.203A may be used to
 18 compensate a person who teaches continuing
 19 instructional courses in lieu of deposit into the
 20 compliance fund.

21 3. At the end of each fiscal year the department
 22 shall determine the balance of unencumbered and
 23 unobligated moneys in the assessment account of the
 24 animal agriculture compliance fund created pursuant to
 25 section 455B.127. If on that date the balance of
 26 unencumbered and unobligated moneys in the account is
 27 one million dollars or more, the department shall
 28 adjust the rate of the annual compliance fee for the
 29 following fiscal year. The adjusted rate for the
 30 annual compliance fee shall be based on the
 31 department's estimate of the amount required to ensure
 32 that at the end of the following fiscal year the
 33 balance of unencumbered and unobligated moneys in the
 34 assessment account is not one million dollars or more.

35 Sec. 44. Section 455B.204, subsection 1, Code
 36 2001, is amended by striking the subsection.

37 Sec. 45. Section 455B.204, subsections 2 through
 38 4, Code 2001, are amended to read as follows:

39 2. Except as provided in subsection ~~3~~ 4, the
 40 following shall apply:

41 a. ~~An animal~~ A confinement feeding operation
 42 structure shall not be constructed closer than five
 43 hundred feet away from a ~~the~~ surface intake, of an
 44 agricultural drainage well. A confinement feeding
 45 operation structure shall not be constructed closer
 46 than one thousand feet from a wellhead, or cistern of
 47 an agricultural drainage well, or known sinkhole.
 48 However, the department may adopt rules requiring an
 49 increased separation distance under this paragraph in
 50 order to protect the integrity of a water of this

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1 state. The increased separation distance shall not be
 2 more than two thousand feet. If the department
 3 exercises its discretion to increase the separation
 4 distance requirement, the department shall not approve
 5 an application for the construction of a confinement

6 feeding operation structure within that separation
7 distance as provided in section 455B.200A.
8 b. ~~An animal~~ A confinement feeding operation
9 structure shall not be constructed if the ~~animal~~
10 confinement feeding operation structure as constructed
11 is closer than any of the following:
12 (1) ~~Two Five~~ Five hundred feet away from a ~~waterecourse~~
13 water source other than a major water source.
14 (2) ~~Five hundred One thousand~~ One thousand feet away from a
15 major water source.
16 (3) Two thousand five hundred feet away from a
17 designated wetland.
18 c. (1) A ~~waterecourse~~ water source, other than a
19 major water source, shall not be constructed,
20 expanded, or diverted, if the ~~waterecourse~~ water source
21 as constructed, expanded, or diverted is closer than
22 ~~two five~~ five hundred feet away from ~~an animal~~ a
23 confinement feeding operation structure.
24 d. (2) A major water source shall not be
25 constructed, expanded, or diverted, if the major water
26 source as constructed, expanded, or diverted is closer
27 than ~~five hundred one thousand~~ one thousand feet from ~~an animal~~
28 feeding a confinement operation structure.
29 (3) A designated wetland shall not be established,
30 if the designated wetland is closer than two thousand
31 five hundred feet away from a confinement feeding
32 operation structure.
33 3. A confinement feeding operation structure shall
34 not be constructed on land that is part of a one
35 hundred year floodplain as designated by rules adopted
36 by the department pursuant to section 455B.200B.
37 ~~3. 4.~~ A separation distance required in subsection
38 2 shall not apply to any of the following:
39 a. A location or object and a farm pond or
40 privately owned lake, as defined in section 462A.2.
41 b. A confinement feeding operation building, an
42 egg washwater storage structure, or a manure storage
43 structure constructed with a secondary containment
44 barrier. The department shall adopt rules providing
45 for the construction and use of a secondary
46 containment barrier, including construction design
47 standards.
48 ~~4. All distances between locations or objects~~
49 ~~shall be measured from their closest points, as~~
50 ~~provided by rules adopted by the department.~~

1 Sec. 46. Section 455B.204A, Code 2001, is amended
2 to read as follows:
3 455B.204A DISPOSAL APPLICATION OF MANURE WITHIN
4 DESIGNATED AREAS – ADOPTION OF RULES.

5 1. The department shall adopt rules relating to
6 the disposal application of manure in close proximity
7 to a designated area.
8 2. A Except as otherwise provided in this
9 subsection, a person shall not dispose of apply manure
10 on eroplant land located within two hundred feet from
11 a designated area, unless one of the following
12 applies:
13 1- a. The manure is land applied by injection or
14 incorporation within twenty four hours following the
15 application on the same date as the manure was land
16 applied.
17 2- b. An area of permanent vegetation cover,
18 including filter strips and riparian forest buffers,
19 exists for fifty feet surrounding the designated area
20 other than an unplugged agricultural drainage well or
21 surface intake to an unplugged agricultural drainage
22 well, and that the area of permanent vegetation cover
23 is not subject to manure application.
24 c. The department adopts rules requiring an
25 increased separation distance for the application of
26 manure located in proximity to a high quality water
27 resource in order to protect the integrity of the high
28 quality water resource. However, the department shall
29 not provide for an increased separation distance
30 requirement that is more than four times the
31 separation distance requirement otherwise applicable
32 under this section.
33 As used in this section, "designated area" means a
34 known sinkhole, or a cistern, abandoned well,
35 unplugged agricultural drainage well, agricultural
36 drainage well surface inlet, drinking water well,
37 designated wetland, or lake, or a farm pond or
38 privately owned lake as defined in section 462A.2
39 water source. However, a "designated area" does not
40 include a terrace tile inlet.
41 Sec. 47. Section 455B.205, subsection 1, Code
42 2001, is amended to read as follows:
43 1. The department shall establish by rule
44 engineering adopt rules requiring construction design
45 standards for the construction of unformed manure
46 storage structures required to be constructed pursuant
47 to a construction permit issued under pursuant to
48 section 455B.200A.
49 Sec. 48. Section 455B.205, subsection 2,
50 unnumbered paragraph 1, Code 2001, is amended to read

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1 as follows:
2 The construction design standards for unformed
3 manure storage structures established by the

4 department shall account for special design
5 characteristics of ~~animal confinement~~ feeding
6 operations, including all of the following:
7 Sec. 49. Section 455B.205, Code 2001, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 2A. A person shall not construct
10 an unformed manure storage structure on karst terrain
11 or on an area that drains into a known sinkhole.
12 Sec. 50. NEW SECTION. 455B.205A CONSTRUCTION
13 DESIGN STANDARDS – FORMED MANURE STORAGE STRUCTURES.
14 The department shall adopt rules establishing
15 construction design standards for formed manure
16 storage structures that are part of confinement
17 feeding operations other than small animal feeding
18 operations.
19 1. The department may provide for different
20 standards based on criteria developed by the
21 department, which may include any of the following:
22 a. The animal unit capacity of the manure storage
23 structure's confinement feeding operation or the
24 manure storage structure's manure volume capacity.
25 b. Whether the manure storage structure stores
26 manure in an exclusively dry form.
27 c. Whether the manure storage structure is part of
28 a confinement feeding operation building.
29 d. The use of concrete, including its use for the
30 structure's footings, walls, or floor.
31 2. The construction design standards shall be
32 based, to every extent possible, on uniform standards
33 such as available standards promulgated by the
34 American society for testing and materials. The
35 department may require that all or any part of a
36 formed manure storage structure be constructed of
37 concrete.
38 3. The construction design standards for concrete
39 shall provide for all of the following:
40 a. The concrete's minimum compressive strength
41 calculated on a pounds-per-square-inch basis.
42 b. The use of reinforcement, including but not
43 limited to the grade, amount, and location of steel
44 rebar or fiberglass, wire mesh or fabric, or similar
45 materials set in the concrete, or the use of exterior
46 braces to support joints.
47 c. The depth of footings.
48 d. The thickness of the footings, the floor and
49 walls.
50 4. A person shall only construct a formed manure

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1 storage structure on karst terrain or an area which
2 drains into a known sinkhole pursuant to upgraded

3 construction design standards necessary to ensure that
 4 the structure does not pollute groundwater sources.
 5 Sec. 51. NEW SECTION. 455B.207 CIVIL PENALTY.
 6 A person who violates this subpart shall be subject
 7 to a civil penalty which shall be established,
 8 assessed, and collected in the same manner as provided
 9 in section 455B.191. Any civil penalty collected
 10 shall be deposited in the animal agriculture
 11 compliance fund created in section 455B.127.

12 Sec. 52. Section 455I.1, unnumbered paragraph 1,
 13 Code 2001, is amended by striking the unnumbered
 14 paragraph.

15 Sec. 53. Section 455J.1, subsections 1 through 5
 16 and subsections 7 and 8, Code 2001, are amended by
 17 striking the subsections.

18 Sec. 54. Section 455J.3, subsection 1, 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 less than ~~six hundred twenty-~~
 22 ~~five thousand pounds~~ one thousand animal units, the
 23 following shall apply:

24 Sec. 55. Section 455J.3, subsection 2, unnumbered
 25 paragraph 1, Code 2001, is amended to read as follows:

26 If the confinement feeding operation has an animal
 27 ~~weight unit~~ capacity of ~~six hundred twenty-five~~
 28 ~~thousand one thousand~~ or more ~~pounds~~ animal units but
 29 less than ~~one million two hundred fifty thousand~~
 30 ~~pounds~~ three thousand animal units, the following
 31 shall apply:

32 Sec. 56. Section 455J.3, subsection 3, unnumbered
 33 paragraph 1, Code 2001, is amended to read as follows:

34 If the confinement feeding operation has an animal
 35 ~~weight unit~~ capacity of ~~one million two hundred fifty~~
 36 ~~thousand~~ three thousand or more ~~pounds~~ animal units,
 37 the following shall apply:

38 Sec. 57. Section 455J.4, Code 2001, is amended to
 39 read as follows:

40 455J.4 MANURE MANAGEMENT PLAN – INDEMNITY FEE
 41 REQUIRED.

42 An indemnity fee shall be assessed upon persons
 43 required to submit ~~a~~ an original manure management
 44 plan as provided in section 455B.203, but not required
 45 to obtain a construction permit pursuant to section
 46 455B.200A. A person required to submit a replacement
 47 original manure management plan shall not be assessed
 48 an indemnity fee. The amount of the ~~fees~~ fee shall be
 49 ten cents per animal unit of capacity for the
 50 ~~confinement feeding operations~~ operation covered by

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1 the manure management plan.

2 Sec. 58. NEW SECTION. 481A.151 RESTITUTION FOR
3 POLLUTION CAUSING INJURY TO WILD ANIMALS.

4 1. A person who is liable for polluting a water of
5 this state in violation of state law, including this
6 chapter, shall also be liable to pay restitution to
7 the department for injury caused to a wild animal by
8 the pollution. The amount of the restitution shall
9 also include the department's administrative costs for
10 investigating the incident. The administration of
11 this section shall not result in a duplication of
12 damages collected by the department under section
13 455B.392, subsection 1, paragraph "c".

14 2. The commission shall adopt rules providing for
15 procedures for investigations and the administrative
16 assessment of restitution amounts. The rules shall
17 establish an opportunity to appeal a departmental
18 action including by a contested case proceeding under
19 chapter 17A. A final administrative decision
20 assessing an amount of restitution may be enforced by
21 the attorney general at the request of the director.

22 3. Rules adopted by the commission shall provide
23 for methods used to determine the extent of an injury
24 and the monetary values for the loss of injured wild
25 animals based on species.

26 a. The rules shall provide for methods used to
27 count dead fish and to calculate restitution values.
28 The rules may incorporate methods and values published
29 by the American fisheries society. To every extent
30 practicable, the values shall be based on the
31 estimates of lost recreational angler opportunities
32 where applicable. As an alternative method of
33 valuation, the rules may provide that for fish species
34 that are protected by catch limits, possession limits,
35 size limits, or closed seasons applicable to anglers,
36 liquidated damages apply. The amount of the
37 liquidated damages shall not exceed fifteen dollars
38 per fish. For fish species that are classified by the
39 commission as endangered or threatened, the rules may
40 establish liquidated damages not to exceed one
41 thousand dollars per fish.

42 b. The rules shall provide guidelines for
43 estimating the extent of loss of a species that is
44 affected by a pollution incident but which would not
45 be practical to count in sample areas. The rules may
46 establish liquidated damage amounts for species whose
47 replacement cost is difficult to determine.

48 4. Moneys collected by the department in
49 restitution shall be deposited into the state fish and
50 game protection fund. The moneys shall be used

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1 exclusively to support restoration or improvement of
2 fisheries, including but not limited to aquatic
3 habitat improvement projects as provided in rules
4 adopted by the commission. However, moneys collected
5 from restitution paid for investigative costs shall be
6 used as determined by the director.

7 Sec. 59. MANURE STORAGE INDEMNITY FUND –
8 TEMPORARY TRANSFER. Notwithstanding section 455J.2,
9 the department is authorized to temporarily transfer
10 any amount of the unobligated and unencumbered balance
11 of the manure storage indemnity fund as provided under
12 section 455J.2 to the general account of the animal
13 agriculture compliance fund as created in section
14 455B.127, as enacted in this Act, for use as provided
15 in section 455B.127. The department shall return the
16 amount transferred under this section to the manure
17 storage indemnity fund according to a schedule
18 established by the department upon the collection of
19 compliance fees deposited into the animal agriculture
20 compliance fund pursuant to section 455B.203C.
21 Notwithstanding section 455B.127, the department may
22 return moneys from the assessment account of the
23 animal agriculture compliance fund to the manure
24 storage indemnity fund if at any time moneys are not
25 sufficiently available to make the return from the
26 general account of the animal agriculture compliance
27 fund.

28 Sec. 60. FORMED MANURE STORAGE STRUCTURES –
29 CONSTRUCTION DESIGN STANDARDS. Until the effective
30 date of rules adopted by the department providing
31 construction design standards for formed manure
32 storage structures as provided in section 455B.205A,
33 as enacted in this Act, the department's rules
34 providing construction design standards used in the
35 construction of formed manure storage structures shall
36 apply to formed manure storage structures as provided
37 in section 455B.205A, regardless of whether a formed
38 manure storage structure must be constructed pursuant
39 to a permit issued under section 455B.200A, as amended
40 by this Act. However, this section does not apply to
41 a manure storage structure that stores manure
42 exclusively on a dry-matter basis.

43 Sec. 61. INTERIM APPROVAL OF CONSTRUCTION PERMITS
44 FOR CONFINEMENT FEEDING OPERATION STRUCTURES – COUNTY
45 PARTICIPATION AND RIGHTS OF APPLICANTS AND COUNTY
46 BOARDS OF SUPERVISORS. This section applies to an
47 applicant for a construction permit pursuant to
48 section 455B.200A, as amended by this Act, and to a
49 county board of supervisors that submits comments
50 regarding a permit for the construction of a

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1 confinement feeding operation structure pursuant to
2 section 455B.200A, as amended by this Act.
3 Notwithstanding section 455B.200E, as enacted in this
4 Act, all of the following shall apply:

5 1. The department shall not approve the
6 application until thirty days following delivery of
7 the application to the county board of supervisors.
8 2. The department shall consider and respond to
9 comments submitted by the county board of supervisors
10 regarding compliance by the applicant with the legal
11 requirements for approving the construction permit in
12 the same manner as provided pursuant to section
13 455B.200A, Code of Iowa 2001.

14 3. The department shall notify the county board of
15 supervisors prior to conducting an inspection of the
16 site on which the construction is proposed in the
17 permit application, and the county may accompany a
18 departmental official during the site inspection, in
19 the same manner as provided in section 455B.200A, Code
20 of Iowa 2001.

21 4. Upon written request by a county resident, the
22 county board of supervisors shall forward a copy of
23 the board's comments and the department's responses to
24 the county resident as provided in chapter 22.

25 5. The department shall notify the applicant and
26 county board of supervisors of the county in which a
27 confinement feeding operation structure subject to a
28 construction permit is proposed to be constructed.
29 The notice shall state the department's decision to
30 approve or disapprove an application for the
31 construction permit which shall be delivered to the
32 applicant and board in the same manner as provided for
33 counties in section 455B.200A, Code of Iowa 2001. The
34 applicant may contest the department's decision by
35 filing a demand for a hearing before an administrative
36 law judge or the environmental protection commission.
37 The board may contest the department's decision by
38 filing a demand for a hearing before the commission.
39 The applicant shall contest the decision and the
40 commission shall conduct the proceeding and render a
41 decision in the same manner as provided in section
42 455B.200E, as enacted by this Act.

43 **Sec. 62. ESTABLISHMENT OF A MASTER MATRIX –**
44 **TECHNICAL ADVISORY COMMITTEE.**

45 1. The department of natural resources shall adopt
46 rules establishing a master matrix as required
47 pursuant to section 455B.200F according to
48 recommendations made to the department by a technical
49 advisory committee established pursuant to this
50 section. The technical advisory committee shall be

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- 1 composed of all of the following:
- 2 a. A designee of the secretary of agriculture.
- 3 b. A designee of the director of the department of
4 natural resources.
- 5 c. A designee of the president of the university
6 of Iowa.
- 7 d. A designee of the president of Iowa state
8 university.
- 9 e. A representative of the Iowa environmental
10 council.
- 11 f. A representative of the Iowa state association
12 of counties.
- 13 g. A representative of the Iowa farm bureau
14 federation.
- 15 h. A representative of the Iowa's farmers union.
- 16 i. Two representatives of organizations
17 representing livestock producers who shall be jointly
18 designated to the department of natural resources by
19 the Iowa pork producers association, the Iowa
20 cattlemens' association, the Iowa dairy products
21 association, the Iowa poultry association, and the
22 Iowa turkey federation.
- 23 The department of natural resources shall provide
24 administrative support to the committee. The attorney
25 general shall appoint an assistant attorney general to
26 provide the committee with legal counsel and
27 assistance.
- 28 2. In establishing the scoring system for the
29 master matrix, only positive points shall be used.
30 The master matrix shall be designed as a menu of items
31 with positive points assigned to each item within the
32 selection list. The matrix shall not include any
33 deduction of points.
- 34 3. The department shall adopt rules pursuant to
35 chapter 17A in order to carry out the requirements of
36 this section. Based on the committee's
37 recommendations to establish a master matrix, the
38 department shall provide a draft of a notice of
39 intended action to the environmental protection
40 commission not later than during its September 2002
41 meeting. The department's notice of intended action
42 shall not be published later than in the November 27,
43 2002, issue of the Iowa administrative bulletin. The
44 notice of intended action required under this section
45 shall include a statement of the terms or substance of
46 the intended action in the manner provided for in
47 section 17A.4. The rules shall take effect on March
48 1, 2003.
- 49 Sec. 63. DEPARTMENT OF NATURAL RESOURCES –
50 APPROVAL OF APPLICATIONS FOR CONSTRUCTION PERMITS –

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1 USING INTERIM MATRIX.

2 1. Notwithstanding sections 455B.200A and
3 455B.200F, the department shall approve or disapprove
4 an application for a permit to construct a confinement
5 feeding operation structure pursuant to section
6 455B.200A, if an application is submitted according to
7 procedures required by the department, the application
8 meets standards established under chapter 455B, as
9 amended by this Act, and the application complies with
10 the requirements of this section. This section does
11 not apply to the expansion of a confinement feeding
12 operation that includes a confinement feeding
13 operation structure constructed prior to April 1,
14 2002, due to the construction or expansion of a
15 confinement feeding operation structure if after the
16 expansion of the confinement feeding operation, its
17 animal unit capacity is one thousand six hundred
18 sixty-six animal units or less.

19 2. This section applies on and after the date that
20 the department publishes a notice in the Iowa
21 administrative bulletin commencing its evaluation of
22 applications under this section.

23 3. The department shall approve or disapprove an
24 application based on an interim matrix. The interim
25 matrix shall be used to award points as provided in
26 this subsection. In order to be issued a construction
27 permit, a person must achieve one hundred points. The
28 points shall be awarded as follows:

29 a. The following criteria shall apply to
30 separation distances. The separation distances
31 provided in this paragraph shall apply in addition to
32 separation distances required for confinement feeding
33 operation structures or for the application of manure
34 originating from confinement feeding operations as
35 provided in chapter 455B, divisions II and III, as
36 provided in the 2001 Code of Iowa, unless otherwise
37 provided in this paragraph "a".

38 (1) The following criteria shall apply to require
39 additional separation distances between a proposed
40 confinement feeding operation structure and a
41 residence not owned by the owner of the confinement
42 feeding operation, a commercial enterprise, a bona
43 fide religious institution, or an educational
44 institution as provided in section 455B.162:

45 (a) Two hundred fifty or more feet but less than
46 five hundred feet: five points.

47 (b) Five hundred or more feet but less than seven
48 hundred fifty feet: ten points.

49 (c) Seven hundred fifty or more feet but less than
50 one thousand feet: fifteen points.

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- 1 (d) One thousand or more feet but less than one
2 thousand two hundred fifty feet: twenty points.
- 3 (e) One thousand two hundred fifty or more feet:
4 twenty-five points.
- 5 (2) The following criteria shall apply to require
6 additional separation distances between a proposed
7 confinement feeding operation structure and a public
8 use area as provided in section 455B.162 or a primary
9 highway as defined in section 306C.10:
- 10 (a) Two hundred fifty or more feet but less than
11 five hundred feet: five points.
- 12 (b) Five hundred or more feet but less than seven
13 hundred fifty feet: ten points.
- 14 (c) Seven hundred fifty or more feet but less than
15 one thousand feet: fifteen points.
- 16 (d) One thousand or more feet but less than one
17 thousand two hundred fifty feet: twenty points.
- 18 (e) One thousand two hundred fifty or more feet:
19 twenty-five points.
- 20 (3) The following criteria shall apply to require
21 additional separation distances between a proposed
22 confinement feeding operation structure and a major
23 water source as provided in section 455B.204 or a
24 high-quality water resource as defined in section
25 455B.200B, as enacted in this Act:
- 26 (a) Two hundred fifty or more feet but less than
27 five hundred feet: five points.
- 28 (b) Five hundred or more feet but less than seven
29 hundred fifty feet: ten points.
- 30 (c) Seven hundred fifty or more feet but less than
31 one thousand feet: fifteen points.
- 32 (d) One thousand or more feet but less than one
33 thousand two hundred fifty feet: twenty points.
- 34 (e) One thousand two hundred fifty or more feet:
35 twenty-five points.
- 36 (4) The following criteria shall apply to require
37 additional separation distances between a proposed
38 confinement feeding operation structure and a critical
39 public area as defined in section 455B.200B,
40 subsection 6, as enacted by this Act:
- 41 (a) One thousand or more feet but less than one
42 thousand two hundred fifty feet: twenty points.
- 43 (b) One thousand two hundred fifty or more feet:
44 twenty-five points.
- 45 (5) The following criteria shall apply to require
46 an additional separation distance of five hundred or
47 more feet between a proposed confinement feeding
48 operation structure and a watercourse, other than a

49 major water source, as provided in section 455B.204:
50 five points.

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1 (6) The following criteria shall apply to require
2 additional separation distances between the
3 application of manure originating from a confinement
4 feeding operation and a residence not owned by the
5 owner of the confinement feeding operation, or a
6 commercial enterprise, bona fide religious
7 institution, or an educational institution as provided
8 in section 455B.162:

9 (a) Two hundred fifty or more feet but less than
10 five hundred feet: five points.

11 (b) Five hundred or more feet but less than seven
12 hundred fifty feet: ten points.

13 (c) Seven hundred fifty or more feet but less than
14 one thousand feet: fifteen points.

15 (d) One thousand or more feet but less than one
16 thousand two hundred fifty feet: twenty points.

17 (e) One thousand two hundred fifty or more feet:
18 twenty-five points.

19 An applicant who incorporates manure by injection
20 shall be entitled to the following: fifteen points.

21 (7) The following criteria shall apply to require
22 an additional separation distance between the
23 application of manure originating from a confinement
24 feeding operation and a public use area as provided in
25 section 455B.162 or a primary highway as defined in
26 section 306C.10:

27 (a) Two hundred fifty or more feet but less than
28 five hundred feet: five points.

29 (b) Five hundred or more feet but less than seven
30 hundred fifty feet: ten points.

31 (c) Seven hundred fifty or more feet but less than
32 one thousand feet: fifteen points.

33 (d) One thousand or more feet but less than one
34 thousand two hundred fifty feet: twenty points.

35 (e) One thousand two hundred fifty or more feet:
36 twenty-five points.

37 An applicant who incorporates manure by injection
38 shall be entitled to the following: fifteen points.

39 (8) The following criteria shall apply to require
40 additional separation distances between the
41 application of manure originating from a confinement
42 feeding operation and a critical public area as
43 defined in section 455B.200B, subsection 6, as enacted
44 in this Act:

45 (a) One thousand or more feet but less than one
46 thousand two hundred fifty feet: twenty points.

47 (b) One thousand two hundred fifty or more feet:

48 twenty-five points.
49 (9) The following criteria shall apply to require
50 additional separation distances between the

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1 application of manure originating from a confinement
2 feeding operation and a major water source:
3 (a) One thousand or more feet but less than one
4 thousand two hundred fifty feet: twenty points.
5 (b) One thousand two hundred fifty or more feet:
6 twenty-five points.
7 (10) The following criteria shall apply to require
8 additional separation distances between the
9 application of manure originating from a confinement
10 feeding operation and a high-quality water resource as
11 defined in section 455B.200B, as enacted in this Act:
12 (a) Five hundred or more feet but less than seven
13 hundred fifty feet: ten points.
14 (b) Seven hundred fifty or more feet but less than
15 one thousand feet: fifteen points.
16 (c) One thousand or more feet but less than one
17 thousand two hundred fifty feet: twenty points.
18 (d) One thousand two hundred fifty or more feet:
19 twenty-five points.
20 (11) The following points shall be awarded if an
21 additional separation distance is required for the
22 application of manure originating from a confinement
23 feeding operation and a watercourse other than a major
24 water source as provided in section 455B.204: five
25 points.
26 b. The following points shall be awarded if a
27 confinement feeding operation is located on land owned
28 or operated by the same family for three or more
29 years: fifteen points.
30 c. The following points shall be awarded if the
31 owner of the confinement feeding operation owns the
32 animals maintained by the confinement feeding
33 operation and provides substantial labor in providing
34 for their maintenance: ten points.
35 d. The following criteria shall apply to a
36 confinement feeding operation located on land owned by
37 one of the following persons:
38 (1) A person who resides on the land: five
39 points.
40 (2) A person who closest resides to the proposed
41 confinement feeding operation structure: ten points.
42 (3) A person who performs the majority of the
43 physical work which significantly contributes to the
44 operation: ten points.
45 (4) A person who is involved in making substantial
46 improvements to the confinement feeding operation, if

47 the improvements do not provide for expansion by more
48 than one hundred fifty percent of the animal unit
49 capacity of the confinement feeding operation: ten
50 points.

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1 (5) A person who qualifies as a beginning farmer
2 as defined in section 175.2: fifteen points.
3 e. The following criteria shall apply to an owner
4 of a confinement feeding operation who provides for
5 the following manure management practices:
6 (1) The incorporation of manure within twenty-four
7 hours: five points.
8 (2) The use of a cover over a manure storage
9 structure or a natural crust or oil sprinkling: five
10 points.
11 (3) Participation in the United States department
12 of agriculture natural resource and conservation
13 program referred to as the "filter strip program at 33
14 feet": ten points.
15 (4) The installation of a filter designed to
16 reduce odors from exhaust fans: ten points.
17 (5) The utilization of feed or feed additives
18 containing low phytase corn or the feeding of phytase:
19 ten points.
20 (6) The utilization of a biofilter or impermeable
21 cover: ten points.
22 (7) The utilization of a methane digester
23 (recovery) system for energy or an anaerobic digester:
24 twenty-five points.
25 (8) The utilization of landscaping or other
26 similar controls approved by the department: ten
27 points.
28 (9) The establishment or expansion of a filter
29 strip from thirty-three feet or more up to one hundred
30 twenty feet: fifteen points.
31 (10) The construction of a secondary containment
32 structure: fifteen points.
33 (11) The construction of a manure storage
34 structure beneath a confinement feeding operation
35 structure building: ten points.
36 (12) Participation in the United States department
37 of agriculture natural resource and conservation
38 service program referred to as the "contour buffer
39 strip program": twenty-five points.
40 f. The following points shall be awarded if the
41 confinement feeding operation provides for the
42 distribution of bulk dry animal nutrient products, the
43 person receiving the product agrees that the product
44 will be incorporated, and the person who incorporates
45 the manure includes the condition as part of the

46 person's manure management plan: twenty-five points.
 47 Sec. 64. 1995 Iowa Acts, chapter 195, section 37,
 48 as amended by 1998 Iowa Acts, chapter 1209, section
 49 40, is repealed.
 50 Sec. 65. INTERIM APPROVAL OF APPLICATIONS FOR

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1 CONSTRUCTION PERMITS – REPEAL. The section of this
 2 Act providing for the interim approval of applications
 3 for construction permits by the department of natural
 4 resources is repealed March 1, 2003.
 5 Sec. 66. INTERIM COUNTY PARTICIPATION REPEAL. The
 6 section of this Act providing for interim county
 7 participation in the approval of construction permits
 8 for confinement feeding operation structures is
 9 repealed March 1, 2003, and the rights of applicants'
 10 boards of supervisors to contest departmental
 11 decisions. However, the provisions of the section
 12 shall continue to apply to applications received by a
 13 county board of supervisors prior to March 1, 2003.

DIVISION II

DIRECTIONS TO CODE EDITOR,
 CHANGE THE NAME OF TERMS AND
 TRANSFER TO NEW TITLE

18 Sec. 67. CHANGE OF NAME OF TERMS.
 19 1. The Code editor is directed to change the term
 20 "animal feeding operation structure" or "an animal
 21 feeding operation structure" to "confinement feeding
 22 operation structure" or "a confinement feeding
 23 operation structure" wherever the term appears in
 24 section 455B.161A, subsection 2, Code 2001; section
 25 455B.162, subsection 3, Code 2001; section 455B.163,
 26 subsection 3, paragraph "d", Code 2001; section
 27 455B.165, subsection 3, paragraph "b", and subsections
 28 6 and 8, Code 2001; section 455B.200B, subsection 2,
 29 Code 2001; and section 455B.202, subsection 2,
 30 paragraphs "c" and "d", Code 2001.
 31 2. The Code editor is directed to change the term
 32 "animal feeding operation structures" to "confinement
 33 feeding operation structures" wherever the term
 34 appears in section 455B.161A, subsection 2, paragraph
 35 "c", Code 2001; section 455B.200B, subsection 2, Code
 36 2001; and section 455B.162, unnumbered paragraph 1,
 37 Code 2001.
 38 3. The Code editor is directed to change the term
 39 "animal feeding operation" or "an animal feeding
 40 operation" to "confinement feeding operation" or "a
 41 confinement feeding operation" wherever it appears in
 42 section 455B.163, unnumbered paragraph 1, Code 2001;
 43 section 455B.163, subsection 3, paragraph "c", Code
 44 2001; section 455B.165, subsection 6, Code 2001; and

45 section 455B.205, subsection 3, paragraph "b", Code
46 2001.

47 4. The Code editor is directed to change the
48 phrase "confinement feeding operation structure or
49 anaerobic lagoon which is part of a confinement
50 feeding operation" to "confinement feeding operation

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1 structure" wherever the phrase appears in section
2 455B.191, subsection 7, Code 2001.

3 5. The Code editor is directed to change the
4 phrase "an animal feeding operation structure which is
5 part of a confinement feeding operation" to "a
6 confinement feeding operation structure" wherever the
7 phrase appears in section 455B.202, subsection 2, Code
8 2001.

9 6. The Code editor is directed to change the term
10 "bovine" to "cattle" wherever the term appears in Code
11 section 455B.162, Code 2001.

12 Sec. 68. DIRECTIONS TO THE CODE EDITOR.

13 1. The Code editor is directed to transfer and
14 consolidate provisions concerning animal agriculture
15 into new chapter 456D, consistent with this section
16 and the authority of the Code editor pursuant to
17 chapter 2B. As part of this transfer and
18 consolidation, the Code editor shall divide the
19 chapters into subchapters as follows:

20 a. Subchapter 1 shall include a new section
21 stating the following: This chapter shall be known
22 and may be cited as the "Animal Agriculture Compliance
23 Act". Section 455B.161, as amended by this Act, shall
24 be transferred to subchapter 1. Section 455B.171,
25 subsections 7, 33, and 44, shall be transferred and
26 consolidated into section 455B.161 as transferred to
27 subchapter 1. Section 455J.1, subsections 4, 6, and
28 9, shall be transferred and consolidated into section
29 455B.161 as transferred to subchapter 1. Section
30 455B.200B, subsection 6, as enacted by this Act, shall
31 be consolidated into section 455B.161 as transferred
32 to subchapter 1. Section 455B.200, as amended by this
33 Act, shall also be transferred to subchapter 1.

34 b. Chapter 455B, division II, part 2, including
35 sections amended or enacted by this Act, with the
36 exception of section 455B.164, shall be transferred to
37 new chapter 456D, as subchapter 2.

38 c. Chapter 455B, division III, part 1, subpart A,
39 as enacted in this Act, with the exception of section
40 455B.200, as amended by this Act, and section
41 455B.207, as enacted by this Act, shall be transferred
42 to new chapter 456D, as subchapter 3.

43 d. Sections 455B.125 through 455B.127, as enacted

44 by this Act, shall be transferred to new chapter 456D,
 45 as subchapter 4.
 46 e. Chapter 455J, with the exception of section
 47 455J.1, shall be transferred to new chapter 456D, as
 48 subchapter 5.
 49 f. Section 455B.110, as amended by this Act, is
 50 transferred to new chapter 456D, as subchapter 6.

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1 Sections 455B.167, and 455B.207, as enacted by this
 2 Act; section 455B.191, subsection 7, Code 2001, and
 3 section 455B.191, subsection 8, as amended by this
 4 Act; and section 455B.104, subsection 2, are
 5 transferred as new sections to new subchapter 6.
 6 2. The Code editor is directed to transfer chapter
 7 455I to new chapter 456C. Subchapter 1 shall include
 8 section 455I.1, subsections 1 through 4 and 6 through
 9 13, Code 2001. Subchapter 2 shall include a new
 10 section stating the following: As used in this
 11 subchapter, unless the context otherwise requires,
 12 "department" means the department of natural
 13 resources. Subchapter 2 shall include sections 455I.2
 14 through 455I.7. Subchapter 3 shall include a new
 15 section stating the following: As used in this
 16 subchapter, unless the context otherwise requires,
 17 "department" means the department of agriculture and
 18 land stewardship. The Code editor is directed to
 19 transfer sections 159.28 through 159.29B, Code 2001,
 20 to new chapter 456C, subchapter 3.
 21 Sec. 69. Section 455B.164, Code 2001, is repealed.

22 DIVISION III

23 RETROACTIVE APPLICABILITY AND EFFECTIVE DATES

24 Sec. 70. RETROACTIVE APPLICATION.

25 1. If the provisions of this Act would apply to
 26 require that a person must be issued a construction
 27 permit as provided in section 455B.200A, as amended by
 28 this Act, upon the enactment of this Act, for the
 29 construction of a confinement feeding operation
 30 structure, the requirements of section 455B.200A, as
 31 amended by this Act, shall apply retroactively as
 32 provided in this section. The provisions of this Act
 33 shall apply retroactively only if all of the following
 34 are satisfied:
 35 a. An application for a permit to construct the
 36 confinement feeding operation structure was submitted
 37 to the department on or after April 1, 2002, but prior
 38 to the enactment of this Act, regardless of whether
 39 the department has approved the application; a manure
 40 management plan was submitted to the department
 41 without a construction permit as provided in 567 IAC
 42 65.16(2) on or after April 1, 2002, but prior to the

43 enactment of this Act regardless of whether the
44 department has approved the manure management plan; or
45 construction of a confinement feeding operation
46 structure has not begun upon the enactment of this Act
47 and the person would otherwise be required to submit a
48 manure management plan prior to the construction of
49 the confinement feeding operation structure as
50 provided in section 455B.203, as amended in this Act.

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1 b. The department has not received evidence that
2 an applicant or person submitting or required to
3 submit a manure management plan as provided in
4 subsection 2, has incurred commitments based on a
5 reliance of the law as the law existed on March 31,
6 2002. The commitments must constitute a legal
7 obligation for performance by the person to construct
8 a confinement feeding operation structure. The
9 applicant or other person required to submit the
10 evidence to the department must submit such evidence
11 not later than twenty-one days after the effective
12 date of this Act.

13 2. This Act shall not apply retroactively other
14 than as provided in this section. The department
15 shall approve or disapprove a pending construction
16 permit application or manure management plan not
17 subject to subsection 1 and a person may construct a
18 confinement feeding operation structure according to
19 the applicable requirements of the 2001 Code of Iowa
20 and rules adopted by the department and in effect on
21 March 31, 2002.

22 3. Until March 1, 2003, the department shall use
23 the interim matrix as provided in this Act in lieu of
24 the master matrix required to be used pursuant to
25 section 455B.200E.

26 **Sec. 71. EFFECTIVE DATES.**

27 1. Except as provided in subsections 2 and 3, this
28 Act, being deemed of immediate importance, takes
29 effect upon enactment.

30 2. The sections of this Act amending sections
31 455B.162, 455B.163, 455B.204, and 455B.204A, take
32 effect on March 1, 2003. Sections 455B.200C and
33 455B.200E, as enacted in this Act, take effect on
34 March 1, 2003. The provisions of section 455B.205A,
35 as enacted by this Act, as the provisions apply to
36 confinement feeding operations storing manure
37 exclusively on a dry matter basis, take effect upon
38 the effective date of rules adopted to implement
39 section 455B.205A.

40 3. Notwithstanding section 455B.203, as amended by
41 this Act, a person shall not be required to submit a

42 manure management plan update earlier than March 1,
43 2003. The department shall adopt rules necessary to
44 administer this Act including these sections on and
45 after the enactment of this Act."
46 2. Title page, line 1, by inserting after the
47 word "agriculture" the following: ", providing for
48 fees, providing for penalties, and including
49 retroactive applicability and effective date
50 provisions".

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1 3. By renumbering, redesignating, and correcting
2 internal references as necessary.

Amendment H-8649 was adopted, placing out of order amendment H-8613, previously deferred, filed by the committee on agriculture on April 10, 2002.

SENATE FILE 2293 SUBSTITUTED FOR HOUSE FILE 2468

Klemme of Plymouth asked and received unanimous consent to substitute Senate File 2293 for House File 2468.

Senate File 2293, a bill for an act relating to animal agriculture, providing for fees, providing for penalties, and including retroactive applicability and effective date provisions, was taken up for consideration.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-8691 filed by him from the floor.

Ford of Polk asked and received unanimous consent that amendments H-8667 and H-8666 be deferred.

Kreiman of Davis asked and received unanimous consent that amendment H-8693 be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth on request of Huser of Polk.

Schrader of Marion offered the following amendment H-8696 filed by Schrader, Reynolds of Van Buren and Fallon of Polk from the floor and moved its adoption:

H-8696

1 Amended Senate File 2293, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 13, the
4 following:

5 "Sec. __. NEW SECTION. 335.1A DEFINITIONS.

6 As used in this section, unless the context
7 otherwise requires:

8 1. "Animal unit capacity" means the same as
9 defined in section 455B.161.

10 2. "Confinement feeding operation" means the same
11 as defined in section 455B.161.

12 3. "Confinement feeding operation structure" means
13 the same as defined in section 455B.161.

14 4. "Egg washwater storage structure" means the
15 same as defined in section 455B.161.

16 5. "Farm operation" means a condition or activity
17 which occurs on farmland relating to the production of
18 farm products which may include but are not limited to
19 any of the following: the raising, harvesting,
20 drying, or storage of crops; the care or feeding of
21 livestock; the handling or transportation of crops or
22 livestock; the storage, treatment, transportation,
23 application, or disposal of livestock manure or
24 wastes; the operation of farm machinery and irrigation
25 pumps; ground and aerial seeding and spraying; and the
26 application of chemical fertilizers, conditioners,
27 insecticides, pesticides, and herbicides.

28 6. "Farm product" means a product produced from a
29 farm operation.

30 7. "Farmland" means land and buildings used in the
31 commercial production of farm products.

32 8. "Manure storage structure" means the same as
33 defined in section 455B.161.

34 9. "Small animal feeding operation" means the same
35 as defined in section 455B.161.

36 Sec. __. Section 335.2, Code 2001, is amended to
37 read as follows:

38 335.2 FARMS EXEMPT FARM OPERATIONS EXEMPTION.

39 1. Except to the extent required to implement
40 section 335.27, no as provided in subsection 2, an
41 ordinance adopted under this chapter applies shall not
42 apply to land, farm farming operations, including
43 farmland and related structures such as houses, farm
44 barns, farm or outbuildings or other buildings or
45 structures which are primarily adapted, by reason of

46 nature and area, for use for agricultural purposes,
 47 while so used. However, the ordinances
 48 2. A county board of supervisors may apply to any
 49 adopt an ordinance under this chapter which applies to
 50 any of the following:

Page 2

1 a. The implementation of an agricultural land
 2 preservation ordinance, as provided in section 335.27.

3 b. A structure, building, dam, obstruction,
 4 deposit, or excavation in or on the flood plains of
 5 any a river or stream.

6 c. The siting of a confinement feeding operation,
 7 as provided in section 335.2A.

8 Sec. NEW SECTION. 335.2A CONFINEMENT
 9 FEEDING OPERATIONS.

10 1. Notwithstanding section 331.304A, a county may
 11 adopt a confinement feeding operations siting
 12 ordinance which shall be part of other regulations
 13 provided in this chapter. The ordinance shall
 14 regulate the siting of confinement feeding operation
 15 structures, including the construction and expansion
 16 of confinement feeding operation structures. The
 17 ordinance shall be subject to adoption by the county
 18 board of supervisors, upon recommendation by the
 19 county's zoning commission as provided in section
 20 335.8. The county board of supervisors shall adopt
 21 the ordinance in the same manner as other regulations
 22 adopted pursuant to this chapter.

23 2. The ordinance shall include a siting plan as
 24 follows:

25 a. The plan shall do all of the following:

26 (1) Preserve the availability of farmland reserved
 27 for confinement feeding operations.

28 (2) Encourage efficient urban development patterns
 29 that do not burden farmland reserved under the plan
 30 for confinement feeding operations. The plan shall
 31 attempt to prevent congestion and overcrowding of
 32 confinement feeding operations, especially near
 33 cities.

34 (3) Preserve and protect natural resources,
 35 including water sources, fragile environmental
 36 locations, and recreational areas.

37 b. The plan may provide different regulations for
 38 confinement feeding operations based on all of the
 39 following:

40 (1) The animal unit capacity of the confinement
 41 feeding operation.

42 (2) The type of confinement feeding operation
 43 structure proposed to be constructed.

44 (3) The proximity of land for the application of

45 manure which originates from the confinement feeding
46 operation.
47 3. The ordinance shall not apply to a small animal
48 feeding operation.
49 4. a. The ordinance shall not violate any
50 requirement of chapter 455B, or rules adopted by the

Page 3

1 department of natural resources pursuant to that
2 chapter. However, the ordinance may provide for
3 separation distance requirements that exceed the
4 requirements of chapter 455B, division II, part 2, or
5 section 455B.204. The separation distance requirement
6 may be based on guidelines established by the
7 department of natural resources pursuant to sections
8 455B.165 and 455B.204 and shall to every extent
9 practicable be based on the methodology established by
10 the department pursuant to those sections.

11 b. The ordinance shall be consistent with the
12 county's comprehensive plan as required by section
13 335.5, and other regulations adopted pursuant to this
14 chapter.

15 c. The ordinance shall not prohibit the operation
16 of confinement feeding operations constructed prior to
17 the effective date of the ordinance.

18 5. The ordinance shall provide for review and
19 approval or disapproval of proposals to construct
20 confinement feeding operation structures.

21 a. The ordinance shall provide for methods and
22 procedures required for timely submission, review, and
23 approval or disapproval of proposals.

24 b. The planning and zoning commission shall review
25 each proposal and recommend to the board of
26 supervisors that the proposal be approved or
27 disapproved. The board of supervisors shall approve
28 or disapprove the proposal after considering all
29 relevant information, including the commission's
30 recommendation.

31 Sec. __. Section 335.8, Code 2001, is amended to
32 read as follows:

33 335.8 ZONING COMMISSION APPOINTED.

34 1. In order to avail itself of the powers
35 conferred by this chapter, the The board of
36 supervisors shall appoint establish a zoning
37 commission.-a. The board shall appoint members to the
38 commission. A majority of whose the members shall
39 reside within the county but outside the corporate
40 limits of any city, to be known as the county zoning
41 commission, to recommend. The zoning commission shall
42 do all of the following:

43 a. Recommend the boundaries of the various

44 original districts, and appropriate regulations and
 45 restrictions to be enforced ~~therein~~ within those
 46 districts. ~~Such~~ The commission shall, with due
 47 diligence, prepare a preliminary report and hold
 48 public hearings ~~thereon~~ on the preliminary report
 49 before submitting its final report; ~~and the~~ The
 50 board of supervisors shall not hold its public

Page 4

1 hearings or take action until it has received the
 2 final report ~~of such commission~~. After the adoption
 3 of such regulations, restrictions, and boundaries of
 4 districts, the zoning commission may, from time to
 5 time, recommend to the board of supervisors
 6 amendments, supplements, changes, or modifications.

7 b. Provide for the siting of confinement feeding
 8 operations as follows:

9 (1) The zoning commission shall prepare a
 10 confinement feeding operations siting ordinance
 11 including a plan for siting for recommendation to the
 12 board of supervisors as provided in section 335.2A.
 13 The zoning commission shall prepare and recommend the
 14 ordinance or any amendments, supplements, changes, or
 15 modifications to the ordinance, in the same manner as
 16 other regulations pursuant to paragraph "a". The
 17 zoning commission shall not make a recommendation
 18 without holding a public hearing in the same manner as
 19 provided in section 335.6.

20 (2) The zoning commission shall review and
 21 recommend the approval or disapproval of a proposal
 22 for the construction of a confinement feeding
 23 operation as provided in section 335.2A based on
 24 compliance with the confinement feeding operations
 25 siting ordinance.

26 2. The zoning commission, with the approval of the
 27 board of supervisors, may contract with professional
 28 consultants, regional planning commissions, the Iowa
 29 department of economic development, ~~the department of~~
 30 natural resources, or the federal government, for
 31 local planning assistance."

32 2. Page 16, by inserting after line 15, the
 33 following:

34 "Sec.____. Section 455B.165, Code 2001, is amended
 35 by adding the following new subsection:

36 NEW SUBSECTION. 9. A separation distance
 37 requirement that is provided in a confinement feeding
 38 operation siting ordinance adopted by a county board
 39 of supervisors pursuant to section 335.2A. The
 40 ordinance shall not include a requirement providing a
 41 lesser separation distance than is provided for in
 42 this part. If requested by a county, the department

43 shall provide recommendations with guidelines for
44 increasing required separation distances based on a
45 methodology which considers topographic, hydrologic,
46 climatic, or demographic factors."

47 3. Page 19, by striking lines 2 through 8, and
48 inserting the following: "management plans required
49 under this subpart."

50 4. Page 20, by striking lines 23 through 28 and

Page 5

1 inserting the following: "of this chapter. The
2 department shall approve the application".

3 5. Page 21, by striking lines 14 and 15.

4 6. Page 26, by striking lines 1 through 10.

5 7. Page 30, by striking line 6, and inserting the
6 following: "APPLICATION PROCEDURE."

7 8. Page 30, by striking lines 21 through 23 and
8 inserting the following:

9 "2. A county board of supervisors may provide
10 comment to the department on a construction permit".

11 9. By striking page 31, line 25 through page 32,
12 line 24.

13 10. Page 32, line 26, by striking the words "or
14 evaluation".

15 11. Page 32, line 30, by striking the words "or
16 an evaluation".

17 12. By striking page 33, line 16, through page
18 34, line 18.

19 13. Page 34, lines 23 and 24, by striking the
20 words "that has adopted a construction evaluation
21 resolution".

22 14. Page 35, by striking lines 22 through 30, and
23 inserting the following: "case as a contested case
24 proceeding under chapter 17A. If the".

25 15. Page 36, by striking lines 6 through 9, and
26 inserting the following: "proceeding under chapter
27 17A. The decision by the".

28 16. By striking page 36, line 21, through page
29 38, line 13.

30 17. Page 48, by inserting after line 18 the
31 following:

32 "3A. A county board of supervisors may increase a
33 separation distance requirement provided in this
34 section as provided in a confinement feeding operation
35 siting ordinance as provided in section 335.2A. The
36 ordinance shall not include a requirement providing a
37 closer separation distance than is provided for in
38 subsection 2. Upon request by a county, the
39 department shall provide recommendations to the county
40 as provided in section 455B.165."

41 18. By striking page 56, line 10, through page

42 64, line 3.

43 19. Page 64, by striking lines 7 through 10.

44 20. Page 68, by striking lines 21 through 23.

Roll call was requested by Schrader of Marion and Mascher of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H-8696 be adopted?" (S.F. 2293)

The ayes were, 38:

Arnold	Bukta	Chiodo	Cohon
Connors	Dotzler	Eichhorn	Fallon
Foege	Ford	Frevort	Garman
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Murphy	Myers
Osterhaus	Petersen	Reynolds	Richardson
Scherrman	Schrader	Shultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler		

The nays were, 58:

Alons	Baudler	Bell	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Elgin	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	O'Brien	Quirk	Raecker
Rants	Rayhons	Reeder	Rekow
Roberts	Seng	Shey	Sievers
Sukup	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyke	Wise
Witt	Mr. Speaker		
	Siegrist		

Absent or not voting, 4:

Atteberry	Hoversten	Mertz	Teig
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Amendment H-8696 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoversten of Woodbury on request of Gipp of Winneshiek.

The following amendments were deferred by unanimous consent:

Amendment H-8694 filed by Dotzler of Black Hawk.

Amendment H-8685 filed by Reynolds of Van Buren.

Amendment H-8662 filed by Frevert of Palo Alto.

Kuhn of Floyd offered the following amendment H-8680 filed by him and moved its adoption:

H-8680

1 Amend Senate File 2293, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 57, line 21 through page 64,
4 line 3 and inserting the following:

5 "Sec. ____ COUNTY INTERIM SITING OF CONFINEMENT
6 FEEDING OPERATION STRUCTURES.

7 1. A county board of supervisors may adopt a
8 confinement feeding operations siting ordinance,
9 pursuant to section 331.302. The purpose of the
10 ordinance shall be to allow approval of the siting of
11 a confinement feeding operation structure regardless
12 of whether the board has adopted an ordinance under
13 chapter 335.

14 a. The ordinance shall apply to the siting of
15 confinement feeding operation structures which must
16 obtain a construction permit pursuant to section
17 455B.200A.

18 b. The ordinance shall authorize a county to
19 approve the site of the construction or expansion of a
20 confinement feeding operation structure in order to
21 preserve and protect natural resources, including
22 water sources and fragile environmental locations;
23 lessen congestion and overcrowding of confinement
24 feeding operations, especially near cities; and
25 protect the health and welfare of the public.

26 2. The county's decision shall be based on all of
27 the following:

28 a. The proximity to the proposed construction site
29 of any of the following:

30 (1) Human population areas and tourism
31 attractions.

- 32 (2) Fragile land areas including but not limited
33 to designated wetlands, floodplains, or areas with
34 rare or valuable ecosystems.
- 35 (3) Water sources including major water sources
36 used as drinking water supplies; watersheds; high-
37 quality water resources; and aquifers and their
38 recharge areas.
- 39 (4) Public use areas or critical public areas.
- 40 b. The availability of land required for the
41 application of manure originating from the confinement
42 feeding operation as provided in section 455B.203.
- 43 c. The geology and hydrology of the site.
- 44 d. The impact of the confinement feeding
45 operation, after construction of the proposed
46 confinement feeding operation structure, on the
47 services of any city located in proximity to the
48 confinement feeding operation or the county in which
49 the confinement feeding operation is located.
- 50 e. The extent to which the applicant has complied

Page 2

- 1 with requirements under this division for other animal
2 feeding operations owned by the applicant.
- 3 3. An ordinance adopted under this section shall
4 provide for methods and procedures required for
5 submission of proposals, review of proposals, and
6 approval of a site for the construction or expansion
7 of a proposed confinement feeding operation structure.
8 In administering the ordinance, the board may
9 establish a confinement feeding operations siting
10 commission which shall review each proposal for the
11 construction or expansion of a confinement feeding
12 operation, and recommend to the county board of
13 supervisors that the board approve or disapprove the
14 proposal. The commission shall make its
15 recommendation to the board and the board shall
16 approve or disapprove a proposal within thirty days
17 after the date that the county receives the proposal.
18 The board shall notify the department of its decision
19 to approve or disapprove the proposal in the same
20 manner as required to provide comments prior to March
21 1, 2003, as provided in this Act."
- 22 2. Page 64, by striking lines 7 through 10 and
23 inserting the following:
24 "Sec.____. INTERIM PROCESS REPEALED. The section
25 of this Act providing for the interim siting of
26 confinement feeding operation structures by county
27 boards of supervisors is repealed March 1, 2003."
- 28 3. By renumbering as necessary.

Roll call was requested by Kuhn of Floyd and Myers of Johnson.

On the question "Shall amendment H-8680 be adopted?" (S.F. 2293)

The ayes were, 38:

Arnold	Bukta	Chiodo	Cohoon
Connors	Dotzler	Eichhorn	Fallon
Foege	Ford	Frevert	Garman
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Murphy	Myers
O'Brien	Osterhaus	Petersen	Reynolds
Scherrman	Schrader	Shoultz	Smith
Stevens	Sukup	Taylor, D.	Taylor, T.
Tremmel	Warnstadt		

The nays were, 55:

Alons	Baudler	Bell	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Elgin	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Quirk	Raecker	Rants
Rayhons	Reeder	Rekow	Roberts
Seng	Shey	Sievers	Tymeson
Van Engelenhoven	Van Fossen	Weidman	Wilderdyke
Wise	Witt	Mr. Speaker	
		Siegrist	

Absent or not voting, 7:

Atteberry	Hoversten	Mertz	Richardson
Teig	Tyrrell	Winckler	

Amendment H-8680 lost.

Kreiman of Davis asked and received unanimous consent that amendment H-8692 be deferred.

Ford of Polk offered the following amendment H-8667, previously deferred, filed by him and moved its adoption:

H-8667

1 Amend Senate File 2293, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 18, by inserting after line 11, the
4 following:

5 "Sec.____. Section 455B.191, subsections 1 and 2,
6 Code 2001, are amended to read as follows:

7 1. Any person who violates any provision of part 1
8 of division III of this chapter or any permit, rule,
9 standard, or order issued under part 1 of division III
10 of this chapter shall be subject to a civil penalty
11 not to exceed ~~five~~ twenty-five thousand dollars for
12 each day of such violation.

13 2. Any person who negligently or knowingly
14 violates section 455B.183 or section 455B.186 or any
15 condition or limitation included in any permit issued
16 under section 455B.183, or who negligently or
17 knowingly introduces into a sewer system or into a
18 publicly owned treatment works any pollutant or
19 hazardous substance which the person knew or
20 reasonably should have known could cause personal
21 injury or property damage or, other than in compliance
22 with all applicable federal and state requirements or
23 permits, negligently or knowingly causes a treatment
24 works to violate any water quality standard, effluent
25 standard, pretreatment standard or condition of a
26 permit issued to the treatment works pursuant to
27 section 455B.183 is guilty of a serious misdemeanor
28 for a negligent violation and is guilty of an
29 aggravated misdemeanor for a knowing violation. A
30 conviction for a negligent violation is punishable by
31 a fine of not more than ~~twenty-five~~ fifty thousand
32 dollars for each day of violation or by imprisonment
33 for not more than one year, or both; however, if the
34 conviction is for a second or subsequent violation
35 committed by a person under this subsection, the
36 conviction is punishable by a fine of not more than
37 ~~fifty~~ one hundred thousand dollars for each day of
38 violation or by imprisonment for not more than two
39 years, or both. A conviction for a knowing violation
40 is punishable by a fine of not more than ~~fifty~~ one
41 hundred thousand dollars for each day of violation or
42 by imprisonment for not more than two years, or both;
43 however, if the conviction is for a second or
44 subsequent violation committed by a person under this
45 subsection, the conviction is punishable by a fine of
46 not more than ~~one~~ two hundred thousand dollars for
47 each day of violation or by imprisonment for not more
48 than five years, or both. As used in this section,
49 "hazardous substance" means hazardous substance as
50 defined in section 455B.381 or section 455B.411."

Page 2

1 2. By renumbering as necessary.

Amendment H-8667 lost.

Ford of Polk offered the following amendment H-8666, previously deferred, filed by him from the floor and moved its adoption:

H-8666

1 Amend Senate File 2293, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 18, by inserting after line 18 the
4 following:
5 "Sec. . NEW SECTION. 455B.191A CONTAMINATION
6 OF WATER SUPPLY – LIABILITY.
7 In addition to payment of any applicable penalty
8 under this chapter or other provision of law, a person
9 who causes the contamination of a private water supply
10 or public water supply system to the extent that
11 potable water cannot be provided to the users of the
12 private water supply or public water supply system
13 shall be liable for all costs associated with the
14 testing and repair of the water system and the costs
15 associated with providing potable water to the users
16 of the private water supply or public water supply
17 system while the water system is contaminated."
18 2. By renumbering as necessary.

Amendment H-8666 lost.

Kreiman of Davis asked and received unanimous consent to withdraw amendments H-8692 and H-8693, previously deferred, filed by him from the floor.

Dotzler of Black Hawk offered the following amendment H-8694 filed by him from the floor and moved its adoption:

H-8694

1 Amend Senate File 2293, as amended, passed, and
2 reprinted, by the Senate, as follows:
3 1. Page 23, by inserting after line 20, the
4 following:
5 "5A. A person required to be issued a construction
6 permit under this section must provide to the
7 department an occupational safety and health program.

8 in a manner required by the department. The program
 9 must address issues associated with working in
 10 confinement feeding operations, including all of the
 11 following:
 12 a. Medical surveillance.
 13 b. Personal protective equipment.
 14 c. An injury and illness prevention plan.
 15 d. Engineering controls, including but not limited
 16 to the installation of ventilation systems to reduce
 17 hazardous exposures."

18 2. Page 64, by inserting after line 6, the
 19 following:

20 "Sec. __. FULL-TIME EQUIVALENT POSITION
 21 AUTHORIZED. The department of natural resources shall
 22 support one full-time equivalent position from moneys
 23 deposited in the animal agriculture compliance fund
 24 established pursuant to section 455B.127, as enacted
 25 in this Act, as soon as practicable after March 1,
 26 2003. The full-time equivalent position shall be used
 27 to fund a United States occupational safety and health
 28 administration consultant to assist in providing for
 29 safety and health programs for persons working in
 30 confinement feeding operations."

31 3. By renumbering, redesignating, and correcting
 32 internal references as necessary.

Amendment H-8694 lost.

Reynolds of Van Buren offered the following amendment H-8685,
 previously deferred, filed by her and moved its adoption:

H-8685

1 Amend Senate File 2293, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 47, by inserting after line 34, the
 4 following:

5 "() One thousand feet away from a farm pond
 6 that is owned by a person other than the owner of the
 7 confinement feeding operation structure proposed to be
 8 constructed, and is used to raise a species of fish,
 9 including but not limited to fingerlings, for sale on
 10 a commercial basis."

11 2. Page 48, line 22, by inserting after the
 12 figure "462A.2." the following: "However, this
 13 paragraph does not apply to exempt a farm pond from a
 14 separation distance otherwise required in this
 15 subsection, if the farm pond is used to raise a
 16 species of fish, including but not limited to
 17 fingerlings, for sale on a commercial basis."

18 3. By renumbering as necessary.

Amendment H-8685 lost.

Frevert of Palo Alto offered the following amendment H-8662, previously deferred, filed by her and moved its adoption:

H-8662

1 Amend Senate File 2293, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 49, by striking lines 4 through 16 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 eropl and 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 adopt rules requiring a
17 decreased separation distance for the application of
18 manure on land where a water quality improvement
19 practice has been installed, including filter strips
20 and riparian forest buffers. The allowance of a
21 decreased separation distance shall to every extent
22 consistent with sound water quality practices be
23 modeled on conservation practices required to be
24 designed, constructed, and maintained according to
25 technical standards for this state published by the
26 United States department of agriculture, natural
27 resources conservation service."

28 2. Page 49, line 17, by striking the word
29 "adopts" and inserting the following: "may adopt".

30 3. By renumbering as necessary.

Amendment H-8662 lost.

Dix of Butler in the chair at 4:33 p.m.

Klemme of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2293)

The ayes were, 81:

Arnold	Baudler	Bell	Boal
Boddicker	Boggess	Bradley	Broers
Brunkhorst	Bukta	Carrall	Chiodo
Cohoon	Connors	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Finch	Foege	Frevert	Garman
Gipp	Greimann	Grundberg	Hahn
Hansen	Hatch	Heaton	Hoffman
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Rekow	Roberts	Scherrman	Seng
Shey	Siegrist, Spkr.	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Tymeson	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Wise	Witt
Dix, Presiding			

The nays were, 13:

Alons	Brauns	Cormack	De Boef
Fallon	Ford	Horbach	Reeder
Reynolds	Schrader	Shoultz	Sievers
Tyrrell			

Absent or not voting, 6:

Atteberry	Hoversten	Mertz	Richardson
Teig	Winckler		

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

HOUSE FILE 2468 WITHDRAWN

Klemme of Plymouth asked and received unanimous consent to withdraw House File 2468 from further consideration by the House.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2293** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 2002, receded from the Senate amendment, and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate 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 Senate has on April 12, 2002, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 12, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 12, 2002, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 12, 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 Senate has on April 12, 2002, passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 12, 2002, passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 12, 2002, passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 12, 2002, amended and passed the following bill in which the concurrence of the House is asked:

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.

Also: That the Senate has on April 12, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2620, a bill for an act regulating farmers markets, providing for fees, making penalties applicable, and providing an effective date.

Also: That the Senate has on April 12, 2002, passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 12, 2002, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 12, 2002, adopted the following resolution in which the concurrence of the Senate was 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.

Also: That the Senate has on April 12, 2002, adopted the following resolution in which the concurrence of the Senate was 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.

Also: That the Senate has on April 12, 2002, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on April 12, 2002, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is 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.

Also: That the Senate has on April 12, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That the Senate has on April 12, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2286, a bill for an act relating to the civil commitment of sexually violent predators, and providing an effective date.

Also: That the Senate has on April 12, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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.

Also: That that the Senate has on April 12, 2002, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 118, a concurrent resolution supporting enactment of Medicare coverage of oral cancer drugs.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENTS CONSIDERED

Rekow of Allamakee called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8695:

H-8695

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."

The motion prevailed and the House concurred in the Senate amendment H-8695.

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

On the question "Shall the bill pass?" (H.F. 2617)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dolecheck	Dotzler
Drake	Eddie	Eichhorn	Elgin
Fallon	Finch	Foege	Ford
Frevert	Garman	Gipp	Greimann
Grundberg	Hahn	Hansen	Hatch
Heaton	Hoffman	Horbach	Huseman
Huser	Jacobs	Jenkins	Jochum
Johnson	Jones	Kettering	Klemme
Kreiman	Kuhn	Larkin	Larson
Lensing	Manternach	Mascher	May
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Seng	Shay	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Wise	Witt
Dix,			
Presiding			

The nays were, none.

Absent or not voting, 7:

Atteberry	Hoversten	Mertz	Richardson
Schrader	Teig	Winckler	

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

Boddicker of Cedar 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, further amended by the Senate and

moved that the House concur in the following Senate amendment H-8640, to the House amendment:

H-8640

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,

Page 2

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.

The motion prevailed and the House concurred in the Senate amendment H-8640, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2118)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boguess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cohoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	May
Metcalf	Millage	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Seng	Shey	Shoultz	Siegrist, Spkr.
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wildurdyke	Wise	Witt, Presiding

The nays were, 1:

Mascher

Absent or not voting, 7:

Atteberry	Hoversten	Mertz	Richardson
Schrader	Teig	Winckler	

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

Appropriations Calendar

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, with report of committee recommending amendment and passage, was taken up for consideration.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8542 filed by him on April 8, 2002.

Jenkins of Black Hawk offered the following amendment H-8541 filed by the committee on appropriations and moved its adoption:

H-8541

- 1 Amend Senate File 2316, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 35, by inserting after the word
- 4 "facility" the following: "or for the university's
- 5 plant sciences institute".
- 6 2. Page 2, by striking lines 1 through 4.

The committee amendment H-8541 was adopted.

Cormack of Webster offered the following amendment H-8565 filed by him and moved its adoption:

H-8565

- 1 Amend Senate File 2316, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by inserting after the word
- 4 "approval" the following: ", subject to the
- 5 requirements of section 262.9, subsection 7, and
- 6 section 262.10".
- 7 2. Page 2, by striking lines 5 through 8.

Speaker Siegrist in the chair at 7:10 p.m.

A non-record roll call was requested.

The ayes were 23, nays 56.

Amendment H-8565 lost.

Jenkins of Black Hawk offered amendment H-8609 filed by him as follows:

H-8609

- 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."

Cormack of Webster offered the following amendment H-8615, to amendment H-8609, filed by him and moved its adoption:

H-8615

- 1 Amend the amendment, H-8609, to Senate File 2316,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 7, by striking the words
- 5 "immediately following" and inserting the following:
- 6 "prior to".

Amendment H-8615 lost.

On motion by Jenkins of Black Hawk amendment H-8609 was adopted.

Jenkins of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2316)

The ayes were, 67:

Arnold	Bell	Boal	Bogges
Bradley	Brauns	Bukta	Carroll
Chiodo	Cohoon	Connors	Dix
Dolecheck	Dotzler	Drake	Eddie
Elgin	Fallon	Finch	Foege
Frevert	Gipp	Greimann	Grundberg
Hahn	Hansen	Hatch	Hoffman
Horbach	Huseman	Huser	Jacobs
Jenkins	Jochum	Kreiman	Kuhn
Larkin	Larson	Lensing	Mascher
May	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk
Rants	Reeder	Reynolds	Scherrman
Seng	Sievers	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Warnstadt	Weidman	Wilderdyke
Wise	Witt	Mr. Speaker	
		Siegrist	

The nays were, 26:

Alons	Baudler	Boddicker	Broers
Brunkhorst	Cormack	De Boef	Eichhorn

Ford	Garman	Heaton	Johnson
Jones	Kettering	Klemme	Manternach
O'Brien	Raecker	Rayhons	Rekow
Roberts	Shey	Shultz	Smith
Van Engelenhoven	Van Fossen		

Absent or not voting, 7:

Atteberry	Hoversten	Mertz	Richardson
Schrader	Teig	Winckler	

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

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2617, Senate Files 2118 and 2316.**

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.

Wise of Lee offered amendment H-8658 filed by Wise, et al., as follows:

H-8658

- 1 Amend Senate File 2328, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 8, by striking the word "two" and
- 4 inserting the following: "three".

The House stood at ease at 8:24 p.m., until the fall of the gavel.

The House resumed session at 8:38 p.m., Speaker Siegrist in the chair.

Wise of Lee moved the adoption of amendment H-8658.

Roll call was requested by Wise of Lee and Myers of Johnson.

On the question "Shall amendment H-8658 be adopted?" (S.F. 2328)

The ayes were, 39:

Bell	Bukta	Chiodo	Cohoon
Connors	Dotzler	Fallon	Foege
Ford	Frevert	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reeder	Reynolds
Scherrman	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Wise	Witt	

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Sievers	Sukup	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Weidman
Wilderdyke	Mr. Speaker		
	Siegrist		

Absent or not voting, 7:

Atteberry	Hoversten	Mertz	Richardson
Schrader	Teig	Winckler	

Amendment H-8658 lost.

Grundberg of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2328)

The ayes were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Garman	Gipp	Grundberg	Hahn
Hansen	Heaton	Hoffman	Horbach
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Raecker
Rants	Rayhons	Rekow	Roberts
Shey	Shoultz	Sievers	Tymeson
Tyrrell	Van Engelenhoven	Weidman	Wildurdyke
Mr. Speaker			
Siegrist			

The nays were, 40:

Bell	Bukta	Chiodo	Cphoon
Connors	Dotzler	Fallon	Foege
Ford	Frevert	Greimann	Hatch
Huser	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reeder	Reynolds
Scherrman	Seng	Smith	Stevens
Sukup	Taylor, D.	Taylor, T.	Tremmel
Van Fossen	Warnstadt	Wise	Witt

Absent or not voting, 7:

Atteberry	Hoversten	Mertz	Richardson
Schrader	Teig	Winckler	

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Winckler of Scott on request of Bukta of Clinton.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 2002, amended and passed the following bill in which the concurrence of the House is 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.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2328** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Grundberg of Polk 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, further amended by the Senate and moved that the House concur in the following Senate amendment H-8697, to the House amendment:

H-8697

- 1 Amend the House amendment, S-5256, to Senate File
- 2 2258, 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. Page 1, by striking line 17 and inserting the
- 13 following: "726.2.
- 14 (d) Dissemination and exhibition of obscene
- 15 material to minors under section 728.2.
- 16 (e) Telephone dissemination of obscene material to
- 17 minors under section 728.15.""
- 18 5. By renumbering, relettering, or redesignating
- 19 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8697, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2258)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggett	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Metcalf	Millage	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Raecker	Rants	Rayhons
Reeder	Rekow	Reynolds	Roberts
Scherrman	Seng	Shey	Shoultz
Smith	Sievers	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdyke	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, none.

Absent or not voting, 7:

Atteberry	Hoversten	Mertz	Richardson
Schrader	Teig	Winckler	

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2258** be immediately messaged to the Senate.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2326)

Rants of Woodbury asked and received unanimous consent to withdraw the motion to reconsider **Senate File 2326**, a bill for an act making, reducing, and transferring appropriations, and providing for other properly related matters and including effective dates, filed by him on April 9, 2002, placing out of order amendment H-8638 filed by Ford of Polk on April 11, 2002.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **Senate File 2326** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8698:

H-8698

- 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

Page 2

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.

Page 3

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.

The motion prevailed and the House concurred in the Senate amendment H-8698.

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

On the question "Shall the bill pass?" (H.F. 2549)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Bogges	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
Cormack	De Boef	Dix	Dolecheck
Dotzler	Drake	Eddie	Eichhorn
Elgin	Fallon	Finch	Foege
Ford	Frevert	Garman	Gipp
Greimann	Grundberg	Hahn	Hansen
Hatch	Heaton	Hoffman	Horbach
Huseman	Huser	Jacobs	Jenkins
Jochum	Johnson	Jones	Kettering
Klemme	Kreiman	Kuhn	Larkin
Larson	Lensing	Manternach	Mascher
May	Metcalf	Millage	Murphy
Myers	Osterhaus	Petersen	Quirk

Raecker	Rants	Rayhons	Reeder
Rekow	Reynolds	Roberts	Scherrman
Schrader	Seng	Shey	Shoultz
Sievers	Smith	Stevens	Sukup
Taylor, D.	Taylor, T.	Tremmel	Tymeson
Tyrrell	Van Engelenhoven	Van Fossen	Warnstadt
Weidman	Wilderdike	Wise	Witt
Mr. Speaker			
Siegrist			

The nays were, 1:

O'Brien

Absent or not voting, 6:

Atteberry	Hoversten	Mertz	Richardson
Teig	Winckler		

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2549** be immediately messaged to the Senate.

PRESENTATION TO RETIRING MEMBERS AND LEADERS

Jacobs of Polk and Gipp of Winneshiek invited to the well of the House, for special recognition, members of the House who will be retiring or are candidates for the Iowa Senate. Plaques were presented to the following members:

Clyde E. Bradley, District 37	1995 – 2002
Roger A. Broers, District 19	2001 – 2002
Robert J. Brunkhorst, District 22	1993 – 2002
Mike G. Cormack, District 13	1995 – 2002
William A. Dotzler, Jr., District 26	1997 – 2002
Russell J. Eddie, District 10	1987 – 2002
Barbara A. Finch, District 62	2001 – 2002
Teresa A. Garman, District 63	1987 – 2002
Jack Hatch, District 68	1985 – 1992, 2001 – 2002
Gregory B. Hoversten, District 1	2001 – 2002
David J. Johnson, District 6	1999 – 2002

Steve Kettering, District 11	1999 – 2002
Keith A. Kreiman, District 92	1993 – 2002
Charles W. Larson, Jr., District 55	1993 – 2002
Dennis J. May, District 20	1987 – 1990, 1993 – 2002
Janet S. Metcalf, District 75	1985 – 2002
David A. Millage, District 41	1991 – 2002
Michael J. O'Brien, District 79	1993 – 2002
Rebecca Reynolds, District 94	1997 – 2002
Steve Richardson, District 89	1997 – 2002
Paul J. Scherrman, District 33	1997 – 2002
David Schrader, District 90	1987 – 2002
Joe M. Seng, District 43	2001 – 2002
Patrick Shey, District 52	1999 – 2002
Bryan J. Sievers, District 40	2001 – 2002
Steven E. Sukup, District 18	1995 – 2002
Russell W. Teig, District 17	1995 – 2002
Mark Tremmel, District 93	2001 – 2002
Phillip E. Tyrrell, District 59	1979–1982, 1987–2002
Steven H. Warnstadt, District 2	1995 – 2002
Richard B. Weidman, District 86	1991 – 2002
William G. Witt, District 23	1993 – 2002

The House rose and expressed its appreciation.

House Speaker Brent Siegrist, Majority Leader Christopher C. Rants and Minority Leader Richard E. Myers were invited to the Speaker's station for a special presentation.

Jacobs of Polk, on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Seventy-ninth General Assembly.

Speaker pro tempore Sukup in the chair at 9:50 p.m.

REMARKS BY MINORITY LEADER MYERS

Minority Leader Myers offered the following remarks:

Thank you, Mr. Speaker.

Mr. Speaker, ladies and gentlemen of the House.

I want to start by thanking my caucus for the privilege of serving as your leader.

I want to thank my assistant leaders who have worked so hard to help me do this job.

I want to thank all the people who make this place run – the clerks, the Chief Clerk and her staff, the doorkeepers, and our nonpartisan agencies.

I want to thank my staff – Carolyn and Mark – and our caucus staff – Paulee, Dave, Dean, Jenifer, Mary, Joe, Ed, Anna and Tom.

I think many people on both sides of the aisle put a lot of work into this session. The budget problems we faced this year were formidable. But I have to say that, despite what may have been good intentions, I am disappointed at how this session turned out.

I am disappointed that we did not work together the way that I know we can.

We wasted too much time on things that, either because of our actions or the Governor's, would not become law. Our budget subcommittees really were not given a chance to do their work. They were forced to start their work too late, and when they had completed their work it was sometimes ignored.

We had an opportunity this year, provided to us by a tight budget, to modernize and streamline state government, but we did not. Instead of making fundamental decisions about priorities, we just nickel and dimed state departments. I did not think our budget contained a vision for Iowa or addressed our fundamental problems.

When we began the session Democrats said we wanted to protect Iowans' economic security now and provide growth for Iowa's future.

We worked with Republicans to pass a good series of venture capital and investor-friendly initiatives. That was a highlight of this session.

But we also came here to continue progress in keeping our public schools the best in the nation, and to improve health care for seniors and children. Instead, at best we maintained the commitments we made last year.

We have a fundamental underlying problem in this state – we are losing too many of our best and brightest children. No child should have to leave his or her hometown and family to find a good job. Our goal must be to provide better opportunities for our kids after they graduate.

We have differences about how to do that, but we need to put aside partisanship and work through those differences for the common good.

We are leaving here with our work undone. We will certainly be back here again and probably sooner than later. When we come back, we stand ready to work with you and Governor Vilsack on a budget that we all support.

I have enjoyed working with Speaker Siegrist and Majority Leader Rants these past two years. I want to thank you for the courtesy and assistance you have shown me.

REMARKS BY MAJORITY LEADER RANTS

Majority Leader Rants offered the following remarks:

Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, It's day 89. For those along press row, this has been the shortest regular session of the General Assembly since 1972. It certainly doesn't feel like the shortest session in twenty years, in fact it feels like the longest.

In preparation for this moment, I took some time last night to look at the two other "closing remarks" I've given from this spot. Their beginnings are remarkably the same.

Last year I remarked that "the fiscal predicament this General Assembly has faced is unprecedented. The state of Iowa has not seen a revenue shortfall of this magnitude in the last thirty years." Well, it's no longer unprecedented. We've had to deal with two very difficult years. States across the nation have been strapped by an economic recession that depleted their resources. While many of them responded by raising taxes Iowa resisted that idea. We responded by using our emergency funds to protect our local schools from further across the board reductions. We have asked other areas of state government to sacrifice funding so that it could be spent on our children. We leave here today with a smaller state government – but one that reflects our priorities; educating our young people, growing our economy, and protecting our environment.

Mr. Speaker I have no doubt that after the gavel falls today Governor Vilsack will issue a press release accusing Republicans of not spending as much money as he wants. Ladies and gentlemen, "guilty as charged." Three times now Governor Vilsack has claimed that the Legislature wasn't spending enough money only to reverse himself a few months later and either ask us to send him a deappropriations bill, or make sweeping across the board cuts himself. How many times do Tom Vilsack and Sally Peterson have to be proven wrong before Iowans say "enough is enough?"

Colleagues, for the last three weeks the Governor has asked publicly and privately, that we fund the teacher quality program, Hawk-I, and provide more money to fund the largest salary and benefit package ever provided for state employees. At our meeting with the Governor on Monday I told him "I get it. I've heard it a dozen times already. Those are your top three priorities. Now tell me what is number four and number five." The Governor replied state universities and community colleges. Governor Vilsack, all five priority areas were addressed in House File 2623. We have stretched the taxpayers dollar as far as it will go, farther in some areas, and there is no more.

When all the dust settles, and the political press releases finally fall to the bottom of the waste can; local school districts will receive a net increase of 41 million dollars, at a time when other states are retreating on the education front. Just as important, we made policy changes that some would call a tool box for innovative schools – such as the creation of public charter schools.

Mr. Speaker with all my heart I wish Representative Russ Teig was with us in the chamber today. When this legislative session is remembered, one of the items for which it will be known is Representative Teig's work on our venture capital initiative. If we as Iowans are going to see our state thrive and grow we must all be willing to

take more risks, more initiative. This General Assembly led the way this year with an ambitious five part plan to encourage more entrepreneurship and more capital investment in our economy. It is no quick fix to our current problems, but it is no band-aid either. The Governor has already signed a portion of this package – I would encourage him to approve the rest.

The other signature piece of this session is the livestock confinement legislation we just completed. Again I wish Representative Teig was in the chamber as he, more than any other legislator, spent the first portion of this session working to ensure that this issue was addressed. Even though I believe Russ started the ball rolling, Representative Klemme, Ralph, my friend, you picked up the ball and you ran with it. I can't thank you enough for the work that you have done this year. You, and David and Gene, put untold hours into this work. Ralph, part of me feels like apologizing for putting you through the most difficult year of your legislative tenure – but it's something you should be proud of. Those grand kids of yours will grow up in the better, cleaner state, because of your efforts.

I want to take a moment to thank my Republican colleagues. I want to thank you for giving me the opportunity to serve as your Majority Leader for the last two years. I can't imagine a better group of people to work with. We have such a diverse caucus, one in which members have such diverse backgrounds and expertise on such a host of issues. I've been blessed to get to know each one of you. I have often tried to explain to others, often times without success, particularly to the press that our caucus members are always willing to do the right thing over the politically expedient thing. That commitment to core values and a sense of doing what is right never ceases to amaze me. You have worked tirelessly for the last few weeks, go home to your families, recuperate and rejuvenate. Your work here is done, and done well.

To Chuck, Libby, Danny, Steve and Bill. You are a great team. I can't thank you enough for the guidance you've provided me, and the moral, and sometimes physical support along the way.

Representative Myers. It has been a pleasure to get to know you over the last two years. I hope that we have set a new standard for communication between the parties. You have always been fair, honest and frank with me. You've helped me move the process along, when you could, and I thank you for that. We've had many opportunities the last two years for joint appearance before the public, and on TV. My only regret is that I was unable to get you to curse out loud.

Mr. Speaker, the House staff has done an excellent job this year. They always do, so it shouldn't be a surprise. The people's House works because of the people in it. But we too often overlook the obstacles that we put in their path. Me in particular. I'll switch the order of bills coming up for debate without informing the ladies in the well, and I can never seem to stump them. To the folks in the chief clerks office, to the central staff agencies to the door keepers and the pages, I want to thank you for your service to the people of Iowa and to us.

I want to thank our Republican caucus staff for the work you've done. I think we've got the best staff in the building. All through session I lived with the constant fear that I was going to lose another of you to the Bush administration or to other greener pastures. You always ready with an answer when we need one, you help my office

and me keep track of what's going on and where. Jeff, Kellie, Lew, Jason, Lon, Pat, Stephanie, Brad, Bruce, and Mary, thank you for your service.

To my own staff. Allison, thank you so much for not bailing out on me back in January. Best decision I made all year. I hope that you will be the first person I've hired that actually comes back and works for me two sessions in a row. To Jackie, my intern thanks for your volunteer time. I appreciate you keeping our web site up to date so Representative Warnstadt would have something to read in his spare time. And to Dan, my page, I hope you learned more about what the world needs from reading about John Gault in my office, and in listening to the debate on the floor.

To the Republican retirees: what can I say? I spent most of my time trying to talk you out of leaving the House...I wish all of you the very best in your new endeavors. You've certainly earned a rest and a change of pace. There are many stories that could be told, but I'd like to tell only one. One that had such an influence on me and my legislative career.

In the second week of session in 1993. We Republicans had just taken control of the House in the wake of the Iowa trust scandal, and we were establishing a new ethics code. Representative Rod Halvorson, not to be confused with Roger, was offering what our caucus had dubbed "thou shalt be an angel" amendments trying to one-up the Republicans. For two days we'd been debating this bill and every amendment was going down 49-51, 49-51. Well, I was sitting over there where Representative Seng sits with Steve Churchill. We were two freshly scrubbed freshmen, just fresh from the election full of righteousness and independence. After about an hour of debate on one of Rod Halvorson's amendments we were pretty much convinced that Rod was right. So up went the votes on the board. And then suddenly instead of going down 49-51, it's passing 51-49. Suddenly this figure rose up across the chamber from us, and as if by magic flew, I mean flew over rows of desk to land in front of us. And seeing her coming the two of us just kind of shrunk down into the shadows behind our desks as Representative Teresa Garman, then one of the assistant leaders for our caucus, commenced to inform these freshmen in no uncertain terms that this was a caucus position, and we under no circumstances were going to vote against our leadership, that we were supposed to always follow the way leadership voted, and who did we think we were? Well by the time Teresa got done dressing us down, and making us flip our votes on the board, we were afraid that it wasn't safe to go back to the Speaker's Conference room for the next caucus. Well Teresa I learned my lesson that night and it was a valuable one. I will forever associate you with "caucus positions" and "blindly following leadership."

Lastly, Mr. Speaker I don't know where to begin. I say that because I'm afraid that once I start I don't know how I'll end. But I'll give it a try. Hopefully I'll be able to keep up my normal stoney exterior. We'll see.

For the last three years there has rarely been a day that goes by that we don't touch base with each other on an issue of politics or policy. I can't tell you how much I'll miss that. I won't miss waiting fifteen minutes for you to show up for every meeting we're supposed to have somewhere or another. I will miss the calming influence you bring to all of our struggle and endeavors. I won't miss your decisiveness. I will miss your advice and counsel. I won't miss the mess you leave in my car everytime we travel across the state, but I will miss having you ride shotgun. Brent, I've learned so much from you in this job, you are a great role model and a mentor, and an even better

friend. I wish only the best for you and Val, Evan and Harriet. Your going to have your hands full the next two months, and I want to share with you a song lyric from the Doors. "Keep your eyes on the road, and your hands upon the wheel." You do that, and it'll all turn out fine.

Ladies and Gentlemen, as you look around this room, it's obvious that this place takes its toll. It takes its toll on our health, both mental and physical. It takes a toll on our marriages and families. It takes a toll on our business and professional lives. It's time to repair that wear and tear. It's time to return home. Thank you all, it's been an honor to serve with each and every one of you.

REMARKS BY SPEAKER SIEGRIST

Speaker Siegrist offered the following remarks:

Ladies and Gentlemen of the House: I chose to speak from here (the Majority Leader's desk) instead of the Speaker's chair, which I obviously could have done. First off, I'm not sure if I'll get through this. When you have "Darth" Millage breaking down and stoic Carroll, I'm a little worried about myself. But I chose to speak from here, even though I've been deeply honored being Speaker of this House, because this is where I've gotten my fondest memories of the Iowa House – the years as Majority Leader and also the years as just a regular member of the House, running around, finding the good candy, of course, and being on the floor. I've been deeply honored to be Speaker, but this is where I always felt best. The Speaker's Well sits up there pretty high, yet almost every day, Representative Drake would lumber down and stand in front of me. I'd be sitting in my elevated chair, and I still had to look up to him. But, I did want to come down here to the floor for my closing speech.

For the last ten years, I've been honored to give a final day speech as the Majority Leader or Speaker and generally, you talk about the Session and the year and what's gone on. I'm only going to do that for about one minute and then I would just like to say a few other things. You would think that after eighteen years of building up to this, I would know what to say, but I'm not sure. I've just jotted down some notes.

I always quote things, so it's Charles Dickens, *A Tale of Two Cities*: "It was the best of times and it was the worst of times." That would sum up this year. It was the best of times – we did good things: venture capital, the livestock bill, we did invest in education. And it was the worst of times because we didn't do all that we wanted to do. We couldn't do the things that we wanted to do, so it was both the best and worst of times. For you pseudo-intellectuals out there, I hope you enjoyed that quote. I'd prefer to refer to the Eagles' *Hotel California* the way I felt about this session, "You can check in any time you want, but you can never leave." That is what the session has felt like more often than not.

We have done our work here. I hope the Governor signs the bill. I think we've done some good work. We can always do better, but I think this Assembly has done, as it always has, a lot of good work.

Over the last few days, we've had a lot of speeches. I'm sure a lot of you do this – as you sit here, when people get up and talk about the memories, you tear up because everything's from the heart. It's been fun to remember some things. Dave Schrader

mentioned the night the lights went out. I had forgotten about that. The reminiscing is really, really important but when you try to do it yourself, and I'm sure the retirees can relate to this, it is just so hard to think about it. Had I known I was going to go on this ride of my life, which it truly has been for eighteen years, I would've taken some notes as Bill Witt did. It would've been better because you just can't pull them down out of the air.

And so, I'm not going to do that because I want to talk about some people. I was going through some papers, some clippings, in the garage at our home the other day, and I had forgotten that in 1987, I froze Regents tuitions in the State of Iowa. I had forgotten I had offered an amendment and you Democrats voted for it – and we froze tuition at the Regents for seven days until Speaker Avenson took you back there and convinced you that was a bad thing to do. So, I had forgotten those things. And there are just so many stories like that, but my favorite story, the one that I'll tell you that is very brief, is when I used to sit there where Taylor the Elder is sitting, when I was on Education Appropriations. I was gone one day and Mary Rhoads was my clerk those first eight years, a wonderful person. I came back and she said Sue Lerdal is looking for you. I said, "OK, what did she want?" And Mary said, "I don't know. She just walked up and said 'where's the little guy?'" So, I thank Sue for that.

There are thousands of memories here. We are a family. That's kind of a trite thing to say, but we have shared many things over the years. Good and bad. Magic and tragic. We're a family. When I think back on the people that I've served with that we've lost, and I don't have all the names, but you're saddened when you think of people like Jack Beaman, Horace Daggett, Clay Spear, Phil Brammer, Tom Miller, Louis Muhlbauer, and more, that you've had the privilege to serve with and who are no longer with us. It's a sad thing. We do grieve together when we have to as a family. Becky Dolecheck, Pat Murphy's sister, Chuck Gipp's mom and Russ Teig. You know, we talk about being a family, but the neat thing is, we don't just say it. We really believe that. When we need it, when people in this Chamber need it, we're all here for each other. And it's very, very important. So, we are a family. We share the bad times and we share the good times. And there's a lot of happiness here, too – the birth of my two children Evan and Harriet, with my wife. I look around the room – Bill Dix, Frank Chiodo, Bob Brunkhorst, Chris Rants, numerous children that have been born while we're here. And numerous grandchildren – I'm looking at the Klemmes. I always enjoy the big children, so you get a lot of candy. I know Representative Petersen has her son here tonight.

We've been happy and astounded that Brad Hansen and Chuck Larson found women that would marry them, which really does prove that often-stated mantra that you hear: looks don't really matter. We were overjoyed that Dave Millage found a beautiful and charming woman to marry him, which, for a good Catholic like me, proves that there are Iowans that are eligible for canonization and sainthood. As some of you know, I met and married my wife, Valerie, while I was here. She worked for the Democratic Party. I met Val here, we had children here, and as you reflect back, I spent 18 years here. From age 32 to 49, I spent my middle age here and it's been a great ride. I want to thank Val for being here tonight. I want to thank her for the sacrifices she's made. She has made a lot of sacrifices and I wouldn't say this if I didn't believe it: I wouldn't be as successful as I have been if she wouldn't have been by my side. And my success mostly has come since we've been married. So, I do want to thank her and my family for the sacrifices they've made. And I want to thank you for the sacrifices that you make. We don't get enough credit for that, and you know that.

We all make sacrifices to serve here because we really want to serve the public and that's very, very special. An amazing, dedicated group of people that we're all privileged to serve with each other. Even the Senate fits into that category.

The family that we have here is very big, as you know. Like everyone has said, I know I'm going to forget to name people, but the Central Staff Agency, the Doormen, the Pages, the people in all the offices that we depend on, Margaret and Gayle and Kathy down in the Well. We have a great, great amount of people here that we are very blessed to have with us. The caucus staffs that both leaders have mentioned that make us good: Allison and Jeff and Lon and Mary and Stefani and Lou and Kellie and Pat and Brad and Jason and Bruce, and on the Democratic side, Mark and Carolyn and Paulee and Tom and Ed and Joe and Mary and Jenifer and Anna and Dean and Dave. This place wouldn't run without you. And we don't say that enough. Without you, this place wouldn't be as good as it is and we do appreciate it.

You look around the Chamber and I could say something about everybody, but you can't do that. Representative Boddicker, I want the continuing e-mails about your son's wrestling career. Even though I'm not going to be here, I want to know how he's doing. You're such a remarkable group of people that come here to do the right thing. We have our partisan battles, but you're here to do the right thing and that's what is so very impressive about you. After all these years, last year I finally did have a revelation about why it's like herding cats around here. It took me seventeen years. As you know, last year was pretty tough. We went into caucus toward the end, and we were in there about two hours. After my caucus performed open heart surgery without any anesthesia, I went back to my office. I was saying, why don't they understand this? Why don't they see it the same way? And it might've been Chuck Gipp that said, "Well, you've got to understand. They're all leaders back home." And I'd never thought of it that way, but we're all individual leaders back home. We have leaders here that you elect and we're flattered by that, but you're all leaders back home. I guess sometimes we lose track of that. That's why it's challenging to build a consensus here because you all represent different people and you're all leaders in your own communities. That was a good revelation for me to have after seventeen years, how important you all are back home because I think we lose sight of that.

But the bottom line here is friendship and special friendships. We're all friends, and obviously, some of us are more special. You get to know people even better. Yesterday, somebody from my first class called me. I was in my office and Mike Peterson called me, the former Democratic State Party Chairman. Mike called me to wish me well. It was very nice of him. He works for a big company now so I asked him to get me a PAC contribution, which I think he's going to do. I talked to Ron Corbett tonight. You forge these very special friendships and don't ever lose that. I look at John Connors and remember the talks that we've had and what he means to the institution. Representative Cohoon kind of made me mad this year. He didn't bring any chips; he brought us health food. Janet Metcalf and I came in together. We have the bond of the Class of '84. Mike Cormack, who some days I wanted to throw out the window but nonetheless, he was always here to fight for his principles. Brad Hansen, a former student of mine, despite that, has been successful. I would feel good if my influence on Brad had one iota to do with his success here. And the leadership team that I have on my side, and the Democratic leadership team that is just as important – Steve Sukup, Chuck Gipp, Russ Teig, who we all miss, Danny Carroll, Libby Jacobs, Bill Dix. People that gave me counsel. People that tried to make me be a better person

and tried to make sure what direction we should go. Those are people that will be with us forever.

I've been incredibly blessed. I've spent 18 years in the legislature, 14 years in leadership, which means that my members had some faith in me that I could, hopefully, do the right thing. And it's been an amazing run. Fourteen years in leadership, ten years as one of the leaders of the House. When you get to be a leader, you get to deal with the other leaders on the other side of the aisle. That's what's very special.

I have three staff members and they all thought I should quote a rock song from their favorite artist. Dan likes Billy Joel and there's his song, "Running on Ice," that is for Dick Myers, Dave Schrader, and Christopher. It says, "As fast as I can climb, a new disaster every time I turn around. As soon as I get one fire put out, there's another building burning down." And that's what leadership is about. There are a lot of fires here and we do our very, very best. Dave Schrader, I'm glad you came back tonight. I know you had to race. I thought you'd do a little better than eighth, but I'm sure you'll do better another night. I wish you nothing but the best. You were a good adversary. You were a good friend, and a very fair person on the floor. The years that you served your Democratic caucus, you did an excellent job. I'm glad you're back here tonight. Dick Myers, these last two years have been very fun. You are just a genuinely decent human being who does what he thinks is best. I've enjoyed our relationship of trying to do what's best for Iowa and I wish you all the best. Christopher Rants. Obviously, you develop a very close friendship and a very close working relationship with the people like Christopher, and Ron Corbett before him. I've enjoyed playing the bad cop to Chris' good cop these last couple of years. I've tried to teach him to be a little less laid back. We all know that Christopher has a bit of an edgy personality, but he's done a wonderful job. He's done a better job of running this place than I did. Everybody has different strengths, but Christopher, we all learn from each other. I learned some things from him as it relates to his personality and how my personality can get better in terms of running this place. I will value that friendship forever.

The lobbyists up in the gallery and the reporters in press row – we're all friends. I understand that the press will do what they have to do in their jobs. I feel like if I ran into the lobbyists and the press again after we're out of here, that we can be friends, we can talk, we can enjoy each other's company. They're very special people. We have some of the best lobbyists that provide information to us. We have some of the best press that take very good care of us. They do their job but do it in a fair way. I thank you for that.

As I've said, I have three people in my office. I inherited Dan Fogleman from Ron Corbett. I spend most of my time trying to have Dan not get me thrown in jail for some of the statements he writes and trying to calm him down, but he's done a great job. He's done his work to make me look good as a leader and I appreciate that deeply. Becky came into the office with us. Becky is a consummate professional, and you know that. I always knew that people that went in my office were treated right. Becky's job is to try and make me only fifteen minutes late to the meetings with Rants. She has had a tough job, but I thank her very much. Susan has been with me from the beginning of my leadership career. I'm not going to say too much because I know she won't want me to, but she's been with me from the beginning. I've endured her temper tantrums and she has endured me being the way I am, totally unorganized. Susan's favorite artist is Bruce Springsteen. This is something that would apply to all three

people in my office from the song, *Lucky Man*. "I went to see the gypsy the other night. She looked in my palm, looked me in the eye and said, you're a lucky man." I'm a lucky man for a lot of reasons, but particularly for the people that have helped me in my office.

It's about time to go home. I see Clel was just either itching his foot or reaching for his boot. I do need to wrap up and I apologize for taking a little time. This is an awesome place and we forget that too often. When we bring people into this Chamber, they go "Wow". We come in here every day and we don't even look at it. This is an incredible place. You have been honored by your constituents to serve here. A lot of times, and Dick and Dave can relate to this as well as Christopher, we're here late at night in the middle of the summer. We might walk out of here at 11:00 o'clock at night and nobody's here. I'll find myself stopping on the stairwell and looking at this building. Don't take it for granted. I'm leaving now, so now I see these things. Take some time to think about what you're doing here. Do it every day, every week. Think about why we're here. Think about what this building's about. You have to have some awe every time you walk into this building, if you want to serve it right. If you want to serve your people right, you have to have some type of feeling that this is a special place. You're not special, although you are, but you're special because they elected you to come here. So, please do that.

People have talked to me this week about what my legacy is. I don't know. All I know is that the only permanent legacy I have is my picture is going to go up on the wall. And, as I said the other night, that's way cool. But, it's going to be right above the water fountain. I'm going to be coming back checking for watermarks. I do feel very, very good about having my picture on the wall. It's been a privilege to be here.

You know, I'm running for Congress, and by the way, I'm the best guy running. But I mean this sincerely – if I get elected, I hope to do a good job for all of Iowa, not just the Fifth District. If I don't, it's a win, too, because I'll be home with my family. Representative Scherrman said in the first speech that was given this year, that he was going home to be with his family. I always thought that's what I would say when I left. I can't say that because maybe I won't be going home to see my family. But if I happen to lose the primary, and I'm not planning on it, it'll still be a win because I'll go home and be with my family. I figure I win either way on June 4th. I'll hope for the best, but I'll be fine either way it goes.

If I do get elected to Congress, being called Congressman is pretty impressive, but from the pit of my heart, it will never match being called Mr. Speaker. That is something that will be with me for forever. Being a Congressman will be fun, but being Mr. Speaker of the House is something that will always be with me. I thank you for that. I've got a lot of people who gave me quotes that I should say. Becky's favorite group is the Doobie Brothers, which I like a lot. Their song, *One by One*, goes, "So, one by one, we're given these moments to live. Just as one by one they're taken away. So one by one, I'm taking each day in my stride. And one by one, the memories stay." There are a lot of memories out of this place in eighteen years. Somebody over in press row said, "You've got to quote Buffet." They said a good one would be *Changes in Latitude, Changes in Attitude*. The song goes, "Oh yesterdays are over my shoulder so I can't look back for too long. There's just too much to see waiting in front of me and I know that I just can't go wrong." That's pretty good, but it's not the one I was going to use. About a year ago, driving down the road, doing 65, Clel (of course, it was a 45 zone), I was listening to Buffet as I tend to do. I found the one that I'm going to leave

with tonight. Buffet has a song called "He Went to Paris." It's a pretty good song. It's the story of a guy's life and his trials and tribulations. He's eighty-eight years old when he dies. I have to take some editorial privilege with it because I have to change it a little bit to make it fit the situation. Obviously, I'm not 88, but the lines go, "After '18' years of perpetual motion, if he likes you he'll smile then he'll say, Some of it was magic, Some of it was tragic, but I had a good time all the way."

I had a good time all the way. It's been a privilege and an honor to serve with you. God bless. Thank you, Mr. Speaker.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 124

Rants of Woodbury asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 124**, a concurrent resolution to provide for adjournment sine die, and moved its adoption.

1 HOUSE CONCURRENT RESOLUTION 124
2 By Siegrist and Myers
3 A Concurrent Resolution to provide for
4 adjournment sine die.
5 *Be It Resolved By The House Of Representatives, The*
6 *Senate Concurring*, That when adjournment is had on
7 Friday, April 12, 2002, it shall be the final
8 adjournment of the 2002 Session of the Seventy-ninth
9 General Assembly.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House Concurrent Resolution 124** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 2002, passed the following bill in which the concurrence of the Senate was 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.

MICHAEL E. MARSHALL, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 11, 2002. Had I been present, I would have voted "aye" on House Files 2191, 2192, 2339, 2515, 2622, Senate File 2259 and "nay" on House File 2613.

O'BRIEN of Boone

I inadvertently voted "nay" on Senate File 2316. I meant to vote "aye."

VAN FOSSEN of Scott

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of April, 2002: House Files 2378, 2416 and 2554.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 12, 2002, he approved and transmitted to the Secretary of State the following bills:

House File 2193, an act relating to modal transportation including changes in transit coordination requirements and changes in the aircraft registration process.

House File 2365, an act relating to county recorders, including certain documents indexed and recorded with the county recorder and a method for issuing certificates of title for snowmobiles and all-terrain vehicles, and registration certificates for certain watercraft, for which ownership has not been conclusively established.

House File 2404, an act relating to the amount of additional weighting provided for limited English proficient students.

House File 2571, 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.

House File 2582, 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.

Senate File 415, an act relating to the jurisdiction of district associate judges.

Senate File 2279, 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.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifteen FFA students from Boyden-Hull, Central Lyon-Rock Rapids and George-Little Rock Schools, accompanied by FFA advisors Dwayne Postma and Jason Van Holland. By Alons of Sioux and Johnson of Osceola.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|--|
| 2002\1054 | Paul VanBeek, Baxter – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2002\1055 | Joshua Meckley, Baxter – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

- 2002\1056 Nathan Squire, Baxter – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\1057 Herb Mertz, Walnut – For celebrating his 90th birthday.

RESOLUTION FILED

HR 141, by Klemme, Siegrist, Kuhn, and Myers, a resolution urging the Department of Natural Resources and the Department of Agriculture and Land Stewardship to establish a Joint Science Advisory Committee in order to assist the departments in providing for effective responses to emerging issues affecting the environment, agriculture, and public health.

Laid over under **Rule 25**.

CORRECTION TO THE JOURNAL – SUBCOMMITTEE ASSIGNMENTS

Senate File 2320 (Committee of the Whole)

Ways and Means: Van Fossen, Chair; Boal, Eichhorn, Fallon, Finch, Frevert, Hansen, Hoffman, Hoversten, Huser, Jochum, Jones, Kuhn, Larkin, Larson, Osterhaus, Richardson, Shey, Sievers, Shoultz, Sukup, Taylor D., Teig, Tymeson and Winckler.

Senate File 2321 (Committee of the Whole)

Ways and Means: Van Fossen, Chair; Boal, Eichhorn, Fallon, Finch, Frevert, Hansen, Hoffman, Hoversten, Huser, Jochum, Jones, Kuhn, Larkin, Larson, Osterhaus, Richardson, Shey, Sievers, Shoultz, Sukup, Taylor D., Teig, Tymeson and Winckler.

The House stood at ease at 10:51 p.m., until the fall of the gavel.

The House resumed session at 11:33 a.m., Metcalf of Polk in the chair.

VETOED BILLS RETURNED TO THE SECRETARY OF STATE

The following bills were vetoed by Governor Vilsack during the legislative session and were returned to the Secretary of State: House Files 43, 103, 341, 561, 608, 670, 694, 714, 2245 and 2264.

MARGARET A. THOMSON
Chief Clerk of the House

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 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 Senate has on April 12, 2002, failed to pass the following bill in which the concurrence of the Senate was asked:

House File 2559, a bill for an act relating to child protection confidentiality requirements involving the department of human services.

Also: That the Senate has on April 11, 2002, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 12, 2002, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on April 12, 2002, passed the following bill in which the concurrence of the House is asked:

Senate File 2308, a bill for an act relating to the utility replacement tax, and providing for the Act's retroactive applicability.

Also: That the Senate has on April 12, 2002, concurred in the House amendment and passed the following bill in which the concurrence of the Senate 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.

Also: That the Senate has on April 12, 2002, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

FINAL DISPOSITION OF MOTION TO RECONSIDER

Pursuant to House Rule 73.7, the following motion to reconsider which remained on the House Calendar upon adjournment of the 2002 Regular Session of the Seven-ninth General Assembly will be considered to have failed:

By Dix of Butler to House File 2217, a bill for an act relating to the payment of overtime to state employees and the applicability of the federal Fair Labor Standards Act and proving an effective date, filed on March 6, 2002. (Bill failed to pass the House on March 6, 2002.)

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

House File 2532

1. Page 1, line 3 – Delete period.
2. Page 33, line 32 – Correct the spelling of follows.
3. Page 35, line 26 – Delete paragraph indentation and move sentence up to line above.

House File 2623

1. Page 53, line 1 – Add an s to position.

MARGARET A. THOMSON
Chief Clerk of the House

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 12, 2002. Had I been present, I would have voted "aye" on Senate File 2118 and "nay" on Senate File 2293.

MERTZ of Kossuth

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- 2002\1058 Pauline Sorensen, Sioux City – For celebrating her 90th birthday.
- 2002\1059 Doris and Richard Nation, Norwalk – For celebrating their 50th wedding anniversary.
- 2002\1060 Dorothy Kading, Indianola – For celebrating her 80th birthday.
- 2002\1061 George Burns, Indianola – For celebrating his 90th birthday.
- 2002\1062 North Polk High School Jazz Band, Alleman – For winning 1st place in the Class 2-A division of the State Jazz Tournament.
- 2002\1063 Gladys and Frank Strovers, Grinnell – For celebrating their 62nd wedding anniversary.
- 2002\1064 Edna Mae Purvis, Deep River – For celebrating her 80th birthday.
- 2002\1065 Betty Innis, Grinnell – For celebrating her 80th birthday.
- 2002\1066 Lois Meacham, Grinnell – For celebrating her 80th birthday.
- 2002\1067 Ruth and Richard Hasselbrink, Grinnell – For celebrating their 50th wedding anniversary.
- 2002\1068 Gladys Baltisberger, Malcolm – For celebrating her 85th birthday.
- 2002\1069 Barbara Howell, Grinnell – For celebrating her 90th birthday.
- 2002\1070 Ruby and Albert Fudge, Whiting – For celebrating their 70th wedding anniversary.
- 2002\1071 Ruby Fudge, Whiting – For celebrating her 90th birthday.
- 2002\1072 Wardene Overhue, Charter Oak – For celebrating her 80th birthday.
- 2002\1073 Erna Kastner, Kiron – For celebrating her 90th birthday.
- 2002\1074 Jackie Ruch, Vail – For celebrating her 90th birthday.
- 2002\1075 Lila and Norman Petersen, Manilla – For celebrating their 56th wedding anniversary.

- 2002\1076 Bertha and Harold Nelson, Sloan – For celebrating their 50th wedding anniversary.
- 2002\1077 Alma Frank, Wall Lake – For celebrating her 80th birthday.
- 2002\1078 Sybil Simpson, Lake View – For celebrating her 80th birthday.
- 2002\1079 Bonnie and Richard Martin, Sac City – For celebrating their 50th wedding anniversary.
- 2002\1080 Al Blatz, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\1081 Rose Ann and Everette Standage, Shenandoah – For celebrating their 60th wedding anniversary.
- 2002\1082 Julia Wheeler, Corning – For celebrating her 100th birthday.
- 2002\1083 Bernice and Milford Collingwood, Williamsburg – For celebrating their 50th wedding anniversary.
- 2002\1084 Arthur W. De Boef, New Sharon – For celebrating his 87th birthday.
- 2002\1085 Lola and Keith Nelson, Ollie – For celebrating their 50th wedding anniversary.
- 2002\1086 Bessie Ruggles, Keswick – For celebrating her 88th birthday.
- 2002\1087 Martha and William DeBoef, Pella – For celebrating their 60th wedding anniversary.
- 2002\1088 Lois and Ralph Hoksbergen, Oskaloosa – For celebrating their 50th wedding anniversary.
- 2002\1089 Alvina Eischeid, Bayard – For celebrating her 85th birthday.
- 2002\1090 Lucille Myers, Bagley – For celebrating her 90th birthday.
- 2002\1091 Louis Baumgartner, Strawberry Point – For celebrating his 90th birthday.
- 2002\1092 Ray Koth, Garnavillo – For celebrating his 85th birthday.
- 2002\1093 Ilo Glawe, Strawberry Point – For being named Woman of the Year for 2002, by the Clayton County Farm Bureau.
- 2002\1094 Therese and Bill Diamond, Sioux City – For celebrating their 50th wedding anniversary.
- 2002\1095 Doris and Robert Mohan, Sioux City – For celebrating their 50th wedding anniversary.

- 2002\1096 Laramie Eichelberger, Avoca – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\1097 David Gress, Avoca – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\1098 Aaron Jensen, Shelby – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2002\1099 George Aden, Manson – For celebrating his 93rd birthday.
- 2002\1100 Dustin Thompson, Pomeroy – For being named to the Second Team in the Class 1-A Division of the Boys' State Basketball Tournament.
- 2002\1101 Sarah Carlson, Stratford – For being named a State of Iowa Scholar.

COMMITTEE TO NOTIFY THE GOVERNOR

Rants of Woodbury moved that a committee of two be appointed to notify the Governor that that House was ready to adjourn in accordance with House Concurrent Resolution 124, duly adopted.

The motion prevailed and the Speaker appointed as such committee Finch of Story and Myers of Johnson.

COMMITTEE TO NOTIFY THE SENATE

Rants of Woodbury moved that a committee of two be appointed to notify the Senate that the House was ready to adjourn in accordance with House Concurrent Resolution 124, duly adopted.

The motion prevailed and the Speaker appointed as such committee Tymeson of Madison and Petersen of Polk.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported it had performed its duty.

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 124, duly adopted, the day of April 12, 2002 having arrived, the Speaker of the House of Representative declared the 2002 Regular Session of the Seventy-ninth General Assembly adjourned sine die.

AMENDMENTS FILED

Amendments filed during the Seventy-ninth General Assembly, 2002 Session, not otherwise printed in the House Journal:

H-8003

- 1 Amend House File 2081 as follows:
 2 1. Page 1, by striking lines 11 and 12 and
 3 inserting the following: "to tax years beginning on
 4 or after January 1, 2003."
 5 2. Title page, line 4, by striking the words "a
 6 retroactive" and inserting the following: "an".

RICHARDSON of Warren

H-8007

- 1 Amend House File 2081 as follows:
 2 1. Page 1, by striking lines 1 through 9 and
 3 inserting the following:
 4 "Section 1. Section 422.5, subsection 1, paragraph
 5 j, subparagraph (2), unnumbered paragraph 1, Code
 6 2001, is amended to read as follows:
 7 The tax imposed upon the taxable income of a
 8 resident shareholder in an S corporation which has in
 9 effect for the tax year an election under subchapter S
 10 of the Internal Revenue Code or of a resident member
 11 of a limited liability company which has elected to
 12 have its income taxed directly to the member and
 13 carries on business within and without the state may
 14 be computed by reducing the amount determined pursuant
 15 to paragraphs "a" through "i" by the amounts of
 16 nonrefundable credits under this division and by
 17 multiplying this resulting amount by a fraction of
 18 which the resident's net income allocated to Iowa, as
 19 determined in section 422.8, subsection 2, paragraph
 20 "b", is the numerator and the resident's total net
 21 income computed under section 422.7 is the
 22 denominator. If a resident shareholder or resident
 23 member has elected to take advantage of this
 24 subparagraph, and for the next tax year elects not to
 25 take advantage of this subparagraph, the resident
 26 shareholder or resident member shall not reelect to
 27 take advantage of this subparagraph for the three tax
 28 years immediately following the first tax year for
 29 which the shareholder or member elected not to take
 30 advantage of this subparagraph, unless the director
 31 consents to the reelection. This subparagraph also
 32 applies to individuals who are residents of Iowa for
 33 less than the entire tax year.

34 Sec. 2. Section 422.5, subsection 1, paragraph k,
35 unnumbered paragraph 4, Code 2001, is amended to read
36 as follows:

37 In the case of a resident, including a resident
38 estate or trust, the state's apportioned share of the
39 state alternative minimum tax is one hundred percent
40 of the state alternative minimum tax computed in this
41 subsection. In the case of a resident or part-year
42 resident shareholder in an S corporation which has in
43 effect for the tax year an election under subchapter S
44 of the Internal Revenue Code or of a resident or part-
45 year resident member of a limited liability company
46 which has elected to have its income taxed directly to
47 the member and carries on business within and without
48 the state, a nonresident, including a nonresident
49 estate or trust, or an individual, estate, or trust
50 that is domiciled in the state for less than the

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1 entire tax year, the state's apportioned share of the
2 state alternative minimum tax is the amount of tax
3 computed under this subsection, reduced by the
4 applicable credits in sections 422.10 through 422.12
5 and this result multiplied by a fraction with a
6 numerator of the sum of state net income allocated to
7 Iowa as determined in section 422.8, subsection 2,
8 paragraph "a" or "b" as applicable, plus tax
9 preference items, adjustments, and losses under
10 subparagraph (1) attributable to Iowa and with a
11 denominator of the sum of total net income computed
12 under section 422.7 plus all tax preference items,
13 adjustments, and losses under subparagraph (1). In
14 computing this fraction, those items excludable under
15 subparagraph (1) shall not be used in computing the
16 tax preference items. Married taxpayers electing to
17 file separate returns or separately on a combined
18 return must allocate the minimum tax computed in this
19 subsection in the proportion that each spouse's
20 respective preference items, adjustments, and losses
21 under subparagraph (1) bear to the combined preference
22 items, adjustments, and losses under subparagraph (1)
23 of both spouses.

24 Sec. 3. Section 422.8, subsection 2, paragraph b,
25 Code 2001, is amended to read as follows:

26 b. A resident's income allocable to Iowa is the
27 income determined under section 422.7 reduced by items
28 of income and expenses from an S corporation or
29 limited liability company that carries on business
30 within and without the state when those items of
31 income and expenses pass directly to the shareholders
32 or members under provisions of the Internal Revenue

33 Code. These items of income and expenses are
 34 increased by the greater of the following:
 35 (1) The net income or loss of the S corporation or
 36 limited liability company which is fairly and
 37 equitably attributable to this state under section
 38 422.33, subsections 2 and 3.
 39 (2) Any cash or the value of property
 40 distributions which are made only to the extent that
 41 they are paid from income upon which Iowa income tax
 42 has not been paid, as determined under rules of the
 43 director, reduced by ~~fifty percent~~ of the amount of
 44 any of these distributions that are made to enable the
 45 shareholder or member to pay federal income tax on
 46 items of income, loss, and expenses from the S
 47 corporation or limited liability company.
 48 Sec. 4. Section 422.8, subsection 6, Code 2001, is
 49 amended to read as follows:
 50 6. If the resident or part-year resident is a

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1 shareholder of an S corporation which has in effect an
 2 election under subchapter S of the Internal Revenue
 3 Code or is a member of a limited liability company
 4 which has elected to have its income taxed directly to
 5 its members, subsections 1 and 3 do not apply to any
 6 income taxes paid to another state or foreign country
 7 on the income from the S corporation which has in
 8 effect an election under subchapter S of the Internal
 9 Revenue Code or from the limited liability company
 10 which has elected to have its income taxed directly to
 11 its members."
 12 2. Title page, line 3, by inserting after the
 13 word "corporation" the following: "or a limited
 14 liability company".

GRUNDBERG of Polk

H-8010

1 Amend House File 2078 as follows:
 2 1. Page 4, by inserting after line 34 the
 3 following:
 4 "7A. The board shall include, in its criteria and
 5 procedures for allocation and issuance of certificates
 6 and related tax credits, procedures for allocating ten
 7 percent of the tax credits for purchase by designated
 8 small individual investors. A designated small
 9 individual investor may invest one thousand dollars or
 10 more. The board shall develop a marketing strategy
 11 for attracting designated small individual investors
 12 to participate in this opportunity, including

13 educational materials regarding the potential
14 advantages and disadvantages of making an investment
15 subject to this division."
16 2. By renumbering as necessary.

SHOULTZ of Black Hawk

H-8014

1 Amend the Senate amendment, H-8012, to House File
2 2078, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 11 through 24 and
5 inserting the following:
6 ""Sec. 401. Section 422.5, subsection 1, paragraph
7 j, subparagraph (2), unnumbered paragraph 1, Code
8 2001, is amended to read as follows:
9 The tax imposed upon the taxable income of a
10 resident shareholder in an S corporation which has in
11 effect for the tax year an election under subchapter S
12 of the Internal Revenue Code or of a resident member
13 of a limited liability company which has elected to
14 have its income taxed directly to the member and
15 carries on business within and without the state may
16 be computed by reducing the amount determined pursuant
17 to paragraphs "a" through "i" by the amounts of
18 nonrefundable credits under this division and by
19 multiplying this resulting amount by a fraction of
20 which the resident's net income allocated to Iowa, as
21 determined in section 422.8, subsection 2, paragraph
22 "b", is the numerator and the resident's total net
23 income computed under section 422.7 is the
24 denominator. If a resident shareholder or resident
25 member has elected to take advantage of this
26 subparagraph, and for the next tax year elects not to
27 take advantage of this subparagraph, the resident
28 shareholder or resident member shall not reelect to
29 take advantage of this subparagraph for the three tax
30 years immediately following the first tax year for
31 which the shareholder or member elected not to take
32 advantage of this subparagraph, unless the director
33 consents to the reelection. This subparagraph also
34 applies to individuals who are residents of Iowa for
35 less than the entire tax year.
36 Sec. 402. Section 422.5, subsection 1, paragraph
37 k, unnumbered paragraph 4, Code 2001, is amended to
38 read as follows:
39 In the case of a resident, including a resident
40 estate or trust, the state's apportioned share of the
41 state alternative minimum tax is one hundred percent
42 of the state alternative minimum tax computed in this
43 subsection. In the case of a resident or part-year

44 resident shareholder in an S corporation which has in
 45 effect for the tax year an election under subchapter S
 46 of the Internal Revenue Code or of a resident or part-
 47 year resident member of a limited liability company
 48 which has elected to have its income taxed directly to
 49 the member and carries on business within and without
 50 the state, a nonresident, including a nonresident

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1 estate or trust, or an individual, estate, or trust
 2 that is domiciled in the state for less than the
 3 entire tax year, the state's apportioned share of the
 4 state alternative minimum tax is the amount of tax
 5 computed under this subsection, reduced by the
 6 applicable credits in sections 422.10 through 422.12
 7 and this result multiplied by a fraction with a
 8 numerator of the sum of state net income allocated to
 9 Iowa as determined in section 422.8, subsection 2,
 10 paragraph "a" or "b" as applicable, plus tax
 11 preference items, adjustments, and losses under
 12 subparagraph (1) attributable to Iowa and with a
 13 denominator of the sum of total net income computed
 14 under section 422.7 plus all tax preference items,
 15 adjustments, and losses under subparagraph (1). In
 16 computing this fraction, those items excludable under
 17 subparagraph (1) shall not be used in computing the
 18 tax preference items. Married taxpayers electing to
 19 file separate returns or separately on a combined
 20 return must allocate the minimum tax computed in this
 21 subsection in the proportion that each spouse's
 22 respective preference items, adjustments, and losses
 23 under subparagraph (1) bear to the combined preference
 24 items, adjustments, and losses under subparagraph (1)
 25 of both spouses.

26 Sec. 403. Section 422.8, subsection 2, paragraph
 27 b, Code 2001, is amended to read as follows:
 28 b. A resident's income allocable to Iowa is the
 29 income determined under section 422.7 reduced by items
 30 of income and expenses from an S corporation or
 31 limited liability company that carries on business
 32 within and without the state when those items of
 33 income and expenses pass directly to the shareholders
 34 or members under provisions of the Internal Revenue
 35 Code. These items of income and expenses are
 36 increased by the greater of the following:
 37 (1) The net income or loss of the S corporation or
 38 limited liability company which is fairly and
 39 equitably attributable to this state under section
 40 422.33, subsections 2 and 3.
 41 (2) Any cash or the value of property
 42 distributions which are made only to the extent that

43 they are paid from income upon which Iowa income tax
 44 has not been paid, as determined under rules of the
 45 director, reduced by ~~fifty percent~~ of the amount of
 46 any of these distributions that are made to enable the
 47 shareholder or member to pay federal income tax on
 48 items of income, loss, and expenses from the S
 49 corporation or limited liability company.
 50 Sec. 404. Section 422.8, subsection 6, Code 2001,

Page 3

1 is amended to read as follows:
 2 6. If the resident or part-year resident is a
 3 shareholder of an S corporation which has in effect an
 4 election under subchapter S of the Internal Revenue
 5 Code or is a member of a limited liability company
 6 which has elected to have its income taxed directly to
 7 its members, subsections 1 and 3 do not apply to any
 8 income taxes paid to another state or foreign country
 9 on the income from the S corporation which has in
 10 effect an election under subchapter S of the Internal
 11 Revenue Code or from the limited liability company
 12 which has elected to have its income taxed directly to
 13 its members.
 14 Sec. 405. APPLICABILITY PROVISION. Sections 401
 15 through 404 of this Act apply retroactively to January
 16 1, 2002, for tax years beginning on or after that
 17 date."
 18 2. Page 1, line 31, by inserting after the word
 19 "by" the following: "a limited liability company or".

GRUNDBERG of Polk

H-8017

1 Amend House File 2111 as follows:
 2 1. Page 1, by inserting after line 31 the
 3 following:
 4 "Sec. . NEW SECTION. 236.21 INDUCEMENTS TO
 5 VIOLATE PROTECTIVE ORDER – COURT RELIEF.
 6 The department of justice shall establish a
 7 procedure for the defendant against whom a protective
 8 order has been issued to report and request relief
 9 from any attempt on the part of the plaintiff to
 10 induce the defendant to violate such protective order
 11 including, but not limited to, instructions on who to
 12 contact if the plaintiff attempts to make contact with
 13 the defendant. The court shall provide written notice
 14 concerning this procedure to the plaintiff and the
 15 defendant upon the issuance of the protective order."
 16 2. By renumbering as necessary.

BODDICKER of Cedar

H-8018

1 Amend House File 2079 as follows:

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

4 "Section 1. Section 404A.4, subsection 4, Code
5 2001, is amended to read as follows:

6 4. The total amount of tax credits that may be
7 approved for a fiscal year under this chapter shall
8 not exceed ~~two~~ four million four hundred thousand
9 dollars. Tax credit certificates shall be issued on
10 the basis of the earliest awarding of certifications
11 of completion as provided in subsection 1. The
12 departments of economic development and revenue and
13 finance shall each adopt rules to jointly administer
14 this subsection and shall provide by rule for the
15 method to be used to determine for which fiscal year
16 the tax credits are approved."

17 2. Title page, by striking lines 1 through 7 and
18 inserting the following: "An Act increasing the
19 amount of tax credits that may be granted in a fiscal
20 year for historical preservation projects."

WARNSTADT of Woodbury

H-8021

1 Amend House File 2135 as follows:

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

4 "Section 1. Section 331.303, Code Supplement 2001,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 8A. Upon petition of twenty
7 percent of the eligible electors residing in the area
8 outside the city limits over which the zoning
9 jurisdiction is extended, approve or disapprove
10 pursuant to section 414.23 a city zoning ordinance or
11 regulation or an amendment to such an ordinance or
12 regulation affecting such area."

13 2. Page 1, by inserting after line 16 the
14 following:

15 "Sec. ____ Section 414.23, unnumbered paragraph 3,
16 Code 2001, is amended to read as follows:
17 Property owners affected by such zoning regulations
18 shall have the same rights of hearing, protest, and
19 appeal as those within the municipality exercising
20 this power. However, upon petition of twenty percent
21 of the eligible electors residing in the area outside
22 the city limits over which the zoning jurisdiction is
23 extended, the city zoning ordinance or regulation or
24 amendment to such an ordinance or regulation shall not
25 take effect within such area unless the zoning

26 ordinance or regulation or an amendment to such an
 27 ordinance or regulation is approved by the board of
 28 supervisors. The petition shall be submitted to the
 29 county auditor. The auditor shall notify the city of
 30 receipt of the petition.

31 Sec. __. APPLICABILITY. This Act applies to a
 32 city zoning ordinance or regulation or an amendment to
 33 a city ordinance or regulation affecting an
 34 unincorporated area of a county over which a city has
 35 extended its jurisdiction, which is adopted on or
 36 after the effective date of this Act."

WISE of Lee

H-8022

1 Amend House File 2079 as follows:

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

4 "Section 1. Section 404A.4, subsection 4, Code
 5 2001, is amended to read as follows:

6 4. The total amount of tax credits that may be
 7 approved for a fiscal year under this chapter shall
 8 not exceed ~~two~~ five million four hundred thousand
 9 dollars. Tax credit certificates shall be issued on
 10 the basis of the earliest awarding of certifications
 11 of completion as provided in subsection 1. The
 12 departments of economic development and revenue and
 13 finance shall each adopt rules to jointly administer
 14 this subsection and shall provide by rule for the
 15 method to be used to determine for which fiscal year
 16 the tax credits are approved."

17 2. Title page, by striking lines 1 through 7 and
 18 inserting the following: "An Act increasing the
 19 amount of tax credits that may be granted in a fiscal
 20 year for historical preservation projects."

WARNSTADT of Woodbury

H-8023

1 Amend Senate File 2057, as passed by the Senate, as
 2 follows:

3 1. Page 1, line 4, by striking the word
 4 "annually".

CORMACK of Webster

H-8026

1 Amend Senate File 2057, as passed by the Senate, as
 2 follows:

- 3 1. Page 1, lines 1 and 2, by striking the words
 4 "DR. NORMAN E. BORLAUG WORLD FOOD PRIZE" and inserting
 5 the following: "GEORGE WASHINGTON CARVER".
- 6 2. Page 1, lines 5 and 6, by striking the words
 7 "Dr. Norman E. Borlaug World Food Prize", and
 8 inserting the following: "George Washington Carver".
- 9 3. Page 1, by striking lines 10 through 14 and
 10 inserting the following: "heroic contributions to
 11 humanity of George Washington Carver. The observation
 12 of the day should reflect Iowa's pride in having had a
 13 scientist and a statesman of the historical importance
 14 of George Washington Carver obtain bachelor's and
 15 master's degrees from Iowa state university of science
 16 and technology."
- 17 4. Title page, lines 1 and 2, by striking the
 18 words "Dr. Norman E. Borlaug World Food Prize", and
 19 inserting the following: "George Washington Carver".

CORMACK of Webster

H-8034

- 1 Amend House File 268 as follows:
- 2 1. By striking everything after the enacting
 3 clause and inserting the following:
- 4 "Section 1. Section 321.285, subsection 6, Code
 5 Supplement 2001, is amended to read as follows:
- 6 6. a. Notwithstanding any other speed
 7 restrictions, the speed limit for all vehicular
 8 traffic on fully controlled-access, divided,
 9 multilaned highways including is sixty-five miles per
 10 hour. However, the speed limit for all vehicular
 11 traffic on highways that are a part of the national
 12 system of interstate highways is sixty-five seventy
 13 miles per hour, except that the speed limit on such
 14 highways for vehicles with a gross weight exceeding
 15 ten thousand pounds is sixty-five miles per hour. The
 16 department may establish a speed limit of sixty-five
 17 miles per hour on certain divided, multilaned
 18 highways. ~~However, the~~
- 19 b. ~~The department,~~ or cities a city with the
 20 approval of the department, ~~may~~ establish a lower
 21 speed limit upon such highways on a highway described
 22 in this subsection that is located within the
 23 corporate limits of a city.
- 24 c. For the purposes of this subsection, a fully
 25 controlled-access highway is a highway that gives
 26 preference to through traffic by providing access
 27 connections with selected public roads only and by
 28 prohibiting crossings at grade or direct private
 29 driveway connections.
- 30 d. A minimum speed may be established by the

31 department on the highways referred to in this
32 subsection if warranted by engineering and traffic
33 investigations. ~~It is further provided that any kind~~
34 ~~of~~
35 e. A vehicle, implement, or conveyance incapable
36 of attaining and maintaining a speed of forty miles
37 per hour shall be prohibited from using the interstate
38 system."
39 2. Title page, by striking line 2 and inserting
40 the following: "interstate".

Committee on Transportation

H-8041

1 Amend Senate File 2048, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 20 the
4 following:
5 "4. STATE REIMBURSEMENT. If a public contracting
6 entity entered into a nonqualifying agreement prior to
7 the effective date of this Act, and the public
8 contracting entity rescinds or modifies that agreement
9 in order to receive moneys from the vision Iowa fund,
10 the state shall reimburse the public contracting
11 entity for all costs incurred by the public
12 contracting entity due to the completion of the public
13 works project beyond the time period that was
14 originally specified in the nonqualifying agreement.
15 For purposes of this subsection, a nonqualifying
16 agreement is an agreement that does anything specified
17 in subsection 2."
18 2. By renumbering as necessary.

DOTZLER of Black Hawk

H-8043

1 Amend House File 2246 as follows:
2 1. Page 3, line 27, by striking the figure "1"
3 and inserting the following: "3".

CARROLL of Poweshiek

H-8044

1 Amend House File 2229 as follows:
2 1. Page 2, by inserting after line 18 the
3 following:
4 "___. To provide matching grants under the junior
5 entrepreneur training program as provided in section
6 15E.43."

7 2. Page 3, by inserting after line 12 the
8 following:
9 "Sec. . NEW SECTION. 15E.41 SHORT TITLE.
10 This division shall be known and may be cited as
11 the "Junior Entrepreneur Training Act".
12 Sec. . NEW SECTION. 15E.42 JUNIOR
13 ENTREPRENEUR TRAINING ASSISTANCE PROGRAM.
14 1. The department of economic development shall
15 establish a junior entrepreneur training assistance
16 program to encourage and assist private businesses and
17 organizations to establish junior entrepreneur
18 training programs that would operate in conjunction or
19 cooperation with a local school district.
20 2. a. A junior entrepreneur training program
21 established by a private business or organization
22 shall be designed to do all of the following:
23 (1) Encourage interest in starting or operating a
24 business.
25 (2) Educate participants regarding the potential
26 advantages and rewards of self-employment.
27 (3) Engage business professionals and successful
28 entrepreneurs to introduce participants to the basics
29 of business ownership and management.
30 (4) Assist past participants in the program who
31 start or purchase a business to develop mentoring
32 relationships with successful local businesspersons.
33 b. The department shall give priority to a junior
34 entrepreneur training program that concentrates its
35 efforts on attracting participants who lack
36 significant exposure to entrepreneurship role models
37 including, but not limited to, persons from
38 economically disadvantaged backgrounds or populations
39 traditionally underrepresented in the local business
40 community.
41 3. For purposes of an eligible taxpayer claiming
42 an income tax deduction pursuant to sections 422.7 and
43 422.35, the department shall, upon application by the
44 junior entrepreneur training program, certify any
45 junior entrepreneur training program that meets the
46 criteria in subsection 2, paragraph "b".
47 Sec. . NEW SECTION. 15E.43 FUNDING.
48 The department may provide a matching grant to a
49 private business or organization that establishes a
50 junior entrepreneur training program. A matching

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1 grant shall provide one dollar for every two dollars
2 in private matching moneys.
3 Sec. . NEW SECTION. 15E.44 RULES.
4 The department shall adopt rules pursuant to
5 chapter 17A necessary for the administration of this

6 division.

7 Sec. ____. Section 422.7, Code Supplement 2001, is
 8 amended by adding the following new subsection:
 9 NEW SUBSECTION. 38. Subtract the amount of any
 10 contribution made for the establishment or operation
 11 of a junior entrepreneur training program certified by
 12 the department of economic development pursuant to
 13 section 15E.42.

14 Sec. ____. Section 422.35, Code Supplement 2001, is
 15 amended by adding the following new subsection:
 16 NEW SUBSECTION. 19. Subtract the amount of any
 17 contribution made for the establishment or operation
 18 of a junior entrepreneur training program certified by
 19 the department of economic development pursuant to
 20 section 15E.42."

21 3. Title page, line 2, by inserting after the
 22 word "fund" the following: ", creating a junior
 23 entrepreneur training assistance program, and
 24 providing a tax deduction".

FORD of Polk
 HATCH of Polk

H-8048

1 Amend the amendment, H-8034, to House File 268 as
 2 follows:

3 1. Page 1, by inserting after line 38 the
 4 following:

5 "Sec. ____ Section 805.8A, subsection 5, paragraph
 6 b, Code Supplement 2001, is amended to read as
 7 follows:

8 b. Notwithstanding paragraph "a", for excessive
 9 speed violations in speed zones greater than fifty-
 10 five miles per hour, the scheduled fine shall be:

11 (1) ~~Ten~~ One hundred dollars for speed not more
 12 than ~~five~~ ten miles per hour in excess of the limit.

13 ~~(2) Twenty dollars for speed greater than five but~~
 14 ~~not more than ten miles per hour in excess of the~~
 15 ~~limit.~~

16 ~~(3) (2) Forty~~ Two hundred dollars for speed
 17 greater than ten but not more than ~~fifteen~~ twenty
 18 miles per hour in excess of the limit.

19 ~~(4) Sixty dollars for speed greater than fifteen~~
 20 ~~but not more than twenty miles per hour in excess of~~
 21 ~~the limit.~~

22 ~~(5) (3) Sixty~~ Two hundred dollars plus ~~two~~ twenty-
 23 five dollars for each mile per hour of excessive speed
 24 over twenty miles per hour over the limit.""

25 2. Page 1, by inserting after line 40 the
 26 following:

27 " ____ Title page, by striking line 3 and

28 inserting the following: "highways, and increasing
 29 fines."
 30 3. By renumbering as necessary.

WEIDMAN of Cass

H-8050

1 Amend the amendment, H-8034, to House File 268 as
 2 follows:

3 1. Page 1, by inserting after line 38 the
 4 following:

5 "Sec. . Section 805.8A, subsection 5, paragraph
 6 b, Code Supplement 2001, is amended to read as
 7 follows:

8 b. Notwithstanding paragraph "a", for excessive
 9 speed violations in speed zones greater than fifty-
 10 five miles per hour, the scheduled fine shall be:

11 (1) ~~Ten~~ Twenty-five dollars for speed not more
 12 than five miles per hour in excess of the limit.

13 (2) ~~Twenty~~ Fifty dollars for speed greater than
 14 five but not more than ~~ten~~ nine miles per hour in
 15 excess of the limit.

16 (3) ~~Forty One hundred~~ One hundred dollars for a speed ~~greater~~
 17 ~~than ten but not more than fifteen of~~ ten miles per
 18 hour in excess of the limit.

19 (4) ~~Sixty dollars for speed greater than fifteen~~
 20 ~~but not more than twenty miles per hour in excess of~~
 21 ~~the limit.~~

22 (5) (4) ~~Sixty~~ One hundred dollars plus ~~two ten~~
 23 dollars for each mile per hour of excessive speed over
 24 ~~twenty ten~~ miles per hour over the limit.

25 Sec. . SPEEDING FINE INCREASES – APPROPRIATION
 26 TO LOCAL LAW ENFORCEMENT FOR PATROL VEHICLES.

27 Notwithstanding sections 602.8106 and 602.8108, when a
 28 peace officer issues a citation for speeding for which
 29 a scheduled fine is assessed under section 805.8A,
 30 subsection 5, paragraph "b", as amended by this Act,
 31 fifty percent of the increase in such fine, as
 32 provided for in this Act, is appropriated to the
 33 department of public safety for allocation to the law
 34 enforcement agency of which the peace officer is a
 35 member, to be used for purchasing new patrol vehicles
 36 or buying down financing for previously purchased
 37 patrol vehicles."

38 2. Page 1, by inserting after line 40 the
 39 following:

40 " . Title page, by striking line 3 and
 41 inserting the following: "highways, and increasing

42 fines and making appropriations.""

43 3. By renumbering as necessary.

BAUDLER of Adair

H-8059

1 Amend House File 2342 as follows:

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

4 "Section 1. NEW SECTION. 507B.10 POLICY OR
5 PREMIUM CHANGES-HEALTH CARE FACILITIES.

6 1. A person shall not deny insurance liability
7 coverage to, cancel or fail to renew an insurance
8 liability policy of, or increase the premiums of the
9 insurance liability policy of a health care facility
10 based upon the findings of an inspection of the health
11 care facility which are not final findings. Any such
12 change in insurance liability policy coverage or
13 premiums may only be taken based upon the findings of
14 inspection in accordance with the following:

15 a. If the health care facility is issued a
16 citation based upon the findings of an inspection and
17 contests the citation pursuant to section 135C.41,
18 subsection 2, the findings of the inspection shall not
19 be used as the basis for such changes in policy or
20 premiums until the results of the informal conference
21 pursuant to section 135C.42 are available. However,
22 if the health care facility desires to further contest
23 an affirmed or modified citation following an informal
24 conference, the findings of the inspection shall not
25 be used as the basis for such changes in policy or
26 premiums until the final action of any contested case
27 proceeding or until judicial review of the final
28 action is completed and a decision is rendered.

29 b. If the health care facility is issued a
30 citation based upon the findings of an inspection and
31 initially contests the citation pursuant to section
32 135C.43, subsection 1, the findings of the inspection
33 shall not be used as the basis for such changes in
34 policy or premiums until a final decision is rendered
35 pursuant to section 17A.15. However, if the health
36 care facility desires to further contest the final
37 decisions and petitions for judicial review pursuant
38 to section 135C.43, subsection 2, the findings of the
39 inspection shall not be used as the basis for such
40 changes in policy or premiums until judicial review of
41 the final action is completed and a decision is
42 rendered.

43 2. For the purposes of this section, "health care
44 facility" means the same as defined in section
45 135C.1."

- 46 2. Title page, line 1, by striking the word
 47 "reporting" and inserting the following: "use".
 48 3. Title page, line 2, by inserting after the
 49 word "inspections" the following: "in the
 50 modification of an insurance policy or insurance

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- 1 premiums".

CHIODO of Polk

H-8060

- 1 Amend House File 2366 as follows:
 2 1. Page 1, line 7, by inserting after the word
 3 "sheriff" the following: "and only on county
 4 property, excluding the county courthouse and the
 5 sheriff's office".

BAUDLER of Adair

H-8068

- 1 Amend House File 2366 as follows:
 2 1. Page 1, line 7, by inserting after the word
 3 "sheriff" the following: "and only on county
 4 property, including the county courthouse and the
 5 sheriff's office".

BAUDLER of Adair
 KREIMAN of Davis

H-8074

- 1 Amend House File 2394 as follows:
 2 1. Page 3, by striking lines 6 and 7 and
 3 inserting the following: "of education shall conduct
 4 on-site visits at five community colleges each year to
 5 ensure each community college's".

DOLECHECK of Ringgold

H-8080

- 1 Amend Senate File 165, 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.** 1.18 GOVERNMENT
 6 OFFICIAL ACTION LANGUAGE.
 7 1. Except as otherwise provided for in subsections

8 2 and 3, the English language shall be the language of
9 government in Iowa. All official documents,
10 regulations, orders, transactions, proceedings,
11 programs, meetings, publications, or actions taken or
12 issued, which are conducted or regulated by, or on
13 behalf of, or representing the state and all of its
14 political subdivisions shall be in the English
15 language.
16 For the purposes of this section, "official action"
17 means any action taken by the government in Iowa or by
18 an authorized officer or agent of the government in
19 Iowa that does any of the following:
20 a. Binds the government.
21 b. Is required by law.
22 c. Is otherwise subject to scrutiny by either the
23 press or the public.
24 2. This section shall not apply to:
25 a. The teaching of languages.
26 b. Requirements under the federal Individuals with
27 Disabilities Education Act.
28 c. Actions, documents, or policies necessary for
29 trade, tourism, or commerce.
30 d. Actions or documents that protect the public
31 health and safety.
32 e. Actions or documents that facilitate activities
33 pertaining to compiling any census of populations.
34 f. Actions or documents that protect the rights of
35 victims of crimes or criminal defendants.
36 g. Use of proper names, terms of art, or phrases
37 from languages other than English.
38 h. Any language usage required by or necessary to
39 secure the rights guaranteed by the Constitution and
40 laws of the United States of America or the
41 Constitution of the State of Iowa.
42 i. Any oral or written communications,
43 examinations, or publications produced or utilized by
44 a driver's license station, provided public safety is
45 not jeopardized.
46 3. Nothing in this section shall be construed to
47 do any of the following:
48 a. Prohibit an individual member of the general
49 assembly or officer of state government, while
50 performing official business, from communicating

Page 2

1 through any medium with another person in a language
2 other than English, if that member or officer deems it
3 necessary or desirable to do so.
4 b. Limit the preservation or use of Native
5 American languages, as defined in the federal Native
6 American Languages Act of 1992.

7 c. Disparage any language other than English or
 8 discourage any person from learning or using a
 9 language other than English.
 10 Sec. 2. NEW SECTION. 4.14 GENERAL RULES OF
 11 CONSTRUCTION FOR ENGLISH LANGUAGE LAWS.
 12 It is presumed that English language requirements
 13 in the public sector are consistent with the laws of
 14 Iowa and any ambiguity in the English language text of
 15 the laws of Iowa shall be resolved, in accordance with
 16 the ninth and tenth amendments of the Constitution of
 17 the United States, not to deny or disparage rights
 18 retained by the people, and to reserve powers to the
 19 states or to the people.
 20 Sec. 3. CITATION. This Act may be cited as the
 21 "Government Official Action Language Act of 2002".
 22 2. Title page, by striking lines 1 and 2, and
 23 inserting the following: "An Act relating to the
 24 government official action language Act of 2002."

WARNSTADT of Woodbury

H-8081

1 Amend Senate File 165, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, lines 1 and 2, by striking the words
 4 "IOWA ENGLISH LANGUAGE REAFFIRMATION." and inserting
 5 the following: "ENGLISH LANGUAGE LEARNER ACT OF
 6 2002."
 7 2. Page 3, by inserting after line 1, the
 8 following:
 9 "Sec. . NEW SECTION. 1.19 ENGLISH – IOWA'S
 10 COMMON LANGUAGE.
 11 The general assembly of the state of Iowa
 12 recognizes that English is the common language used in
 13 Iowa and recognizes that fluency in English is
 14 necessary for full integration into the American
 15 culture."
 16 3. Page 3, by inserting after line 10 the
 17 following:
 18 "Sec. . Section 257.31, subsection 5, paragraph
 19 j, Code 2001, is amended to read as follows:
 20 j. Unusual need to continue providing a program or
 21 other special assistance to non-English speaking
 22 pupils after the expiration of the ~~three-year~~ period
 23 specified in section 280.4.
 24 Sec. . Section 280.4, subsection 3, Code 2001,
 25 is amended to read as follows:
 26 3. In order to provide funds for the excess costs
 27 of instruction of limited English proficient students
 28 above the costs of instruction of pupils in a regular
 29 curriculum, students identified as limited English

30 proficient shall be assigned an additional weighting
 31 that shall be included in the weighted enrollment of
 32 the school district of residence for a period not
 33 exceeding three years. For the school budget year
 34 beginning July 1, 2002, pupils shall be eligible to
 35 receive the additional weighting for a maximum of
 36 three years. For the school budget year beginning
 37 July 1, 2003, pupils shall be eligible to receive the
 38 additional weighting for a maximum of four years. For
 39 the school budget year beginning July 1, 2004, and
 40 succeeding budget years, pupils shall be eligible to
 41 receive the additional weighting for a maximum of five
 42 years. Additional weighting received pursuant to this
 43 subsection for school budget years prior to the
 44 effective date of this Act shall be included in
 45 determining qualification for additional years of
 46 funding. However, the school budget review committee
 47 may grant supplemental aid or modified allowable
 48 growth to a school district to continue funding a
 49 program for students after the expiration of the
 50 ~~three-year period specified in this subsection.~~ The

Page 2

1 school budget review committee shall calculate the
 2 additional amount for the weighting to the nearest
 3 one-hundredth of one percent so that to the extent
 4 possible the moneys generated by the weighting will be
 5 equivalent to the moneys generated by the two-tenths
 6 weighting provided prior to July 2, 1991."

7 4. Page 3, lines 11 and 12, by striking the words
 8 "Iowa English Language Reaffirmation Act of 2001" and
 9 inserting the following: "English Language Learner
 10 Act of 2002".

11 5. Page 3, by inserting after line 12 the
 12 following:

13 "Sec. __. ADULT ENGLISH PROFICIENCY INSTRUCTION
 14 GRANT APPROPRIATION. There is appropriated from the
 15 general fund of the state to the state department of
 16 education for the fiscal year beginning July 1, 2003,
 17 and ending June 30, 2004, two hundred twenty thousand
 18 dollars for adult English proficiency instruction
 19 grants. Grants shall be awarded by the department of
 20 education to community colleges as defined in section
 21 260C.2, for the purpose of expanding existing classes
 22 in English proficiency for adults. The funds shall be
 23 used only for administration and supplies and not for
 24 instructors for the classes."

25 6. Title page, by striking lines 1 and 2 and
 26 inserting the following: "An Act enacting the English
 27 language learner Act of 2002 and making an

28 appropriation."

29 7. By renumbering as necessary.

PETERSEN of Polk
 T. TAYLOR of Linn
 BUKTA of Clinton
 CHIODO of Polk
 ATTEBERRY of Delaware
 DOTZLER of Black Hawk
 FREVERT of Palo Alto
 LENSING of Johnson
 JOCHUM of Dubuque
 REYNOLDS of Van Buren
 FALLON of Polk

HATCH of Polk
 MYERS of Johnson
 FOEGE of Linn
 MASCHER of Johnson
 WITT of Black Hawk
 CONNORS of Polk
 WINCKLER of Scott
 GREIMANN of Story
 REEDER of Fayette
 SHOULTZ of Black Hawk

H-8083

1 Amend Senate File 165 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 2, line 23, by inserting after the word
 4 "jeopardized" the following: "except that
 5 examinations for commercial driver's licenses shall be
 6 given only in the English language".

WARNSTADT of Woodbury
 D. TAYLOR of Linn
 MYERS of Johnson
 MASCHER of Johnson

HATCH of Polk
 T. TAYLOR of Linn
 CHIODO of Polk

H-8084

1 Amend Senate File 165, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 1, by striking lines 1 through 23 and
 4 inserting the following:
 5 "Section 1. NEW SECTION. 1.18 GOVERNMENT
 6 OFFICIAL ACTION LANGUAGE.
 7 1. Except as otherwise provided in subsections 2
 8 and 3,".
 9 2. Page 1, line 24 by striking the figure "5,".
 10 3. Page 2, line 3 by striking the figure "4." and
 11 inserting the following: "2."
 12 4. Page 2, line 24 by striking the figure "5."
 13 and inserting the following: "3."
 14 5. Title page, by striking lines 1 and 2 and
 15 inserting the following: "An Act relating to the
 16 government official action language Act of 2002."

WARNSTADT of Woodbury

H-8093

1 Amend House File 2516 as follows:

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

4 "Section 1. NEW SECTION. 1C.14 FAMILY NIGHT.

5 Each Wednesday evening in the school year shall be
6 observed in Iowa as family night to encourage student
7 involvement in home, family, and community activities.
8 The governor shall designate this weekly Wednesday
9 evening observance, occurring during the school year
10 annually, with a suitable proclamation urging school
11 boards and administrators, school athletic
12 associations, and other school-related organizations
13 to refrain from scheduling any extracurricular
14 activities after six p.m. on Wednesday evenings during
15 the school year to facilitate a well-rounded
16 educational experience and promote student involvement
17 in non-school-related activities."

18 2. Title page, by striking lines 1 and 2 and
19 inserting the following: "An Act relating to school
20 activities by authorizing the daily observance of a
21 minute of silence and the weekly observance of family
22 night."

RAYHONS of Hancock

H-8098

1 Amend House File 2236 as follows:

2 1. Page 1, line 18, by striking the word
3 "stands," and inserting the following: "stands where
4 potentially hazardous food is sold or distributed."

5 2. Page 2, line 30, by striking the words "at
6 the" and inserting the following: "at on the".

7 3. Page 3, by striking lines 3 through 6, and
8 inserting the following: "appropriate regulatory
9 authority. For purposes of this section, the
10 appropriate regulatory authority is either the
11 department or the county where the farmers market
12 stand is located, if the county is authorized by the
13 department to enforce the provisions of this chapter
14 pursuant to section 137F.3. The appropriate
15 regulatory authority shall issue a farmers market
16 stand license on a county-by-county basis. A farmers
17 market stand license covers all farmers market stands
18 operated by the licensee in a county, regardless of
19 whether the stands are located at one or more farmers
20 markets within such county."

Committee on State Government

H-8101

1 Amend House File 2491 as follows:

2 1. Page 1, by inserting after line 5 the
3 following:

4 "Sec. __. Section 34A.7, subsection 2, Code 2001,
5 is amended to read as follows:

6 2. SURCHARGE COLLECTED BY PROVIDERS.

7 a. The surcharge shall be collected as part of the
8 access line service provider's periodic billing to a
9 subscriber. In compensation for the costs of billing
10 and collection, the provider may retain one percent of
11 the gross surcharges collected. If the compensation
12 is insufficient to fully recover a provider's costs
13 for billing and collection of the surcharge, the
14 deficiency shall be included in the provider's costs
15 for ratemaking purposes to the extent it is reasonable
16 and just under section 476.6. The surcharge shall be
17 remitted to the E911 service operating authority for
18 deposit into the E911 service fund quarterly by the
19 provider. The total amount for multiple exchanges may
20 be combined. Upon request, a provider shall submit a
21 report to the E911 service operating authority that
22 shall include all of the following information:

23 (1) The exchange from which each surcharge is
24 collected.

25 (2) The number of lines to which the surcharge was
26 applied for the quarter.

27 (3) The number of refusals to pay the surcharge in
28 each exchange, if applicable.

29 (4) The number of write-offs applied in each
30 exchange, if applicable.

31 (5) The number of lines exempt from the surcharge
32 in each exchange.

33 (6) The amount of the one percent administration
34 fee retained by the telecommunications company.

35 b. A provider is not liable for an uncollected
36 surcharge for which the provider has billed a
37 subscriber but not been paid. The surcharge shall
38 appear as a single line item on a subscriber's
39 periodic billing entitled, "E911 emergency telephone
40 service surcharge". The E911 service surcharge is not
41 subject to sales or use tax."

42 2. Title page, line 3, by inserting after the
43 word "call," the following: "by requiring E911
44 surcharges remitted by a provider to be reported in a
45 standard format,".

46 3. By renumbering as necessary.

H-8102

1 Amend House File 2557 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 \$126,544,048

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. LEGISLATIVE APPROPRIATIONS REDUCTION.

19 1. The appropriations made from the general fund
20 of the state in section 2.12 to the general assembly
21 for the fiscal year beginning July 1, 2001, and ending
22 June 30, 2002, shall be reduced by 2.6 percent.

23 2. In order to implement the reductions required
24 by this section for the fiscal year beginning July 1,
25 2001, in addition to employee furloughs and other
26 expense reductions, notwithstanding the annual salary
27 rates authorized for members of the general assembly
28 in section 2.10, the salary rates for such members
29 shall be reduced by applying a 5 percent reduction to
30 the portion of annual salary attributable to the
31 period beginning on the effective date of this Act
32 through June 30, 2002, as if the members were all paid
33 a salary under section 2.10, subsection 4, paragraph
34 "a".

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

37 2. Title page, by striking lines 1 through 4 and
38 inserting the following: "An Act making an
39 appropriation to the general fund of the state for the
40 fiscal year beginning July 1, 2001, reducing
41 appropriations to the legislative branch for that
42 fiscal year, and providing an effective date."

MURPHY of Dubuque

H-8103

1 Amend House File 2493 as follows:

2 1. Page 1, by inserting after line 11 the
3 following:

4 "aa. "Court employee" means a prosecutor employed
5 in the department of justice, a public defender
6 employed in the state public defender's office, or a
7 court employee or judicial officer as defined in
8 section 602.1101."

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

11 "ff. "Person appearing in court" means a person
12 appearing in a juvenile, civil, or criminal hearing or
13 proceeding in a courtroom where a court employee is
14 working.

15 fg. "Person in authority" means any person having
16 authority or control over another person."

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

19 "2A. Sexual exploitation by a court employee
20 occurs when any of the following are found:

21 a. A pattern or practice or scheme of conduct to
22 engage in any of the conduct described in paragraph
23 "b".

24 b. Any sexual conduct with a person appearing in
25 court for the purpose of arousing or satisfying the
26 sexual desires of the court employee or the person
27 appearing in court. Sexual conduct includes but is
28 not limited to the following: kissing; touching of
29 the clothed or unclothed inner thigh, breast, groin,
30 buttock, anus, pubes, or genitals; or a sex act as
31 defined in section 702.17."

32 4. Page 3, by inserting after line 31 the
33 following:

34 "4A. Sexual exploitation by a person in authority
35 occurs when any of the following are found:

36 a. A pattern or practice or scheme of conduct to
37 engage in any of the conduct described in paragraph
38 "b".

39 b. Any sexual conduct with another person for the
40 purpose of arousing or satisfying the sexual desires
41 of the person in authority or the other person.
42 Sexual conduct includes but is not limited to the
43 following: kissing; touching of the clothed or
44 unclothed inner thigh, breast, groin, buttock, anus,
45 pubes, or genitals; or a sex act as defined in section
46 702.17."

47 5. Page 4, by inserting after line 8 the
48 following:

49 "5A. a. A court employee who commits sexual
50 exploitation in violation of subsection 2A, paragraph

Page 2

1 "a", commits a class "D" felony.

2 b. A court employee who commits sexual

3 exploitation in violation of subsection 2A, paragraph
 4 "b", commits an aggravated misdemeanor."

5 6. Page 4, by inserting after line 20 the
 6 following:

7 "8. a. A person in authority who commits sexual
 8 exploitation in violation of subsection 4A, paragraph
 9 "a", commits a class "D" felony.

10 b. A person in authority who commits sexual
 11 exploitation in violation of subsection 4A, paragraph
 12 "b", commits an aggravated misdemeanor."

13 7. Title page, line 2, by inserting after the
 14 word "officer" the following: ", court employee,
 15 person in authority,".

16 8. By renumbering as necessary.

BAUDLER of Adair
 BELL of Jasper

H-8105

1 Amend House File 2549 as follows:

2 1. Page 1, line 14, by inserting after the word
 3 "standards." the following: "The director shall
 4 consult with school administrators, teachers, school
 5 board members, and professional organizations
 6 representing the majority of school nurses, preschool
 7 teachers, and school social workers when developing
 8 evaluation, advancement, and career development models
 9 for school nurses, preschool teachers, and school
 10 social workers."

11 2. Page 2, line 24, by inserting after the word
 12 "subsections" the following: "1 through".

13 3. Page 2, by inserting after line 25 the
 14 following:

15 "1. "Beginning teacher" means an individual
 16 serving under an initial provisional license, issued
 17 by the board of educational examiners under chapter
 18 272, who is assuming a position as a classroom
 19 teacher. For purposes of the beginning teacher
 20 mentoring and induction program created pursuant to
 21 section 284.5, "beginning teacher" also includes
 22 preschool teachers who are licensed by the board of
 23 educational examiners under chapter 272 and are
 24 employed by a school district or area education
 25 agency.

26 2. "Classroom teacher" means an individual who
 27 holds a valid practitioner's license and who is
 28 employed under a ~~teaching contract with a school~~
 29 ~~district or area education agency in this state issued~~
 30 ~~by a board of directors under section 279.13 to~~
 31 ~~provide classroom instruction to students, or as a~~
 32 ~~preschool teacher."~~

33 4. Page 3, line 11, by inserting after the word
 34 "specialist," the following: "school nurse, preschool
 35 teacher, school social worker,".

WISE of Lee

H-8106

1 Amend House File 2382 as follows:
 2 1. Page 1, line 6, by inserting after the words
 3 "primary care" the following: "pursuant to chapter
 4 152".

BODDICKER of Cedar
 KREIMAN of Davis
 REYNOLDS of Van Buren

H-8108

1 Amend House File 2516 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. NEW SECTION. 2.34 OBSERVANCE –
 5 MOMENT OF SILENCE.
 6 The general assembly shall establish a daily
 7 observance of one minute of silence on the floor of
 8 each chamber of the general assembly. During the
 9 daily observance of the one-minute period of silence,
 10 the sergeant at arms shall ensure that all persons in
 11 the chamber remain attentive so that each person may
 12 reflect or engage in any silent activity that does not
 13 interfere with other persons in the exercise of their
 14 choice."
 15 2. Title page, line 2, by inserting after the
 16 word "district" the following: "and by the general
 17 assembly".
 18 3. By renumbering as necessary.

LENSING of Johnson

H-8110

1 Amend House File 2549 as follows:
 2 1. Page 9, line 15, by inserting after the word
 3 "apply," the following: "If a teacher objects to the
 4 contents or procedures of a performance review, the
 5 performance review shall be subject to the grievance
 6 procedures negotiated in accordance with chapter 20,
 7 unless disciplinary procedures have begun."

STEVENS of Dickinson

H-8111

1 Amend House File 2290 as follows:
2 1. Page 1, by striking lines 9 through 19 and
3 inserting the following: "receipts over three million
4 dollars. However, ~~beginning January 1, 1997,~~ the rate
5 on any amount of the adjusted gross receipts over
6 three million dollars from gambling games at racetrack
7 enclosures is ~~twenty two percent and shall increase by~~
8 ~~two percent each succeeding calendar year until the~~
9 ~~rate is thirty six~~ thirty percent. The taxes imposed
10 by this".

BRUNKHORST of Bremer

H-8117

1 Amend Senate File 2304, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 8, line 19, by striking the word "this".
4 2. Page 10, line 23, by inserting after the word
5 "state" the following: "or other cost reductions".

JENKINS of Black Hawk
FINCH of Story

H-8118

1 Amend House File 2181 as follows:
2 1. Page 1, line 8, by striking the word "two" and
3 inserting the following: "three".
4 2. Page 2, line 7, by striking the word "two" and
5 inserting the following: "five".

SIEVERS of Scott
RICHARDSON of Warren

H-8120

1 Amend House File 2491 as follows:
2 1. Page 1, by striking lines 3 through 5 and
3 inserting the following:
4 "NEW SUBSECTION. 43. a. An electronic recording
5 of a 911 emergency telephone call and the information
6 contained in the 911 recording. This subsection shall
7 not apply to an officer or employee of a law
8 enforcement agency or an employee of a state or
9 federal agency or political subdivision in the
10 performance of the employee's official duties, or
11 where the recording or the information contained in
12 the recording is necessary for the immediate safety of
13 a person or in response to an emergency situation.
14 b. Notwithstanding paragraph "a", personal
15 information identifying a person in any manner may be

16 released to a requestor only with the express written
 17 consent of the person whose personal information is
 18 requested."
 19 2. By renumbering as necessary.

METCALF of Polk

H-8122

1 Amend House File 2532 as follows:

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

4 "Sec. ____ Section 97A.6, subsection 5, paragraph

5 c, Code 2001, is amended to read as follows:

6 c. Disease under this section shall mean heart

7 disease, ~~or~~ any disease of the lungs or respiratory
 8 tract, infectious disease, or cancer, and shall be

9 presumed to have been contracted while on active duty

10 as a result of strain, exposure, or the inhalation of

11 noxious fumes, poison, or gases. For purposes of this

12 paragraph, "infectious disease" includes, but is not

13 limited to, hepatitis in any form, tuberculosis, and

14 HIV or AIDS as defined in section 141A.1. However, if

15 a person's membership in the system first commenced on

16 or after July 1, 1992, and the heart disease, ~~or~~

17 disease of the lungs or respiratory tract, infectious

18 disease, or cancer, would not exist, but for a medical

19 condition that was known to exist on the date that

20 membership commenced, the presumption established in

21 this paragraph shall not apply."

22 2. Page 6, by inserting after line 21 the

23 following:

24 "Sec. ____ IMPLEMENTATION PROVISION. The board of

25 trustees shall implement the amendment to section

26 97A.6, subsection 5, paragraph "c", by this Act, on

27 July 1, 2002, or on the date that the board determines

28 that the most recent annual actuarial valuation of the

29 system indicates that the minimum employer and

30 employee contribution rates in effect under section

31 97A.8 can absorb the costs of the amendment to section

32 97A.6, subsection 5, paragraph "c", by this Act,

33 whichever is later."

34 3. Page 15, by inserting after line 34 the

35 following:

36 "Sec. ____ Section 97B.50A, subsection 2,

37 paragraph c, Code 2001, is amended to read as follows:

38 c. Disease under this subsection shall mean heart

39 disease, ~~or~~ any disease of the lungs or respiratory

40 tract, infectious disease, or cancer, and shall be

41 presumed to have been contracted while on active duty

42 as a result of strain, exposure, or the inhalation of

43 noxious fumes, poison, or gases. For purposes of this

44 paragraph, "infectious disease" includes, but is not
45 limited to, hepatitis in any form, tuberculosis, and
46 HIV or AIDS as defined in section 141A.1. However, if
47 a person's special service membership in the system
48 first commenced on or after July 1, 2000, and the
49 heart disease, ~~or~~ disease of the lungs or respiratory
50 tract, infectious disease, or cancer, would not exist,

Page 2

1 but for a medical condition that was known to exist on
2 the date that special service membership commenced,
3 the presumption established in this paragraph shall
4 not apply."

5 4. Page 28, by inserting after line 5 the
6 following:

7 "Sec. __. Section 411.6, subsection 5, paragraph
8 c, Code 2001, is amended to read as follows:
9 c. Disease under this section shall mean heart
10 disease, ~~or~~ any disease of the lungs or respiratory
11 tract, infectious disease, or cancer, and shall be
12 presumed to have been contracted while on active duty
13 as a result of strain or the inhalation of noxious
14 fumes, poison or gases. For purposes of this
15 paragraph, "infectious disease" includes, but is not
16 limited to, hepatitis in any form, tuberculosis, and
17 HIV or AIDS as defined in section 141A.1. However, if
18 a person's membership in the system first commenced on
19 or after July 1, 1992, and the heart disease, ~~or~~
20 disease of the lungs or respiratory tract, infectious
21 disease, or cancer, would not exist, but for a medical
22 condition that was known to exist on the date that
23 membership commenced, the presumption established in
24 this paragraph shall not apply."

25 5. Page 29, by inserting after line 32 the
26 following:

27 "Sec. __. Section 411.6, subsection 9, paragraph
28 a, Code 2001, is amended to read as follows:
29 a. If, upon the receipt of evidence and proof from
30 the chief of the police or fire department that the
31 death of a member in service was the natural and
32 proximate result of an injury or disease incurred in
33 or aggravated by the actual performance of duty at
34 some definite time and place, or while acting pursuant
35 to order, outside of the city by which the member is
36 regularly employed, the system decides that death was
37 so caused in the performance of duty, there shall be
38 paid, in lieu of the ordinary death benefit provided
39 in subsection 8, an accidental death benefit as set
40 forth in this subsection. Disease under this
41 subsection shall mean heart disease, ~~or~~ any disease of
42 the lungs or respiratory tract, infectious disease, or

43 cancer, and shall be presumed to have been contracted
 44 while on active duty as a result of strain or the
 45 inhalation of noxious fumes, poison, or gases. For
 46 purposes of this paragraph, "infectious disease"
 47 includes, but is not limited to, hepatitis in any
 48 form, tuberculosis, and HIV or AIDS as defined in
 49 section 141A.1."
 50 6. Page 32, by inserting after line 23 the

Page 3

1 following:
 2 "Sec. __. IMPLEMENTATION PROVISION. The board of
 3 trustees shall implement the amendments to section
 4 411.6, subsection 5, paragraph "c", and section 411.6,
 5 subsection 9, paragraph "a", by this Act, on July 1,
 6 2002, or on the date that the board determines that
 7 the most recent annual actuarial valuation of the
 8 system indicates that the minimum employer and
 9 employee contribution rates in effect under section
 10 411.8 can absorb the costs of the amendments to
 11 section 411.6, subsection 5, paragraph "c", and
 12 section 411.6, subsection 9, paragraph "a", by this
 13 Act, whichever is later."
 14 7. By renumbering as necessary.

DOTZLER of Black Hawk

H-8123

1 Amend House File 2453 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. NEW SECTION. 21.12 OPEN MEETINGS
 5 EXCEPTION – NOTATION IN LEGISLATION.
 6 When a bill or joint resolution is requested, the
 7 legislative service bureau shall make an initial
 8 determination as to whether the bill or joint
 9 resolution may create an exception to the requirement
 10 that meetings of a governmental body be open to the
 11 public. If a determination is made that an exception
 12 to the open meetings requirements of this chapter is
 13 created as a result of the bill or joint resolution,
 14 that fact shall be included in the explanation of the
 15 bill or joint resolution."
 16 2. Page 1, by inserting after line 12, the
 17 following:
 18 "Sec. __. NEW SECTION. 22.15 OPEN RECORDS
 19 EXCEPTION – NOTATION IN LEGISLATION.
 20 When a bill or joint resolution is requested, the
 21 legislative service bureau shall make an initial
 22 determination as to whether the bill or joint

23 resolution may create an exception to the requirement
 24 that records of a governmental body be subject to
 25 examination and copying by the public. If a
 26 determination is made that an exception to the
 27 examination and copying records requirements of this
 28 chapter is created as a result of the bill or joint
 29 resolution, that fact shall be included in the
 30 explanation of the bill or joint resolution."
 31 3. Title page, line 1, by inserting after the
 32 word "to" the following: "public entities, by
 33 providing notice of proposed legislation that may
 34 contain an exception to open governmental meeting and
 35 record requirements, and concerning".
 36 4. By renumbering as necessary.

JOHNSON of Osceola

H-8126

1 Amend House File 2515 as follows:
 2 1. Page 11, line 16, by inserting after the word
 3 "~~plans~~," the following: "Moneys received from the
 4 school district sales and use tax fund may be used for
 5 the construction and repair of school buildings as
 6 provided in chapter 297A.
 7 Sec. NEW SECTION. 297A.1 SCHOOL DISTRICT
 8 SALES AND USE TAX FUND.
 9 1. A school district sales and use tax fund is
 10 created as a separate and distinct fund in the state
 11 treasury under the control of the department of
 12 revenue and finance. Moneys in the fund include
 13 revenues credited to the fund pursuant to section
 14 422.69, subsection 2, and section 423.24, subsection
 15 2A, appropriations made to the fund and other moneys
 16 deposited into the fund. The moneys credited in a
 17 fiscal year to the fund shall be distributed as
 18 follows:
 19 a. (1) A school district located in whole or in
 20 part in a county that had in effect on March 31, 2002,
 21 the local sales and services tax for school
 22 infrastructure purposes under chapter 422E shall
 23 receive an amount equal to its guaranteed school
 24 infrastructure amount as calculated under subsection 2
 25 if the board of directors notifies the director of
 26 revenue and finance that the school district wants to
 27 receive its guaranteed school infrastructure amount.
 28 The notification shall be provided by July 1, 2002.
 29 If notification is not received by July 1, 2002, the
 30 school district shall receive moneys pursuant to
 31 paragraph "b". Nothing in this chapter shall prevent
 32 a school district from using its guaranteed school
 33 infrastructure amount to pay principal and interest on

34 obligations issued pursuant to section 422E.4.
35 (2) A school district receiving moneys pursuant to
36 subparagraph (1) shall cease to receive its guaranteed
37 school infrastructure amount and shall receive moneys
38 pursuant to paragraph "b" starting with the fiscal
39 year immediately following the fiscal year in which
40 occurs the end of the original ten-year period or the
41 date listed on the original ballot proposition,
42 whichever is the earlier, as provided in chapter 422E.
43 A school district may adopt a plan, as provided in
44 section 297A.2, subsection 2, to anticipate moneys it
45 will receive pursuant to paragraph "b". A school
46 district receiving moneys pursuant to subparagraph (1)
47 may elect to receive moneys pursuant to paragraph "b"
48 by providing notification to receive moneys pursuant
49 to paragraph "b" to the director of revenue and
50 finance and the director of the department of

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1 management by February 15 preceding the fiscal year
2 for which the election will apply. Once a school
3 district makes this election it is irrevocable.
4 b. (1) Moneys remaining after computations made
5 pursuant to paragraph "a" shall be distributed to
6 school districts not receiving moneys under paragraph
7 "a" on a per student basis calculated by the director
8 of revenue and finance by dividing the moneys
9 available during the fiscal year by the combined
10 actual enrollment for all school districts receiving
11 distributions under this paragraph.
12 (2) The combined actual enrollment for school
13 districts, for purposes of subparagraph (1), shall be
14 calculated by adding together the actual enrollment
15 for each school district receiving distributions under
16 this paragraph as determined by the department of
17 management based on the actual enrollment figures
18 reported by October 1 to the department of management
19 by the department of education pursuant to section
20 257.6, subsection 1. The combined actual enrollment
21 count shall be forwarded to the director of revenue
22 and finance by March 1, annually, for purposes of
23 supplying estimated tax payment figures and making
24 estimated tax payments pursuant to subsection 3 for
25 the following fiscal year.
26 2. a. For purposes of distributions under
27 subsection 1, paragraph "a", the school district's
28 guaranteed school infrastructure amount shall be
29 calculated according to the following formula:
30 The district's guaranteed school infrastructure
31 amount equals the product of the county guaranteed
32 school infrastructure amount times the district's

33 county actual enrollment divided by the county
 34 combined actual enrollment.
 35 b. For purposes of the formula in paragraph "a":
 36 (1) "Base year" means the fiscal year beginning
 37 July 1, 2001.
 38 (2) "Base year county taxable sales percentage"
 39 means the percentage that the taxable sales in the
 40 county during the base year is of the total state
 41 taxable sales during the base year.
 42 (3) "County combined actual enrollment" means the
 43 actual enrollment figures determined by the department
 44 of management for the county based on the actual
 45 enrollment figures reported by October 1 to the
 46 department of management by the department of
 47 education pursuant to section 257.6, subsection 1.
 48 (4) "County guaranteed school infrastructure
 49 amount" means an amount equal to the product of the
 50 county's chapter 422E proportionate share times the

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1 amount deposited in the school district sales and use
 2 tax fund for the current year times the current year
 3 county taxable sales percentage divided by the base
 4 year county taxable sales percentage.
 5 (5) "County's chapter 422E proportionate share"
 6 means the percentage that the annualized revenues
 7 received in the county under chapter 422E for the base
 8 year is of one-fifth of the total state sales and use
 9 tax revenues collected for deposit into the general
 10 fund of the state for the base year.
 11 (6) "Current year" means the fiscal year for which
 12 distributions under this section are being made.
 13 (7) "Current year county taxable sales percentage"
 14 means the percentage that the taxable sales in the
 15 county during the current fiscal year is of the total
 16 state taxable sales during the current fiscal year.
 17 (8) "District's county actual enrollment" means the
 18 actual enrollment of the school district that attends
 19 school in the county for which the county combined
 20 actual enrollment is determined.
 21 (9) "Taxable sales" means sales subject to the
 22 state sales and services tax under chapter 422,
 23 division IV.
 24 3. a. The director of revenue and finance within
 25 fifteen days of the beginning of each fiscal year
 26 shall send to each school district an estimate of the
 27 amount of tax moneys each school district will receive
 28 for the year and for each quarter of the year. At the
 29 end of each quarter, the director may revise the
 30 estimates for the year and remaining quarters.
 31 b. The director shall remit ninety-five percent of

32 the estimated tax receipts for the school district to
33 the school district on or before September 30 of the
34 fiscal year and on or before the last day of each
35 following quarter.

36 c. The director shall remit a final payment of the
37 remainder of tax moneys due for the fiscal year before
38 November 10 of the next fiscal year. If an
39 overpayment has resulted during the previous fiscal
40 year, the November payment shall be adjusted to
41 reflect any overpayment.

42 d. If the distributions are to school districts
43 described in subsection 1, paragraph "a", the payments
44 to these school districts shall be done on a monthly
45 basis beginning with the month of August.

46 4. Moneys received by a school district from the
47 fund may be applied by the school district for the
48 purposes of section 76.4.

49 Sec. . NEW SECTION. 297A.2 USE OF SCHOOL
50 DISTRICT SALES AND USE TAX FUND MONEYS.

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1 1. A school district receiving moneys from the
2 school district sales and use tax fund under section
3 297A.1, subsection 1, paragraph "a", shall use the
4 moneys as provided on the original ballot proposition
5 pursuant to chapter 422E, for the payment of principal
6 and interest on general obligation bonds issued
7 pursuant to chapter 296, or section 298.20 or loan
8 agreements under section 297.36, for carrying on
9 public educational and recreational activities
10 pursuant to chapter 300, for payments made pursuant to
11 lease or lease-purchase agreements, or for payment of
12 principal and interest on bonds issued under sections
13 297A.3 and 422E.4.

14 2. a. Moneys received by a school district from
15 the school district sales and use tax fund under
16 section 297A.1, subsection 1, paragraph "b", shall be
17 spent for infrastructure purposes only according to a
18 plan developed by the board of directors. The plan
19 may apply to more than one fiscal year. Prior to
20 adoption of the plan, the board of directors shall
21 hold a public hearing on the question of approval of
22 the proposed plan. The board shall set forth its
23 proposal and shall publish the notice of the time and
24 place of a public hearing on the proposed plan.
25 Notice of the time and place of the public hearing
26 shall be published not less than ten nor more than
27 twenty days before the public hearing in a newspaper
28 which is a newspaper of general circulation in the
29 school district. At the hearing, or no later than
30 thirty days after the date of the hearing, the board

31 shall take action to adopt the proposed plan.
32 b. If the board adopts the plan, moneys received
33 shall be used according to the plan unless within
34 twenty-eight days following the action of the board,
35 the secretary of the board receives a petition
36 containing signatures of registered voters equal in
37 number to five percent of the voters in the school
38 district who voted at the last general election,
39 asking that an election be called to approve or
40 disapprove the action of the board. The board shall
41 either rescind its action or direct the county
42 commissioner of elections to submit the question to
43 the registered voters of the school district at the
44 next following regular school election or a special
45 election. If a majority of those voting on the
46 question at the election favors disapproval of the
47 action of the board, the district shall use the moneys
48 received as provided in paragraph "c" for the fiscal
49 year.
50 At the expiration of the twenty-eight day period,

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1 if no petition is filed, the board shall use the
2 moneys received according to the plan for the duration
3 of the plan. However, the board may, at anytime,
4 expend a greater share of moneys received for property
5 tax relief than otherwise specified in the plan.
6 c. If an election is held and the plan is
7 disapproved, as provided in paragraph "b", or if a
8 plan is not approved by the board, moneys received by
9 a school district shall be used for the fiscal year to
10 reduce the following levies in the following order:
11 (1) Bond levies under sections 298.18 and 298.18A
12 and other debt levies until the moneys received or the
13 levies are reduced to zero.
14 (2) The physical plant and equipment levy under
15 section 298.2, until the moneys received or the levy
16 is reduced to zero.
17 (3) The public educational and recreational
18 activities levy under section 300.2, until the moneys
19 received or the levy is reduced to zero.
20 (4) The schoolhouse tax levy under section 278.1,
21 subsection 7, Code 1989, until the moneys received or
22 the levy is reduced to zero.
23 Any money remaining after the reduction of the
24 levies specified in this paragraph "c" may be used for
25 any lawful infrastructure purpose of the school
26 district.
27 d. For purposes of this subsection,
28 "infrastructure purposes" means those purposes for
29 which a school district is authorized to contract

30 indebtedness and issue general obligation bonds under
31 chapter 296 or to expend tax revenues under section
32 298.3, the payment of principal and interest on
33 general obligation bonds issued under chapter 296 or
34 section 298.20 or loan agreements under section
35 297.36, for carrying on public educational and
36 recreational activities pursuant to chapter 300,
37 payments made pursuant to a lease or lease-purchase
38 agreement, or the payment of principal and interest on
39 bonds issued under section 297A.3 or 422E.4.
40 Sec. __. NEW SECTION. 297A.3 BONDING.
41 A school district may issue bonds as provided in
42 this section if it complies with all of the following
43 procedures:
44 1. A school district may institute proceedings for
45 the issuance of bonds by causing a notice of the
46 proposal to issue the bonds, including a statement of
47 the amount and purpose of the bonds, and the right of
48 voters to petition for an election, to be published at
49 least once in a newspaper of general circulation
50 within the school district at least ten days prior to

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1 the meeting at which it is proposed to take action for
2 the issuance of the bonds.
3 If at any time before the date fixed for taking
4 action for the issuance of the bonds, a petition is
5 filed signed by five percent of the registered voters
6 of the school district, asking that the question of
7 issuing the bonds be submitted to the registered
8 voters, the board of directors shall either by
9 resolution declare the proposal to issue the bonds to
10 be abandoned or shall direct the county commissioner
11 of elections to call a special election upon the
12 question of issuing the bonds. The proposition of
13 issuing bonds under this section is not approved
14 unless the vote in favor of the proposition is equal
15 to at least sixty percent of the vote cast. If a
16 petition is not filed, or if a petition is filed and
17 the proposition of issuing the bonds is approved at an
18 election, the board of directors may proceed with the
19 authorization and issuance of the bonds. Bonds may be
20 issued for the purpose of refunding outstanding and
21 previously issued bonds under this section without
22 otherwise complying with the provisions of this
23 section.
24 2. The provisions of chapter 76 apply to the bonds
25 payable as provided in this subsection, except that
26 the mandatory levy to be assessed pursuant to section
27 76.2 shall be at a rate to generate an amount which
28 together with the receipts from the pledged designated

29 portion of the school district's amount received from
30 the school district sales and use tax fund under
31 section 297A.1 is sufficient to pay the interest and
32 principal on the bonds. All amounts collected as a
33 result of the levy assessed pursuant to section 76.2
34 and paid out for bond principal and interest shall be
35 repaid to the school district from the first available
36 designated portion of the school district's amount
37 received from the school district sales and use tax
38 fund under section 297A.1 received in excess of the
39 requirement for the payment of the principal and
40 interest of the bonds and when repaid shall be applied
41 in reduction of property taxes. The amount of bonds
42 which may be issued under section 76.3 shall be the
43 amount which could be retired from the actual
44 collections of the designated portions of the school
45 district's amount received from the school district
46 sales and use tax fund under section 297A.1 for the
47 last four calendar quarters, as certified by the
48 director of revenue and finance. The amount of tax
49 revenues pledged jointly by other cities or counties
50 may be considered for the purpose of determining the

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1 amount of bonds which may be issued.
2 3. The provisions of this section constitute
3 separate authorization for the issuance of bonds and
4 shall prevail in the event of conflict with any other
5 provisions of state law limiting the amount of bonds
6 which may be issued or the source of payment of the
7 bonds. Bonds issued under this section shall not
8 limit or restrict the authority of the school district
9 to issue bonds under other provisions of state law.
10 Sec. . NEW SECTION. 297A.4 REPEAL.
11 This chapter is repealed July 1, 2022, for fiscal
12 years beginning on or after that date.
13 Sec. . Section 298.18, unnumbered paragraph 4,
14 Code Supplement 2001, is amended by striking the
15 unnumbered paragraph and inserting in lieu thereof the
16 following:
17 If the school corporation's amount received from
18 the school district sales and use tax fund under
19 section 297A.1 does not equal or exceed the amount
20 which would be produced by a levy of one dollar
21 thirty-five cents per thousand dollars of the assessed
22 value of the taxable property of the school
23 corporation, the amount estimated and certified to
24 apply on principal and interest for any one year may
25 exceed two dollars and seventy cents per thousand
26 dollars of assessed value by the amount approved by
27 the voters of the school corporation, but not

28 exceeding four dollars and five cents per thousand of
 29 the assessed value of the taxable property within any
 30 school corporation, provided that the qualified voters
 31 of such school corporation have first approved such
 32 increased amount at a special election, which may be
 33 held at the same time as the regular school election,
 34 and provided further that the school corporation's
 35 amount received from the school district sales and use
 36 tax fund under section 297A.1 shall be used to abate
 37 an additional levy amount authorized after July 1,
 38 2002. A levy approved prior to July 1, 2002, shall
 39 continue to be authorized. The proposition submitted
 40 to the voters at such special election shall be in
 41 substantially the following form:

42 Sec.____. Section 298.18, unnumbered paragraph 5,
 43 Code Supplement 2001, is amended to read as follows:
 44 Shall the board of directors of the (insert
 45 name of school corporation) in the County of,
 46 State of Iowa, be authorized to levy annually a tax
 47 exceeding two dollars and seventy cents per thousand
 48 dollars, but not exceeding .. dollars and ... cents
 49 per thousand dollars of the assessed value of the
 50 taxable property within said school corporation to pay

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1 the principal of and interest on bonded indebtedness
 2 of said school corporation, it being understood that
 3 the approval of this proposition shall not limit the
 4 source of payment of the bonds and interest but shall
 5 only operate to restrict the amount of bonds which may
 6 be issued and that the additional levy shall be
 7 reduced and abated in any year by the amount of money
 8 received from the school district sales and use tax
 9 fund under section 297A.1?"

10 2. Page 15, by inserting after line 27 the
 11 following:

12 "Sec.____. Section 422.43, subsections 1, 2, 4, 5,
 13 6, 7, 10, and 12, Code Supplement 2001, are amended to
 14 read as follows:

15 1. There is imposed a tax of ~~five~~ six percent upon
 16 the gross receipts from all sales of tangible personal
 17 property, consisting of goods, wares, or merchandise,
 18 except as otherwise provided in this division, sold at
 19 retail in the state to consumers or users; a like rate
 20 of tax upon the gross receipts from the sales,
 21 furnishing, or service of gas, electricity, water,
 22 heat, pay television service, and communication
 23 service, including the gross receipts from such sales
 24 by any municipal corporation or joint water utility
 25 furnishing gas, electricity, water, heat, pay
 26 television service, and communication service to the

27 public in its proprietary capacity, except as
28 otherwise provided in this division, when sold at
29 retail in the state to consumers or users; a like rate
30 of tax upon the gross receipts from all sales of
31 tickets or admissions to places of amusement, fairs,
32 and athletic events except those of elementary and
33 secondary educational institutions; a like rate of tax
34 on the gross receipts from an entry fee or like charge
35 imposed solely for the privilege of participating in
36 an activity at a place of amusement, fair, or athletic
37 event unless the gross receipts from the sales of
38 tickets or admissions charges for observing the same
39 activity are taxable under this division; and a like
40 rate of tax upon that part of private club membership
41 fees or charges paid for the privilege of
42 participating in any athletic sports provided club
43 members.

44 2. There is imposed a tax of ~~five~~ six percent upon
45 the gross receipts derived from the operation of all
46 forms of amusement devices and games of skill, games
47 of chance, raffles, and bingo games as defined in
48 chapter 99B, operated or conducted within the state,
49 the tax to be collected from the operator in the same
50 manner as for the collection of taxes upon the gross

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1 receipts of tickets or admission as provided in this
2 section. The tax shall also be imposed upon the gross
3 receipts derived from the sale of lottery tickets or
4 shares pursuant to chapter 99E. The tax on the
5 lottery tickets or shares shall be included in the
6 sales price and distributed to the general fund as
7 provided in section 99E.10.

8 4. There is imposed a tax of ~~five~~ six percent upon
9 the gross receipts from the sales of engraving,
10 photography, retouching, printing, and binding
11 services. For the purpose of this division, the sales
12 of engraving, photography, retouching, printing, and
13 binding services are sales of tangible property.

14 5. There is imposed a tax of ~~five~~ six percent upon
15 the gross receipts from the sales of vulcanizing,
16 recapping, and retreading services. For the purpose
17 of this division, the sales of vulcanizing, recapping,
18 and retreading services are sales of tangible
19 property.

20 6. There is imposed a tax of ~~five~~ six percent upon
21 the gross receipts from the sales of optional service
22 or warranty contracts, except residential service
23 contracts regulated under chapter 523C, which provide
24 for the furnishing of labor and materials and require
25 the furnishing of any taxable service enumerated under

26 this section. The gross receipts are subject to tax
27 even if some of the services furnished are not
28 enumerated under this section. For the purpose of
29 this division, the sale of an optional service or
30 warranty contract, other than a residential service
31 contract regulated under chapter 523C, is a sale of
32 tangible personal property. Additional sales,
33 services, or use taxes shall not be levied on
34 services, parts, or labor provided under optional
35 service or warranty contracts which are subject to tax
36 under this section.

37 If the optional service or warranty contract is a
38 computer software maintenance or support service
39 contract and there is no separately stated fee for the
40 taxable personal property or for the nontaxable
41 service, the tax of ~~five~~ six percent imposed by this
42 subsection shall be imposed on fifty percent of the
43 gross receipts from the sale of such contract. If the
44 contract provides for technical support services only,
45 no tax shall be imposed under this subsection. The
46 provisions of this subsection also apply to the tax
47 imposed by chapter 423.

48 7. There is imposed a tax of ~~five~~ six percent upon
49 the gross receipts from the renting of rooms,
50 apartments, or sleeping quarters in a hotel, motel,

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1 inn, public lodging house, rooming house, manufactured
2 or mobile home which is tangible personal property, or
3 tourist court, or in any place where sleeping
4 accommodations are furnished to transient guests for
5 rent, whether with or without meals. "Renting" and
6 "rent" include any kind of direct or indirect charge
7 for such rooms, apartments, or sleeping quarters, or
8 their use. For the purposes of this division, such
9 renting is regarded as a sale of tangible personal
10 property at retail. However, this tax does not apply
11 to the gross receipts from the renting of a room,
12 apartment, or sleeping quarters while rented by the
13 same person for a period of more than thirty-one
14 consecutive days.

15 10. There is imposed a tax of ~~five~~ six percent
16 upon the gross receipts from the rendering,
17 furnishing, or performing of services as defined in
18 section 422.42.

19 12. A tax of ~~five~~ six percent is imposed upon the
20 gross receipts from the sales of prepaid telephone
21 calling cards and prepaid authorization numbers. For
22 the purpose of this division, the sales of prepaid
23 telephone calling cards and prepaid authorization
24 numbers are sales of tangible personal property.

25 Sec.____. Section 422.43, subsection 13, paragraph
26 a, unnumbered paragraph 1, Code Supplement 2001, is
27 amended to read as follows:

28 A tax of ~~five~~ six percent is imposed upon the gross
29 receipts from the sales, furnishing, or service of
30 solid waste collection and disposal service.

31 Sec.____. Section 422.43, subsections 16 and 17,
32 Code Supplement 2001, are amended to read as follows:

33 16. a. A tax of ~~five~~ six percent is imposed upon
34 the gross receipts from sales of bundled services
35 contracts. For purposes of this subsection, a
36 "bundled services contract" means an agreement
37 providing for a retailer's performance of services,
38 one or more of which is a taxable service enumerated
39 in this section and one or more of which is not, in
40 return for a consumer's or user's single payment for
41 the performance of the services, with no separate
42 statement to the consumer or user of what portion of
43 that payment is attributable to any one service which
44 is a part of the contract.

45 b. For purposes of the administration of the tax
46 on bundled services contracts, the director may enter
47 into agreements of limited duration with individual
48 retailers, groups of retailers, or organizations
49 representing retailers of bundled services contracts.
50 Such an agreement shall impose the tax rate only upon

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1 that portion of the gross receipts from a bundled
2 services contract which is attributable to taxable
3 services provided under the contract.

4 17. A tax of ~~five~~ six percent is imposed upon the
5 gross receipts from any mobile telecommunication
6 service which this state is allowed to tax by the
7 provisions of the federal Mobile Telecommunications
8 Sourcing Act, Pub. L. No. 106-252, 4 U.S.C. § 116 et
9 seq. For purposes of this subsection, taxes on mobile
10 telecommunications service, as defined under the
11 federal Mobile Telecommunications Sourcing Act, that
12 are deemed to be provided by the customer's home
13 service provider shall be paid to the taxing
14 jurisdiction whose territorial limits encompass the
15 customer's place of primary use, regardless of where
16 the mobile telecommunication service originates,
17 terminates, or passes through and shall in all other
18 respects be taxed in conformity with the federal
19 Mobile Telecommunications Sourcing Act. All other
20 provisions of the federal Mobile Telecommunications
21 Sourcing Act are adopted by the state of Iowa and
22 incorporated into this subsection by reference. With
23 respect to mobile telecommunications service under the

24 federal Mobile Telecommunications Sourcing Act the
 25 director shall, if requested, enter into agreements
 26 consistent with the provisions of the federal Act.
 27 Sec.____. Section 422.43, Code Supplement 2001, is
 28 amended by adding the following new subsection:
 29 NEW SUBSECTION. 18. The sales tax rate of six
 30 percent is reduced to five percent on July 1, 2022.
 31 Sec.____. Section 422.47, Code Supplement 2001, is
 32 amended by adding the following new subsection:
 33 NEW SUBSECTION. 2. Construction contractors may
 34 make application to the department for a refund of the
 35 additional one percent tax paid under this division or
 36 the additional one percent tax paid under chapter 423
 37 by reason of the increase in the tax from five to six
 38 percent for taxes paid on goods, wares, or merchandise
 39 under the following conditions:
 40 a. The goods, wares, or merchandise are
 41 incorporated into an improvement to real estate in
 42 fulfillment of a written contract fully executed prior
 43 to July 1, 2002. The refund shall not apply to
 44 equipment transferred in fulfillment of a mixed
 45 construction contract.
 46 b. The contractor has paid to the department or to
 47 a retailer the full six percent tax.
 48 c. The claim is filed on forms provided by the
 49 department and is filed within one year of the date
 50 the tax is paid.

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1 A contractor who makes an erroneous application for
 2 refund shall be liable for payment of the excess
 3 refund paid plus interest at the rate in effect under
 4 section 421.7. In addition, a contractor who
 5 willfully makes a false application for refund is
 6 guilty of a simple misdemeanor and is liable for a
 7 penalty equal to fifty percent of the excess refund
 8 claimed. Excess refunds, penalties, and interest due
 9 under this subsection may be enforced and collected in
 10 the same manner as the tax imposed by this division.
 11 Sec.____. Section 422.69, subsection 2, Code 2001,
 12 is amended to read as follows:
 13 2. a. Unless Except as provided in paragraph "b",
 14 or as otherwise provided, the fees, taxes, interest,
 15 and penalties collected under this chapter shall be
 16 credited to the general fund.
 17 b. One-sixth of the fees, taxes, interest, and
 18 penalties collected pursuant to division IV shall be
 19 credited to the school district sales and use tax fund
 20 created in section 297A.1. This paragraph is stricken
 21 July 1, 2022.
 22 Sec.____. Section 422E.1, Code 2001, is amended by

23 adding the following new subsections:

24 NEW SUBSECTION. 4. a. This chapter does not
25 apply to any county for the period beginning after the
26 effective date of this Act and ending January 1, 2022.

27 b. In the case of a county that has in effect on
28 March 31, 2002, a local sales and services tax for
29 school infrastructure purposes, the increase in the
30 state sales and services tax under chapter 422,
31 division IV, from five percent to six percent shall
32 replace the county's local sales and services tax for
33 school infrastructure purposes and to this extent the
34 local sales and services tax for school infrastructure
35 purposes is repealed.

36 NEW SUBSECTION. 5. Local sales and services tax
37 receipts collected prior to July 1, 2002, pursuant to
38 this chapter, may be applied by a school district for
39 the purposes of section 76.4.

40 Sec. ___. Section 423.2, Code 2001, is amended to
41 read as follows:

42 423.2 IMPOSITION OF TAX.

43 An excise tax is imposed on the use in this state
44 of tangible personal property, including aircraft
45 subject to registration under section 328.20,
46 purchased for use in this state, at the rate of ~~five~~
47 six percent of the purchase price of the property. An
48 excise tax is imposed on the use of manufactured
49 housing in this state at the rate of ~~five~~ six percent
50 of the purchase price if the manufactured housing is

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1 sold in the form of tangible personal property and at
2 the rate of ~~five~~ six percent of the installed purchase
3 price if the manufactured housing is sold in the form
4 of realty. An excise tax is imposed on the use in
5 this state of vehicles subject to registration or
6 subject only to the issuance of a certificate of title
7 at the rate of five percent. An excise tax is imposed
8 on the use of leased vehicles at the rate of five
9 percent of the amount otherwise subject to tax as
10 calculated pursuant to section 423.7A. The excise tax
11 is imposed upon every person using the property within
12 this state until the tax has been paid directly to the
13 county treasurer or the state department of
14 transportation, to a retailer, or to the department.
15 An excise tax is imposed on the use in this state of
16 services enumerated in section 422.43 at the rate of
17 ~~five~~ six percent. This tax is applicable where
18 services are rendered, furnished, or performed in this
19 state or where the product or result of the service is
20 used in this state. This tax is imposed on every
21 person using the services or the product of the

22 services in this state until the user has paid the tax
 23 either to an Iowa use tax permit holder or to the
 24 department. The rate of use tax of six percent shall
 25 be reduced to five percent beginning July 1, 2022.

26 Sec. __. Section 423.24, Code 2001, is amended by
 27 adding the following new subsection:

28 NEW SUBSECTION. 2A. One-sixth of all other
 29 revenue arising under the operation of this chapter
 30 shall be credited to the school district sales and use
 31 tax fund created in section 297A.1. This subsection
 32 is stricken July 1, 2022.

33 Sec. __. Section 423.24, subsection 3, Code 2001,
 34 is amended to read as follows:

35 3. All other revenue arising under the operation
 36 of this chapter not credited as specified in
 37 subsections 1, 2, and 2A shall be credited to the
 38 general fund of the state."

39 3. Page 18, by inserting after line 30 the
 40 following:

41 "Sec. __. APPLICABILITY. This section applies in
 42 regard to the increase in the state sales and use
 43 taxes from five to six percent. The six percent rate
 44 applies to all sales of taxable personal property,
 45 consisting of goods, wares, or merchandise if delivery
 46 occurs on or after July 1, 2002. The six percent use
 47 tax rate applies to the use of property when the first
 48 taxable use in this state occurs on or after July 1,
 49 2002. The six percent rate applies to the gross
 50 receipts from the sale, furnishing, or service of gas,

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1 electricity, water, heat, pay television service, and
 2 communication service if the date of billing the
 3 customer is on or after July 1, 2002. In the case of
 4 a service contract entered into prior to July 1, 2002,
 5 which contract calls for periodic payments, the six
 6 percent rate applies to those payments made or due on
 7 or after July 1, 2002. This periodic payment applies,
 8 but is not limited to, tickets or admissions, private
 9 club membership fees, sources of amusement, equipment
 10 rental, dry cleaning, reducing salons, dance schools,
 11 and all other services subject to tax, except the
 12 aforementioned utility services which are subject to a
 13 special transitional rule. Unlike periodic payments
 14 under service contracts, installment sales of goods,
 15 wares, and merchandise are subject to the full amount
 16 of sales or use tax when the sales contract is entered
 17 into or the property is first used in Iowa.

18 Sec. __. IMMEDIATE EFFECTIVE DATE. The sections
 19 of this Act, enacting sections 297A.1 and 297A.2,
 20 being deemed of immediate importance, take effect upon

21 enactment."
 22 4. Title page, by striking line 2, and inserting
 23 the following: "education, increasing the state sales
 24 and use taxes for educational infrastructure purposes,
 25 and providing effective dates".

RICHARDSON of Warren
 MERTZ of Kossuth
 HOFFMAN of Crawford
 JOHNSON of Osceola

REYNOLDS of Van Buren
 KREIMAN of Davis
 KETTERING of Sac

H-8127

1 Amend Senate File 2210, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 32, by striking the words "an
 4 ownership or" and inserting the following: "a".
 5 2. Page 2, by inserting after line 28, the
 6 following:
 7 "___ The lease executed by the qualified
 8 enterprise terminates no later than twelve years from
 9 the date that the qualified enterprise files a notice
 10 with the secretary of state as provided in this
 11 section. The lease shall not be renewed or otherwise
 12 continued to a date that is later than twelve years
 13 from the date that the qualified enterprise files the
 14 notice with the secretary of state."
 15 3. By renumbering as necessary.

FALLON of Polk

H-8138

1 Amend House File 2542 as follows:
 2 1. Page 1, by striking lines 29 through 35.
 3 2. Page 3, by striking lines 10 through 27.
 4 3. By renumbering as necessary.

TREMMELE of Wapello

H-8139

1 Amend House File 2542 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 135C.1, Code Supplement 2001,
 5 is amended by adding the following new subsections:
 6 NEW SUBSECTION. 13A. "Nursing facility
 7 administrator" means a person who administers,
 8 manages, supervises, or is in general administrative
 9 charge of a nursing facility whether or not such
 10 individual has an ownership interest in such facility

11 and whether or not the individual's functions and
 12 duties are shared with one or more individuals.
 13 NEW SUBSECTION. 15A. "Quality assessment and
 14 assurance committee" means a committee consisting of
 15 those individuals identified in 42 C.F.R.§
 16 483.75(o)(1), who are responsible for identifying
 17 issues which may adversely impact the quality of care
 18 and services provided to residents, and developing and
 19 implementing plans of action to correct identified
 20 quality issues.

21 Sec. 2. Section 147.1, subsection 2, paragraph e,
 22 subparagraph (6), Code 2001, is amended to read as
 23 follows:

24 (6) A health care entity, including but not
 25 limited to a group medical practice or a health
 26 facility licensed under chapter 135C, that provides
 27 health care services and follows a formal peer review
 28 process for the purpose of furthering quality health
 29 care.

30 Sec. 3. Section 147.135, subsection 2, Code 2001,
 31 is amended to read as follows:

32 2. As used in this subsection, "peer review
 33 activity" means the procedure by which peer review
 34 committees or quality assessment and assurance
 35 committees, as defined in section 135C.1, monitor,
 36 evaluate, and recommend actions to improve and assure
 37 the delivery and quality of services within the
 38 committees' respective facilities, agencies, and
 39 professions, including recommendations, consideration
 40 of recommendations, actions with regard to
 41 recommendations, and implementation of actions. As
 42 used in this subsection, "peer review records" means
 43 all complaint files, investigation files, reports, and
 44 other investigative information relating to the
 45 monitoring, evaluation, and recommendation of actions
 46 to improve the delivery and quality of health care
 47 services, licensee discipline, or professional
 48 competence in the possession of a peer review
 49 committee or an employee of a peer review committee.
 50 As used in this subsection, "peer review committee"

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1 does not include examining boards. Peer review
 2 records are privileged and confidential, are not
 3 subject to discovery, subpoena, or other means of
 4 legal compulsion for release to a person other than an
 5 affected licensee or a peer review committee and are
 6 not admissible in evidence in a judicial or
 7 administrative proceeding other than a proceeding
 8 involving licensee discipline or a proceeding brought
 9 by a licensee who is the subject of a peer review

10 record and whose competence is at issue. A person
11 shall not be liable as a result of filing a report or
12 complaint with a peer review committee or providing
13 information to such a committee, or for disclosure of
14 privileged matter to a peer review committee. A
15 person present at a meeting of a peer review committee
16 shall not be permitted to testify as to the findings,
17 recommendations, evaluations, or opinions of the peer
18 review committee in any judicial or administrative
19 proceeding other than a proceeding involving licensee
20 discipline or a proceeding brought by a licensee who
21 is the subject of a peer review committee meeting and
22 whose competence is at issue. Information or
23 documents discoverable from sources other than the
24 peer review committee do not become nondiscoverable
25 from the other sources merely because they are made
26 available to or are in the possession of a peer review
27 committee. However, such information relating to
28 licensee discipline may be disclosed to an appropriate
29 licensing authority in any jurisdiction in which the
30 licensee is licensed or has applied for a license. If
31 such information indicates a crime has been committed,
32 the information shall be reported to the proper law
33 enforcement agency. This subsection shall not
34 preclude the discovery of the identification of
35 witnesses or documents known to a peer review
36 committee. Any final written decision and finding of
37 fact by a licensing board in a disciplinary proceeding
38 is a public record. Upon appeal by a licensee of a
39 decision of a licensing board, the entire case record
40 shall be submitted to the reviewing court. In all
41 cases where privileged and confidential information
42 under this subsection becomes discoverable,
43 admissible, or part of a court record the identity of
44 an individual whose privilege has been involuntarily
45 waived shall be withheld.

46 Sec. 4. Section 147.136, Code 2001, is amended to
47 read as follows:

48 147.136 SCOPE OF RECOVERY.

49 In an action for damages for personal injury
50 against a physician and surgeon, osteopath,

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1 osteopathic physician and surgeon, dentist, podiatric
2 physician, optometrist, pharmacist, chiropractor,
3 nursing facility administrator, or nurse licensed to
4 practice that profession in this state, or against a
5 hospital or nursing facility licensed for operation in
6 ~~this state under chapter 135C~~, based on the alleged
7 negligence of the practitioner in the practice of the
8 profession or occupation, or upon the alleged

9 negligence of the a hospital or nursing facility in
 10 patient care, in which liability is admitted or
 11 established, the damages awarded shall not include
 12 actual economic losses incurred or to be incurred in
 13 the future by the claimant by reason of the personal
 14 injury, including but not limited to, the cost of
 15 reasonable and necessary medical care, rehabilitation
 16 services, and custodial care, and the loss of services
 17 and loss of earned income, to the extent that those
 18 losses are replaced or are indemnified by insurance,
 19 or by governmental, employment, or service benefit
 20 programs or from any other source except the assets of
 21 the claimant or of the members of the claimant's
 22 immediate family.

23 Sec. 5. Section 147.138, Code 2001, is amended to
 24 read as follows:

25 147.138 CONTINGENT FEE OF ATTORNEY REVIEWED BY
 26 COURT.

27 In any action for personal injury or wrongful death
 28 against any physician and surgeon, osteopath,
 29 osteopathic physician and surgeon, dentist, podiatric
 30 physician, optometrist, pharmacist, chiropractor,
 31 nursing facility administrator, or nurse licensed
 32 under this chapter or against any hospital licensed
 33 under chapter 135B, or nursing facility licensed under
 34 chapter 135C, based upon the alleged negligence of the
 35 licensee in the practice of that profession or
 36 occupation, or upon the alleged negligence of the
 37 hospital or nursing facility in patient care, the
 38 court shall determine the reasonableness of any
 39 contingent fee arrangement between the plaintiff and
 40 the plaintiff's attorney."

41 2. Title page, by striking lines 1 through 3 and
 42 inserting the following: "An Act relating to the
 43 delivery of services by certain health care
 44 professionals and health facilities, and providing
 45 definitions."

KREIMAN of Davis

H-8140

1 Amend House File 2542 as follows:

2 1. Page 2, by inserting after line 14 the
 3 following:

4 "1A. A health care provider shall not compel an
 5 individual to serve on a quality assessment and
 6 assurance committee. An employee of a health care
 7 provider who does not serve on a quality assessment
 8 and assurance committee shall not be fired,
 9 disciplined, or have any privileges taken away by the

- 10 employer health care provider."
- 11 2. By renumbering as necessary.

REYNOLDS of Van Buren

H-8142

- 1 Amend House File 2264 as follows:
- 2 1. Page 5, by striking lines 3 through 29.
- 3 2. Title page, line 2, by striking the words "a
- 4 criminal penalty, and providing".

GRUNDBERG of Polk

H-8143

- 1 Amend House File 2542 as follows:
- 2 1. Page 1, by striking lines 9 through 28.
- 3 2. By striking page 2, line 1, through page 3,
- 4 line 9.
- 5 3. Title page, by striking lines 2 and 3 and
- 6 inserting the following: "care providers."
- 7 4. By renumbering as necessary.

TREMMELE of Wapello

H-8144

- 1 Amend House File 2542 as follows:
- 2 1. Page 1, by striking lines 1 through 35.
- 3 2. By renumbering as necessary.

TREMMELE of Wapello

H-8145

- 1 Amend House File 2542 as follows:
- 2 1. Page 1, by striking line 11 and inserting the
- 3 following: "committee monitors, evaluates, and
- 4 recommends".

KREIMAN of Davis

H-8146

- 1 Amend House File 2542 as follows:
- 2 1. Page 1, by striking lines 4 through 8 and
- 3 inserting the following:
- 4 "1. "Health care provider" means a nursing

5 facility or a residential care facility as defined in
6 section 135C.1, subsection 17."

KREIMAN of Davis

H-8147

1 Amend House File 2542 as follows:
2 1. Page 2, line 26, by inserting after the word
3 "action." the following: "A health care provider who
4 waives any privilege under this subsection waives all
5 privileges under this subsection."

KREIMAN of Davis

H-8148

1 Amend House File 2542 as follows:
2 1. Page 1, by striking lines 15 through 20 and
3 inserting the following:
4 "3. "Quality assessment and assurance committee"
5 means a committee consisting of those individuals
6 identified in 42 C.F.R. § 483.75(o)(1), who are
7 responsible for identifying issues which may adversely
8 impact the quality of care and services provided to
9 residents, and developing and implementing plans of
10 action to correct identified quality issues."
11 2. By renumbering as necessary.

KREIMAN of Davis

H-8150

1 Amend House File 2542 as follows:
2 1. Page 3, by inserting after line 27 the
3 following:
4 "Sec. . **NEW SECTION. 135M.4 INSTALLATION OF**
5 **VIDEO CAMERA BY RESIDENT OR FAMILY MEMBER.**
6 A resident or family member of a resident of a
7 health care provider may install a video camera at the
8 resident's or family member's expense in the nursing
9 facility, residential care facility, or assisted
10 living program where the resident is living. The
11 video camera shall be installed in a manner that
12 limits the range of the camera to view only the
13 resident and the area immediately contiguous to the
14 resident, and shall not include areas shared by other
15 residents of the facility or program where the
16 resident is living. Such a video camera shall not
17 interfere with employee or resident movement and shall
18 not violate the structural integrity of the facility
19 or program."

- 20 2. Title page, line 2, by inserting after the
21 word "providers" the following: ", including a family
22 member's right to monitor those services,".
23 3. By renumbering as necessary.

DOTZLER of Black Hawk

H-8152

- 1 Amend House File 2542 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 135C.49 NURSING
5 FACILITY RESIDENT BILL OF RIGHTS.
6 1. A resident of a nursing facility, as defined in
7 section 135C.1, shall not be deprived of any civil or
8 legal rights, benefits, or privileges guaranteed by
9 law. Every resident of a nursing facility shall have
10 the right to all of the following:
11 a. To live in a safe and decent environment, free
12 from abuse and neglect.
13 b. To be treated with consideration, respect,
14 dignity, individuality, and privacy.
15 c. To retain and use personal clothing and other
16 personal items in the resident's immediate living
17 quarters in order to maintain individuality and
18 personal dignity, unless a personal item is proven to
19 be unsafe, impractical, or an infringement on the
20 rights of other residents.
21 d. To unrestricted private communications,
22 including, but not limited to, the right to receive
23 and send unopened written correspondence, and to have
24 telephone access and personal visits, at any
25 reasonable time. Upon the resident's request, the
26 nursing facility shall provide extended visiting hours
27 for caregivers and out-of-town visitors.
28 e. To participate in and benefit from community
29 services and activities.
30 f. To manage personal finances. The resident, or
31 the resident's personal representative, designee,
32 guardian, or attorney in fact may authorize the
33 nursing facility administrator to provide a secure
34 location for the resident's personal funds and
35 accounts.
36 g. To share a room with a resident spouse.
37 h. To regular exercise both in and outside of the
38 nursing facility several times during the week.
39 i. To exercise civil and religious liberties,
40 including the right to make independent personal
41 decisions. A religious belief or practice shall not
42 be imposed on any resident.
43 j. To adequate and appropriate health care

44 consistent with established and recognized standards
45 in the health care field.
46 k. To reasonable notice of a relocation or
47 termination of residency in a nursing facility, unless
48 required for emergency purposes or unless the resident
49 engages in a pattern of conduct that is harmful or
50 offensive to the other residents.

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1 1. To present grievances and recommend changes in
2 policies, procedures, and services to the nursing
3 facility staff and administration, without restraint,
4 interference, coercion, discrimination, or reprisal.
5 A nursing facility shall establish a grievance
6 procedure to facilitate a resident's exercise of this
7 right. This right also includes the right to be a
8 member of and participate in advocacy or special
9 interest groups.
10 2. The administrator of a nursing facility shall
11 post written notice of a resident's rights,
12 obligations, and prohibitions as specified in
13 subsection 1, in a prominent location in the nursing
14 facility. The notice shall be reviewed with each
15 resident and shall include the name, address, and
16 telephone number of the nursing facility's resident
17 advocate committee and long-term care ombudsman. The
18 nursing facility shall provide a resident telephone
19 access to contact the appropriate authority if
20 necessary.
21 3. The nursing facility shall not prevent a
22 resident from exercising any of the resident rights
23 specified in subsection 1.
24 4. A facility or an employee of a facility shall
25 not take any retaliatory action against a resident who
26 does any of the following:
27 a. Exercises any right specified in subsection 1.
28 b. Appears as a witness in any hearing.
29 c. Files a civil action or contacts law
30 enforcement concerning a suspected violation of any of
31 the rights specified in subsection 1.
32 5. A person who submits or reports a complaint
33 concerning a suspected violation of any of the rights
34 specified in subsection 1, or who testifies in any
35 administrative or judicial proceeding arising from
36 such a complaint, shall have immunity from any civil
37 or criminal liability, unless the person has acted in
38 bad faith or with malicious intent."
39 2. Title page, by striking lines 1 through 3 and

40 inserting the following: "An Act providing for a
41 nursing facility resident bill of rights."

DOTZLER of Black Hawk

H-8153

1 Amend House File 2542 as follows:
2 1. Page 1, by striking lines 29 through 35.
3 2. Page 3, by striking lines 10 through 27.
4 3. By renumbering as necessary.

KREIMAN of Davis

H-8154

1 Amend House File 2542 as follows:
2 1. Page 3, by inserting after line 27 the
3 following:
4 "Sec. ___. Section 519A.2, subsection 3, Code
5 2001, is amended to read as follows:
6 3. "Licensed health care provider" means and
7 includes a physician and surgeon, osteopath,
8 osteopathic physician and surgeon, dentist, podiatric
9 physician, optometrist, pharmacist, chiropractor, or
10 nurse licensed pursuant to chapter 147, ~~and a hospital~~
11 ~~licensed pursuant to chapter 135B, and a nursing~~
12 ~~facility licensed pursuant to chapter 135C.~~
13 Sec. ___. Section 519A.5, subsection 2, Code 2001,
14 is amended to read as follows:
15 2. All policies issued by the association shall
16 provide for a continuous period of coverage beginning
17 with their respective effective dates ~~and terminating~~
18 ~~automatically at 12:01 a.m. on July 1, 1977, unless~~
19 ~~sooner terminated. All policies shall terminate at~~
20 12:01 a.m. two years from the date of finding of an
21 emergency by the commissioner, or earlier in
22 accordance with sections 519A.2 to through 519A.13
23 ~~or unless terminated~~ because of failure of the
24 policyholder to pay any premium or stabilization
25 reserve fund charge or portion of either when due.
26 All policies shall be issued subject to the group
27 retrospective rating plan and the stabilization
28 reserve fund authorized by this chapter. No policy
29 form shall be used by the association unless it has
30 been filed with and approved by the commissioner."
31 2. Title page, line 3, by inserting after the
32 word "providers" the following: ", and by providing
33 for the temporary availability of medical malpractice

34 insurance".

35 3. By renumbering as necessary.

DOTZLER of Black Hawk

H-8155

1 Amend House File 2542 as follows:

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

4 "Section 1. NEW SECTION. 135M.1 TITLE.

5 This chapter shall be known and may be cited as the
6 "Resident Safety and Quality Assurance Act".

7 Sec. 2. NEW SECTION. 135M.2 DEFINITIONS.

8 As used in this chapter:

9 1. "Action plan" means a written plan prepared
10 after a root cause analysis that identifies strategies
11 that a resident care provider intends to implement to
12 reduce the risk and reoccurrence of actual and
13 potential risks to resident safety. The plan shall
14 address resident care provider responsibility for
15 implementation, oversight, pilot testing as
16 appropriate, time lines, and strategies for measuring
17 the effectiveness of the actions.

18 2. "Quality assessment and assurance activities"
19 means the procedure by which a quality assessment and
20 assurance committee monitors, evaluates, recommends,
21 and implements actions to improve and assure the
22 delivery and quality of services and resident safety
23 through identification, correction, and prevention of
24 sentinel events.

25 3. "Quality assessment and assurance committee"
26 means a committee of a resident care provider
27 consisting of individuals responsible for the
28 identification of sentinel events that may adversely
29 impact the health and safety of residents, and for the
30 development of root cause analyses, action plans, and
31 other plans to correct identified quality of care
32 issues. The quality assessment and assurance
33 committee shall include resident care provider
34 leaders, including, but not limited to, the resident
35 care provider administrator and the director of
36 nursing.

37 4. "Quality assessment and assurance committee
38 records" means complaint files, investigation files,
39 reports, and other investigative information relating
40 to licensee discipline or professional competence in
41 the possession of a quality assessment and assurance
42 committee or an employee of the committee.

43 5. "Resident care provider" means a nursing
44 facility or a residential care facility as defined in
45 section 135C.1, or an assisted living program

46 certified by the department of elder affairs or
 47 recognized as voluntarily accredited pursuant to
 48 chapter 231C.
 49 6. "Resident care provider leaders" means a health
 50 care provider, executive, physician as defined in

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1 section 135C.1, registered or licensed practical nurse
 2 or nurse practitioner, or health care provider
 3 administrator.

4 7. "Risk of death or serious injury" means any
 5 variation in a process related to quality of care or
 6 resident safety which may result in a serious adverse
 7 outcome.

8 8. "Root cause analysis" means the process for
 9 identifying causal factors that relate to any
 10 variation in the delivery and quality of services and
 11 resident safety, including the occurrence or possible
 12 occurrence of a sentinel event. A root cause analysis
 13 focuses primarily on systems and processes, and not on
 14 individual performances.

15 9. "Sentinel event" means an unexpected occurrence
 16 resulting in the death or serious physical or
 17 psychological injury of a resident of a resident care
 18 provider, or a risk of death or serious physical or
 19 psychological injury to a resident of a resident care
 20 provider.

21 10. "Unanticipated outcome" means a result that
 22 differs significantly from what was anticipated to be
 23 the result of a treatment or procedure, including an
 24 outcome caused by an error of an employee of a
 25 resident care provider or an independent practitioner
 26 who provides medical services at a resident care
 27 provider's facility.

28 Sec. 3. NEW SECTION. 135M.3 ACCOUNTABILITY OF
 29 RESIDENT CARE PROVIDER LEADERS.

30 The resident care provider leaders, including the
 31 resident care provider administrator and director of
 32 nursing, and the quality assessment and assurance
 33 committee, are responsible for all of the following:

34 1. Assuring the implementation of an integrated
 35 resident safety program throughout the resident care
 36 provider facility. The resident safety program shall
 37 include, at a minimum, all of the following:

38 a. A designation of one or more qualified
 39 individuals or an interdisciplinary group to manage
 40 the resident care provider safety program.

41 b. A definition of the scope of the program
 42 activities, including the types of occurrences to be
 43 addressed.

44 c. A procedure for immediate response to medical

45 or health care errors or resident abuse, including
 46 care of an affected resident, containment of risk to
 47 others, and the preservation of factual information
 48 for subsequent analysis.
 49 d. A system for internal and external reporting of
 50 information relating to medical and health care errors

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1 or resident abuse.
 2 e. A defined mechanism for support of staff
 3 involved in a sentinel event.
 4 f. An annual report to the board of directors of
 5 the resident care provider and the department of
 6 inspections and appeals concerning medical or health
 7 care errors and resident neglect or abuse, and actions
 8 taken to improve resident safety, both proactively and
 9 in response to actual occurrences.
 10 2. Defining and implementing processes for
 11 identifying and managing sentinel events, including
 12 establishing processes for the identification,
 13 reporting, analysis, and prevention of sentinel events
 14 and assuring the consistent and effective
 15 implementation of a mechanism to accomplish those
 16 activities.
 17 3. Establishing a continuous proactive program for
 18 identifying risks to patient safety and reducing
 19 medical and health care errors and resident neglect or
 20 abuse.
 21 4. Allocating adequate resources for measuring,
 22 assessing, and improving patient safety.
 23 5. Assigning personnel to participate in
 24 activities to improve patient safety and providing
 25 adequate time for personnel to participate in such
 26 activities.
 27 6. Providing staff training on the improvement of
 28 patient safety.
 29 7. Allocating physical and financial resources to
 30 support safety improvement.
 31 8. Analyzing undesirable patterns or trends in
 32 staff performance and sentinel events.
 33 9. Assuring the resident care provider identifies
 34 changes for improved patient safety.
 35 Sec. 4. NEW SECTION. 135M.4 RESIDENT RIGHTS AND
 36 DUTY OF DISCLOSURE.
 37 1. Residents and their immediate families have a
 38 right to know about the quality of care outcomes
 39 involved in resident care, including unanticipated
 40 outcomes and sentinel events.
 41 2. The resident care provider leaders shall fully
 42 disclose all of the facts and circumstances relating
 43 to a sentinel event or an unanticipated outcome.

44 Sec. 5. NEW SECTION. 135M.5 SENTINEL EVENT
 45 REPORTING.
 46 1. A resident care provider involved in a sentinel
 47 event shall submit a root cause analysis and an action
 48 plan that describes the resident care provider's risk
 49 reduction strategy and a strategy for evaluating the
 50 effectiveness of the risk reduction strategy to the

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1 department of inspections and appeals.
 2 2. A root cause analysis shall contain an analysis
 3 focusing primarily on systems and processes involved
 4 in quality of care and resident safety which includes
 5 changes that may be made to such systems and
 6 processes, and shall be thorough, credible, and
 7 acceptable as defined by industry standards.
 8 Sec. 6. NEW SECTION. 135M.6 CONFIDENTIALITY OF
 9 RECORDS.
 10 1. Quality assessment and assurance committee
 11 records shall be confidential and privileged and shall
 12 not be subject to discovery or subpoena.
 13 2. Information or documents discoverable from
 14 sources other than a quality assessment and assurance
 15 committee, a resident care provider, or the department
 16 of inspections and appeals do not become
 17 nondiscoverable from the other sources because they
 18 are subject to a claim of confidentiality under this
 19 section."
 20 2. Title page, by striking lines 1 through 3 and
 21 inserting the following: "An Act relating to resident
 22 safety and quality assurance in a nursing facility,
 23 residential care facility, and an assisted living
 24 program."

DOTZLER of Black Hawk

H-8156

1 Amend House File 2264 as follows:
 2 1. Page 4, by inserting after line 5, the
 3 following:
 4 "(4) Information encouraging abstinence and
 5 contraception use for protection from further unwanted
 6 pregnancies and sexually transmitted diseases,
 7 including information regarding the protection failure
 8 rates listed by the centers for disease control and
 9 prevention of the United States department of health
 10 and human services."
 11 2. By renumbering as necessary.

BOAL of Polk

H-8157

1 Amend the amendment, H-8103, to House File 2493 as
2 follows:

3 1. Page 1, lines 4 and 5, by striking the words
4 "a prosecutor employed in the department of justice"
5 and inserting the following: "a prosecuting attorney
6 as defined in section 13A.1".

7 2. Page 1, line 5, by inserting before the word
8 "public" the following: "state".

9 3. Page 1, line 6, by striking the words
10 "employed in the state public defender's office" and
11 inserting the following: "or appointed attorney as
12 defined in section 13B.1".

TREMMELE of Wapello

H-8160

1 Amend House File 2418 as follows:

2 1. Page 1, line 21, by inserting after the word
3 "standards" the following: "in effect on or after the
4 effective date of this Act".

5 2. Page 1, line 23, by inserting after the word
6 "organization" the following: "in effect on or after
7 the effective date of this Act. A governmental
8 subdivision that adopts or enacts a minimum energy
9 standard which is substantially in accordance and
10 consistent with applicable federal standards and with
11 the provisions adopted or recommended by a nationally
12 recognized organization shall adopt or enact any
13 update or revision to the applicable federal standard
14 and provisions adopted or recommended by a nationally
15 recognized organization".

16 3. Page 1, line 29, by inserting after the word
17 "standards" the following: "in effect on or after the
18 effective date of this Act".

19 4. Page 1, line 31, by inserting after the word
20 "organization" the following: "in effect on or after
21 the effective date of this Act. A governmental
22 subdivision that adopts or enacts a minimum energy
23 standard which is substantially in accordance and
24 consistent with applicable federal standards and with
25 the provisions adopted or recommended by a nationally
26 recognized organization shall adopt or enact any
27 update or revision to the applicable federal standard
28 and provisions adopted or recommended by a nationally
29 recognized organization".

BRADLEY of Clinton

H-8163

1 Amend House File 2571 as follows:
2 1. Page 3, line 29, by inserting after the word
3 "corporation." the following: "Any assets received by
4 the trust fund from federal or private sources shall
5 at all times be preserved, invested, and expended
6 solely for the purposes of the trust fund and shall be
7 held in trust as provided for in this section. No
8 property rights in the assets received by the trust
9 fund from federal or private sources shall exist in
10 favor of the state."

GRUNDBERG of Polk

H-8164

1 Amend Senate File 240, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking line 22, and inserting the
4 following:
5 "2. All construction work initiated under this
6 program shall conform to the competitive bidding".
7 2. Page 2, line 15, by inserting after the word
8 "events." the following: "The school district shall
9 also retain control over the designation of a name for
10 the school facility or any portion of the school
11 facility, and over the display or distribution of any
12 advertisement, announcement, or information within or
13 on the grounds of the school facility."

Committee on Education

H-8170

1 Amend House File 2456 as follows:
2 1. Page 3, line 25, by inserting after the word
3 "year." the following: "Moneys received by a school
4 district from the school district sales and use tax
5 fund may be used for the construction and repair of
6 school buildings as provided in chapter 297A and as
7 such shall be included in computing capacity per
8 pupil."
9 2. Page 5, by inserting after line 1 the
10 following:
11 "Sec. NEW SECTION. 297A.1 SCHOOL DISTRICT
12 SALES AND USE TAX FUND.
13 1. A school district sales and use tax fund is
14 created as a separate and distinct fund in the state
15 treasury under the control of the department of
16 revenue and finance. Moneys in the fund include
17 revenues credited to the fund pursuant to section

18 422.69, subsection 2, and section 423.24, subsection
19 2A, appropriations made to the fund and other moneys
20 deposited into the fund. The moneys credited in a
21 fiscal year to the fund shall be distributed as
22 follows:

23 a. (1) A school district located in whole or in
24 part in a county that had in effect on March 31, 2002,
25 the local sales and services tax for school
26 infrastructure purposes under chapter 422E shall
27 receive an amount equal to its guaranteed school
28 infrastructure amount as calculated under subsection 2
29 if the board of directors notifies the director of
30 revenue and finance that the school district wants to
31 receive its guaranteed school infrastructure amount.
32 The notification shall be provided by July 1, 2002.
33 If notification is not received by July 1, 2002, the
34 school district shall receive moneys pursuant to
35 paragraph "b". Nothing in this chapter shall prevent
36 a school district from using its guaranteed school
37 infrastructure amount to pay principal and interest on
38 obligations issued pursuant to section 422E.4.

39 (2) A school district receiving moneys pursuant to
40 subparagraph (1) shall cease to receive its guaranteed
41 school infrastructure amount and shall receive moneys
42 pursuant to paragraph "b" starting with the fiscal
43 year immediately following the fiscal year in which
44 occurs the end of the original ten-year period or the
45 date listed on the original ballot proposition,
46 whichever is the earlier, as provided in chapter 422E.
47 A school district may adopt a plan, as provided in
48 section 297A.2, subsection 2, to anticipate moneys it
49 will receive pursuant to paragraph "b". A school
50 district receiving moneys pursuant to subparagraph (1)

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1 may elect to receive moneys pursuant to paragraph "b"
2 by providing notification to receive moneys pursuant
3 to paragraph "b" to the director of revenue and
4 finance and the director of the department of
5 management by February 15 preceding the fiscal year
6 for which the election will apply. Once a school
7 district makes this election it is irrevocable.

8 b. (1) Moneys remaining after computations made
9 pursuant to paragraph "a" shall be distributed to
10 school districts not receiving moneys under paragraph
11 "a" on a per student basis calculated by the director
12 of revenue and finance by dividing the moneys
13 available during the fiscal year by the combined
14 actual enrollment for all school districts receiving
15 distributions under this paragraph.

16 (2) The combined actual enrollment for school

17 districts, for purposes of subparagraph (1), shall be
18 calculated by adding together the actual enrollment
19 for each school district receiving distributions under
20 this paragraph as determined by the department of
21 management based on the actual enrollment figures
22 reported by October 1 to the department of management
23 by the department of education pursuant to section
24 257.6, subsection 1. The combined actual enrollment
25 count shall be forwarded to the director of revenue
26 and finance by March 1, annually, for purposes of
27 supplying estimated tax payment figures and making
28 estimated tax payments pursuant to subsection 3 for
29 the following fiscal year.

30 2. a. For purposes of distributions under
31 subsection 1, paragraph "a", the school district's
32 guaranteed school infrastructure amount shall be
33 calculated according to the following formula:

34 The district's guaranteed school infrastructure
35 amount equals the product of the county guaranteed
36 school infrastructure amount times the district's
37 county actual enrollment divided by the county
38 combined actual enrollment.

39 b. For purposes of the formula in paragraph "a":

40 (1) "Base year" means the fiscal year beginning
41 July 1, 2001.

42 (2) "Base year county taxable sales percentage"
43 means the percentage that the taxable sales in the
44 county during the base year is of the total state
45 taxable sales during the base year.

46 (3) "County combined actual enrollment" means the
47 actual enrollment figures determined by the department
48 of management for the county based on the actual
49 enrollment figures reported by October 1 to the
50 department of management by the department of

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1 education pursuant to section 257.6, subsection 1.

2 (4) "County guaranteed school infrastructure
3 amount" means an amount equal to the product of the
4 county's chapter 422E proportionate share times the
5 amount deposited in the school district sales and use
6 tax fund for the current year times the current year
7 county taxable sales percentage divided by the base
8 year county taxable sales percentage.

9 (5) "County's chapter 422E proportionate share"
10 means the percentage that the annualized revenues
11 received in the county under chapter 422E for the base
12 year is of one-fifth of the total state sales and use
13 tax revenues collected for deposit into the general
14 fund of the state for the base year.

15 (6) "Current year" means the fiscal year for which

16 distributions under this section are being made.

17 (7) "Current year county taxable sales percentage"
18 means the percentage that the taxable sales in the
19 county during the current fiscal year is of the total
20 state taxable sales during the current fiscal year.

21 (8) "District's county actual enrollment" means the
22 actual enrollment of the school district that attends
23 school in the county for which the county combined
24 actual enrollment is determined.

25 (9) "Taxable sales" means sales subject to the
26 state sales and services tax under chapter 422,
27 division IV.

28 3. a. The director of revenue and finance within
29 fifteen days of the beginning of each fiscal year
30 shall send to each school district an estimate of the
31 amount of tax moneys each school district will receive
32 for the year and for each quarter of the year. At the
33 end of each quarter, the director may revise the
34 estimates for the year and remaining quarters.

35 b. The director shall remit ninety-five percent of
36 the estimated tax receipts for the school district to
37 the school district on or before September 30 of the
38 fiscal year and on or before the last day of each
39 following quarter.

40 c. The director shall remit a final payment of the
41 remainder of tax moneys due for the fiscal year before
42 November 10 of the next fiscal year. If an
43 overpayment has resulted during the previous fiscal
44 year, the November payment shall be adjusted to
45 reflect any overpayment.

46 d. If the distributions are to school districts
47 described in subsection 1, paragraph "a", the payments
48 to these school districts shall be done on a monthly
49 basis beginning with the month of August.

50 4. Moneys received by a school district from the

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1 fund may be applied by the school district for the
2 purposes of section 76.4.

3 Sec. . NEW SECTION. 297A.2 USE OF SCHOOL
4 DISTRICT SALES AND USE TAX FUND MONEYS.

5 1. A school district receiving moneys from the
6 school district sales and use tax fund under section
7 297A.1, subsection 1, paragraph "a", shall use the
8 moneys as provided on the original ballot proposition
9 pursuant to chapter 422E, for the payment of principal
10 and interest on general obligation bonds issued
11 pursuant to chapter 296, or section 298.20 or loan
12 agreements under section 297.36, for carrying on
13 public educational and recreational activities
14 pursuant to chapter 300, for payments made pursuant to

15 lease or lease-purchase agreements, or for payment of
16 principal and interest on bonds issued under sections
17 297A.3 and 422E.4.

18 2. a. Moneys received by a school district from
19 the school district sales and use tax fund under
20 section 297A.1, subsection 1, paragraph "b", shall be
21 spent for infrastructure purposes only according to a
22 plan developed by the board of directors. The plan
23 may apply to more than one fiscal year. Prior to
24 adoption of the plan, the board of directors shall
25 hold a public hearing on the question of approval of
26 the proposed plan. The board shall set forth its
27 proposal and shall publish the notice of the time and
28 place of a public hearing on the proposed plan.
29 Notice of the time and place of the public hearing
30 shall be published not less than ten nor more than
31 twenty days before the public hearing in a newspaper
32 which is a newspaper of general circulation in the
33 school district. At the hearing, or no later than
34 thirty days after the date of the hearing, the board
35 shall take action to adopt the proposed plan.

36 b. If the board adopts the plan, moneys received
37 shall be used according to the plan unless within
38 twenty-eight days following the action of the board,
39 the secretary of the board receives a petition
40 containing signatures of registered voters equal in
41 number to five percent of the voters in the school
42 district who voted at the last general election,
43 asking that an election be called to approve or
44 disapprove the action of the board. The board shall
45 either rescind its action or direct the county
46 commissioner of elections to submit the question to
47 the registered voters of the school district at the
48 next following regular school election or a special
49 election. If a majority of those voting on the
50 question at the election favors disapproval of the

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1 action of the board, the district shall use the moneys
2 received as provided in paragraph "c" for the fiscal
3 year.

4 At the expiration of the twenty-eight day period,
5 if no petition is filed, the board shall use the
6 moneys received according to the plan for the duration
7 of the plan. However, the board may, at anytime,
8 expend a greater share of moneys received for property
9 tax relief than otherwise specified in the plan.

10 c. If an election is held and the plan is
11 disapproved, as provided in paragraph "b", or if a
12 plan is not approved by the board, moneys received by
13 a school district shall be used for the fiscal year to

14 reduce the following levies in the following order:
15 (1) Bond levies under sections 298.18 and 298.18A
16 and other debt levies until the moneys received or the
17 levies are reduced to zero.

18 (2) The physical plant and equipment levy under
19 section 298.2, until the moneys received or the levy
20 is reduced to zero.

21 (3) The public educational and recreational
22 activities levy under section 300.2, until the moneys
23 received or the levy is reduced to zero.

24 (4) The schoolhouse tax levy under section 278.1,
25 subsection 7, Code 1989, until the moneys received or
26 the levy is reduced to zero.

27 Any money remaining after the reduction of the
28 levies specified in this paragraph "c" may be used for
29 any lawful infrastructure purpose of the school
30 district.

31 d. For purposes of this subsection,
32 "infrastructure purposes" means those purposes for
33 which a school district is authorized to contract
34 indebtedness and issue general obligation bonds under
35 chapter 296 or to expend tax revenues under section
36 298.3, the payment of principal and interest on
37 general obligation bonds issued under chapter 296 or
38 section 298.20 or loan agreements under section
39 297.36, for carrying on public educational and
40 recreational activities pursuant to chapter 300,
41 payments made pursuant to a lease or lease-purchase
42 agreement, or the payment of principal and interest on
43 bonds issued under section 297A.3 or 422E.4.

44 Sec. . NEW SECTION. 297A.3 BONDING.

45 A school district may issue bonds as provided in
46 this section if it complies with all of the following
47 procedures:

48 1. A school district may institute proceedings for
49 the issuance of bonds by causing a notice of the
50 proposal to issue the bonds, including a statement of

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1 the amount and purpose of the bonds, and the right of
2 voters to petition for an election, to be published at
3 least once in a newspaper of general circulation
4 within the school district at least ten days prior to
5 the meeting at which it is proposed to take action for
6 the issuance of the bonds.

7 If at any time before the date fixed for taking
8 action for the issuance of the bonds, a petition is
9 filed signed by five percent of the registered voters
10 of the school district, asking that the question of
11 issuing the bonds be submitted to the registered
12 voters, the board of directors shall either by

13 resolution declare the proposal to issue the bonds to
14 be abandoned or shall direct the county commissioner
15 of elections to call a special election upon the
16 question of issuing the bonds. The proposition of
17 issuing bonds under this section is not approved
18 unless the vote in favor of the proposition is equal
19 to at least sixty percent of the vote cast. If a
20 petition is not filed, or if a petition is filed and
21 the proposition of issuing the bonds is approved at an
22 election, the board of directors may proceed with the
23 authorization and issuance of the bonds. Bonds may be
24 issued for the purpose of refunding outstanding and
25 previously issued bonds under this section without
26 otherwise complying with the provisions of this
27 section.

28 2. The provisions of chapter 76 apply to the bonds
29 payable as provided in this subsection, except that
30 the mandatory levy to be assessed pursuant to section
31 76.2 shall be at a rate to generate an amount which
32 together with the receipts from the pledged designated
33 portion of the school district's amount received from
34 the school district sales and use tax fund under
35 section 297A.1 is sufficient to pay the interest and
36 principal on the bonds. All amounts collected as a
37 result of the levy assessed pursuant to section 76.2
38 and paid out for bond principal and interest shall be
39 repaid to the school district from the first available
40 designated portion of the school district's amount
41 received from the school district sales and use tax
42 fund under section 297A.1 received in excess of the
43 requirement for the payment of the principal and
44 interest of the bonds and when repaid shall be applied
45 in reduction of property taxes. The amount of bonds
46 which may be issued under section 76.3 shall be the
47 amount which could be retired from the actual
48 collections of the designated portions of the school
49 district's amount received from the school district
50 sales and use tax fund under section 297A.1 for the

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1 last four calendar quarters, as certified by the
2 director of revenue and finance. The amount of tax
3 revenues pledged jointly by other cities or counties
4 may be considered for the purpose of determining the
5 amount of bonds which may be issued.

6 3. The provisions of this section constitute
7 separate authorization for the issuance of bonds and
8 shall prevail in the event of conflict with any other
9 provisions of state law limiting the amount of bonds
10 which may be issued or the source of payment of the
11 bonds. Bonds issued under this section shall not

12 limit or restrict the authority of the school district
 13 to issue bonds under other provisions of state law.
 14 Sec. ___. NEW SECTION. 297A.4 REPEAL.
 15 This chapter is repealed July 1, 2022, for fiscal
 16 years beginning on or after that date.
 17 Sec. ___. Section 298.18, unnumbered paragraph 4,
 18 Code Supplement 2001, is amended by striking the
 19 unnumbered paragraph and inserting in lieu thereof the
 20 following:

21 If the school corporation's amount received from
 22 the school district sales and use tax fund under
 23 section 297A.1 does not equal or exceed the amount
 24 which would be produced by a levy of one dollar
 25 thirty-five cents per thousand dollars of the assessed
 26 value of the taxable property of the school
 27 corporation, the amount estimated and certified to
 28 apply on principal and interest for any one year may
 29 exceed two dollars and seventy cents per thousand
 30 dollars of assessed value by the amount approved by
 31 the voters of the school corporation, but not
 32 exceeding four dollars and five cents per thousand of
 33 the assessed value of the taxable property within any
 34 school corporation, provided that the qualified voters
 35 of such school corporation have first approved such
 36 increased amount at a special election, which may be
 37 held at the same time as the regular school election,
 38 and provided further that the school corporation's
 39 amount received from the school district sales and use
 40 tax fund under section 297A.1 shall be used to abate
 41 an additional levy amount authorized after July 1,
 42 2002. A levy approved prior to July 1, 2002, shall
 43 continue to be authorized. The proposition submitted
 44 to the voters at such special election shall be in
 45 substantially the following form:

46 Sec. ___. Section 298.18, unnumbered paragraph 5,
 47 Code Supplement 2001, is amended to read as follows:
 48 Shall the board of directors of the (insert
 49 name of school corporation) in the County of,
 50 State of Iowa, be authorized to levy annually a tax

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1 exceeding two dollars and seventy cents per thousand
 2 dollars, but not exceeding .. dollars and ... cents
 3 per thousand dollars of the assessed value of the
 4 taxable property within said school corporation to pay
 5 the principal of and interest on bonded indebtedness
 6 of said school corporation, it being understood that
 7 the approval of this proposition shall not limit the
 8 source of payment of the bonds and interest but shall
 9 only operate to restrict the amount of bonds which may
 10 be issued and that the additional levy shall be

11 reduced and abated in any year by the amount of money
12 received from the school district sales and use tax
13 fund under section 297A.1?

14 Sec.____. Section 422.43, subsections 1, 2, 4, 5,
15 6, 7, 10, and 12, Code Supplement 2001, are amended to
16 read as follows:

17 1. There is imposed a tax of ~~five~~ six percent upon
18 the gross receipts from all sales of tangible personal
19 property, consisting of goods, wares, or merchandise,
20 except as otherwise provided in this division, sold at
21 retail in the state to consumers or users; a like rate
22 of tax upon the gross receipts from the sales,
23 furnishing, or service of gas, electricity, water,
24 heat, pay television service, and communication
25 service, including the gross receipts from such sales
26 by any municipal corporation or joint water utility
27 furnishing gas, electricity, water, heat, pay
28 television service, and communication service to the
29 public in its proprietary capacity, except as
30 otherwise provided in this division, when sold at
31 retail in the state to consumers or users; a like rate
32 of tax upon the gross receipts from all sales of
33 tickets or admissions to places of amusement, fairs,
34 and athletic events except those of elementary and
35 secondary educational institutions; a like rate of tax
36 on the gross receipts from an entry fee or like charge
37 imposed solely for the privilege of participating in
38 an activity at a place of amusement, fair, or athletic
39 event unless the gross receipts from the sales of
40 tickets or admissions charges for observing the same
41 activity are taxable under this division; and a like
42 rate of tax upon that part of private club membership
43 fees or charges paid for the privilege of
44 participating in any athletic sports provided club
45 members.

46 2. There is imposed a tax of ~~five~~ six percent upon
47 the gross receipts derived from the operation of all
48 forms of amusement devices and games of skill, games
49 of chance, raffles, and bingo games as defined in
50 chapter 99B, operated or conducted within the state,

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1 the tax to be collected from the operator in the same
2 manner as for the collection of taxes upon the gross
3 receipts of tickets or admission as provided in this
4 section. The tax shall also be imposed upon the gross
5 receipts derived from the sale of lottery tickets or
6 shares pursuant to chapter 99E. The tax on the
7 lottery tickets or shares shall be included in the
8 sales price and distributed to the general fund as
9 provided in section 99E.10.

10 4. There is imposed a tax of ~~five~~ six percent upon
11 the gross receipts from the sales of engraving,
12 photography, retouching, printing, and binding
13 services. For the purpose of this division, the sales
14 of engraving, photography, retouching, printing, and
15 binding services are sales of tangible property.

16 5. There is imposed a tax of ~~five~~ six percent upon
17 the gross receipts from the sales of vulcanizing,
18 recapping, and retreading services. For the purpose
19 of this division, the sales of vulcanizing, recapping,
20 and retreading services are sales of tangible
21 property.

22 6. There is imposed a tax of ~~five~~ six percent upon
23 the gross receipts from the sales of optional service
24 or warranty contracts, except residential service
25 contracts regulated under chapter 523C, which provide
26 for the furnishing of labor and materials and require
27 the furnishing of any taxable service enumerated under
28 this section. The gross receipts are subject to tax
29 even if some of the services furnished are not
30 enumerated under this section. For the purpose of
31 this division, the sale of an optional service or
32 warranty contract, other than a residential service
33 contract regulated under chapter 523C, is a sale of
34 tangible personal property. Additional sales,
35 services, or use taxes shall not be levied on
36 services, parts, or labor provided under optional
37 service or warranty contracts which are subject to tax
38 under this section.

39 If the optional service or warranty contract is a
40 computer software maintenance or support service
41 contract and there is no separately stated fee for the
42 taxable personal property or for the nontaxable
43 service, the tax of ~~five~~ six percent imposed by this
44 subsection shall be imposed on fifty percent of the
45 gross receipts from the sale of such contract. If the
46 contract provides for technical support services only,
47 no tax shall be imposed under this subsection. The
48 provisions of this subsection also apply to the tax
49 imposed by chapter 423.

50 7. There is imposed a tax of ~~five~~ six percent upon

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1 the gross receipts from the renting of rooms,
2 apartments, or sleeping quarters in a hotel, motel,
3 inn, public lodging house, rooming house, manufactured
4 or mobile home which is tangible personal property, or
5 tourist court, or in any place where sleeping
6 accommodations are furnished to transient guests for
7 rent, whether with or without meals. "Renting" and
8 "rent" include any kind of direct or indirect charge

9 for such rooms, apartments, or sleeping quarters, or
10 their use. For the purposes of this division, such
11 renting is regarded as a sale of tangible personal
12 property at retail. However, this tax does not apply
13 to the gross receipts from the renting of a room,
14 apartment, or sleeping quarters while rented by the
15 same person for a period of more than thirty-one
16 consecutive days.

17 10. There is imposed a tax of ~~five~~ six percent
18 upon the gross receipts from the rendering,
19 furnishing, or performing of services as defined in
20 section 422.42.

21 12. A tax of ~~five~~ six percent is imposed upon the
22 gross receipts from the sales of prepaid telephone
23 calling cards and prepaid authorization numbers. For
24 the purpose of this division, the sales of prepaid
25 telephone calling cards and prepaid authorization
26 numbers are sales of tangible personal property.

27 Sec. ___. Section 422.43, subsection 13, paragraph
28 a, unnumbered paragraph 1, Code Supplement 2001, is
29 amended to read as follows:

30 A tax of ~~five~~ six percent is imposed upon the gross
31 receipts from the sales, furnishing, or service of
32 solid waste collection and disposal service.

33 Sec. ___. Section 422.43, subsections 16 and 17,
34 Code Supplement 2001, are amended to read as follows:

35 16. a. A tax of ~~five~~ six percent is imposed upon
36 the gross receipts from sales of bundled services
37 contracts. For purposes of this subsection, a
38 "bundled services contract" means an agreement
39 providing for a retailer's performance of services,
40 one or more of which is a taxable service enumerated
41 in this section and one or more of which is not, in
42 return for a consumer's or user's single payment for
43 the performance of the services, with no separate
44 statement to the consumer or user of what portion of
45 that payment is attributable to any one service which
46 is a part of the contract.

47 b. For purposes of the administration of the tax
48 on bundled services contracts, the director may enter
49 into agreements of limited duration with individual
50 retailers, groups of retailers, or organizations

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1 representing retailers of bundled services contracts.
2 Such an agreement shall impose the tax rate only upon
3 that portion of the gross receipts from a bundled
4 services contract which is attributable to taxable
5 services provided under the contract.

6 17. A tax of ~~five~~ six percent is imposed upon the
7 gross receipts from any mobile telecommunication

8 service which this state is allowed to tax by the
 9 provisions of the federal Mobile Telecommunications
 10 Sourcing Act, Pub. L. No. 106-252, 4 U.S.C. § 116 et
 11 seq. For purposes of this subsection, taxes on mobile
 12 telecommunications service, as defined under the
 13 federal Mobile Telecommunications Sourcing Act, that
 14 are deemed to be provided by the customer's home
 15 service provider shall be paid to the taxing
 16 jurisdiction whose territorial limits encompass the
 17 customer's place of primary use, regardless of where
 18 the mobile telecommunication service originates,
 19 terminates, or passes through and shall in all other
 20 respects be taxed in conformity with the federal
 21 Mobile Telecommunications Sourcing Act. All other
 22 provisions of the federal Mobile Telecommunications
 23 Sourcing Act are adopted by the state of Iowa and
 24 incorporated into this subsection by reference. With
 25 respect to mobile telecommunications service under the
 26 federal Mobile Telecommunications Sourcing Act the
 27 director shall, if requested, enter into agreements
 28 consistent with the provisions of the federal Act.

29 Sec. __. Section 422.43, Code Supplement 2001, is
 30 amended by adding the following new subsection:

31 NEW SUBSECTION. 18. The sales tax rate of six
 32 percent is reduced to five percent on July 1, 2022.

33 Sec. __. Section 422.47, Code Supplement 2001, is
 34 amended by adding the following new subsection:

35 NEW SUBSECTION. 2. Construction contractors may
 36 make application to the department for a refund of the
 37 additional one percent tax paid under this division or
 38 the additional one percent tax paid under chapter 423
 39 by reason of the increase in the tax from five to six
 40 percent for taxes paid on goods, wares, or merchandise
 41 under the following conditions:

42 a. The goods, wares, or merchandise are
 43 incorporated into an improvement to real estate in
 44 fulfillment of a written contract fully executed prior
 45 to July 1, 2002. The refund shall not apply to
 46 equipment transferred in fulfillment of a mixed
 47 construction contract.

48 b. The contractor has paid to the department or to
 49 a retailer the full six percent tax.

50 c. The claim is filed on forms provided by the

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1 department and is filed within one year of the date
 2 the tax is paid.

3 A contractor who makes an erroneous application for
 4 refund shall be liable for payment of the excess
 5 refund paid plus interest at the rate in effect under
 6 section 421.7. In addition, a contractor who

7 willfully makes a false application for refund is
 8 guilty of a simple misdemeanor and is liable for a
 9 penalty equal to fifty percent of the excess refund
 10 claimed. Excess refunds, penalties, and interest due
 11 under this subsection may be enforced and collected in
 12 the same manner as the tax imposed by this division.

13 Sec. __. Section 422.69, subsection 2, Code 2001,
 14 is amended to read as follows:

15 2. a. ~~Unless~~ Except as provided in paragraph "b",
 16 or as otherwise provided, the fees, taxes, interest,
 17 and penalties collected under this chapter shall be
 18 credited to the general fund.

19 b. One-sixth of the fees, taxes, interest, and
 20 penalties collected pursuant to division IV shall be
 21 credited to the school district sales and use tax fund
 22 created in section 297A.1. This paragraph is stricken
 23 July 1, 2022.

24 Sec. __. Section 422E.1, Code 2001, is amended by
 25 adding the following new subsections:

26 NEW SUBSECTION. 4. a. This chapter does not
 27 apply to any county for the period beginning after the
 28 effective date of this Act and ending January 1, 2022.

29 b. In the case of a county that has in effect on
 30 March 31, 2002, a local sales and services tax for
 31 school infrastructure purposes, the increase in the
 32 state sales and services tax under chapter 422,
 33 division IV, from five percent to six percent shall
 34 replace the county's local sales and services tax for
 35 school infrastructure purposes and to this extent the
 36 local sales and services tax for school infrastructure
 37 purposes is repealed.

38 NEW SUBSECTION. 5. Local sales and services tax
 39 receipts collected prior to July 1, 2002, pursuant to
 40 this chapter, may be applied by a school district for
 41 the purposes of section 76.4.

42 Sec. __. Section 423.2, Code 2001, is amended to
 43 read as follows:

44 423.2 IMPOSITION OF TAX.

45 An excise tax is imposed on the use in this state
 46 of tangible personal property, including aircraft
 47 subject to registration under section 328.20,
 48 purchased for use in this state, at the rate of ~~five~~
 49 six percent of the purchase price of the property. An
 50 excise tax is imposed on the use of manufactured

1 housing in this state at the rate of ~~five~~ six percent
 2 of the purchase price if the manufactured housing is
 3 sold in the form of tangible personal property and at
 4 the rate of ~~five~~ six percent of the installed purchase
 5 price if the manufactured housing is sold in the form

6 of realty. An excise tax is imposed on the use in
7 this state of vehicles subject to registration or
8 subject only to the issuance of a certificate of title
9 at the rate of five percent. An excise tax is imposed
10 on the use of leased vehicles at the rate of five
11 percent of the amount otherwise subject to tax as
12 calculated pursuant to section 423.7A. The excise tax
13 is imposed upon every person using the property within
14 this state until the tax has been paid directly to the
15 county treasurer or the state department of
16 transportation, to a retailer, or to the department.
17 An excise tax is imposed on the use in this state of
18 services enumerated in section 422.43 at the rate of
19 ~~five~~ six percent. This tax is applicable where
20 services are rendered, furnished, or performed in this
21 state or where the product or result of the service is
22 used in this state. This tax is imposed on every
23 person using the services or the product of the
24 services in this state until the user has paid the tax
25 either to an Iowa use tax permit holder or to the
26 department. The rate of use tax of six percent shall
27 be reduced to five percent beginning July 1, 2022.

28 Sec. __. Section 423.24, Code 2001, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 2A. One-sixth of all other
31 revenue arising under the operation of this chapter
32 shall be credited to the school district sales and use
33 tax fund created in section 297A.1. This subsection
34 is stricken July 1, 2022.

35 Sec. __. Section 423.24, subsection 3, Code 2001,
36 is amended to read as follows:

37 3. All other revenue arising under the operation
38 of this chapter not credited as specified in
39 subsections 1, 2, and 2A shall be credited to the
40 general fund of the state.

41 Sec. __. APPLICABILITY. This section applies in
42 regard to the increase in the state sales and use
43 taxes from five to six percent. The six percent rate
44 applies to all sales of taxable personal property,
45 consisting of goods, wares, or merchandise if delivery
46 occurs on or after July 1, 2002. The six percent use
47 tax rate applies to the use of property when the first
48 taxable use in this state occurs on or after July 1,
49 2002. The six percent rate applies to the gross
50 receipts from the sale, furnishing, or service of gas,

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1 electricity, water, heat, pay television service, and
2 communication service if the date of billing the
3 customer is on or after July 1, 2002. In the case of
4 a service contract entered into prior to July 1, 2002,

5 which contract calls for periodic payments, the six
6 percent rate applies to those payments made or due on
7 or after July 1, 2002. This periodic payment applies,
8 but is not limited to, tickets or admissions, private
9 club membership fees, sources of amusement, equipment
10 rental, dry cleaning, reducing salons, dance schools,
11 and all other services subject to tax, except the
12 aforementioned utility services which are subject to a
13 special transitional rule. Unlike periodic payments
14 under service contracts, installment sales of goods,
15 wares, and merchandise are subject to the full amount
16 of sales or use tax when the sales contract is entered
17 into or the property is first used in Iowa.
18 Sec. __. IMMEDIATE EFFECTIVE DATE. The sections
19 of this Act, enacting sections 297A.1 and 297A.2,
20 being deemed of immediate importance, take effect upon
21 enactment."
22 3. Title page, line 8, by inserting after the
23 word "agencies" the following: ", and increasing the
24 state sales and use taxes for educational
25 infrastructure purposes, and providing an effective
26 date".

RICHARDSON of Warren

H-8171

1 Amend House File 2549 as follows:
2 1. Page 10, by inserting after line 16 the
3 following:
4 "Sec. __. DEPARTMENT OF EDUCATION REPORT. The
5 department of education shall submit a report on the
6 use by school districts of contract days, which the
7 department shall prepare in consultation with the Iowa
8 association of school boards, the school
9 administrators of Iowa, and the Iowa state education
10 association. The department shall chart the ways
11 school districts use contract days, including but not
12 limited to, the number of contract days school
13 districts use for contact between teachers and
14 students, for professional development, parent-teacher
15 conferences, holidays, and any other use the school
16 district may make of a contract day. The department
17 shall develop recommendations for a statewide
18 definition for the term "professional development
19 day". The department shall submit progress reports
20 prepared in accordance with this section to the senate
21 and house standing committees on education and the
22 joint appropriations subcommittee on education
23 annually by December 15, and shall submit its final

24 report by December 15, 2005."
 25 2. By renumbering as necessary.

MASCHER of Johnson

H-8175

1 Amend House File 2393 as follows:
 2 1. Page 2, by striking lines 1 through 5, and
 3 inserting the following:
 4 "(1) A civil penalty. The minimum civil penalty
 5 is five thousand dollars. Otherwise, the civil
 6 penalty shall be at least twenty-five percent of the
 7 proven total dollar amount of the benefit received to
 8 which the person was not entitled or eligible and not
 9 more than treble the proven total dollar amount of
 10 such benefit."

KREIMAN of Davis
 BRUNKHORST of Bremer

H-8178

1 Amend House File 2532 as follows:
 2 1. Page 24, by inserting after line 28 the
 3 following:
 4 "Sec. ___. IOWA PUBLIC EMPLOYEES' RETIREMENT
 5 SYSTEM – FURLOUGH CREDIT. Notwithstanding any
 6 provision of chapter 97B to the contrary, a member of
 7 the Iowa public employees' retirement system who is
 8 furloughed from state employment and receives a
 9 reduction in the member's salary from state employment
 10 as a result of the furlough can have the member's
 11 retirement allowance calculated based on the salary
 12 the member would have received if the member had not
 13 been furloughed upon the payment by the member of an
 14 applicable contribution amount as provided in this
 15 section. For purposes of this section, the applicable
 16 contribution amount is an amount equal to the employee
 17 and employer contribution that would have been paid on
 18 behalf of the member on the salary amount that the
 19 member did not receive as a result of the furlough."
 20 2. By renumbering as necessary.

LARKIN of Lee
 GREIMANN of Story

H-8180

1 Amend House File 2484 as follows:
 2 1. Page 1, line 18, by inserting after the word
 3 "department." the following: "A window decal or

4 placard issued pursuant to this paragraph shall only
5 be displayed on a motor vehicle when the motor vehicle
6 is being used by the person to whom the window decal
7 or placard was issued, either as an operator or
8 passenger. A person who displays a window decal or
9 placard on a motor vehicle when the person to whom the
10 window decal or placard was issued is not in the motor
11 vehicle as an operator or passenger, violates this
12 section."

BAUDLER of Adair

H-8182

1 Amend the amendment, H-8122, to House File 2532 as
2 follows:
3 1. By striking page 1, line 2, through page 2,
4 line 4.
5 2. By renumbering as necessary.

DOTZLER of Black Hawk

H-8183

1 Amend the amendment, H-8178, to House File 2532 as
2 follows:
3 1. Page 1, line 10, by striking the word "can"
4 and inserting the following: "may elect to".

LARKIN of Lee

H-8184

1 Amend House File 2532 as follows:
2 1. Page 14, by inserting after line 9 the
3 following:
4 "Sec. ___. Section 97B.48A, subsection 3, Code
5 2001, is amended to read as follows:
6 3. Upon a retirement after reemployment, a retired
7 member may have the retired member's retirement
8 allowance redetermined under this section or section
9 97B.48, section 97B.50, or section 97B.51, whichever
10 is applicable, based upon ~~the addition of credit for~~
11 the years of membership service of the employee after
12 reemployment, the covered wage during reemployment,
13 and the age of the employee after reemployment. The
14 member shall receive a single retirement allowance
15 calculated from both periods of membership service,
16 one based on the initial retirement and one based on
17 the second retirement following reemployment. The
18 member may select one of the following options for
19 receiving a single retirement allowance, if eligible,

20 based upon both periods of membership service:
 21 a. A single retirement allowance calculated by
 22 adding the allowance for the initial retirement with
 23 an additional retirement allowance calculated pursuant
 24 to sections 97B.49A through 97B.49G, based solely on
 25 the years of membership service of the employee after
 26 reemployment, the covered wage during reemployment,
 27 and the age of the employee after reemployment.
 28 However, a member may select the option provided by
 29 this paragraph only if the member had at least thirty-
 30 five years of membership service as of the date of the
 31 member's initial retirement.
 32 b. A single retirement allowance based upon the
 33 addition of credit for the years of membership service
 34 of the employee after reemployment, the covered wage
 35 during reemployment, and the age of the employee after
 36 reemployment. If the total years of membership
 37 service and prior service of a member who has been
 38 reemployed equals or exceeds thirty, the years of
 39 membership service on which the original retirement
 40 allowance was based may be reduced by a fraction of
 41 the years of service equal to the number of years by
 42 which the total years of membership service and prior
 43 service exceeds thirty divided by thirty, if this
 44 reduction in years of service will increase the total
 45 retirement allowance of the member. The additional
 46 retirement allowance calculated for the period of
 47 reemployment shall be added to the retirement
 48 allowance calculated for the initial period of
 49 membership service and prior service, adjusted as
 50 provided in this subsection paragraph. The retirement

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1 allowance calculated for the initial period of
 2 membership service and prior service shall not be
 3 adjusted for any other factor than years of service.
 4 The retired member shall not receive a retirement
 5 allowance based upon more than a total of thirty years
 6 of service. Effective July 1, 1998, a redetermination
 7 of a retirement allowance as authorized by this
 8 ~~subsection paragraph~~ for a retired member whose
 9 combined service exceeds the applicable years of
 10 service for that member as provided in sections
 11 97B.49A through 97B.49G shall have the determination
 12 of the member's reemployment benefit based upon the
 13 percentage multiplier as determined for that member as
 14 provided in sections 97B.49A through 97B.49G."
 15 2. By renumbering as necessary.

H-8185

- 1 Amend House File 2456 as follows:
 2 1. Page 2, line 14, by striking the words "or
 3 nonpublic school".
 4 2. Page 2, line 16, by striking the words "or
 5 nonpublic school".

RICHARDSON of Warren

H-8188

- 1 Amend the amendment, H-8034, to House File 268 as
 2 follows:
 3 1. Page 1, by inserting before line 39 the
 4 following:
 5 "Sec. . Section 805.8A, subsection 5, paragraph
 6 b, Code Supplement 2001, is amended to read as
 7 follows:
 8 b. Notwithstanding paragraph "a", for excessive
 9 speed violations in speed zones greater than fifty-
 10 five miles per hour, the scheduled fine shall be:
 11 (1) ~~Ten~~ Twenty-five dollars for speed not more
 12 than five miles per hour in excess of the limit.
 13 (2) ~~Twenty~~ Fifty dollars for speed greater than
 14 five but not more than ~~ten~~ nine miles per hour in
 15 excess of the limit.
 16 (3) ~~Forty~~ One hundred dollars for a speed ~~greater~~
 17 ~~than ten but not more than fifteen of ten~~ miles per
 18 hour in excess of the limit.
 19 (4) ~~Sixty~~ dollars for speed ~~greater than fifteen~~
 20 ~~but not more than twenty miles per hour in excess of~~
 21 ~~the limit.~~
 22 (5) (4) ~~Sixty~~ One hundred dollars plus ~~two~~ ten
 23 dollars for each mile per hour of excessive speed over
 24 ~~twenty~~ ten miles per hour over the limit.
 25 Sec. . SPEEDING FINE INCREASES – APPROPRIATION
 26 FOR SERVICES FOR PERSONS WITH BRAIN OR SPINAL CORD
 27 INJURIES. Notwithstanding sections 602.8106 and
 28 602.8108, when a peace officer issues a citation for
 29 speeding for which a scheduled fine is assessed under
 30 section 805.8A, subsection 5, paragraph "b", as
 31 amended by this Act, thirty-three and one-third
 32 percent of the increase in such fine, as provided for
 33 in this Act, is appropriated to the department of
 34 human services for development of comprehensive
 35 treatment services for persons with brain or spinal
 36 cord injuries."
 37 2. Page 1, by inserting after line 40 the
 38 following:
 39 " . Title page, by striking line 3 and
 40 inserting the following: "highways, and increasing

41 fines and making appropriations.""
 42 3. By renumbering as necessary.

WARNSTADT of Woodbury

H-8189

1 Amend House File 2416 as follows:
 2 1. Page 3, by striking lines 28 through 30.
 3 2. By renumbering as necessary.

KREIMAN of Davis

H-8190

1 Amend House File 2416 as follows:
 2 1. Page 4, by striking line 6, and inserting the
 3 following: "~~subsection.~~"
 4 2. Page 4, by striking lines 25 through 31 and
 5 inserting the following:
 6 "~~(1) The new or changed beds shall not result in~~
 7 ~~an increase in the total number of medical assistance~~
 8 ~~certified intermediate care facility beds for persons~~
 9 ~~with mental retardation in the state as of July 1,~~
 10 ~~1994.~~
 11 ~~(2) A~~ unless a letter of support for the
 12 application is provided".

KREIMAN of Davis

H-8191

1 Amend House File 2539 as follows:
 2 1. Page 2, line 25, by inserting after the word
 3 "disclaimant" the following: "~~and may disclaim on~~
 4 ~~behalf of the personal representative's decedent~~".
 5 2. Page 9, by striking lines 9 through 23, and
 6 inserting the following:
 7 "2. Shall allocate an amount to trust income, not
 8 in excess of the annual unitrust payout amount, in the
 9 following order:
 10 a. The amount derived from net income, as
 11 determined if the trust were other than a total return
 12 unitrust.
 13 b. The amount derived from other ordinary income
 14 as determined for federal income tax purposes.
 15 c. The amount derived from net realized short-term
 16 capital gains as determined for federal income tax
 17 purposes.
 18 d. The amount derived from net realized long-term
 19 capital gains as determined for federal income tax

20 purposes.

21 e. The amount derived from trust principal."

KREIMAN of Davis
KETTERING of Sac

H-8194

1 Amend Senate File 2048, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 1, by striking the words and
4 figure "12.72A VISION IOWA" and inserting the
5 following: "72.6 PUBLIC".

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

8 "___."Public funds" means moneys from the vision
9 Iowa fund created in section 12.72 and moneys
10 collected through a local sales and services tax for
11 school infrastructure as provided in chapter 422E."

12 3. Page 1, by striking line 15 and inserting the
13 following: "public funds."

14 4. Page 1, by striking lines 17 and 18 and
15 inserting the following: "contrary, public funds
16 shall not be disbursed to any public contracting
17 entity".

18 5. Title page, lines 1 and 2, by striking the
19 words "moneys from the vision Iowa fund" and inserting
20 the following: "public funds".

21 6. By renumbering as necessary.

RICHARDSON of Warren

H-8195

1 Amend House File 2567 as follows:

2 1. Page 12, by inserting after line 4, the
3 following:

4 "Sec. ___. NEW SECTION. 366.12 COUNTY ZONING
5 DISCRETIONARY.

6 This chapter shall not be construed as imposing a
7 requirement on a county to adopt a zoning ordinance
8 pursuant to chapter 335."

9 2. By renumbering, redesignating, and correcting
10 internal references as necessary.

REYNOLDS of Van Buren
CARROLL of Poweshiek
FALLON of Polk

H-8196

1 Amend House File 2090 as follows:

2 1. Page 2, line 1, by inserting after the word

3 "funds." the following: "As used in this paragraph,
4 public funds include moneys expended from the school
5 district sales and use tax fund created in section
6 293.1, as enacted in this Act, and moneys collected
7 through a local sales and services tax for school
8 infrastructure as provided in chapter 422E."

9 2. Page 3, by striking lines 7 and 8 and

10 inserting the following:

11 "Sec. 500. NEW SECTION. 293.1 SCHOOL DISTRICT
12 SALES AND USE TAX FUND.

13 1. A school district sales and use tax fund is
14 created as a separate and distinct fund in the state
15 treasury under the control of the department of
16 revenue and finance. Moneys in the fund include
17 revenues credited to the fund pursuant to section
18 422.69, subsection 2, and section 423.24, subsection
19 2A, appropriations made to the fund, and other moneys
20 deposited into the fund. The moneys credited in a
21 fiscal year to the fund shall be distributed as
22 follows:

23 a. (1) A school district located in whole or in
24 part in a county that had in effect on March 31, 2002,
25 the local sales and services tax for school
26 infrastructure purposes under chapter 422E shall
27 receive an amount equal to its guaranteed school
28 infrastructure amount as calculated under subsection 2
29 if the board of directors notifies the director of
30 revenue and finance that the school district wants to
31 receive its guaranteed school infrastructure amount.
32 The notification shall be provided by July 1, 2002.
33 If notification is not received by July 1, 2002, the
34 school district shall receive moneys pursuant to
35 paragraph "b". Nothing in this chapter shall prevent
36 a school district from using its guaranteed school
37 infrastructure amount to pay principal and interest on
38 obligations issued pursuant to section 422E.4.

39 (2) A school district receiving moneys pursuant to
40 subparagraph (1) shall cease to receive its guaranteed
41 school infrastructure amount and shall receive moneys
42 pursuant to paragraph "b" starting with the fiscal
43 year immediately following the fiscal year in which
44 occurs the end of the original ten-year period or the
45 date listed on the original ballot proposition,
46 whichever is the earlier, as provided in chapter 422E.
47 A school district may adopt a plan, as provided in
48 section 293.2, subsection 2, to anticipate moneys it
49 will receive pursuant to paragraph "b". A school
50 district receiving moneys pursuant to subparagraph (1)

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1 may elect to receive moneys pursuant to paragraph "b"
2 by providing notification to receive moneys pursuant
3 to paragraph "b" to the director of revenue and
4 finance and the director of the department of
5 management by February 15 preceding the fiscal year
6 for which the election will apply. Once a school
7 district makes this election it is irrevocable.

8 b. (1) Moneys remaining after computations made
9 pursuant to paragraph "a" shall be distributed to
10 school districts not receiving moneys under paragraph
11 "a" on a per student basis calculated by the director
12 of revenue and finance by dividing the moneys
13 available during the fiscal year by the combined
14 actual enrollment for all school districts receiving
15 distributions under this paragraph.

16 (2) The combined actual enrollment for school
17 districts, for purposes of subparagraph (1), shall be
18 calculated by adding together the actual enrollment
19 for each school district receiving distributions under
20 subparagraph (1) as determined by the department of
21 management based on the actual enrollment figures
22 reported by October 1 to the department of management
23 by the department of education pursuant to section
24 257.6, subsection 1. The combined actual enrollment
25 count shall be forwarded to the director of revenue
26 and finance by March 1, annually, for purposes of
27 supplying estimated tax payment figures and making
28 estimated tax payments pursuant to subsection 3 for
29 the following fiscal year.

30 2. a. For purposes of distributions under
31 subsection 1, paragraph "a", the school district's
32 guaranteed school infrastructure amount shall be
33 calculated according to the following formula:

34 The district's guaranteed school infrastructure
35 amount equals the product of the county guaranteed
36 school infrastructure amount times the district's
37 county actual enrollment divided by the county
38 combined actual enrollment.

39 b. For purposes of the formula in paragraph "a":

40 (1) "Base year" means the fiscal year beginning
41 July 1, 2001.

42 (2) "Base year county taxable sales percentage"
43 means the percentage that the taxable sales in the
44 county during the base year is of the total state
45 taxable sales during the base year.

46 (3) "County combined actual enrollment" means the
47 actual enrollment figures determined by the department
48 of management for the county based on the actual
49 enrollment figures reported by October 1 to the
50 department of management by the department of

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1 education pursuant to section 257.6, subsection 1.
2 (4) "County guaranteed school infrastructure
3 amount" means an amount equal to the product of the
4 county's chapter 422E proportionate share times the
5 amount deposited in the school district sales and use
6 tax fund for the current year times the current year
7 county taxable sales percentage divided by the base
8 year county taxable sales percentage.
9 (5) "County's chapter 422E proportionate share"
10 means the percentage that the annualized revenues
11 received in the county under chapter 422E for the base
12 year is of one-fifth of the total state sales and use
13 tax revenues collected for deposit into the general
14 fund of the state for the base year.
15 (6) "Current year" means the fiscal year for which
16 distributions under this section are being made.
17 (7) "Current year county taxable sales percentage"
18 means the percentage that the taxable sales in the
19 county during the current fiscal year is of the total
20 state taxable sales during the current fiscal year.
21 (8) "District's county actual enrollment" means
22 the actual enrollment of the school district that
23 attends school in the county for which the county
24 combined actual enrollment is determined.
25 (9) "Taxable sales" means sales subject to the
26 state sales and services tax under chapter 422,
27 division IV.
28 3. a. The director of revenue and finance by
29 August 15 of each fiscal year shall send to each
30 school district an estimate of the amount of tax
31 moneys each school district will receive for the year
32 and for each quarter of the year. At the end of each
33 quarter, the director may revise the estimates for the
34 year and remaining quarters.
35 b. The director shall remit ninety-five percent of
36 the estimated tax receipts for the school district to
37 the school district on or before September 30 of the
38 fiscal year and on or before the last day of each
39 following quarter.
40 c. The director shall remit a final payment of the
41 remainder of tax moneys due for the fiscal year before
42 November 10 of the next fiscal year. If an
43 overpayment has resulted during the previous fiscal
44 year, the November payment shall be adjusted to
45 reflect any overpayment.
46 d. If the distributions are to school districts
47 described in subsection 1, paragraph "a", the payments
48 to these school districts shall be made on a monthly
49 basis beginning with the month of September.
50 Sec. 501. NEW SECTION. 293.2 USE OF SCHOOL

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1 DISTRICT SALES AND USE TAX FUND MONEYS.

2 1. A school district receiving moneys from the
3 school district sales and use tax fund under section
4 293.1, subsection 1, paragraph "a", shall use the
5 moneys as provided on the original ballot proposition
6 pursuant to chapter 422E, for the payment of principal
7 and interest on general obligation bonds issued
8 pursuant to chapter 296, or section 298.20 or loan
9 agreements under section 297.36, for payments made
10 pursuant to lease or lease-purchase agreements, or for
11 payment of principal and interest on bonds issued
12 under sections 293.3 and 422E.4.

13 2. a. Moneys received by a school district from
14 the school district sales and use tax fund under
15 section 293.1, subsection 1, paragraph "b", shall be
16 spent for infrastructure purposes only according to a
17 plan developed by the board of directors. The plan
18 may apply to more than one fiscal year. Prior to
19 adoption of the plan, the board of directors shall
20 hold a public hearing on the question of approval of
21 the proposed plan. The board shall set forth its
22 proposal and shall publish the notice of the time and
23 place of a public hearing on the proposed plan.
24 Notice of the time and place of the public hearing
25 shall be published not less than ten nor more than
26 twenty days before the public hearing in a newspaper
27 which is a newspaper of general circulation in the
28 school district. At the hearing, or no later than
29 thirty days after the date of the hearing, the board
30 shall take action to adopt the proposed plan.

31 b. If the board adopts the plan, moneys received
32 shall be used according to the plan unless within
33 twenty-eight days following the action of the board,
34 the secretary of the board receives a petition
35 containing signatures of registered voters equal in
36 number to five percent of the voters in the school
37 district who voted at the last general election,
38 asking that an election be called to approve or
39 disapprove the action of the board. The board shall
40 either rescind its action or direct the county
41 commissioner of elections to submit the question to
42 the registered voters of the school district at the
43 next following regular school election or a special
44 election. If a majority of those voting on the
45 question at the election favors disapproval of the
46 action of the board, the district shall use the moneys
47 received as provided in paragraph "c" for the fiscal
48 year.

49 At the expiration of the twenty-eight day period,
50 if no petition is filed, the board shall use the

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1 moneys received according to the plan for the duration
2 of the plan. However, the board may, at anytime,
3 expend a greater share of moneys received for property
4 tax relief than otherwise specified in the plan.

5 c. If an election is held and the plan is
6 disapproved, as provided in paragraph "b", or if a
7 plan is not approved by the board, moneys received by
8 a school district shall be used for the fiscal year to
9 reduce the following levies in the following order:

10 (1) Bond levies under sections 298.18 and 298.18A
11 and other debt levies until the moneys received or the
12 levies are reduced to zero.

13 (2) The physical plant and equipment levy under
14 section 298.2, until the moneys received or the levy
15 is reduced to zero.

16 (3) The schoolhouse tax levy under section 278.1,
17 subsection 7, Code 1989, until the moneys received or
18 the levy is reduced to zero.

19 Any money remaining after the reduction of the
20 levies specified in this paragraph may be used for any
21 lawful infrastructure purpose of the school district.

22 d. For purposes of this subsection,
23 "infrastructure purposes" means those purposes for
24 which a school district is authorized to contract
25 indebtedness and issue general obligation bonds under
26 chapter 296 or to expend tax revenues under section
27 298.3, the payment of principal and interest on
28 general obligation bonds issued under chapter 296 or
29 section 298.20 or loan agreements under section
30 297.36, payments made pursuant to a lease or lease-
31 purchase agreement, or the payment of principal and
32 interest on bonds issued under section 293.3 or
33 422E.4.

34 Sec. __. NEW SECTION. 293.3 BONDING.

35 A school district may anticipate the amount of
36 moneys to be received pursuant to section 293.1 as
37 provided in this section.

38 The board of directors of a school district may
39 issue negotiable, interest-bearing school bonds,
40 without election, and utilize tax receipts derived
41 from the school district sales and use tax fund for
42 principal and interest repayment. Proceeds of the
43 bonds issued pursuant to this section shall be
44 utilized solely for infrastructure purposes as defined
45 in section 293.2, subsection 2.

46 Bonds issued under this section may be sold at
47 public sale as provided in chapter 75. Notice shall
48 be given and a hearing shall be held as provided in
49 section 73A.12. Bonds may bear dates, bear interest
50 at rates not exceeding that permitted by chapter 74A,

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1 mature in one or more installments, be in either
2 coupon or registered form, carry registration and
3 conversion privileges, be payable as to principal and
4 interest at times and places, be subject to terms of
5 redemption prior to maturity with or without premium,
6 and be in one or more denominations, all as provided
7 by the resolution of the board of directors
8 authorizing their issuance. The resolution may also
9 prescribe additional provisions, terms, conditions,
10 and covenants which the board of directors deems
11 advisable, including provisions for creating and
12 maintaining reserve funds, the issuance of additional
13 bonds ranking on a parity with such bonds and
14 additional bonds junior and subordinate to such bonds,
15 and that such bonds shall rank on a parity with or be
16 junior and subordinate to any bonds which may be then
17 outstanding. Bonds may be issued to refund
18 outstanding and previously issued bonds under this
19 section. Bonds are a contract between the school
20 district and holders, and the resolution issuing the
21 bonds and pledging tax revenues to be received from
22 the school district sales and use tax fund to the
23 payment of principal and interest on the bonds is a
24 part of the contract. Bonds issued pursuant to this
25 section shall not constitute indebtedness within the
26 meaning of any constitutional or statutory debt
27 limitation or restriction, and shall not be subject to
28 any other law relating to the authorization, issuance,
29 or sale of bonds.

30 A school district may enter into a chapter 28E
31 agreement with one or more cities or a county whose
32 boundaries encompass all or a part of the area of the
33 school district. A city or cities entering into a
34 chapter 28E agreement may expend its designated
35 portion of the tax revenues to be received from the
36 school district sales and use tax fund for any valid
37 purpose permitted in this chapter or authorized by the
38 governing body of the city. A county entering into a
39 chapter 28E agreement with a school district may
40 expend its designated portion of the tax revenues to
41 be received from the school district sales and use tax
42 fund to provide property tax relief within the
43 boundaries of the school district located in the
44 county. A school district may also enter into a
45 chapter 28E agreement with another school district
46 which is located partially or entirely in or is
47 contiguous to the county. The school district shall
48 only expend its designated portion of tax revenues to
49 be received from the school district sales and use tax
50 fund.

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1 The governing body of a city may authorize the
2 issuance of bonds which are payable from its
3 designated portion of the tax revenues to be received
4 from the school district sales and use tax fund, and
5 not from property tax, by following the authorization
6 procedures set forth for cities in section 384.83. A
7 city may pledge irrevocably any amount derived from
8 its designated portion of the tax revenues to be
9 received from the school district sales and use tax
10 fund to the support or payment of such bonds.

11 Sec. ___. Section 298.18, unnumbered paragraph 4,
12 Code Supplement 2001, is amended to read as follows:
13 The amount estimated and certified to apply on
14 principal and interest for any one year may exceed two
15 dollars and seventy cents per thousand dollars of
16 assessed value by the amount approved by the voters of
17 the school corporation, but not exceeding four dollars
18 and five cents per thousand of the assessed value of
19 the taxable property within any school corporation,
20 provided that the registered voters of such school
21 corporation have first approved such increased amount
22 at a special election, which ~~may be~~ was held at the
23 same time as the regular school election prior to July
24 1, 2002. The proposition submitted to the voters at
25 such special election shall be in substantially the
26 following form:

27 Sec. ___. Section 298.18, unnumbered paragraphs 5
28 and 6, Code Supplement 2001, are amended by striking
29 the unnumbered paragraphs.

30 Sec. ___. Section 298.18, unnumbered paragraph 8,
31 Code Supplement 2001, is amended to read as follows:
32 The ability of a school corporation to exceed two
33 dollars and seventy cents per thousand dollars of
34 assessed value to service principal and interest
35 payments on bonded indebtedness is limited and
36 conferred only to those school corporations engaged in
37 the administration of elementary and secondary
38 education and whose registered voters have voted to
39 exceed that levy limitation prior to July 1, 2002.

40 Sec. ___. Section 422.43, subsections 1, 2, 4, 5,
41 6, 7, 10, and 12, Code Supplement 2001, are amended to
42 read as follows:

43 1. There is imposed a tax of ~~five~~ six percent upon
44 the gross receipts from all sales of tangible personal
45 property, consisting of goods, wares, or merchandise,
46 except as otherwise provided in this division, sold at
47 retail in the state to consumers or users; a like rate
48 of tax upon the gross receipts from the sales,
49 furnishing, or service of gas, electricity, water,
50 heat, pay television service, and communication

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1 service, including the gross receipts from such sales
2 by any municipal corporation or joint water utility
3 furnishing gas, electricity, water, heat, pay
4 television service, and communication service to the
5 public in its proprietary capacity, except as
6 otherwise provided in this division, when sold at
7 retail in the state to consumers or users; a like rate
8 of tax upon the gross receipts from all sales of
9 tickets or admissions to places of amusement, fairs,
10 and athletic events except those of elementary and
11 secondary educational institutions; a like rate of tax
12 on the gross receipts from an entry fee or like charge
13 imposed solely for the privilege of participating in
14 an activity at a place of amusement, fair, or athletic
15 event unless the gross receipts from the sales of
16 tickets or admissions charges for observing the same
17 activity are taxable under this division; and a like
18 rate of tax upon that part of private club membership
19 fees or charges paid for the privilege of
20 participating in any athletic sports provided club
21 members.

22 2. There is imposed a tax of ~~five~~ six percent upon
23 the gross receipts derived from the operation of all
24 forms of amusement devices and games of skill, games
25 of chance, raffles, and bingo games as defined in
26 chapter 99B, operated or conducted within the state,
27 the tax to be collected from the operator in the same
28 manner as for the collection of taxes upon the gross
29 receipts of tickets or admission as provided in this
30 section. The tax shall also be imposed upon the gross
31 receipts derived from the sale of lottery tickets or
32 shares pursuant to chapter 99E. The tax on the
33 lottery tickets or shares shall be included in the
34 sales price and distributed to the general fund as
35 provided in section 99E.10.

36 4. There is imposed a tax of ~~five~~ six percent upon
37 the gross receipts from the sales of engraving,
38 photography, retouching, printing, and binding
39 services. For the purpose of this division, the sales
40 of engraving, photography, retouching, printing, and
41 binding services are sales of tangible property.

42 5. There is imposed a tax of ~~five~~ six percent upon
43 the gross receipts from the sales of vulcanizing,
44 recapping, and retreading services. For the purpose
45 of this division, the sales of vulcanizing, recapping,
46 and retreading services are sales of tangible
47 property.

48 6. There is imposed a tax of ~~five~~ six percent upon
49 the gross receipts from the sales of optional service
50 or warranty contracts, except residential service

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1 contracts regulated under chapter 523C, which provide
2 for the furnishing of labor and materials and require
3 the furnishing of any taxable service enumerated under
4 this section. The gross receipts are subject to tax
5 even if some of the services furnished are not
6 enumerated under this section. For the purpose of
7 this division, the sale of an optional service or
8 warranty contract, other than a residential service
9 contract regulated under chapter 523C, is a sale of
10 tangible personal property. Additional sales,
11 services, or use taxes shall not be levied on
12 services, parts, or labor provided under optional
13 service or warranty contracts which are subject to tax
14 under this section.

15 If the optional service or warranty contract is a
16 computer software maintenance or support service
17 contract and there is no separately stated fee for the
18 taxable personal property or for the nontaxable
19 service, the tax of ~~five~~ six percent imposed by this
20 subsection shall be imposed on fifty percent of the
21 gross receipts from the sale of such contract. If the
22 contract provides for technical support services only,
23 no tax shall be imposed under this subsection. The
24 provisions of this subsection also apply to the tax
25 imposed by chapter 423.

26 7. There is imposed a tax of ~~five~~ six percent upon
27 the gross receipts from the renting of rooms,
28 apartments, or sleeping quarters in a hotel, motel,
29 inn, public lodging house, rooming house, manufactured
30 or mobile home which is tangible personal property, or
31 tourist court, or in any place where sleeping
32 accommodations are furnished to transient guests for
33 rent, whether with or without meals. "Renting" and
34 "rent" include any kind of direct or indirect charge
35 for such rooms, apartments, or sleeping quarters, or
36 their use. For the purposes of this division, such
37 renting is regarded as a sale of tangible personal
38 property at retail. However, this tax does not apply
39 to the gross receipts from the renting of a room,
40 apartment, or sleeping quarters while rented by the
41 same person for a period of more than thirty-one
42 consecutive days.

43 10. There is imposed a tax of ~~five~~ six percent
44 upon the gross receipts from the rendering,
45 furnishing, or performing of services as defined in
46 section 422.42.

47 12. A tax of ~~five~~ six percent is imposed upon the
48 gross receipts from the sales of prepaid telephone
49 calling cards and prepaid authorization numbers. For
50 the purpose of this division, the sales of prepaid

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1 telephone calling cards and prepaid authorization
2 numbers are sales of tangible personal property.
3 Sec. __. Section 422.43, subsection 13, paragraph
4 a, unnumbered paragraph 1, Code Supplement 2001, is
5 amended to read as follows:

6 A tax of ~~five~~ six percent is imposed upon the gross
7 receipts from the sales, furnishing, or service of
8 solid waste collection and disposal service.

9 Sec. __. Section 422.43, subsections 16 and 17,
10 Code Supplement 2001, are amended to read as follows:

11 16. a. A tax of ~~five~~ six percent is imposed upon
12 the gross receipts from sales of bundled services
13 contracts. For purposes of this subsection, a
14 "bundled services contract" means an agreement
15 providing for a retailer's performance of services,
16 one or more of which is a taxable service enumerated
17 in this section and one or more of which is not, in
18 return for a consumer's or user's single payment for
19 the performance of the services, with no separate
20 statement to the consumer or user of what portion of
21 that payment is attributable to any one service which
22 is a part of the contract.

23 b. For purposes of the administration of the tax
24 on bundled services contracts, the director may enter
25 into agreements of limited duration with individual
26 retailers, groups of retailers, or organizations
27 representing retailers of bundled services contracts.
28 Such an agreement shall impose the tax rate only upon
29 that portion of the gross receipts from a bundled
30 services contract which is attributable to taxable
31 services provided under the contract.

32 17. A tax of ~~five~~ six percent is imposed upon the
33 gross receipts from any mobile telecommunication
34 service which this state is allowed to tax by the
35 provisions of the federal Mobile Telecommunications
36 Sourcing Act, Pub. L. No. 106-252, 4 U.S.C. } 116 et
37 seq. For purposes of this subsection, taxes on mobile
38 telecommunications service, as defined under the
39 federal Mobile Telecommunications Sourcing Act, that
40 are deemed to be provided by the customer's home
41 service provider shall be paid to the taxing
42 jurisdiction whose territorial limits encompass the
43 customer's place of primary use, regardless of where
44 the mobile telecommunication service originates,
45 terminates, or passes through and shall in all other
46 respects be taxed in conformity with the federal
47 Mobile Telecommunications Sourcing Act. All other
48 provisions of the federal Mobile Telecommunications
49 Sourcing Act are adopted by the state of Iowa and
50 incorporated into this subsection by reference. With

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1 respect to mobile telecommunications service under the
 2 federal Mobile Telecommunications Sourcing Act the
 3 director shall, if requested, enter into agreements
 4 consistent with the provisions of the federal Act.

5 Sec. ___. Section 422.47, Code Supplement 2001, is
 6 amended by adding the following new subsection:

7 NEW SUBSECTION. 2. Construction contractors may
 8 make application to the department for a refund of the
 9 additional one percent tax paid under this division or
 10 the additional one percent tax paid under chapter 423
 11 by reason of the increase in the tax from five to six
 12 percent for taxes paid on goods, wares, or merchandise
 13 under the following conditions:

14 a. The goods, wares, or merchandise are
 15 incorporated into an improvement to real estate in
 16 fulfillment of a written contract fully executed prior
 17 to July 1, 2002. The refund shall not apply to
 18 equipment transferred in fulfillment of a mixed
 19 construction contract.

20 b. The contractor has paid to the department or to
 21 a retailer the full six percent tax.

22 c. The claim is filed on forms provided by the
 23 department and is filed within one year of the date
 24 the tax is paid.

25 A contractor who makes an erroneous application for
 26 refund shall be liable for payment of the excess
 27 refund paid plus interest at the rate in effect under
 28 section 421.7. In addition, a contractor who
 29 willfully makes a false application for refund is
 30 guilty of a simple misdemeanor and is liable for a
 31 penalty equal to fifty percent of the excess refund
 32 claimed. Excess refunds, penalties, and interest due
 33 under this subsection may be enforced and collected in
 34 the same manner as the tax imposed by this division.

35 Sec. ___. Section 422.69, subsection 2, Code 2001,
 36 is amended to read as follows:

37 2. a. Unless Except as provided in paragraph " ~
 38 or as otherwise provided, the fees, taxes, interest,
 39 and penalties collected under this chapter shall be
 40 credited to the general fund.

41 b. One-sixth of the fees, taxes, interest, and
 42 penalties collected pursuant to division IV shall be
 43 credited to the school district sales and use tax fund
 44 created in section 293.1.

45 Sec. ___. Section 422E.1, Code 2001, is amended by
 46 adding the following new subsection:

47 NEW SUBSECTION. 4. a. This chapter does not
 48 apply to any county after the effective date of this
 49 Act.

50 b. In the case of a county that has in effect on

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1 March 31, 2002, a local sales and services tax for
2 school infrastructure purposes, the increase in the
3 state sales and services tax under chapter 422,
4 division IV, from five percent to six percent shall
5 replace the county's local sales and services tax for
6 school infrastructure purposes and to this extent the
7 local sales and services tax for school infrastructure
8 purposes is repealed.

9 Sec. __. Section 423.2, Code 2001, is amended to
10 read as follows:

11 423.2 IMPOSITION OF TAX.

12 An excise tax is imposed on the use in this state
13 of tangible personal property, including aircraft
14 subject to registration under section 328.20,
15 purchased for use in this state, at the rate of ~~five~~
16 six percent of the purchase price of the property. An
17 excise tax is imposed on the use of manufactured
18 housing in this state at the rate of ~~five~~ six percent
19 of the purchase price if the manufactured housing is
20 sold in the form of tangible personal property and at
21 the rate of ~~five~~ six percent of the installed purchase
22 price if the manufactured housing is sold in the form
23 of realty. An excise tax is imposed on the use in
24 this state of vehicles subject to registration or
25 subject only to the issuance of a certificate of title
26 at the rate of five percent. An excise tax is imposed
27 on the use of leased vehicles at the rate of five
28 percent of the amount otherwise subject to tax as
29 calculated pursuant to section 423.7A. The excise tax
30 is imposed upon every person using the property within
31 this state until the tax has been paid directly to the
32 county treasurer or the state department of
33 transportation, to a retailer, or to the department.
34 An excise tax is imposed on the use in this state of
35 services enumerated in section 422.43 at the rate of
36 ~~five~~ six percent. This tax is applicable where
37 services are rendered, furnished, or performed in this
38 state or where the product or result of the service is
39 used in this state. This tax is imposed on every
40 person using the services or the product of the
41 services in this state until the user has paid the tax
42 either to an Iowa use tax permit holder or to the
43 department.

44 Sec. __. Section 423.24, Code 2001, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 2A. One-sixth of all other
47 revenue arising under the operation of this chapter
48 shall be credited to the school district sales and use
49 tax fund created in section 293.1.

50 Sec. __. Section 423.24, subsection 3, Code 2001,

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1 is amended to read as follows:

2 3. All other revenue arising under the operation
 3 of this chapter not credited as specified in
 4 subsections 1, 2, and 2A shall be credited to the
 5 general fund of the state.
 6 Sec. __. APPLICABILITY. This section applies in
 7 regard to the increase in the state sales and use
 8 taxes from five to six percent. The six percent rate
 9 applies to all sales of taxable personal property,
 10 consisting of goods, wares, or merchandise if delivery
 11 occurs on or after July 1, 2002. The six percent use
 12 tax rate applies to the use of property when the first
 13 taxable use in this state occurs on or after July 1,
 14 2002. The six percent rate applies to the gross
 15 receipts from the sale, furnishing, or service of gas,
 16 electricity, water, heat, pay television service, and
 17 communication service if the date of billing the
 18 customer is on or after July 1, 2002. In the case of
 19 a service contract entered into prior to July 1, 2002,
 20 which contract calls for periodic payments, the six
 21 percent rate applies to those payments made or due on
 22 or after July 1, 2002. This periodic payment applies,
 23 but is not limited to, tickets or admissions, private
 24 club membership fees, sources of amusement, equipment
 25 rental, dry cleaning, reducing salons, dance schools,
 26 and all other services subject to tax, except the
 27 aforementioned utility services which are subject to a
 28 special transitional rule. Unlike periodic payments
 29 under service contracts, installment sales of goods,
 30 wares, and merchandise are subject to the full amount
 31 of sales or use tax when the sales contract is entered
 32 into or the property is first used in Iowa.
 33 Sec. __. Sections 1, 2, 500, and 501 of this Act,
 34 amending section 12.72 and enacting sections 72.6,
 35 293.1, and 293.2, being deemed of immediate
 36 importance, take effect upon enactment."
 37 3. By renumbering as necessary.

RICHARDSON of Warren

H-8197

1 Amend House File 2515 as follows:

2 1. Page 11, line 16, by inserting after the word
 3 "~~plans~~," the following: "Moneys received from the
 4 school district sales and use tax fund may be used for
 5 the construction and repair of school buildings as
 6 provided in chapter 297A.
 7 Sec. __. NEW SECTION. 297A.1 SCHOOL DISTRICT
 8 SALES AND USE TAX FUND.

9 1. A school district sales and use tax fund is
10 created as a separate and distinct fund in the state
11 treasury under the control of the department of
12 revenue and finance. Moneys in the fund include
13 revenues credited to the fund pursuant to section
14 422.69, subsection 2, and section 423.24, subsection
15 2A, appropriations made to the fund and other moneys
16 deposited into the fund. The moneys credited in a
17 fiscal year to the fund shall be distributed as
18 follows:

19 a. (1) A school district located in whole or in
20 part in a county that had in effect on March 31, 2002,
21 the local sales and services tax for school
22 infrastructure purposes under chapter 422E shall
23 receive an amount equal to its guaranteed school
24 infrastructure amount as calculated under subsection 2
25 if the board of directors notifies the director of
26 revenue and finance that the school district wants to
27 receive its guaranteed school infrastructure amount.
28 The notification shall be provided by July 1, 2002.
29 If notification is not received by July 1, 2002, the
30 school district shall receive moneys pursuant to
31 paragraph "b". Nothing in this chapter shall prevent
32 a school district from using its guaranteed school
33 infrastructure amount to pay principal and interest on
34 obligations issued pursuant to section 422E.4.

35 (2) A school district receiving moneys pursuant to
36 subparagraph (1) shall cease to receive its guaranteed
37 school infrastructure amount and shall receive moneys
38 pursuant to paragraph "b" starting with the fiscal
39 year immediately following the fiscal year in which
40 occurs the end of the original ten-year period or the
41 date listed on the original ballot proposition,
42 whichever is the earlier, as provided in chapter 422E.
43 A school district may adopt a plan, as provided in
44 section 297A.2, subsection 2, to anticipate moneys it
45 will receive pursuant to paragraph "b". A school
46 district receiving moneys pursuant to subparagraph (1)
47 may elect to receive moneys pursuant to paragraph "b"
48 by providing notification to receive moneys pursuant
49 to paragraph "b" to the director of revenue and
50 finance and the director of the department of

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1 management by February 15 preceding the fiscal year
2 for which the election will apply. Once a school
3 district makes this election it is irrevocable.

4 b. (1) Moneys remaining after computations made
5 pursuant to paragraph "a" shall be distributed to
6 school districts not receiving moneys under paragraph
7 "a" on a per student basis calculated by the director

8 of revenue and finance by dividing the moneys
 9 available during the fiscal year by the combined
 10 actual enrollment for all school districts receiving
 11 distributions under this paragraph.
 12 (2) The combined actual enrollment for school
 13 districts, for purposes of subparagraph (1), shall be
 14 calculated by adding together the actual enrollment
 15 for each school district receiving distributions under
 16 this paragraph as determined by the department of
 17 management based on the actual enrollment figures
 18 reported by October 1 to the department of management
 19 by the department of education pursuant to section
 20 257.6, subsection 1. The combined actual enrollment
 21 count shall be forwarded to the director of revenue
 22 and finance by March 1, annually, for purposes of
 23 supplying estimated tax payment figures and making
 24 estimated tax payments pursuant to subsection 3 for
 25 the following fiscal year.

26 2. a. For purposes of distributions under
 27 subsection 1, paragraph "a", the school district's
 28 guaranteed school infrastructure amount shall be
 29 calculated according to the following formula:
 30 The district's guaranteed school infrastructure
 31 amount equals the product of the county guaranteed
 32 school infrastructure amount times the district's
 33 county actual enrollment divided by the county
 34 combined actual enrollment.

35 b. For purposes of the formula in paragraph "a":
 36 (1) "Base year" means the fiscal year beginning
 37 July 1, 2001.

38 (2) "Base year county taxable sales percentage"
 39 means the percentage that the taxable sales in the
 40 county during the base year is of the total state
 41 taxable sales during the base year.

42 (3) "County combined actual enrollment" means the
 43 actual enrollment figures determined by the department
 44 of management for the county based on the actual
 45 enrollment figures reported by October 1 to the
 46 department of management by the department of
 47 education pursuant to section 257.6, subsection 1.

48 (4) "County guaranteed school infrastructure
 49 amount" means an amount equal to the product of the
 50 county's chapter 422E proportionate share times the

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1 amount deposited in the school district sales and use
 2 tax fund for the current year times the current year
 3 county taxable sales percentage divided by the base
 4 year county taxable sales percentage.

5 (5) "County's chapter 422E proportionate share"
 6 means the percentage that the annualized revenues

7 received in the county under chapter 422E for the base
8 year is of one-fifth of the total state sales and use
9 tax revenues collected for deposit into the general
10 fund of the state for the base year.

11 (6) "Current year" means the fiscal year for which
12 distributions under this section are being made.

13 (7) "Current year county taxable sales percentage"
14 means the percentage that the taxable sales in the
15 county during the current fiscal year is of the total
16 state taxable sales during the current fiscal year.

17 (8) "District's county actual enrollment" means the
18 actual enrollment of the school district that attends
19 school in the county for which the county combined
20 actual enrollment is determined.

21 (9) "Taxable sales" means sales subject to the
22 state sales and services tax under chapter 422,
23 division IV.

24 3. a. The director of revenue and finance within
25 fifteen days of the beginning of each fiscal year
26 shall send to each school district an estimate of the
27 amount of tax moneys each school district will receive
28 for the year and for each quarter of the year. At the
29 end of each quarter, the director may revise the
30 estimates for the year and remaining quarters.

31 b. The director shall remit ninety-five percent of
32 the estimated tax receipts for the school district to
33 the school district on or before September 30 of the
34 fiscal year and on or before the last day of each
35 following quarter.

36 c. The director shall remit a final payment of the
37 remainder of tax moneys due for the fiscal year before
38 November 10 of the next fiscal year. If an
39 overpayment has resulted during the previous fiscal
40 year, the November payment shall be adjusted to
41 reflect any overpayment.

42 d. If the distributions are to school districts
43 described in subsection 1, paragraph "a", the payments
44 to these school districts shall be done on a monthly
45 basis beginning with the month of August.

46 4. Moneys received by a school district from the
47 fund may be applied by the school district for the
48 purposes of section 76.4.

49 5. The department of revenue and finance shall
50 adopt rules for the purpose of carrying out its

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1 responsibilities under this chapter.

2 Sec. __. NEW SECTION. 297A.2 USE OF SCHOOL
3 DISTRICT SALES AND USE TAX FUND MONEYS.

4 1. A school district receiving moneys from the
5 school district sales and use tax fund under section

6 297A.1, subsection 1, paragraph "a", shall use the
7 moneys as provided on the original ballot proposition
8 pursuant to chapter 422E, for the payment of principal
9 and interest on general obligation bonds issued
10 pursuant to chapter 296, or section 298.20 or loan
11 agreements under section 297.36, for carrying on
12 public educational and recreational activities
13 pursuant to chapter 300, for payments made pursuant to
14 lease or lease-purchase agreements, or for payment of
15 principal and interest on bonds issued under sections
16 297A.3 and 422E.4.

17 2. a. Moneys received by a school district from
18 the school district sales and use tax fund under
19 section 297A.1, subsection 1, paragraph "b", shall be
20 spent for infrastructure purposes only according to a
21 plan developed by the board of directors and approved
22 by the voters. The plan may apply to more than one
23 fiscal year. Prior to adoption of the plan, the board
24 of directors shall hold a public hearing on the
25 question of approval of the proposed plan. The board
26 shall set forth its proposal and shall publish the
27 notice of the time and place of a public hearing on
28 the proposed plan. Notice of the time and place of
29 the public hearing shall be published not less than
30 ten nor more than twenty days before the public
31 hearing in a newspaper which is a newspaper of general
32 circulation in the school district. At the hearing,
33 or no later than thirty days after the date of the
34 hearing, the board shall take action to adopt the
35 proposed plan.

36 b. If the board adopts the plan, the board shall
37 direct the county commissioner of elections to submit
38 the question of the approval or disapproval of the
39 infrastructure plan to the registered voters of the
40 school district at the next following regular school
41 election or a special election. If a majority of
42 those voting on the question favors the plan of the
43 board, the moneys received shall be used according to
44 the plan beginning with the first fiscal year
45 following that election until a change in the plan is
46 approved at a subsequent election by a majority of
47 those voting on the question. If a majority of those
48 voting on the question at the election does not favor
49 the plan of the board, the district shall use the
50 moneys received as provided in paragraph "c" for the

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1 fiscal year.

2 c. If the plan is not approved at an election, as
3 provided in paragraph "b", or if a plan is not
4 approved by the board, moneys received by a school

5 district shall be used for the fiscal year to reduce
6 the following levies in the following order:

7 (1) Bond levies under sections 298.18 and 298.18A
8 and other debt levies until the moneys received or the
9 levies are reduced to zero.

10 (2) The physical plant and equipment levy under
11 section 298.2, until the moneys received or the levy
12 is reduced to zero.

13 (3) The public educational and recreational
14 activities levy under section 300.2, until the moneys
15 received or the levy is reduced to zero.

16 (4) The schoolhouse tax levy under section 278.1,
17 subsection 7, Code 1989, until the moneys received or
18 the levy is reduced to zero.

19 Any money remaining after the reduction of the
20 levies specified in this paragraph "c" may be used for
21 any lawful infrastructure purpose of the school
22 district.

23 d. For purposes of this subsection,
24 "infrastructure purposes" means those purposes for
25 which a school district is authorized to contract
26 indebtedness and issue general obligation bonds under
27 chapter 296 or to expend tax revenues under section
28 298.3, the payment of principal and interest on
29 general obligation bonds issued under chapter 296 or
30 section 298.20 or loan agreements under section
31 297.36, for carrying on public educational and
32 recreational activities pursuant to chapter 300,
33 payments made pursuant to a lease or lease-purchase
34 agreement, or the payment of principal and interest on
35 bonds issued under section 297A.3 or 422E.4.

36 Sec. __. NEW SECTION. 297A.3 BONDING.

37 A school district where the voters have approved a
38 plan at an election, as provided in section 297A.2,
39 subsection 2, paragraph "b", may issue bonds as
40 provided in this section if it complies with all of
41 the following procedures:

42 1. A school district may institute proceedings for
43 the issuance of bonds by causing a notice of the
44 proposal to issue the bonds, including a statement of
45 the amount and purpose of the bonds, and the right of
46 voters to petition for an election, to be published at
47 least once in a newspaper of general circulation
48 within the school district at least ten days prior to
49 the meeting at which it is proposed to take action for
50 the issuance of the bonds.

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1 If at any time before the date fixed for taking
2 action for the issuance of the bonds, a petition is
3 filed signed by five percent of the registered voters

4 of the school district, asking that the question of
5 issuing the bonds be submitted to the registered
6 voters, the board of directors shall either by
7 resolution declare the proposal to issue the bonds to
8 be abandoned or shall direct the county commissioner
9 of elections to call a special election upon the
10 question of issuing the bonds. The proposition of
11 issuing bonds under this section is not approved
12 unless the vote in favor of the proposition is equal
13 to at least sixty percent of the vote cast. If a
14 petition is not filed, or if a petition is filed and
15 the proposition of issuing the bonds is approved at an
16 election, the board of directors may proceed with the
17 authorization and issuance of the bonds. Bonds may be
18 issued for the purpose of refunding outstanding and
19 previously issued bonds under this section without
20 otherwise complying with the provisions of this
21 section.

22 2. The provisions of chapter 76 apply to the bonds
23 payable as provided in this subsection, except that
24 the mandatory levy to be assessed pursuant to section
25 76.2 shall be at a rate to generate an amount which
26 together with the receipts from the pledged designated
27 portion of the school district's amount received from
28 the school district sales and use tax fund under
29 section 297A.1 is sufficient to pay the interest and
30 principal on the bonds. All amounts collected as a
31 result of the levy assessed pursuant to section 76.2
32 and paid out for bond principal and interest shall be
33 repaid to the school district from the first available
34 designated portion of the school district's amount
35 received from the school district sales and use tax
36 fund under section 297A.1 received in excess of the
37 requirement for the payment of the principal and
38 interest of the bonds and when repaid shall be applied
39 in reduction of property taxes. The amount of bonds
40 which may be issued under section 76.3 shall be the
41 amount which could be retired from the actual
42 collections of the designated portions of the school
43 district's amount received from the school district
44 sales and use tax fund under section 297A.1 for the
45 last four calendar quarters, as certified by the
46 director of revenue and finance. The amount of tax
47 revenues pledged jointly by other cities or counties
48 may be considered for the purpose of determining the
49 amount of bonds which may be issued.

50 3. The provisions of this section constitute

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1 separate authorization for the issuance of bonds and
2 shall prevail in the event of conflict with any other

3 provisions of state law limiting the amount of bonds
4 which may be issued or the source of payment of the
5 bonds. Bonds issued under this section shall not
6 limit or restrict the authority of the school district
7 to issue bonds under other provisions of state law.

8 Sec.____. NEW SECTION. 297A.4 REPEAL.

9 This chapter is repealed July 1, 2022, for fiscal
10 years beginning on or after that date.

11 Sec.____. Section 298.18, unnumbered paragraph 4,
12 Code Supplement 2001, is amended by striking the
13 unnumbered paragraph and inserting in lieu thereof the
14 following:

15 If the school corporation's amount received from
16 the school district sales and use tax fund under
17 section 297A.1 does not equal or exceed the amount
18 which would be produced by a levy of one dollar
19 thirty-five cents per thousand dollars of the assessed
20 value of the taxable property of the school
21 corporation, the amount estimated and certified to
22 apply on principal and interest for any one year may
23 exceed two dollars and seventy cents per thousand
24 dollars of assessed value by the amount approved by
25 the voters of the school corporation, but not
26 exceeding four dollars and five cents per thousand of
27 the assessed value of the taxable property within any
28 school corporation, provided that the qualified voters
29 of such school corporation have first approved such
30 increased amount at a special election, which may be
31 held at the same time as the regular school election,
32 and provided further that the school corporation's
33 amount received from the school district sales and use
34 tax fund under section 297A.1 shall be used to abate
35 an additional levy amount authorized after July 1,
36 2002. A levy approved prior to July 1, 2002, shall
37 continue to be authorized. The proposition submitted
38 to the voters at such special election shall be in
39 substantially the following form:

40 Sec.____. Section 298.18, unnumbered paragraph 5,
41 Code Supplement 2001, is amended to read as follows:

42 Shall the board of directors of the (insert
43 name of school corporation) in the County of,
44 State of Iowa, be authorized to levy annually a tax
45 exceeding two dollars and seventy cents per thousand
46 dollars, but not exceeding .. dollars and ... cents
47 per thousand dollars of the assessed value of the
48 taxable property within said school corporation to pay
49 the principal of and interest on bonded indebtedness
50 of said school corporation, it being understood that

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1 the approval of this proposition shall not limit the
2 source of payment of the bonds and interest but shall
3 only operate to restrict the amount of bonds which may
4 be issued and that the additional levy shall be
5 reduced and abated in any year by the amount of money
6 received from the school district sales and use tax
7 fund under section 297A.1?"

8 2. Page 15, by inserting after line 27 the
9 following:

10 "Sec. ___. Section 422.43, subsections 1, 2, 4, 5,
11 6, 7, 10, and 12, Code Supplement 2001, are amended to
12 read as follows:

13 1. There is imposed a tax of ~~five~~ six percent upon
14 the gross receipts from all sales of tangible personal
15 property, consisting of goods, wares, or merchandise,
16 except as otherwise provided in this division, sold at
17 retail in the state to consumers or users; a like rate
18 of tax upon the gross receipts from the sales,
19 furnishing, or service of gas, electricity, water,
20 heat, pay television service, and communication
21 service, including the gross receipts from such sales
22 by any municipal corporation or joint water utility
23 furnishing gas, electricity, water, heat, pay
24 television service, and communication service to the
25 public in its proprietary capacity, except as
26 otherwise provided in this division, when sold at
27 retail in the state to consumers or users; a like rate
28 of tax upon the gross receipts from all sales of
29 tickets or admissions to places of amusement, fairs,
30 and athletic events except those of elementary and
31 secondary educational institutions; a like rate of tax
32 on the gross receipts from an entry fee or like charge
33 imposed solely for the privilege of participating in
34 an activity at a place of amusement, fair, or athletic
35 event unless the gross receipts from the sales of
36 tickets or admissions charges for observing the same
37 activity are taxable under this division; and a like
38 rate of tax upon that part of private club membership
39 fees or charges paid for the privilege of
40 participating in any athletic sports provided club
41 members.

42 2. There is imposed a tax of ~~five~~ six percent upon
43 the gross receipts derived from the operation of all
44 forms of amusement devices and games of skill, games
45 of chance, raffles, and bingo games as defined in
46 chapter 99B, operated or conducted within the state,
47 the tax to be collected from the operator in the same
48 manner as for the collection of taxes upon the gross
49 receipts of tickets or admission as provided in this
50 section. The tax shall also be imposed upon the gross

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1 receipts derived from the sale of lottery tickets or
2 shares pursuant to chapter 99E. The tax on the
3 lottery tickets or shares shall be included in the
4 sales price and distributed to the general fund as
5 provided in section 99E.10.

6 4. There is imposed a tax of ~~five~~ six percent upon
7 the gross receipts from the sales of engraving,
8 photography, retouching, printing, and binding
9 services. For the purpose of this division, the sales
10 of engraving, photography, retouching, printing, and
11 binding services are sales of tangible property.

12 5. There is imposed a tax of ~~five~~ six percent upon
13 the gross receipts from the sales of vulcanizing,
14 recapping, and retreading services. For the purpose
15 of this division, the sales of vulcanizing, recapping,
16 and retreading services are sales of tangible
17 property.

18 6. There is imposed a tax of ~~five~~ six percent upon
19 the gross receipts from the sales of optional service
20 or warranty contracts, except residential service
21 contracts regulated under chapter 523C, which provide
22 for the furnishing of labor and materials and require
23 the furnishing of any taxable service enumerated under
24 this section. The gross receipts are subject to tax
25 even if some of the services furnished are not
26 enumerated under this section. For the purpose of
27 this division, the sale of an optional service or
28 warranty contract, other than a residential service
29 contract regulated under chapter 523C, is a sale of
30 tangible personal property. Additional sales,
31 services, or use taxes shall not be levied on
32 services, parts, or labor provided under optional
33 service or warranty contracts which are subject to tax
34 under this section.

35 If the optional service or warranty contract is a
36 computer software maintenance or support service
37 contract and there is no separately stated fee for the
38 taxable personal property or for the nontaxable
39 service, the tax of ~~five~~ six percent imposed by this
40 subsection shall be imposed on fifty percent of the
41 gross receipts from the sale of such contract. If the
42 contract provides for technical support services only,
43 no tax shall be imposed under this subsection. The
44 provisions of this subsection also apply to the tax
45 imposed by chapter 423.

46 7. There is imposed a tax of ~~five~~ six percent upon
47 the gross receipts from the renting of rooms,
48 apartments, or sleeping quarters in a hotel, motel,
49 inn, public lodging house, rooming house, manufactured
50 or mobile home which is tangible personal property, or

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1 tourist court, or in any place where sleeping
2 accommodations are furnished to transient guests for
3 rent, whether with or without meals. "Renting" and
4 "rent" include any kind of direct or indirect charge
5 for such rooms, apartments, or sleeping quarters, or
6 their use. For the purposes of this division, such
7 renting is regarded as a sale of tangible personal
8 property at retail. However, this tax does not apply
9 to the gross receipts from the renting of a room,
10 apartment, or sleeping quarters while rented by the
11 same person for a period of more than thirty-one
12 consecutive days.

13 10. There is imposed a tax of ~~five~~ six percent
14 upon the gross receipts from the rendering,
15 furnishing, or performing of services as defined in
16 section 422.42.

17 12. A tax of ~~five~~ six percent is imposed upon the
18 gross receipts from the sales of prepaid telephone
19 calling cards and prepaid authorization numbers. For
20 the purpose of this division, the sales of prepaid
21 telephone calling cards and prepaid authorization
22 numbers are sales of tangible personal property.

23 Sec. ___. Section 422.43, subsection 13, paragraph
24 a, unnumbered paragraph 1, Code Supplement 2001, is
25 amended to read as follows:

26 A tax of ~~five~~ six percent is imposed upon the gross
27 receipts from the sales, furnishing, or service of
28 solid waste collection and disposal service.

29 Sec. ___. Section 422.43, subsections 16 and 17,
30 Code Supplement 2001, are amended to read as follows:

31 16. a. A tax of ~~five~~ six percent is imposed upon
32 the gross receipts from sales of bundled services
33 contracts. For purposes of this subsection, a
34 "bundled services contract" means an agreement
35 providing for a retailer's performance of services,
36 one or more of which is a taxable service enumerated
37 in this section and one or more of which is not, in
38 return for a consumer's or user's single payment for
39 the performance of the services, with no separate
40 statement to the consumer or user of what portion of
41 that payment is attributable to any one service which
42 is a part of the contract.

43 b. For purposes of the administration of the tax
44 on bundled services contracts, the director may enter
45 into agreements of limited duration with individual
46 retailers, groups of retailers, or organizations
47 representing retailers of bundled services contracts.
48 Such an agreement shall impose the tax rate only upon
49 that portion of the gross receipts from a bundled
50 services contract which is attributable to taxable

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1 services provided under the contract.
2 17. A tax of ~~five~~ six percent is imposed upon the
3 gross receipts from any mobile telecommunication
4 service which this state is allowed to tax by the
5 provisions of the federal Mobile Telecommunications
6 Sourcing Act, Pub. L. No. 106-252, 4 U.S.C. § 116 et
7 seq. For purposes of this subsection, taxes on mobile
8 telecommunications service, as defined under the
9 federal Mobile Telecommunications Sourcing Act, that
10 are deemed to be provided by the customer's home
11 service provider shall be paid to the taxing
12 jurisdiction whose territorial limits encompass the
13 customer's place of primary use, regardless of where
14 the mobile telecommunication service originates,
15 terminates, or passes through and shall in all other
16 respects be taxed in conformity with the federal
17 Mobile Telecommunications Sourcing Act. All other
18 provisions of the federal Mobile Telecommunications
19 Sourcing Act are adopted by the state of Iowa and
20 incorporated into this subsection by reference. With
21 respect to mobile telecommunications service under the
22 federal Mobile Telecommunications Sourcing Act the
23 director shall, if requested, enter into agreements
24 consistent with the provisions of the federal Act.
25 Sec. ___. Section 422.43, Code Supplement 2001, is
26 amended by adding the following new subsection:
27 NEW SUBSECTION. 18. The sales tax rate of six
28 percent is reduced to five percent on July 1, 2022.
29 Sec. ___. Section 422.47, Code Supplement 2001, is
30 amended by adding the following new subsection:
31 NEW SUBSECTION. 2. Construction contractors may
32 make application to the department for a refund of the
33 additional one percent tax paid under this division or
34 the additional one percent tax paid under chapter 423
35 by reason of the increase in the tax from five to six
36 percent for taxes paid on goods, wares, or merchandise
37 under the following conditions:
38 a. The goods, wares, or merchandise are
39 incorporated into an improvement to real estate in
40 fulfillment of a written contract fully executed prior
41 to July 1, 2002. The refund shall not apply to
42 equipment transferred in fulfillment of a mixed
43 construction contract.
44 b. The contractor has paid to the department or to
45 a retailer the full six percent tax.
46 c. The claim is filed on forms provided by the
47 department and is filed within one year of the date
48 the tax is paid.
49 A contractor who makes an erroneous application for
50 refund shall be liable for payment of the excess

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1 refund paid plus interest at the rate in effect under
2 section 421.7. In addition, a contractor who
3 willfully makes a false application for refund is
4 guilty of a simple misdemeanor and is liable for a
5 penalty equal to fifty percent of the excess refund
6 claimed. Excess refunds, penalties, and interest due
7 under this subsection may be enforced and collected in
8 the same manner as the tax imposed by this division.

9 Sec. ___. Section 422.69, subsection 2, Code 2001,
10 is amended to read as follows:

11 2. a. Unless Except as provided in paragraph "b",
12 or as otherwise provided, the fees, taxes, interest,
13 and penalties collected under this chapter shall be
14 credited to the general fund.

15 b. One-sixth of the fees, taxes, interest, and
16 penalties collected pursuant to division IV shall be
17 credited to the school district sales and use tax fund
18 created in section 297A.1. This paragraph is stricken
19 July 1, 2022.

20 Sec. ___. Section 422E.1, Code 2001, is amended by
21 adding the following new subsections:

22 NEW SUBSECTION. 4. a. This chapter does not
23 apply to any county for the period beginning after the
24 effective date of this Act and ending January 1, 2022.

25 b. In the case of a county that has in effect on
26 March 31, 2002, a local sales and services tax for
27 school infrastructure purposes, the increase in the
28 state sales and services tax under chapter 422,
29 division IV, from five percent to six percent shall
30 replace the county's local sales and services tax for
31 school infrastructure purposes and to this extent the
32 local sales and services tax for school infrastructure
33 purposes is repealed.

34 NEW SUBSECTION. 5. Local sales and services tax
35 receipts collected prior to July 1, 2002, pursuant to
36 this chapter, may be applied by a school district for
37 the purposes of section 76.4.

38 Sec. ___. Section 423.2, Code 2001, is amended to
39 read as follows:

40 423.2 IMPOSITION OF TAX.

41 An excise tax is imposed on the use in this state
42 of tangible personal property, including aircraft
43 subject to registration under section 328.20,
44 purchased for use in this state, at the rate of ~~five~~
45 six percent of the purchase price of the property. An
46 excise tax is imposed on the use of manufactured
47 housing in this state at the rate of ~~five~~ six percent
48 of the purchase price if the manufactured housing is
49 sold in the form of tangible personal property and at
50 the rate of ~~five~~ six percent of the installed purchase

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1 price if the manufactured housing is sold in the form
2 of realty. An excise tax is imposed on the use in
3 this state of vehicles subject to registration or
4 subject only to the issuance of a certificate of title
5 at the rate of five percent. An excise tax is imposed
6 on the use of leased vehicles at the rate of five
7 percent of the amount otherwise subject to tax as
8 calculated pursuant to section 423.7A. The excise tax
9 is imposed upon every person using the property within
10 this state until the tax has been paid directly to the
11 county treasurer or the state department of
12 transportation, to a retailer, or to the department.
13 An excise tax is imposed on the use in this state of
14 services enumerated in section 422.43 at the rate of
15 ~~five~~ ~~six~~ percent. This tax is applicable where
16 services are rendered, furnished, or performed in this
17 state or where the product or result of the service is
18 used in this state. This tax is imposed on every
19 person using the services or the product of the
20 services in this state until the user has paid the tax
21 either to an Iowa use tax permit holder or to the
22 department. The rate of use tax of six percent shall
23 be reduced to five percent beginning July 1, 2022.
24 Sec. ___. Section 423.24, Code 2001, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 2A. One-sixth of all other
27 revenue arising under the operation of this chapter
28 shall be credited to the school district sales and use
29 tax fund created in section 297A.1. This subsection
30 is stricken July 1, 2022.

31 Sec. ___. Section 423.24, subsection 3, Code 2001,
32 is amended to read as follows:

33 3. All other revenue arising under the operation
34 of this chapter not credited as specified in
35 subsections 1, 2, and 2A shall be credited to the
36 general fund of the state."

37 3. Page 18, by inserting after line 30 the
38 following:

39 "Sec. ___. APPLICABILITY. This section applies in
40 regard to the increase in the state sales and use
41 taxes from five to six percent. The six percent rate
42 applies to all sales of taxable personal property,
43 consisting of goods, wares, or merchandise if delivery
44 occurs on or after July 1, 2002. The six percent use
45 tax rate applies to the use of property when the first
46 taxable use in this state occurs on or after July 1,
47 2002. The six percent rate applies to the gross
48 receipts from the sale, furnishing, or service of gas,
49 electricity, water, heat, pay television service, and
50 communication service if the date of billing the

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1 customer is on or after July 1, 2002. In the case of
2 a service contract entered into prior to July 1, 2002,
3 which contract calls for periodic payments, the six
4 percent rate applies to those payments made or due on
5 or after July 1, 2002. This periodic payment applies,
6 but is not limited to, tickets or admissions, private
7 club membership fees, sources of amusement, equipment
8 rental, dry cleaning, reducing salons, dance schools,
9 and all other services subject to tax, except the
10 aforementioned utility services which are subject to a
11 special transitional rule. Unlike periodic payments
12 under service contracts, installment sales of goods,
13 wares, and merchandise are subject to the full amount
14 of sales or use tax when the sales contract is entered
15 into or the property is first used in Iowa.
16 Sec. __. IMMEDIATE EFFECTIVE DATE. The sections
17 of this Act, enacting sections 297A.1 and 297A.2,
18 being deemed of immediate importance, take effect upon
19 enactment."
20 4. Title page, by striking line 2, and inserting
21 the following: "education, increasing the state sales
22 and use taxes for educational infrastructure purposes,
23 and providing effective dates."

RICHARDSON of Warren
MERTZ of Kossuth
HOFFMAN of Crawford
JOHNSON of Osceola

REYNOLDS of Van Buren
KREIMAN of Davis
KETTERING of Sac

H-8200

1 Amend the amendment, H-8194, to Senate File 2048,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 9, by inserting after the figure
5 "12.72" the following: ", moneys expended from the
6 school district sales and use tax fund created in
7 section 293.1, as enacted in this Act."

8 2. Page 1, by inserting after line 17 the
9 following:

10 "____. Page 2, by striking lines 21 and 22 and
11 inserting the following:

12 "Sec. 101. NEW SECTION. 293.1 SCHOOL DISTRICT
13 SALES AND USE TAX FUND.

14 1. A school district sales and use tax fund is
15 created as a separate and distinct fund in the state
16 treasury under the control of the department of
17 revenue and finance. Moneys in the fund include
18 revenues credited to the fund pursuant to section
19 422.69, subsection 2, and section 423.24, subsection
20 2A, appropriations made to the fund, and other moneys
21 deposited into the fund. The moneys credited in a
22 fiscal year to the fund shall be distributed as
23 follows:

24 a. (1) A school district located in whole or in
25 part in a county that had in effect on March 31, 2002,
26 the local sales and services tax for school
27 infrastructure purposes under chapter 422E shall
28 receive an amount equal to its guaranteed school
29 infrastructure amount as calculated under subsection 2
30 if the board of directors notifies the director of
31 revenue and finance that the school district wants to
32 receive its guaranteed school infrastructure amount.
33 The notification shall be provided by July 1, 2002.
34 If notification is not received by July 1, 2002, the
35 school district shall receive moneys pursuant to
36 paragraph "b". Nothing in this chapter shall prevent
37 a school district from using its guaranteed school
38 infrastructure amount to pay principal and interest on
39 obligations issued pursuant to section 422E.4.

40 (2) A school district receiving moneys pursuant to
41 subparagraph (1) shall cease to receive its guaranteed
42 school infrastructure amount and shall receive moneys
43 pursuant to paragraph "b" starting with the fiscal
44 year immediately following the fiscal year in which
45 occurs the end of the original ten-year period or the
46 date listed on the original ballot proposition,
47 whichever is the earlier, as provided in chapter 422E.
48 A school district may adopt a plan, as provided in
49 section 293.2, subsection 2, to anticipate moneys it
50 will receive pursuant to paragraph "b". A school

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1 district receiving moneys pursuant to subparagraph (1)
2 may elect to receive moneys pursuant to paragraph "b"
3 by providing notification to receive moneys pursuant
4 to paragraph "b" to the director of revenue and
5 finance and the director of the department of
6 management by February 15 preceding the fiscal year
7 for which the election will apply. Once a school
8 district makes this election it is irrevocable.

9 b. (1) Moneys remaining after computations made
10 pursuant to paragraph "a" shall be distributed to
11 school districts not receiving moneys under paragraph
12 "a" on a per student basis calculated by the director
13 of revenue and finance by dividing the moneys
14 available during the fiscal year by the combined
15 actual enrollment for all school districts receiving
16 distributions under this paragraph.

17 (2) The combined actual enrollment for school
18 districts, for purposes of subparagraph (1), shall be
19 calculated by adding together the actual enrollment
20 for each school district receiving distributions under
21 subparagraph (1) as determined by the department of
22 management based on the actual enrollment figures
23 reported by October 1 to the department of management
24 by the department of education pursuant to section
25 257.6, subsection 1. The combined actual enrollment
26 count shall be forwarded to the director of revenue
27 and finance by March 1, annually, for purposes of
28 supplying estimated tax payment figures and making
29 estimated tax payments pursuant to subsection 3 for
30 the following fiscal year.

31 2. a. For purposes of distributions under
32 subsection 1, paragraph "a", the school district's
33 guaranteed school infrastructure amount shall be
34 calculated according to the following formula:

35 The district's guaranteed school infrastructure
36 amount equals the product of the county guaranteed
37 school infrastructure amount times the district's
38 county actual enrollment divided by the county
39 combined actual enrollment.

40 b. For purposes of the formula in paragraph "a":

41 (1) "Base year" means the fiscal year beginning
42 July 1, 2001.

43 (2) "Base year county taxable sales percentage"
44 means the percentage that the taxable sales in the
45 county during the base year is of the total state
46 taxable sales during the base year.

47 (3) "County combined actual enrollment" means the
48 actual enrollment figures determined by the department
49 of management for the county based on the actual
50 enrollment figures reported by October 1 to the

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1 department of management by the department of
2 education pursuant to section 257.6, subsection 1.

3 (4) "County guaranteed school infrastructure
4 amount" means an amount equal to the product of the
5 county's chapter 422E proportionate share times the
6 amount deposited in the school district sales and use
7 tax fund for the current year times the current year
8 county taxable sales percentage divided by the base
9 year county taxable sales percentage.

10 (5) "County's chapter 422E proportionate share"
11 means the percentage that the annualized revenues
12 received in the county under chapter 422E for the base
13 year is of one-fifth of the total state sales and use
14 tax revenues collected for deposit into the general
15 fund of the state for the base year.

16 (6) "Current year" means the fiscal year for which
17 distributions under this section are being made.

18 (7) "Current year county taxable sales percentage"
19 means the percentage that the taxable sales in the
20 county during the current fiscal year is of the total
21 state taxable sales during the current fiscal year.

22 (8) "District's county actual enrollment" means
23 the actual enrollment of the school district that
24 attends school in the county for which the county
25 combined actual enrollment is determined.

26 (9) "Taxable sales" means sales subject to the
27 state sales and services tax under chapter 422,
28 division IV.

29 3. a. The director of revenue and finance by
30 August 15 of each fiscal year shall send to each
31 school district an estimate of the amount of tax
32 moneys each school district will receive for the year
33 and for each quarter of the year. At the end of each
34 quarter, the director may revise the estimates for the
35 year and remaining quarters.

36 b. The director shall remit ninety-five percent of
37 the estimated tax receipts for the school district to
38 the school district on or before September 30 of the
39 fiscal year and on or before the last day of each
40 following quarter.

41 c. The director shall remit a final payment of the
42 remainder of tax moneys due for the fiscal year before
43 November 10 of the next fiscal year. If an
44 overpayment has resulted during the previous fiscal
45 year, the November payment shall be adjusted to
46 reflect any overpayment.

47 d. If the distributions are to school districts
48 described in subsection 1, paragraph "a", the payments
49 to these school districts shall be made on a monthly
50 basis beginning with the month of September.

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1 Sec. 102. NEW SECTION. 293.2 USE OF SCHOOL
2 DISTRICT SALES AND USE TAX FUND MONEYS.

3 1. A school district receiving moneys from the
4 school district sales and use tax fund under section
5 293.1, subsection 1, paragraph "a", shall use the
6 moneys as provided on the original ballot proposition
7 pursuant to chapter 422E, for the payment of principal
8 and interest on general obligation bonds issued
9 pursuant to chapter 296, or section 298.20 or loan
10 agreements under section 297.36, for payments made
11 pursuant to lease or lease-purchase agreements, or for
12 payment of principal and interest on bonds issued
13 under sections 293.3 and 422E.4.

14 2. a. Moneys received by a school district from
15 the school district sales and use tax fund under
16 section 293.1, subsection 1, paragraph "b", shall be
17 spent for infrastructure purposes only according to a
18 plan developed by the board of directors. The plan
19 may apply to more than one fiscal year. Prior to
20 adoption of the plan, the board of directors shall
21 hold a public hearing on the question of approval of
22 the proposed plan. The board shall set forth its
23 proposal and shall publish the notice of the time and
24 place of a public hearing on the proposed plan.
25 Notice of the time and place of the public hearing
26 shall be published not less than ten nor more than
27 twenty days before the public hearing in a newspaper
28 which is a newspaper of general circulation in the
29 school district. At the hearing, or no later than
30 thirty days after the date of the hearing, the board
31 shall take action to adopt the proposed plan.

32 b. If the board adopts the plan, moneys received
33 shall be used according to the plan unless within
34 twenty-eight days following the action of the board,
35 the secretary of the board receives a petition
36 containing signatures of registered voters equal in
37 number to five percent of the voters in the school
38 district who voted at the last general election,
39 asking that an election be called to approve or
40 disapprove the action of the board. The board shall
41 either rescind its action or direct the county
42 commissioner of elections to submit the question to
43 the registered voters of the school district at the
44 next following regular school election or a special
45 election. If a majority of those voting on the
46 question at the election favors disapproval of the
47 action of the board, the district shall use the moneys
48 received as provided in paragraph "c" for the fiscal
49 year.

50 At the expiration of the twenty-eight day period,

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1 if no petition is filed, the board shall use the
2 moneys received according to the plan for the duration
3 of the plan. However, the board may, at anytime,
4 expend a greater share of moneys received for property
5 tax relief than otherwise specified in the plan.

6 c. If an election is held and the plan is
7 disapproved, as provided in paragraph "b", or if a
8 plan is not approved by the board, moneys received by
9 a school district shall be used for the fiscal year to
10 reduce the following levies in the following order:

11 (1) Bond levies under sections 298.18 and 298.18A
12 and other debt levies until the moneys received or the
13 levies are reduced to zero.

14 (2) The physical plant and equipment levy under
15 section 298.2, until the moneys received or the levy
16 is reduced to zero.

17 (3) The schoolhouse tax levy under section 278.1,
18 subsection 7, Code 1989, until the moneys received or
19 the levy is reduced to zero.

20 Any money remaining after the reduction of the
21 levies specified in this paragraph may be used for any
22 lawful infrastructure purpose of the school district.

23 d. For purposes of this subsection,
24 "infrastructure purposes" means those purposes for
25 which a school district is authorized to contract
26 indebtedness and issue general obligation bonds under
27 chapter 296 or to expend tax revenues under section
28 298.3, the payment of principal and interest on
29 general obligation bonds issued under chapter 296 or
30 section 298.20 or loan agreements under section
31 297.36, payments made pursuant to a lease or lease-
32 purchase agreement, or the payment of principal and
33 interest on bonds issued under section 293.3 or
34 422E.4.

35 Sec. 103. NEW SECTION. 293.3 BONDING.

36 A school district may anticipate the amount of
37 moneys to be received pursuant to section 293.1 as
38 provided in this section.

39 The board of directors of a school district may
40 issue negotiable, interest-bearing school bonds,
41 without election, and utilize tax receipts derived
42 from the school district sales and use tax fund for
43 principal and interest repayment. Proceeds of the
44 bonds issued pursuant to this section shall be
45 utilized solely for infrastructure purposes as defined
46 in section 293.2, subsection 2.

47 Bonds issued under this section may be sold at
48 public sale as provided in chapter 75. Notice shall
49 be given and a hearing shall be held as provided in
50 section 73A.12. Bonds may bear dates, bear interest

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1 at rates not exceeding that permitted by chapter 74A,
2 mature in one or more installments, be in either
3 coupon or registered form, carry registration and
4 conversion privileges, be payable as to principal and
5 interest at times and places, be subject to terms of
6 redemption prior to maturity with or without premium,
7 and be in one or more denominations, all as provided
8 by the resolution of the board of directors
9 authorizing their issuance. The resolution may also
10 prescribe additional provisions, terms, conditions,
11 and covenants which the board of directors deems
12 advisable, including provisions for creating and
13 maintaining reserve funds, the issuance of additional
14 bonds ranking on a parity with such bonds and
15 additional bonds junior and subordinate to such bonds,
16 and that such bonds shall rank on a parity with or be
17 junior and subordinate to any bonds which may be then
18 outstanding. Bonds may be issued to refund
19 outstanding and previously issued bonds under this
20 section. Bonds are a contract between the school
21 district and holders, and the resolution issuing the
22 bonds and pledging tax revenues to be received from
23 the school district sales and use tax fund to the
24 payment of principal and interest on the bonds is a
25 part of the contract. Bonds issued pursuant to this
26 section shall not constitute indebtedness within the
27 meaning of any constitutional or statutory debt
28 limitation or restriction, and shall not be subject to
29 any other law relating to the authorization, issuance,
30 or sale of bonds.

31 A school district may enter into a chapter 28E
32 agreement with one or more cities or a county whose
33 boundaries encompass all or a part of the area of the
34 school district. A city or cities entering into a
35 chapter 28E agreement may expend its designated
36 portion of the tax revenues to be received from the
37 school district sales and use tax fund for any valid
38 purpose permitted in this chapter or authorized by the
39 governing body of the city. A county entering into a
40 chapter 28E agreement with a school district may
41 expend its designated portion of the tax revenues to
42 be received from the school district sales and use tax
43 fund to provide property tax relief within the
44 boundaries of the school district located in the
45 county. A school district may also enter into a
46 chapter 28E agreement with another school district
47 which is located partially or entirely in or is
48 contiguous to the county. The school district shall
49 only expend its designated portion of tax revenues to
50 be received from the school district sales and use tax

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1 fund.

2 The governing body of a city may authorize the
3 issuance of bonds which are payable from its
4 designated portion of the tax revenues to be received
5 from the school district sales and use tax fund, and
6 not from property tax, by following the authorization
7 procedures set forth for cities in section 384.83. A
8 city may pledge irrevocably any amount derived from
9 its designated portion of the tax revenues to be
10 received from the school district sales and use tax
11 fund to the support or payment of such bonds.

12 Sec. 104. Section 298.18, unnumbered paragraph 4,
13 Code Supplement 2001, is amended to read as follows:

14 The amount estimated and certified to apply on
15 principal and interest for any one year may exceed two
16 dollars and seventy cents per thousand dollars of
17 assessed value by the amount approved by the voters of
18 the school corporation, but not exceeding four dollars
19 and five cents per thousand of the assessed value of
20 the taxable property within any school corporation,
21 provided that the registered voters of such school
22 corporation have first approved such increased amount
23 at a special election, which ~~may be~~ was held at the
24 same time as the regular school election prior to July
25 1, 2002. The proposition submitted to the voters at
26 such special election shall be in substantially the
27 following form:

28 Sec. 105. Section 298.18, unnumbered paragraphs 5
29 and 6, Code Supplement 2001, are amended by striking
30 the unnumbered paragraphs.

31 Sec. 106. Section 298.18, unnumbered paragraph 8,
32 Code Supplement 2001, is amended to read as follows:

33 The ability of a school corporation to exceed two
34 dollars and seventy cents per thousand dollars of
35 assessed value to service principal and interest
36 payments on bonded indebtedness is limited and
37 conferred only to those school corporations engaged in
38 the administration of elementary and secondary
39 education and whose registered voters have voted to
40 exceed that levy limitation prior to July 1, 2002.

41 Sec. 107. Section 422.43, subsections 1, 2, 4, 5,
42 6, 7, 10, and 12, Code Supplement 2001, are amended to
43 read as follows:

44 1. There is imposed a tax of ~~five six~~ percent upon
45 the gross receipts from all sales of tangible personal
46 property, consisting of goods, wares, or merchandise,
47 except as otherwise provided in this division, sold at
48 retail in the state to consumers or users; a like rate
49 of tax upon the gross receipts from the sales,
50 furnishing, or service of gas, electricity, water,

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1 heat, pay television service, and communication
2 service, including the gross receipts from such sales
3 by any municipal corporation or joint water utility
4 furnishing gas, electricity, water, heat, pay
5 television service, and communication service to the
6 public in its proprietary capacity, except as
7 otherwise provided in this division, when sold at
8 retail in the state to consumers or users; a like rate
9 of tax upon the gross receipts from all sales of
10 tickets or admissions to places of amusement, fairs,
11 and athletic events except those of elementary and
12 secondary educational institutions; a like rate of tax
13 on the gross receipts from an entry fee or like charge
14 imposed solely for the privilege of participating in
15 an activity at a place of amusement, fair, or athletic
16 event unless the gross receipts from the sales of
17 tickets or admissions charges for observing the same
18 activity are taxable under this division; and a like
19 rate of tax upon that part of private club membership
20 fees or charges paid for the privilege of
21 participating in any athletic sports provided club
22 members.

23 2. There is imposed a tax of ~~five~~ six percent upon
24 the gross receipts derived from the operation of all
25 forms of amusement devices and games of skill, games
26 of chance, raffles, and bingo games as defined in
27 chapter 99B, operated or conducted within the state,
28 the tax to be collected from the operator in the same
29 manner as for the collection of taxes upon the gross
30 receipts of tickets or admission as provided in this
31 section. The tax shall also be imposed upon the gross
32 receipts derived from the sale of lottery tickets or
33 shares pursuant to chapter 99E. The tax on the
34 lottery tickets or shares shall be included in the
35 sales price and distributed to the general fund as
36 provided in section 99E.10.

37 4. There is imposed a tax of ~~five~~ six percent upon
38 the gross receipts from the sales of engraving,
39 photography, retouching, printing, and binding
40 services. For the purpose of this division, the sales
41 of engraving, photography, retouching, printing, and
42 binding services are sales of tangible property.

43 5. There is imposed a tax of ~~five~~ six percent upon
44 the gross receipts from the sales of vulcanizing,
45 recapping, and retreading services. For the purpose
46 of this division, the sales of vulcanizing, recapping,
47 and retreading services are sales of tangible
48 property.

49 6. There is imposed a tax of ~~five~~ six percent upon
50 the gross receipts from the sales of optional service

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1 or warranty contracts, except residential service
2 contracts regulated under chapter 523C, which provide
3 for the furnishing of labor and materials and require
4 the furnishing of any taxable service enumerated under
5 this section. The gross receipts are subject to tax
6 even if some of the services furnished are not
7 enumerated under this section. For the purpose of
8 this division, the sale of an optional service or
9 warranty contract, other than a residential service
10 contract regulated under chapter 523C, is a sale of
11 tangible personal property. Additional sales,
12 services, or use taxes shall not be levied on
13 services, parts, or labor provided under optional
14 service or warranty contracts which are subject to tax
15 under this section.

16 If the optional service or warranty contract is a
17 computer software maintenance or support service
18 contract and there is no separately stated fee for the
19 taxable personal property or for the nontaxable
20 service, the tax of ~~five~~ six percent imposed by this
21 subsection shall be imposed on fifty percent of the
22 gross receipts from the sale of such contract. If the
23 contract provides for technical support services only,
24 no tax shall be imposed under this subsection. The
25 provisions of this subsection also apply to the tax
26 imposed by chapter 423.

27 7. There is imposed a tax of ~~five~~ six percent upon
28 the gross receipts from the renting of rooms,
29 apartments, or sleeping quarters in a hotel, motel,
30 inn, public lodging house, rooming house, manufactured
31 or mobile home which is tangible personal property, or
32 tourist court, or in any place where sleeping
33 accommodations are furnished to transient guests for
34 rent, whether with or without meals. "Renting" and
35 "rent" include any kind of direct or indirect charge
36 for such rooms, apartments, or sleeping quarters, or
37 their use. For the purposes of this division, such
38 renting is regarded as a sale of tangible personal
39 property at retail. However, this tax does not apply
40 to the gross receipts from the renting of a room,
41 apartment, or sleeping quarters while rented by the
42 same person for a period of more than thirty-one
43 consecutive days.

44 10. There is imposed a tax of ~~five~~ six percent
45 upon the gross receipts from the rendering,
46 furnishing, or performing of services as defined in
47 section 422.42.

48 12. A tax of ~~five~~ six percent is imposed upon the
49 gross receipts from the sales of prepaid telephone
50 calling cards and prepaid authorization numbers. For

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1 the purpose of this division, the sales of prepaid
2 telephone calling cards and prepaid authorization
3 numbers are sales of tangible personal property.
4 Sec. 108. Section 422.43, subsection 13, paragraph
5 a, unnumbered paragraph 1, Code Supplement 2001, is
6 amended to read as follows:

7 A tax of ~~five~~ six percent is imposed upon the gross
8 receipts from the sales, furnishing, or service of
9 solid waste collection and disposal service.

10 Sec. 109. Section 422.43, subsections 16 and 17,
11 Code Supplement 2001, are amended to read as follows:

12 16. a. A tax of ~~five~~ six percent is imposed upon
13 the gross receipts from sales of bundled services
14 contracts. For purposes of this subsection, a
15 "bundled services contract" means an agreement
16 providing for a retailer's performance of services,
17 one or more of which is a taxable service enumerated
18 in this section and one or more of which is not, in
19 return for a consumer's or user's single payment for
20 the performance of the services, with no separate
21 statement to the consumer or user of what portion of
22 that payment is attributable to any one service which
23 is a part of the contract.

24 b. For purposes of the administration of the tax
25 on bundled services contracts, the director may enter
26 into agreements of limited duration with individual
27 retailers, groups of retailers, or organizations
28 representing retailers of bundled services contracts.
29 Such an agreement shall impose the tax rate only upon
30 that portion of the gross receipts from a bundled
31 services contract which is attributable to taxable
32 services provided under the contract.

33 17. A tax of ~~five~~ six percent is imposed upon the
34 gross receipts from any mobile telecommunication
35 service which this state is allowed to tax by the
36 provisions of the federal Mobile Telecommunications
37 Sourcing Act, Pub. L. No. 106-252, 4 U.S.C. § 116 et
38 seq. For purposes of this subsection, taxes on mobile
39 telecommunications service, as defined under the
40 federal Mobile Telecommunications Sourcing Act, that
41 are deemed to be provided by the customer's home
42 service provider shall be paid to the taxing
43 jurisdiction whose territorial limits encompass the
44 customer's place of primary use, regardless of where
45 the mobile telecommunication service originates,
46 terminates, or passes through and shall in all other
47 respects be taxed in conformity with the federal
48 Mobile Telecommunications Sourcing Act. All other
49 provisions of the federal Mobile Telecommunications
50 Sourcing Act are adopted by the state of Iowa and

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1 incorporated into this subsection by reference. With
2 respect to mobile telecommunications service under the
3 federal Mobile Telecommunications Sourcing Act the
4 director shall, if requested, enter into agreements
5 consistent with the provisions of the federal Act.

6 Sec. 110. Section 422.47, Code Supplement 2001, is
7 amended by adding the following new subsection:

8 **NEW SUBSECTION.** 2. Construction contractors may
9 make application to the department for a refund of the
10 additional one percent tax paid under this division or
11 the additional one percent tax paid under chapter 423
12 by reason of the increase in the tax from five to six
13 percent for taxes paid on goods, wares, or merchandise
14 under the following conditions:

15 a. The goods, wares, or merchandise are
16 incorporated into an improvement to real estate in
17 fulfillment of a written contract fully executed prior
18 to July 1, 2002. The refund shall not apply to
19 equipment transferred in fulfillment of a mixed
20 construction contract.

21 b. The contractor has paid to the department or to
22 a retailer the full six percent tax.

23 c. The claim is filed on forms provided by the
24 department and is filed within one year of the date
25 the tax is paid.

26 A contractor who makes an erroneous application for
27 refund shall be liable for payment of the excess
28 refund paid plus interest at the rate in effect under
29 section 421.7. In addition, a contractor who
30 willfully makes a false application for refund is
31 guilty of a simple misdemeanor and is liable for a
32 penalty equal to fifty percent of the excess refund
33 claimed. Excess refunds, penalties, and interest due
34 under this subsection may be enforced and collected in
35 the same manner as the tax imposed by this division.

36 Sec. 111. Section 422.69, subsection 2, Code 2001,
37 is amended to read as follows:

38 2. a. Unless Except as provided in paragraph "b",
39 or as otherwise provided, the fees, taxes, interest,
40 and penalties collected under this chapter shall be
41 credited to the general fund.

42 b. One-sixth of the fees, taxes, interest, and
43 penalties collected pursuant to division IV shall be
44 credited to the school district sales and use tax fund
45 created in section 293.1.

46 Sec. 112. Section 422E.1, Code 2001, is amended by
47 adding the following new subsection:

48 **NEW SUBSECTION.** 4. a. This chapter does not
49 apply to any county after the effective date of this
50 Act.

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1 b. In the case of a county that has in effect on
2 March 31, 2002, a local sales and services tax for
3 school infrastructure purposes, the increase in the
4 state sales and services tax under chapter 422,
5 division IV, from five percent to six percent shall
6 replace the county's local sales and services tax for
7 school infrastructure purposes and to this extent the
8 local sales and services tax for school infrastructure
9 purposes is repealed.

10 Sec. 113. Section 423.2, Code 2001, is amended to
11 read as follows:

12 423.2 IMPOSITION OF TAX.

13 An excise tax is imposed on the use in this state
14 of tangible personal property, including aircraft
15 subject to registration under section 328.20,
16 purchased for use in this state, at the rate of ~~five~~
17 six percent of the purchase price of the property. An
18 excise tax is imposed on the use of manufactured
19 housing in this state at the rate of ~~five~~ six percent
20 of the purchase price if the manufactured housing is
21 sold in the form of tangible personal property and at
22 the rate of ~~five~~ six percent of the installed purchase
23 price if the manufactured housing is sold in the form
24 of realty. An excise tax is imposed on the use in
25 this state of vehicles subject to registration or
26 subject only to the issuance of a certificate of title
27 at the rate of five percent. An excise tax is imposed
28 on the use of leased vehicles at the rate of five
29 percent of the amount otherwise subject to tax as
30 calculated pursuant to section 423.7A. The excise tax
31 is imposed upon every person using the property within
32 this state until the tax has been paid directly to the
33 county treasurer or the state department of
34 transportation, to a retailer, or to the department.
35 An excise tax is imposed on the use in this state of
36 services enumerated in section 422.43 at the rate of
37 ~~five~~ six percent. This tax is applicable where
38 services are rendered, furnished, or performed in this
39 state or where the product or result of the service is
40 used in this state. This tax is imposed on every
41 person using the services or the product of the
42 services in this state until the user has paid the tax
43 either to an Iowa use tax permit holder or to the
44 department.

45 Sec. 114. Section 423.24, Code 2001, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 2A. One-sixth of all other
48 revenue arising under the operation of this chapter
49 shall be credited to the school district sales and use
50 tax fund created in section 293.1.

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1 Sec. 115. Section 423.24, subsection 3, Code 2001,
2 is amended to read as follows:

3 3. All other revenue arising under the operation
4 of this chapter not credited as specified in
5 subsections 1, 2, and 2A shall be credited to the
6 general fund of the state.

7 Sec. 116. APPLICABILITY. This section applies in
8 regard to the increase in the state sales and use
9 taxes from five to six percent. The six percent rate
10 applies to all sales of taxable personal property,
11 consisting of goods, wares, or merchandise if delivery
12 occurs on or after July 1, 2002. The six percent use
13 tax rate applies to the use of property when the first
14 taxable use in this state occurs on or after July 1,
15 2002. The six percent rate applies to the gross
16 receipts from the sale, furnishing, or service of gas,
17 electricity, water, heat, pay television service, and
18 communication service if the date of billing the
19 customer is on or after July 1, 2002. In the case of
20 a service contract entered into prior to July 1, 2002,
21 which contract calls for periodic payments, the six
22 percent rate applies to those payments made or due on
23 or after July 1, 2002. This periodic payment applies,
24 but is not limited to, tickets or admissions, private
25 club membership fees, sources of amusement, equipment
26 rental, dry cleaning, reducing salons, dance schools,
27 and all other services subject to tax, except the
28 aforementioned utility services which are subject to a
29 special transitional rule. Unlike periodic payments
30 under service contracts, installment sales of goods,
31 wares, and merchandise are subject to the full amount
32 of sales or use tax when the sales contract is entered
33 into or the property is first used in Iowa.

34 Sec. 117. Sections 1, 101, and 102 of this Act,
35 enacting sections 12.72A, 293.1, and 293.2, being
36 deemed of immediate importance, take effect upon
37 enactment.""

RICHARDSON of Warren

H-8201

1 Amend House File 2540 as follows:

2 1. Page 1, line 11, by inserting after the word
3 "each" the following: "participating".

4 2. Page 2, by striking lines 2 and 3, and
5 inserting the following: "a city allowed more than
6 one appointment shall balance its appointments when
7 possible and".

8 3. Page 2, line 4, by striking the word

- 9 "appointment," and inserting the following:
 10 "appointment".
 11 4. Page 2, line 5, by striking the word
 12 "additional".
 13 5. Page 3, line 19, by inserting after the word
 14 "board." the following: "The commission may adopt a
 15 motion granting itself a sixty-day extension of time
 16 for submission of the final report."
 17 6. Page 5, by inserting after line 27, the
 18 following:
 19 "Sec.____. APPLICABILITY. Section 2 of this Act,
 20 amending section 331.235, subsection 3, does not apply
 21 to a charter commission which has been established and
 22 is operating as of July 1, 2002."
 23 7. Title page, line 3, by inserting after the
 24 word "consolation" the following: "and including an
 25 applicability provision".
 26 8. By renumbering as necessary.

ELGIN of Linn

H-8202

- 1 Amend House File 2551 as follows:
 2 1. Page 1, line 9, by striking the words "a
 3 governmental body" and inserting the following: "the
 4 governmental body that held the closed session".

SHEY of Linn

H-8205

- 1 Amend House File 2539 as follows:
 2 1. Page 1, line 28, by inserting after the word
 3 "rule." the following: "This subsection does not
 4 affect the use or validity of prepaid nonrevocable
 5 burial contracts or arrangements for any purpose
 6 including, but not limited to, the impact of such
 7 contract or arrangement on eligibility for medical
 8 assistance under this chapter."
 9 2. By renumbering as necessary.

KREIMAN of Davis

H-8207

- 1 Amend House File 2393 as follows:
 2 1. Page 5, by inserting after line 11 the
 3 following:
 4 "Sec.____. Section 239B.3, Code 2001, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 5. A person who meets the

7 conditions of eligibility under section 239B.2 and who
8 meets either of the following requirements shall be
9 eligible for participation in the family investment
10 program:

11 a. The person is a conditional resident alien who
12 was battered or subjected to extreme cruelty, or whose
13 child was battered or subjected to extreme cruelty,
14 perpetrated by the person's spouse who is a United
15 States citizen or lawful permanent resident as
16 described in 8 C.F.R. 216.5(a)(3).

17 b. The person's petition has been approved or a
18 petition is pending that sets forth a prima facie case
19 that the person has noncitizen status under any of the
20 following categories:

21 (1) Status as a spouse or child of a United States
22 citizen or lawful permanent resident under the federal
23 Immigration and Nationality Act, § 204(a)(1).

24 (2) Classification as a person lawfully admitted
25 for permanent residence under the federal Immigration
26 and Nationality Act.

27 (3) Suspension of deportation and adjustment of
28 status under the federal Immigration and Nationality
29 Act, § 244(a), as in effect before the date of
30 enactment of the federal Illegal Immigration Reform
31 and Immigrant Responsibility Act of 1996.

32 (4) Cancellation of removal or adjustment of
33 status under the federal Immigration and Nationality
34 Act, § 240 A.

35 (5) Status as an asylee, if asylum is pending."

36 2. By renumbering as necessary.

CHIODO of Polk

H-8208

1 Amend House File 2540 as follows:

2 1. Page 1, line 3, by striking the word "is" and
3 inserting the following: "may be".

4 2. Page 1, line 11, by inserting after the word
5 "each" the following: "participating".

6 3. Page 2, by striking lines 2 and 3, and
7 inserting the following: "a city allowed more than
8 one appointment shall balance its appointments when
9 possible and".

10 4. Page 2, line 4, by striking the word
11 "appointment," and inserting the following:
12 "appointment".

13 5. Page 2, line 5, by striking the word
14 "additional".

15 6. Page 3, line 19, by inserting after the word
16 "board." the following: "The commission may adopt a
17 motion granting itself a sixty-day extension of time

- 18 for submission of the final report."
 19 7. Page 5, by inserting after line 27, the
 20 following:
 21 "Sec.____. APPLICABILITY. Section 2 of this Act,
 22 amending section 331.235, subsection 3, does not apply
 23 to a charter commission which has been established and
 24 is operating as of July 1, 2002."
 25 8. Title page, line 1, by striking the word
 26 "requiring" and inserting the following:
 27 "permitting".
 28 9. Title page, line 3, by inserting after the
 29 word "consolidation" the following: "and including an
 30 applicability provision".
 31 10. By renumbering as necessary.

ELGIN of Linn

H-8211

- 1 Amend House File 2515 as follows:
 2 1. Page 3, by striking lines 21 and 22.
 3 2. By renumbering as necessary.

COHOON of Des Moines

H-8213

- 1 Amend House File 2515 as follows:
 2 1. By striking page 7, line 26, through page 8,
 3 line 11.
 4 2. By renumbering as necessary.

COHOON of Des Moines

H-8214

- 1 Amend House File 2456 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Sec.____. Section 256.12, subsection 2,
 5 unnumbered paragraph 1, Code 2001, is amended to read
 6 as follows:
 7 This section does not deprive the respective boards
 8 of public school districts of any of their legal
 9 powers, statutory or otherwise, and in accepting the
 10 specially enrolled students, each of the boards shall
 11 prescribe the terms of the special enrollment,
 12 including but not limited to scheduling of courses and
 13 the length of class periods. In addition, the board
 14 of the affected public school district shall be given
 15 notice by the department of its decision to permit the

16 special enrollment not later than six months prior to
 17 the opening of the affected public school district's
 18 school year, except that the board of the public
 19 school district may waive the notice requirement.
 20 School districts and area education agency boards
 21 shall make public school services, which shall include
 22 special education programs and services and may
 23 include health services, services for remedial
 24 education programs, guidance services, and school
 25 testing services, available to children attending
 26 nonpublic schools ~~in the same manner and to the same~~
 27 ~~extent that they are provided to public school~~
 28 ~~students.~~ However, services that are made available
 29 shall be provided on neutral sites, or in mobile units
 30 located off the nonpublic school premises as
 31 determined by the boards of the school districts and
 32 area education agencies providing the services, and
 33 not on nonpublic school property, except for health
 34 services, services funded by Title I of the federal
 35 Elementary and Secondary Education Act of 1965,
 36 diagnostic services for speech, hearing, and
 37 psychological purposes, and assistance with physical
 38 and communication needs of students with physical
 39 disabilities, and services of an educational
 40 interpreter, which may be provided on nonpublic school
 41 premises, with the permission of the lawful
 42 custodian."
 43 2. Title page, line 7, by inserting after the
 44 word "calculations," the following: "public school
 45 services provided to nonpublic school pupils,".
 46 3. By renumbering as necessary.

COHOON of Des Moines

H-8216

1 Amend House File 2090 as follows:
 2 1. Page 1, line 32, by inserting after the figure
 3 "384.37." the following: "However, "public works"
 4 does not include a memorial building or monument as
 5 described in section 37.1."

RICHARDSON of Warren

H-8217

1 Amend House File 2090 as follows:
 2 1. Page 2, line 1, by inserting after the word
 3 "funds," the following: "As used in this paragraph,
 4 public funds does not include moneys expended through

5 the community economic betterment program established
6 pursuant to section 15.317."

RICHARDSON of Warren

H-8218

1 Amend House File 2090 as follows:
2 1. Page 2, line 1, by inserting after the word
3 "funds." the following: "As used in this paragraph,
4 public funds does not include property tax revenues
5 collected by a municipality through a division of tax
6 revenues under section 403.19, subsection 2."

RICHARDSON of Warren

H-8219

1 Amend Senate File 2048, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 1, by striking the words and
4 figure "12.72A VISION IOWA" and inserting the
5 following: "72.6 PUBLIC".
6 2. Page 1, by inserting after line 7 the
7 following:
8 "___." "Public funds" means moneys from the vision
9 Iowa fund created in section 12.72, moneys expended
10 through the community economic betterment program
11 established pursuant to section 15.317, and property
12 tax revenues collected by a municipality through a
13 division of tax revenues under section 403.19,
14 subsection 2."
15 3. Page 1, by striking line 15 and inserting the
16 following: "public funds."
17 4. Page 1, by striking lines 17 and 18 and
18 inserting the following: "contrary, public funds
19 shall not be disbursed to any public contracting
20 entity".
21 5. Title page, lines 1 and 2, by striking the
22 words "moneys from the vision Iowa fund" and inserting
23 the following: "public funds".
24 6. By renumbering as necessary.

RICHARDSON of Warren

H-8221

1 Amend House File 2090 as follows:
2 1. Page 1, by striking lines 1 through 22.
3 2. Page 1, line 23, by striking the figure
4 "72.6", and inserting the following: "730.6".

- 5 3. By striking page 1, line 25 through page 2,
- 6 line 4, and inserting the following:
 - 7 "1. PROHIBITED ACTIVITIES. A person shall not do
 - 8 any of the following:"
- 9 4. Page 2, lines 10 and 11, by striking the words
- 10 "on a public works project".
- 11 5. Page 2, line 20, by striking the words "on a
- 12 public works project".
- 13 6. Page 2, line 26, by striking the words "public
- 14 contracting entity", and inserting the following:
- 15 "person".
- 16 7. Page 2, line 30, by striking the words "public
- 17 contracting entity", and inserting the following:
- 18 "person".
- 19 8. Page 2, line 33, by striking the words "public
- 20 contracting entity", and inserting the following:
- 21 "person".
- 22 9. Page 3, line 3, by striking the words "public
- 23 contracting entity", and inserting the following:
- 24 "person".
- 25 10. Title page, line 1, by striking the words
- 26 "public contracting entities" and inserting the
- 27 following: "persons".
- 28 11. Title page, line 2, by striking the words
- 29 "for public works projects,".
- 30 12. By renumbering as necessary.

RICHARDSON of Warren

H-8223

- 1 Amend House File 2090 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
 - 4 "Section 1. NEW SECTION. 72.7 PUBLIC WORKS
 - 5 PROJECTS – COMPETITIVE BIDDING REQUIREMENTS.
 - 6 Prior to awarding a contract to perform work on a
 - 7 public works project pursuant to a competitive bidding
 - 8 procedure, a public contracting entity shall consider,
 - 9 in determining whether a bidder is responsible, the
 - 10 bidder's record of reliability and timely completion
 - 11 of past projects, the qualifications of the bidder and
 - 12 its employer and subcontractors to properly perform
 - 13 the type of work required by the contract, and the
 - 14 past experience of the bidder and its subcontractors
 - 15 on projects of the same or similar nature. In
 - 16 addition, for a bid to be considered a responsible
 - 17 bid, the bidder and its subcontractors shall possess a
 - 18 documented record of reliability and timely completion
 - 19 of past projects of the same or similar scope of work
 - 20 and a sufficient number of qualified and trained
 - 21 employees to properly perform the type and nature of

22 work required under the contract. Proof of a
 23 sufficient number of qualified and trained employees
 24 shall not be required if the bidder and its
 25 subcontractors can establish its payment of the
 26 prevailing wage for the work to be performed as
 27 determined by the department of workforce development
 28 based upon wage determinations established by the
 29 United States department of labor for similar work
 30 pursuant to 29 C.F.R. § 1.5 and 29 C.F.R. § 1.6(b)."

31 2. Title page, by striking lines 1 through 3 and
 32 inserting the following: "An Act providing for

33 certain competitive bidding procedures for public
 34 contracting entities."

DOTZLER of Black Hawk
 CONNORS of Polk
 MYERS of Johnson
 SMITH of Marshall
 SHOULTZ of Black Hawk

T. TAYLOR of Linn
 FORD of Polk
 MURPHY of Dubuque
 WINCKLER of Scott
 FOEGE of Linn

H-8228

1 Amend House File 2430 as follows:

2 1. Page 4, by striking lines 1 through 4 and
 3 inserting the following: "department's actions under
 4 this subsection. The department shall consult with
 5 the ~~state county management committee~~ mental health
 6 and developmental disabilities commission in adopting
 7 rules for oversight of facilities".

CARROLL of Poweshiek

H-8229

1 Amend House File 2509 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 29, line 17, by striking the word "in"
19 and inserting the following: "as to".
- 20 9. Page 30, line 20, by striking the words "of
21 the" and inserting the following: "or the".
- 22 10. Page 30, line 21, by striking the word "of"
23 and inserting the following: "or".
- 24 11. Page 32, by striking line 29, and inserting
25 the following: "was in the ~~corporation's~~ best
26 interests of the corporation."
- 27 12. Page 32, by striking line 31, and inserting
28 the following: "at least not opposed to the
29 ~~corporation's~~ best interests of the corporation."
- 30 13. Page 35, lines 6 and 7, by striking the words
31 "Authorizations of payments" and inserting the
32 following: "~~of payments~~ Authorizations".
- 33 14. Page 42, line 33, by striking the words
34 "conflict of" and inserting the following:
35 "conflicting".
- 36 15. Page 48, line 14, by striking the word
37 "conflict" and inserting the following: "~~conflict~~
38 conflicts".
- 39 16. Page 49, line 31, by striking the word "that"
40 and inserting the following: "~~that~~ the".
- 41 17. Page 56, line 13, by striking the word
42 "another" and inserting the following: "an other".
- 43 18. Page 56, line 19, by striking the word
44 "another" and inserting the following: "an other".
- 45 19. Page 56, line 31, by striking the word
46 "another" and inserting the following: "an other".
- 47 20. Page 57, line 30, by striking the word
48 "securities" and inserting the following:
49 "securities,".
- 50 21. Page 62, lines 5 and 6, by striking the words

Page 2

- 1 "an existing" and inserting the following: "a".
- 2 22. Page 67, line 6, by striking the word
3 "entity" and inserting the following: "entity,".
- 4 23. Page 68, by inserting after line 9 the
5 following:
6 "Sec. . Section 490.1110, subsection 2,
7 paragraph f, subparagraph (2), subparagraph
8 subdivision (a), Code 2001, is amended to read as
9 follows:
10 (a) A merger of the corporation, other than a
11 merger pursuant to section ~~490.1104~~ 490.1105.
12 Sec. . Section 490.1110, subsection 3,
13 paragraph c, subparagraph (3), subparagraph
14 subdivision (b), Code 2001, is amended to read as
15 follows:
16 (b) Pursuant to a merger under section ~~490.1104~~

17 490.1105."

18 24. Page 71, line 3, by striking the word
19 "presented" and inserting the following: "present".

20 25. Page 72, by inserting after line 16 the
21 following:

22 "With respect to shares of a corporation that is a
23 bank holding company as defined in section 524.1801,
24 the factors identified in section 524.1406, subsection
25 3, paragraph "a", shall also be considered in
26 determining fair value."

27 26. Page 74, lines 25 and 26, by striking the
28 words "corporate action taken pursuant to a
29 shareholder vote," and inserting the following:
30 "corporate action taken pursuant to a shareholder
31 vote".

32 27. Page 74, lines 29 through 31, by striking the
33 words "that provides that voting or nonvoting
34 shareholders are entitled to dissent and obtain
35 payment for their shares" and inserting the following:
36 "provides that voting or nonvoting shareholders are
37 entitled to dissent and obtain payment for their
38 shares".

39 28. Page 76, line 2, by striking the word "who:"
40 and inserting the following: "who fulfills either of
41 the following:"

42 29. Page 82, line 29, by striking the letter
43 "'e'" and inserting the following: "'e₇'".

44 30. Page 82, by striking line 32, and inserting
45 the following: "490.1325. In addition, a shareholder
46 who wishes to exercise appraisal rights must execute
47 and return the form and, in a case of certificated
48 shares, deposit the shareholder's certificates in".

49 31. Page 83, by striking lines 5 through 8, and
50 inserting the following:

Page 3

1 "2. The shareholder who demands payment and
2 deposits the shareholder's shares under subsection 1
3 retains all other rights of a shareholder until these
4 rights are canceled or modified by the taking of the
5 proposed corporate action. Δ".

6 32. Page 83, line 29, by inserting after the
7 figure "(2)," the following: "is due,".

8 33. Page 86, line 33, by striking the word
9 "unsettled" and inserting the following:
10 "unsettled₁".

11 34. Page 92, line 3, by inserting before the
12 words "the assets" the following: "if".

13 35. Page 94, line 29, by striking the word "may"
14 and inserting the following: "shall".

15 36. Page 98, by inserting after line 31 the

16 following:

17 "Sec. __. Section 491.3, subsection 8, Code 2001,
18 is amended to read as follows:

19 8. A corporation organized under or subject to
20 this chapter may make indemnification as provided in
21 sections 490.850 through ~~490.858~~ 490.859.

22 Sec. __. Section 491.16, Code 2001, is amended to
23 read as follows:

24 491.16 INDEMNIFICATION OF OFFICERS, DIRECTORS,
25 EMPLOYEES, AND AGENTS – INSURANCE.

26 Sections 490.850 through ~~490.858~~ 490.859 apply to
27 corporations organized under or subject to this
28 chapter.

29 Sec. __. Section 497.34, Code 2001, is amended to
30 read as follows:

31 497.34 INDEMNIFICATION.

32 A cooperative association operating under this
33 chapter may indemnify any present or former director,
34 officer, employee, member, or volunteer in the manner
35 and in the instances authorized in sections 490.850
36 through ~~490.858~~ 490.859, provided that where sections
37 490.850 through ~~490.858~~ 490.859 provide for action by
38 shareholders the sections are applicable to action by
39 voting members of the cooperative association, and
40 where sections 490.850 through ~~490.858~~ 490.859 refer
41 to the corporation organized under chapter 490 the
42 sections are applicable to the cooperative association
43 organized under this chapter, and where sections
44 490.850 through ~~490.858~~ 490.859 refer to the director
45 the sections are applicable to a director, officer,
46 employee, member, or volunteer of the cooperative
47 association organized under this chapter.

48 Sec. __. Section 498.36, Code 2001, is amended to
49 read as follows:

50 498.36 INDEMNIFICATION.

Page 4

1 A cooperative association operating under this
2 chapter may indemnify any present or former director,
3 officer, employee, member, or volunteer in the manner
4 and in the instances authorized in sections 490.850
5 through ~~490.858~~ 490.859, provided that where sections
6 490.850 through ~~490.858~~ 490.859 provide for action by
7 shareholders the sections are applicable to action by
8 voting members of the cooperative association, and
9 where sections 490.850 through ~~490.858~~ 490.859 refer
10 to the corporation organized under chapter 490 the
11 sections are applicable to the cooperative association
12 organized under this chapter, and where sections
13 490.850 through ~~490.858~~ 490.859 refer to the director
14 the sections are applicable to a director, officer,

15 employee, member, or volunteer of the cooperative
 16 association organized under this chapter.

17 Sec. __. Section 499.59A, Code 2001, is amended
 18 to read as follows:

19 499.59A INDEMNIFICATION.

20 A cooperative association operating under this
 21 chapter may indemnify any present or former director,
 22 officer, employee, member, or volunteer in the manner
 23 and in the instances authorized in sections 490.850
 24 through ~~490.858~~ 490.859, provided that where sections
 25 490.850 through ~~490.858~~ 490.859 provide for action by
 26 shareholders the sections are applicable to action by
 27 voting members of the cooperative association, and
 28 where sections 490.850 through ~~490.858~~ 490.859 refer
 29 to the corporation organized under chapter 490 the
 30 sections are applicable to the cooperative association
 31 organized under this chapter, and where sections
 32 490.850 through ~~490.858~~ 490.859 refer to the director
 33 the sections are applicable to a director, officer,
 34 employee, member, or volunteer of the cooperative
 35 association organized under this chapter.

36 Sec. __. Section 499.69A, subsections 4 and 7,
 37 Code 2001, are amended to read as follows:

38 4. For a surviving cooperative association, a
 39 qualified merger becomes effective upon the filing of
 40 the articles of merger with the secretary of state and
 41 the issuance of a certificate of merger pursuant to
 42 section 499.68 or the date stated in the articles of
 43 merger, whichever is later. For a surviving qualified
 44 corporation, a qualified merger becomes effective upon
 45 the filing of the articles of merger with the
 46 secretary of state pursuant to section ~~490.1105~~
 47 490.1106 or the date stated in the articles, whichever
 48 is later.

49 7. A foreign cooperative association may
 50 participate in a qualified merger as provided in this

Page 5

1 section, if the foreign cooperative association
 2 complies with the requirements for a cooperative
 3 association under this section and the requirements
 4 for a foreign cooperative association under section
 5 499.69. A foreign corporation may participate in a
 6 qualified merger as provided in this section if it
 7 complies with the requirements of a qualified
 8 corporation under this section and the requirements
 9 for a foreign corporation under section ~~490.1107~~
 10 490.1102.

11 Sec. __. Section 508B.2, unnumbered paragraph 2,
 12 Code 2001, is amended to read as follows:

13 A plan of conversion may provide that a mutual

14 company may convert into a domestic stock company,
 15 convert and merge, or convert and consolidate with a
 16 domestic stock company, as provided in chapter 490 or
 17 491, whichever is applicable. However, the mutual
 18 company is not required to comply with sections
 19 491.102 through 491.105 or sections ~~490.1101~~ 490.1102
 20 and ~~490.1103~~ 490.1104 relating to approval of merger
 21 or consolidation plans by boards of directors and
 22 shareholders, if at the time of approval of the plan
 23 of conversion the board of directors approves the
 24 merger or consolidation and if at the time of approval
 25 of the plan by policyholders as provided in section
 26 508B.6, the policyholders approve the merger or
 27 consolidation. This chapter supersedes any
 28 conflicting provisions of chapters 521 and 521A. A
 29 mutual company may convert, merge, or consolidate as
 30 part of a plan of conversion in which a majority or
 31 all of the common shares of the stock company are
 32 acquired by another corporation, which may be a
 33 corporation organized for that purpose, or in which
 34 the new stock company consolidates with a stock
 35 company to form another stock company.

36 Sec. ____ Section 504A.4, subsection 14, Code
 37 2001, is amended to read as follows:

38 14. A corporation operating under this chapter may
 39 indemnify any present or former director, officer,
 40 employee, member, or volunteer in the manner and in
 41 the instances authorized in sections 490.850 through
 42 ~~490.858~~ 490.859.

43 Sec. ____ Section 508C.16, unnumbered paragraph 2,
 44 Code 2001, is amended to read as follows:

45 Sections 490.850 through ~~490.858~~ 490.859 apply to
 46 the association.

47 Sec. ____ Section 524.801, subsection 7, Code
 48 2001, is amended to read as follows:

49 7. To indemnify a director, officer, or employee,
 50 or a former director, officer, or employee of the

Page 6

1 state bank in the manner and in the instances
 2 authorized by sections 490.850 through ~~490.858~~
 3 490.859.

4 Sec. ____ Section 524.1213, subsection 2, Code
 5 Supplement 2001, is amended to read as follows:

6 2. A united community bank office formed under
 7 this section shall have a united community bank office
 8 board, at least one-half or more of the members of
 9 which shall be residents of the county in which the
 10 united community bank office is located. The
 11 liability of the united community bank office board
 12 shall be limited as provided in section 524.614. The

13 bank establishing and operating the united community
 14 bank office may indemnify members of the united
 15 community bank office board as agents of the bank in
 16 the manner and in the instances authorized by sections
 17 490.850 through ~~490.858~~ 490.859.

18 Sec. __. Section 524.1309, subsection 8, Code
 19 2001, is amended to read as follows:

20 8. A shareholder of a state bank who objects to
 21 adoption by the state bank of a plan to cease to carry
 22 on the business of banking and to continue as a
 23 corporation subject to chapter 490, is entitled to ~~the~~
 24 ~~rights and remedies of a dissenting shareholder~~
 25 appraisal rights provided for in chapter 490, division
 26 XIII.

27 Sec. __. Section 524.1402, subsection 2, Code
 28 2001, is amended to read as follows:

29 2. In the case of a state bank which is a party to
 30 the plan, if the proposed merger will result in a
 31 state bank subject to this chapter, adoption of the
 32 plan by such state bank requires the affirmative vote
 33 of at least a majority of the directors and approval
 34 by the shareholders, in the manner and according to
 35 the procedures prescribed in section ~~490.1103~~
 36 490.1104, at a meeting called in accordance with the
 37 terms of that section. In the case of a national
 38 bank, or if the proposed merger will result in a
 39 national bank, adoption of the plan by each party to
 40 the merger shall require the affirmative vote of at
 41 least such directors and shareholders whose
 42 affirmative vote on the plan is required under the
 43 laws of the United States. Subject to applicable
 44 requirements of the laws of the United States in a
 45 case in which a national bank is a party to a plan,
 46 any modification of a plan which has been adopted
 47 shall be made by any method provided in the plan, or
 48 in the absence of such provision, by the same vote as
 49 required for adoption.

50 Sec. __. Section 524.1406, Code 2001, is amended

Page 7

1 to read as follows:

2 524.1406 RIGHTS APPRAISAL RIGHTS OF DISSENTING
 3 SHAREHOLDERS.

4 1. A shareholder of a state bank, which is a party
 5 to a proposed merger plan which will result in a state
 6 bank subject to this chapter, who objects to the plan
 7 is entitled to ~~the rights and remedies of a dissenting~~
 8 ~~shareholder~~ appraisal rights as provided in chapter
 9 490, division XIII.

10 2. If a shareholder of a national bank which is a
 11 party to a proposed merger plan which will result in a

12 state bank, or a shareholder of a state bank which is
13 a party to a plan which will result in a national
14 bank, objects to the plan and complies with the
15 requirements of the applicable laws of the United
16 States, the resulting state bank or national bank, as
17 the case may be, is liable for the value of the
18 shareholder's shares as determined in accordance with
19 such laws of the United States.

20 3. a. Notwithstanding any contrary provision in
21 chapter 490, division XIII, in determining the fair
22 value of the shareholder's shares of a bank organized
23 under this chapter or a bank holding company as
24 defined in section 524.1801 in a transaction or event
25 in which the shareholder is entitled to ~~the rights and~~
26 ~~remedies of a dissenting shareholder~~ appraisal rights,
27 due consideration shall be given to valuation factors
28 recognized for federal and estate tax purposes,
29 including discounts for minority interests and
30 discounts for lack of marketability. However, any
31 payment made to ~~dissenting~~ shareholders under section
32 ~~490.1325~~ 490.1324 shall be in an amount not less than
33 the stockholders' equity in the bank disclosed in its
34 last statement of condition filed under section
35 524.220 or the total equity capital of the bank
36 holding company disclosed in the most recent report
37 filed by the bank holding company with the board of
38 governors of the federal reserve system, divided by
39 the number of shares outstanding.

40 b. Prior to giving notice of a meeting at which a
41 shareholder of a bank organized under this chapter or
42 a bank holding company as defined in section 524.1801
43 would be entitled to ~~the rights and remedies of a~~
44 ~~dissenting shareholder~~ appraisal rights, such bank or
45 bank holding company may seek a declaratory judgment
46 to establish the fair value for purposes of section
47 490.1301, subsection 4, of shares held by such
48 shareholders. Another cause of action or a
49 counterclaim shall not be joined with such a
50 declaratory action. A declaratory judgment shall be

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1 filed in the county where the principal place of
2 business of the bank or bank holding company is
3 located. The court shall appoint an attorney to
4 represent minority shareholders. All shareholders of
5 the bank or bank holding company shall be served with
6 notice of the action and be advised of the name,
7 address, and telephone number of the attorney
8 appointed to represent minority shareholders. The
9 attorney appointed to represent minority shareholders
10 shall select an appraiser to give an opinion of the

11 fair value of such shares. The bank or bank holding
12 company may select an appraiser to give an opinion on
13 the fair value of the shares of the bank or bank
14 holding company. Any shareholder may participate
15 individually and present evidence of the fair value of
16 such shareholder's shares. All court costs,
17 appraiser's fees, and the fees and expenses of the
18 attorney appointed to represent the minority
19 shareholders shall be assessed against the bank or the
20 bank holding company. A judgment in the action shall
21 not determine fair value for a share to be less than
22 the stockholders' equity in the bank disclosed in its
23 last statement of condition filed under section
24 524.220 or the total equity capital of the bank
25 holding company disclosed in the most recent report
26 filed by the bank holding company with the board of
27 governors of the federal reserve system, divided by
28 the number of shares outstanding. A final judgment in
29 the action shall establish fair value for the purposes
30 of chapter 490, division XIII and shall be disclosed
31 to the shareholders in the notice to shareholders of
32 the meeting to approve the transaction that gives rise
33 to ~~dissenters'~~ appraisal rights. If the proposed
34 transaction is approved by the shareholders, upon
35 consummation of the proposed transaction the fair
36 value so established shall be paid to each shareholder
37 entitled to payment for the shareholder's shares upon
38 receipt of such shareholder's share certificates.
39 Sec.____. Section 524.1408, Code 2001, is amended
40 to read as follows:
41 524.1408 MERGER OF CORPORATION SUBSTANTIALLY OWNED
42 BY A STATE BANK.
43 A state bank owning at least ninety percent of the
44 outstanding shares, of each class, of another
45 corporation which it is authorized to own under this
46 chapter, may merge the other corporation into itself
47 without approval by a vote of the shareholders of
48 either the state bank or the subsidiary corporation.
49 The board of directors of the state bank shall approve
50 a plan of merger, mail to shareholders of record of

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1 the subsidiary corporation, and prepare and execute
2 articles of merger in the manner provided for in
3 section ~~490.1104~~ 490.1105. The articles of merger,
4 together with the applicable filing and recording
5 fees, shall be delivered to the superintendent who
6 shall, if the superintendent approves of the proposed
7 merger and if the superintendent finds the articles of
8 merger satisfy the requirements of this section,
9 deliver them to the secretary of state for filing and

10 recording in the secretary of state's office, and they
 11 shall be filed in the office of the county recorder.
 12 The secretary of state upon filing the articles of
 13 merger shall issue a certificate of merger and send
 14 the certificate to the state bank and a copy of it to
 15 the superintendent.

16 Sec. __. Section 524.1417, Code 2001, is amended
 17 to read as follows:

18 524.1417 RIGHTS APPRAISAL RIGHTS OF DISSENTING
 19 SHAREHOLDER OF CONVERTING STATE OR NATIONAL BANK OR
 20 FEDERAL SAVINGS ASSOCIATION.

21 1. A shareholder of a state bank ~~which that~~
 22 converts into a national bank or federal savings
 23 association who objects to the plan of conversion is
 24 entitled to ~~the rights and remedies of a dissenting~~
 25 shareholder appraisal rights as provided in chapter
 26 490, division XIII.

27 2. If a shareholder of a national bank or federal
 28 savings association, ~~which that~~ converts into a state
 29 bank, objects to the plan of conversion and complies
 30 with the requirements of applicable laws of the United
 31 States, the resulting state bank is liable for the
 32 value of the shareholder's shares as determined in
 33 accordance with such laws of the United States.

34 Sec. __. Section 533.4, subsection 27, Code 2001,
 35 is amended to read as follows:

36 27. To provide indemnity for the director,
 37 officer, or employee in the same fashion that a
 38 corporation organized under chapter 490 could under
 39 sections 490.850 through ~~490.858~~ 490.859; however,
 40 where those sections provide for action by
 41 shareholders the provision is applicable to action by
 42 members of the credit union and where the sections
 43 have reference to the corporation organized under
 44 chapter 490, the provision is applicable to the
 45 association organized under this chapter.

46 Sec. __. Section 534.504, Code 2001, is amended
 47 to read as follows:

48 534.504 MEETINGS OF STOCKHOLDERS.

49 Sections 490.701 through ~~490.731~~ 490.732 apply to
 50 stock associations.

Page 10

1 Sec. __. Section 534.605, subsection 4, Code
 2 Supplement 2001, is amended to read as follows:

3 4. An association operating under this chapter may
 4 indemnify any present or former director, officer, or
 5 employee in the manner and in the instances authorized
 6 in sections 490.850 through ~~490.858~~ 490.859. If the
 7 association is a mutual association, the references in
 8 those sections to stockholder shall be deemed to be

9 references to members.

10 Sec. __. Section 534.607, Code 2001, is amended
11 to read as follows:

12 534.607 INDEMNIFICATION.

13 Except as otherwise provided in section 534.602,
14 sections 490.850 through ~~490.858~~ 490.859 apply to
15 associations incorporated under this chapter."

16 37. By renumbering, redesignating, and correcting
17 internal references as necessary.

SHEY of Linn

H-8239

1 Amend House File 2549 as follows:

2 1. Page 2, line 24, by inserting after the word
3 "subsections" the following: "1 through".

4 2. Page 2, by inserting after line 25 the
5 following:

6 "1. "Beginning teacher" means an individual
7 serving under an initial provisional license, issued
8 by the board of educational examiners under chapter
9 272, who is assuming a position as a classroom
10 teacher. For purposes of the beginning teacher
11 mentoring and induction program created pursuant to
12 section 284.5, "beginning teacher" also includes
13 preschool teachers who are licensed by the board of
14 educational examiners under chapter 272 and are
15 employed by a school district or area education
16 agency.

17 2. "Classroom teacher" means an individual who
18 holds a valid practitioner's license and who is
19 employed under a ~~teaching contract with a school~~
20 ~~district or area education agency in this state issued~~
21 ~~by a board of directors under section 279.13 to~~
22 ~~provide classroom instruction to students, or as a~~
23 ~~preschool teacher."~~

24 3. Page 3, line 11, by inserting after the word
25 "specialist," the following: "preschool teacher".

26 4. Page 10, by inserting after line 16 the
27 following:

28 "Sec. __. STUDENT ACHIEVEMENT AND TEACHER QUALITY
29 – SCHOOL NURSE INCLUSION PROPOSAL. The department of
30 education shall develop a proposal for including
31 school nurses within the student achievement and
32 teacher quality program. The proposal shall address
33 criteria for and evaluation of school nurses in
34 accordance with the program; mentoring, career
35 development, salaries and career levels for school
36 nurses under the program; and the costs of including
37 school nurses in each aspect of the program. The
38 department shall submit its proposal to the

39 chairpersons and ranking members of the senate and
40 house standing committees on education and the joint
41 appropriations subcommittee on education by December
42 15, 2002."
43 5. By renumbering as necessary.

CARROLL of Poweshiek

H-8240

1 Amend House File 2501 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 232.147, Code Supplement 2001,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 12. The juvenile court may
7 release a juvenile court record that modifies an award
8 of child custody, as described in this subsection, to
9 the child support recovery unit. If the juvenile
10 court issues an order that modifies the existing child
11 custody order such that legal custody and physical
12 care of the child are no longer awarded to the parent
13 who had previously been granted legal custody and
14 physical care, but instead provides that legal custody
15 and physical care are permanently awarded to the
16 obligor as defined in section 252B.1, the juvenile
17 court shall issue a notice of the order to the child
18 support recovery unit created in section 252B.2. The
19 notice shall include the name, social security number,
20 and last known address of each parent, the name and
21 date of birth of the child, a statement that the
22 obligor has been granted legal custody and physical
23 care of the child, and the effective date of the
24 juvenile court order modifying the previous custody
25 order. Upon receipt of the notice from the juvenile
26 court, the unit shall send an application for child
27 support services as provided in section 252B.4 to the
28 parent to whom the order awards legal custody and
29 physical care of the child."
30 2. Title page, lines 1 and 2, by striking the
31 words "expanding the jurisdiction of the juvenile
32 court to include modifying" and inserting the
33 following: "relating to notices to the child support
34 recovery unit by the juvenile court of the
35 modification of".

KREIMAN of Davis

H-8241

1 Amend House File 2502 as follows:
2 1. By striking everything after the enacting

3 clause and inserting the following:
 4 "Section 1. Section 802.2, Code 2001, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 3. Notwithstanding subsections 1
 7 and 2, if a victim of sexual abuse in the first,
 8 second, or third degree, or a person authorized to act
 9 on behalf of such a victim of sexual abuse, files a
 10 written report with a prosecuting attorney or peace
 11 officer concerning the sexual abuse within the
 12 applicable period of limitation specified in
 13 subsection 1 or 2, the period of limitation shall be
 14 removed and a prosecution for the alleged offense may
 15 be commenced at any time."
 16 2. Title page, lines 1 and 2, by striking the
 17 words "first and second degree".

TREMMELE of Wapello

H-8242

1 Amend House File 2546 as follows:
 2 1. Page 1, lines 4 and 5, by striking the words
 3 "An assault as defined in this section is a general
 4 intent crime."
 5 2. Page 1, line 7, by striking the words "is
 6 intended" and inserting the following: "is intended
 7 the person knows or reasonably should know is likely".
 8 3. Page 1, line 8, by striking the words "is
 9 intended" and inserting the following: "is intended
 10 the person knows or reasonably should know is likely".
 11 4. Page 1, line 11, by striking the words "is
 12 intended" and inserting the following: "is intended
 13 the person knows or reasonably should know is likely".

TREMMELE of Wapello

H-8243

1 Amend House File 2555 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 124.401, subsection 1,
 5 paragraph a, subparagraph (2), unnumbered paragraph 1,
 6 Code 2001, is amended to read as follows:
 7 More than five kilograms of a any compound, mixture
 8 ~~or preparation~~, or substance containing a detectable
 9 amount of any of the following:
 10 Sec. ___. Section 124.401, subsection 1, paragraph
 11 a, subparagraph (2), subparagraph divisions (a), (b),
 12 and (c), Code 2001, are amended by striking the
 13 subparagraph subdivisions.
 14 Sec. ___. Section 124.401, subsection 1, paragraph

15 a, subparagraph (2), subparagraph division (f), Code
16 2001, is amended to read as follows:

17 (f) Any compound, mixture, or preparation which
18 contains any quantity of any of the substances
19 referred to in ~~subparagraph subdivisions (a) through~~
20 (e) this subparagraph (2)."

21 2. Page 1, by inserting after line 6 the
22 following:

23 "Sec. ___. Section 124.401, subsection 1,
24 paragraph a, subparagraph (3), Code 2001, is amended
25 to read as follows:

26 (3) More than fifty grams of a any compound,
27 mixture or preparation, or substance described in
28 subparagraph (2) which contains cocaine base
29 containing a detectable amount of any of the
30 following:

31 (a) Coca leaves, except coca leaves and extracts
32 of coca leaves from which cocaine, ecgonine, and
33 derivatives of ecgonine or their salts have been
34 removed.

35 (b) Cocaine, its salts, optical and geometric
36 isomers, and salts of isomers.

37 (c) Ecgonine, its derivatives, their salts,
38 isomers, and salts of isomers.

39 (d) Cocaine base."

40 Sec. ___. Section 124.401, subsection 1, paragraph
41 b, subparagraph (2), Code 2001, is amended by striking
42 the subparagraph.

43 Sec. ___. Section 124.401, subsection 1, paragraph
44 b, subparagraph (3), Code 2001, is amended to read as
45 follows:

46 (3) More than five grams but not more than fifty
47 grams of a any compound, mixture, preparation, or
48 substance described in subparagraph (2) which contains
49 cocaine base containing a detectable amount of any of
50 the following:

Page 2

1 (a) Coca leaves, except coca leaves and extracts
2 of coca leaves from which cocaine, ecgonine, and
3 derivatives of ecgonine or their salts have been
4 removed.

5 (b) Cocaine, its salts, optical and geometric
6 isomers, and salts of isomers.

7 (c) Ecgonine, its derivatives, their salts,
8 isomers, and salts of isomers.

9 (d) Cocaine base."

10 3. Page 1, by inserting after line 14 the
11 following:

12 "Sec. ___. Section 124.401, subsection 1,
13 paragraph c, subparagraph (2), Code 2001, is amended

14 by striking the subparagraph.

15 Sec. __. Section 124.401, subsection 1, paragraph
16 c, subparagraph (3), Code 2001, is amended to read as
17 follows:

18 (3) Five grams or less of a any compound, mixture,
19 preparation, or substance described in subparagraph
20 (2) which contains cocaine base containing a
21 detectable amount of any of the following:

22 (a) Coca leaves, except coca leaves and extracts
23 of coca leaves from which cocaine, ecgonine, and
24 derivatives of ecgonine or their salts have been
25 removed.

26 (b) Cocaine, its salts, optical and geometric
27 isomers, and salts of isomers.

28 (c) Ecgonine, its derivatives, their salts,
29 isomers, and salts of isomers.

30 (d) Cocaine base."

31 4. Page 1, by inserting after line 29 the
32 following:

33 "Sec. __. Section 232.22, subsection 1, paragraph
34 e, subparagraphs (1) and (2), Code Supplement 2001,
35 are amended to read as follows:

36 (1) A mixture or substance containing cocaine
37 base, also known as crack cocaine, and if the act was
38 committed by an adult, it would be a violation of
39 section 124.401, subsection 1, paragraph "a",
40 subparagraph (3), subparagraph subdivision (d),
41 paragraph "b", subparagraph (3), subparagraph
42 subdivision (d), or paragraph "c", subparagraph (3),
43 subparagraph subdivision (d).

44 (2) A mixture or substance containing cocaine, its
45 salts, optical and geometric isomers, and salts of
46 isomers, and if the act was committed by an adult, it
47 would be a violation of section 124.401, subsection 1,
48 paragraph "a", subparagraph ~~(2)~~ (3), subparagraph
49 subdivision (b), paragraph "b", subparagraph ~~(2)~~ (3),
50 subparagraph subdivision (b), or paragraph "c",

Page 3

1 subparagraph ~~(2)~~ (3), subparagraph subdivision (b)."

2 5. By renumbering as necessary.

FORD of Polk

H-8245

1 Amend House File 2564 as follows:

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

4 "Section 1. Section 229.21, subsections 3, 4, and
5 5, Code Supplement 2001, are amended to read as

6 follows:

7 3. a. Any respondent with respect to whom the
 8 district judge, district associate judge, magistrate,
 9 or judicial hospitalization referee has found the
 10 contention that the respondent is seriously mentally
 11 impaired or a chronic substance abuser sustained by
 12 clear and convincing evidence presented at a hearing
 13 held under section 229.12 or section 125.82, may
 14 appeal from the district judge's, district associate
 15 judge's, magistrate's, or referee's finding to a judge
 16 of the district court by giving the clerk notice in
 17 writing, within ten days after the ~~magistrate's or~~
 18 ~~referee's~~ finding is made, that an appeal is taken.
 19 The appeal may be signed by the respondent or by the
 20 respondent's next friend, guardian, or attorney.

21 b. An order of a district judge, district
 22 associate judge, magistrate, or judicial
 23 hospitalization referee with a finding that the
 24 respondent is seriously mentally impaired or a chronic
 25 substance abuser shall include the following notice,
 26 located conspicuously on the face of the order:
 27 "NOTE: The respondent may appeal from this order
 28 to a judge of the district court by giving written
 29 notice of the appeal to the clerk of the district
 30 court within ten days after the date of this order.
 31 The appeal may be signed by the respondent or by the
 32 respondent's next friend, guardian, or attorney. For
 33 a more complete description of the respondent's appeal
 34 rights, consult section 229.21 of the Code of Iowa or
 35 an attorney."

36 c. If a hearing held under section 229.12 was
 37 tried by a district judge or district associate judge,
 38 the appeal shall be decided by a district judge. If
 39 the hearing was tried by a judicial magistrate or a
 40 judicial hospitalization referee, the appeal shall be
 41 decided by a district judge or a district associate
 42 judge. When appealed, the matter shall stand for
 43 trial ~~de novo on the record made at the hearing.~~ Upon
 44 appeal, the court shall schedule a ~~hospitalization or~~
 45 ~~commitment~~ hearing before a district judge at the
 46 ~~earliest practicable time or district associate judge~~
 47 to be held within fourteen days of the filing of the
 48 appeal. If the record, in the opinion of the judge,
 49 is inadequate for the purpose of rendering a judgment
 50 on appeal, the judge may order that additional

Page 2

1 evidence be presented relative to one or more issues,
 2 and may enter any other order which is necessary to
 3 protect the rights of the parties. The judge shall
 4 take minutes of any additional evidence, but the

5 hearing shall not be reported by a certified court
6 reporter.
7 d. Any respondent with respect to whom the
8 district judge, district associate judge, magistrate,
9 or judicial hospitalization referee has held a
10 placement hearing and has entered a placement order
11 may appeal the order to a judge of the district court.
12 The appeal shall be taken and decided in the same
13 manner as described in paragraph "c". The request for
14 appeal must be given to the clerk in writing within
15 ten days of the entry of the ~~magistrate's or referee's~~
16 order. The request for appeal shall be signed by the
17 respondent, or the respondent's next friend, guardian,
18 or attorney.
19 4. If the appellant is in custody under the
20 jurisdiction of the district court at the time of
21 service of the notice of appeal, the appellant shall
22 be discharged from custody unless an order that the
23 appellant be taken into immediate custody has
24 previously been issued under section 229.11 or section
25 125.81, in which case the appellant shall be detained
26 ~~as provided in that section until the hospitalization~~
27 ~~or commitment hearing before the an order is entered~~
28 by the district judge or district associate judge. If
29 the appellant is in the custody of a hospital or
30 facility at the time of service of the notice of
31 appeal, the appellant shall be discharged from custody
32 pending disposition of the appeal unless the chief
33 medical officer, not later than the end of the next
34 secular day on which the office of the clerk is open
35 and which follows service of the notice of appeal,
36 files with the clerk a certification that in the chief
37 medical officer's opinion the appellant is seriously
38 mentally ill or a substance abuser. In that case, the
39 appellant shall remain in custody of the hospital or
40 facility until the hospitalization or commitment
41 hearing before the district court.
42 5. ~~The hospitalization or commitment hearing~~
43 ~~before the district judge shall be held, and the~~
44 ~~judge's finding shall be made and an appropriate order~~
45 ~~entered, as prescribed by sections 229.12 and 229.13~~
46 ~~or sections 125.82 and 125.83.~~ If upon appeal, the
47 judge orders the appellant hospitalized or committed
48 for a complete psychiatric or substance abuse
49 evaluation, jurisdiction of the matter shall revert to
50 the judicial hospitalization referee."

TREMMELE of Wapello

H-8246

1 Amend House File 2436 as follows:

2 1. Page 1, by striking lines 19 through 26, and
 3 inserting the following:
 4 "2. An appeal of appraisal of damages is deemed
 5 to be perfected upon service of notice of appeal on
 6 the adverse party, or the adverse party's agent or
 7 attorney, and any lienholders and encumbrancers of the
 8 property. The notice of appeal shall be served on the
 9 adverse party, or the adverse party's agent or
 10 attorney, and any lienholders and encumbrancers of the
 11 property in the same manner as an original notice, and
 12 filed with the sheriff, within thirty days from the
 13 date of filing the notice of appeal with the court".

PETERSEN of Polk

H—8250

1 Amend House File 2547 as follows:
 2 1. Page 2, by inserting after line 8, the
 3 following:
 4 "Sec. ____ . Section 135.24, subsection 2, paragraph
 5 a, Code Supplement 2001, is amended to read as
 6 follows:
 7 a. Procedures for registration of health care
 8 providers deemed qualified by the board of medical
 9 examiners, the board of physician assistant examiners,
 10 the board of dental examiners, ~~and~~ the board of
 11 nursing, ~~and the board of chiropractic examiners."~~
 12 2. Page 2, by striking line 13, and inserting the
 13 following: "~~or~~ 150A, or 151, a physician assistant
 14 licensed and practicing under a".
 15 3. By renumbering as necessary.

VAN FOSSEN of Scott
 HUSER of Polk
 GARMAN of Story
 SMITH of Marshall

H—8252

1 Amend the amendment, H—8234, to House File 2549, as
 2 follows:
 3 1. Page 1, by inserting after line 25 the
 4 following:
 5 "____ . Page 10, by inserting after line 16 the
 6 following:
 7 "Sec. ____ . STUDENT ACHIEVEMENT AND TEACHER QUALITY
 8 – SCHOOL NURSE INCLUSION STUDY. The department of
 9 education shall conduct a study regarding the
 10 feasibility of including within the student
 11 achievement and teacher quality program individuals

12 who hold a practitioner's license issued under chapter
 13 272, or a letter of authorization or statement of
 14 professional recognition issued by the board of
 15 educational examiners, are employed in a
 16 nonadministrative position by school districts and
 17 area education agencies pursuant to contracts issued
 18 by boards of directors under section 279.13, and are
 19 not currently included in the program. The study
 20 shall address mentoring, career development,
 21 evaluation, and salaries and career levels for these
 22 individuals, as well as the costs of including these
 23 individuals in each aspect of the program. The
 24 department shall submit its findings and
 25 recommendations in a report to the chairpersons and
 26 ranking members of the senate and house standing
 27 committees on education and the joint appropriations
 28 subcommittee on education by December 15, 2003."
 29 2. By renumbering as necessary.

CARROLL of Poweshiek

H-8253

1 Amend the amendment, H-8245, to House File 2564 as
 2 follows:
 3 1. Page 1, by striking lines 36 through 38, and
 4 inserting the following:
 5 "c. If a hearing held under section 229.12 or
 6 section 125.82 was tried by a district judge, the
 7 appeal shall be decided by a different district judge.
 8 If the hearing was tried by a district associate
 9 judge, the appeal shall be decided by a district
 10 judge. If".

TREMMELE of Wapello

H-8254

1 Amend House File 2567 as follows:
 2 1. Page 3, line 1, by inserting after the word
 3 "board" the following: "and of committees established
 4 pursuant to chapter 368".
 5 2. Page 3, line 16, by inserting after the figure
 6 "368." the following: "The rules may include
 7 establishing filing fees for applications and
 8 petitions submitted to the board pursuant to chapter
 9 368."
 10 3. Page 3, by inserting after line 30, the
 11 following:
 12 "c. Filing fees paid for applications and
 13 petitions submitted to the board pursuant to chapter
 14 368."

- 15 4. Page 8, line 27, by inserting after the word
 16 "plan" the following: ", or resubmit the original
 17 plan,".
 18 5. Page 8, line 31, by inserting after the word
 19 "plan" the following: "or resubmitted original plan".
 20 6. Page 8, line 33, by striking the words
 21 "revised strategic development".
 22 7. Page 9, line 1, by striking the words "revised
 23 strategic development".
 24 8. Page 9, line 6, by inserting after the figure
 25 "366.5," the following: "subsection 2, paragraph
 26 "b",".

CARROLL of Poweshiek

H-8255

- 1 Amend the amendment, H-8242, to House File 2546 as
 2 follows:
 3 1. Page 1, by striking lines 2 through 4.

TREMMELE of Wapello

H-8259

- 1 Amend House File 2561 as follows:
 2 1. Page 40, by striking lines 12 and 13 and
 3 inserting the following: "the general fund of the
 4 state for the".
 5 2. Title page, by striking lines 7 and 8 and
 6 inserting the following: "located at another state
 7 institution, and providing an".

BOAL of Polk

H-8260

- 1 Amend the amendment, H-8105, to House File 2549, as
 2 follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "nurses," the following: "counselors, media
 5 specialists,".
 6 2. Page 1, line 9, by inserting after the word
 7 "nurses," the following: "counselors, media
 8 specialists,".
 9 3. Page 1, line 31, by inserting after the word
 10 "a" the following: "school social worker or".

WINCKLER of Scott

H-8263

1 Amend the amendment, H-8239, to House File 2549, as
2 follows:

- 3 1. Page 1, line 13, by inserting after the word
4 "teachers" the following: "and school social
5 workers".
6 2. Page 1, line 23, by inserting after the word
7 "teacher" the following: "or school social worker".
8 3. Page 1, line 25, by inserting after the word
9 "teacher," the following: "school social worker,".

WINCKLER of Scott

H-8264

1 Amend House File 2561 as follows:

- 2 1. Page 1, line 27, by striking the word "care"
3 and inserting the following: "advocacy".
4 2. Page 5, line 21, by striking the word "CARE"
5 and inserting the following: "ADVOCACY".
6 3. Page 5, line 26, by striking the word "care"
7 and inserting the following: "advocacy".
8 4. Page 6, line 8, by striking the word "care"
9 and inserting the following: "advocacy".
10 5. Page 19, line 7, by inserting after the word
11 "Recommend" the following: ", in cooperation with the
12 department of inspections and appeals,".
13 6. Page 19, line 15, by inserting after the word
14 "Recommend" the following: ", in cooperation with the
15 department of inspections and appeals,".
16 7. Page 20, line 1, by inserting after the word
17 "Establish" the following: ", in cooperation with the
18 department of inspections and appeals,".
19 8. Page 20, by inserting after line 12 the
20 following:
21 "Sec. __. Section 230A.16, unnumbered paragraph
22 1, Code 2001, is amended to read as follows:
23 The ~~administrator of the division of mental health~~
24 ~~and developmental disabilities of the department of~~
25 ~~human services shall recommend,~~ in cooperation with
26 the department of inspections and appeals, and the
27 mental health and developmental disabilities
28 commission shall adopt standards for community mental
29 health centers and comprehensive community mental
30 health programs, with the overall objective of
31 ensuring that each center and each affiliate providing
32 services under contract with a center furnishes high
33 quality mental health services within a framework of
34 accountability to the community it serves. The
35 standards shall be in substantial conformity with
36 those of the psychiatric committee of the joint

37 commission on accreditation of health care
 38 organizations and other recognized national standards
 39 for evaluation of psychiatric facilities unless in the
 40 judgment of the ~~administrator of the division of~~
 41 ~~mental health and developmental disabilities~~
 42 department of human services and the department of
 43 inspections and appeals, with approval of the mental
 44 health and developmental disabilities commission,
 45 there are sound reasons for departing from the
 46 standards. When recommending standards under this
 47 section, the ~~administrator of the division~~ department
 48 of human services shall designate an advisory
 49 committee representing boards of directors and
 50 professional staff of community mental health centers

Page 2

1 to assist in the formulation or revision of standards.
 2 At least a simple majority of the members of the
 3 advisory committee shall be lay representatives of
 4 community mental health center boards of directors.
 5 At least one member of the advisory committee shall be
 6 a member of a county board of supervisors. The
 7 standards recommended under this section shall include
 8 requirements that each community mental health center
 9 established or operating as authorized by section
 10 230A.1 shall."

11 9. Page 21, line 4, by inserting after the word
 12 "shall" the following: "in cooperation with the
 13 department of inspections and appeals."

14 10. Page 21, line 34, by inserting after the word
 15 "rules" the following: "in cooperation with the
 16 department of inspections and appeals."

17 11. Page 23, line 3, by inserting after the word
 18 "department" the following: "of human services, in
 19 cooperation with the department of inspections and
 20 appeals."

21 12. Page 23, line 16, by striking the figures and
 22 word "3 and 4" and inserting the following: "3, 4,
 23 and 8".

24 13. Page 23, line 21, by inserting after the
 25 word, "department" the following: "of human services
 26 and the department of inspections and appeals".

27 14. Page 23, line 26, by inserting after the
 28 word, "department" the following: "of human services
 29 and the department of inspections and appeals".

30 15. Page 23, by inserting after line 26, the
 31 following:

32 "8. The department of human services, in
 33 consultation with the department of inspections and
 34 appeals, the judicial branch, the division of criminal
 35 and juvenile justice planning of the department of

36 human rights, residential treatment providers, the
 37 foster care provider association, and other parties
 38 ~~which that~~ may be affected, shall review the licensing
 39 rules pertaining to residential treatment facilities,
 40 and examine whether the rules allow the facilities to
 41 accept and provide effective treatment to juveniles
 42 with serious problems who might not otherwise be
 43 placed in those facilities."

44 16. Page 28, line 21, by inserting after the word
 45 "services" the following: ", in cooperation with the
 46 department of inspections and appeals".

47 17. Page 29, line 5, by inserting after the word
 48 "services" the following: ", in cooperation with the
 49 department of inspections and appeals".

50 18. Page 29, line 8, by inserting after the word

Page 3

1 "marshal" the following: "and the department of
 2 inspections and appeals".

3 19. Page 32, line 3, by inserting after the word
 4 "rules" the following: ", in cooperation with the
 5 department of inspections and appeals".

6 20. Page 32, by striking lines 16 and 17 and
 7 inserting the following:

8 "Sec. ___. Section 237A.12, subsections 3 and 4,
 9 Code 2001, are amended to read as follows:

10 3. Rules relating to fire safety shall be adopted
 11 under this chapter by the state fire marshal in
 12 consultation with the department of human services and
 13 the department of inspections and appeals. Rules
 14 adopted by the state fire marshal for a building which
 15 is owned or leased by a school district or accredited
 16 nonpublic school and used as a child care facility
 17 shall not differ from standards adopted by the state
 18 fire marshal for school buildings under chapter 100.
 19 Rules relating to sanitation shall be adopted by the
 20 department of human services in consultation with the
 21 director of public health and in cooperation with the
 22 department of inspections and appeals. All rules
 23 shall be developed in consultation with the state
 24 child care advisory council. The state fire marshal
 25 shall inspect the facilities."

26 21. Page 33, by inserting after line 8 the
 27 following:

28 "Sec. ___. Section 237A.21, subsection 1, Code
 29 2001, is amended to read as follows:

30 1. A state child care advisory council is
 31 established consisting of not more than ~~thirty-five~~
 32 thirty-six members from urban and rural areas across
 33 the state. The membership shall include, but is not
 34 limited to, all of the following persons or

35 representatives with an interest in child care: a
 36 licensed center, a registered child care home from a
 37 county with a population of less than twenty-two
 38 thousand, an unregistered child care home, a parent of
 39 a child in child care, appropriate governmental
 40 agencies, and other members as deemed necessary by the
 41 director. The members are eligible for reimbursement
 42 of their actual and necessary expenses while engaged
 43 in performance of their official duties.

44 Sec. ___. Section 237A.21, subsection 3, Code
 45 2001, is amended by adding the following new
 46 paragraph:

47 NEW PARAGRAPH. ll. One designee of the department
 48 of inspections and appeals.

49 Sec. ___. Section 237A.27, Code 2001, is amended
 50 to read as follows:

Page 4

1 237A.27 CRISIS CHILD CARE.

2 The department of human services shall, in
 3 cooperation with the department of inspections and
 4 appeals, establish a special child care registration
 5 or licensure classification for crisis child care
 6 which is provided on a temporary emergency basis to a
 7 child when there is reason to believe that the child
 8 may be subject to abuse or neglect. The special
 9 classification is not subject to the definitional
 10 restrictions of child care in this chapter relating to
 11 the provision of child care for a period of less than
 12 twenty-four hours per day on a regular basis.
 13 However, the provision of crisis child care shall be
 14 limited to a period of not more than seventy-two hours
 15 for a child during any single stay. A person
 16 providing crisis child care must be registered or
 17 licensed under this chapter and must be participating
 18 or have previously participated in the federal crisis
 19 nursery pilot project. The department shall adopt
 20 rules pursuant to chapter 17A, in cooperation with the
 21 department of inspections and appeals, to implement
 22 this section."

23 22. Page 35, by striking lines 13 through 26, and
 24 inserting the following:

25 "238.12 APPEAL – JUDICIAL REVIEW.

26 1. Any A licensee feeling aggrieved by any a
 27 decision of the administrator department of
 28 inspections and appeals revoking the licensee's
 29 license may appeal to the ~~council on human services~~
 30 director of the department of inspections and appeals
 31 in the manner of form prescribed by such council the
 32 director of the department of inspections and appeals.
 33 The ~~council~~ director of the department of inspections

34 and appeals shall, upon receipt of such an appeal give
 35 the licensee reasonable notice and opportunity for a
 36 fair hearing ~~before such council or its duly~~
 37 ~~authorized representative or representatives.~~
 38 Following such the hearing the ~~council on human~~
 39 ~~services~~ director of the department of inspections and
 40 appeals shall take ~~its~~ final action and notify the
 41 licensee in writing.
 42 2. Judicial review of the actions of the ~~council~~
 43 director of the department of inspections and appeals
 44 may be sought in accordance with ~~the terms of the Iowa~~
 45 ~~administrative procedure Act chapter 17A.~~"
 46 23. Page 35, line 32, by inserting after the word
 47 "~~for~~" the following: "in cooperation with the
 48 department of inspections and appeals.".
 49 24. Page 36, lines 26 and 27, by striking the
 50 words "of inspections and appeals" and inserting the

Page 5

1 following: "of human services".
 2 25. Page 41, by inserting after line 35, the
 3 following:
 4 "DIVISION ____
 5 IMPLEMENTATION.
 6 Sec. ____ PHASED IMPLEMENTATION OVER ONE YEAR –
 7 RULEMAKING.
 8 1. This Act takes effect July 1, 2002, except that
 9 the department of human services and the department of
 10 inspections and appeals may phase in the transfer of
 11 duties between the departments as required by this Act
 12 during the period beginning July 1, 2002, and ending
 13 June 30, 2003. The department of human services shall
 14 adopt rules, in cooperation with the department of
 15 inspections and appeals, on an emergency basis as
 16 provided in this section, establishing the
 17 implementation schedule for the transfer of duties.
 18 The requirements of this section are applicable to the
 19 following divisions of this Act:
 20 a. Division I, relating to department of
 21 inspections and appeals duties.
 22 b. Division II, relating to the department of
 23 inspections and appeals' evaluation of crime and abuse
 24 records.
 25 c. Division III, relating to department of
 26 inspections and appeals and mental health and
 27 developmental disabilities services.
 28 d. Division IV, relating to department of
 29 inspections and appeals and juvenile detention and
 30 shelter care homes.
 31 e. Division V, relating to department of
 32 inspections and appeals and group foster care.

33 f. Division VI, relating to department of
 34 inspections and appeals and child care.
 35 g. Division VII, relating to department of
 36 inspections and appeals and child-placing agencies.
 37 2. As necessary to establish the implementation
 38 schedule required by this section, the department of
 39 human services may adopt emergency rules under section
 40 17A.4, subsection 2, and section 17A.5, subsection 2,
 41 paragraph "b", and the rules shall be effective
 42 immediately upon filing or on a later date specified
 43 in the rules, unless the rules are delayed by the
 44 administrative rules review committee. A rule adopted
 45 under this subsection shall not take effect before the
 46 administrative rules review committee reviews the
 47 rule. The delay authority provided to the
 48 administrative rules review committee under section
 49 17A.4, subsection 5, and section 17A.8, subsection 9,
 50 shall be applicable to a delay imposed under this

Page 6

1 subsection, notwithstanding a provision in those
 2 sections making them inapplicable to section 17A.5,
 3 subsection 2, paragraph "b". Any rules adopted in
 4 accordance with this section shall also be published
 5 as a notice of intended action as provided in section
 6 17A.4.

DIVISION ____

HAWK-I BOARD MEMBERS – STAGGERED TERMS.

9 Sec.____. HAWK-I BOARD MEMBERS APPOINTMENT. In
 10 order to stagger the terms of the public members of
 11 the hawk-i board appointed by the governor, upon
 12 expiration of the terms of the public members in the
 13 year 2002, notwithstanding section 514I.5, the terms
 14 of two of those members appointed or reappointed
 15 effective May 1, 2002, shall be three years, as
 16 determined by the governor, and subsequent terms shall
 17 be two years.

18 Sec.____. EFFECTIVE DATE. This division of this
 19 Act, being deemed of immediate importance, takes
 20 effect upon enactment."

21 26. Title page, lines 8 and 9, by striking the
 22 words "and providing an effective date" and inserting
 23 the following: "staggering the terms of the hawk-i
 24 board members, and providing effective dates".

25 27. By renumbering as necessary.

H-8266

1 Amend House File 2483 as follows:

2 1. Page 1, line 10, by inserting after the word
3 "inspection." the following: "After inspection, an
4 eligible church or house of worship shall promptly
5 post a sign at the entrance to an elevator installed
6 pursuant to this subsection stating the following:
7 "In accordance with national consensus safety
8 standards, the labor commissioner has deemed that
9 restricted use elevators are unsafe except for
10 residential use due to weight restrictions and other
11 safety concerns. Enter at your own risk.""

WINCKLER of Scott

H-8268

1 Amend the amendment, H-8243, to House File 2555 as
2 follows:

3 1. Page 1, by striking lines 28 through 39 and
4 inserting the following: "~~subparagraph (2) which~~
5 ~~contains containing a detectable amount of~~ cocaine
6 base.

7 Sec. ____. Section 124.401, subsection 1, paragraph
8 a, Code 2001, is amended by adding the following new
9 subparagraph:

10 NEW SUBPARAGRAPH. (3A) More than five hundred
11 grams of any compound, mixture, preparation, or
12 substance containing a detectable amount of any of the
13 following:

14 (a) Coca leaves, except coca leaves and extracts
15 of coca leaves from which cocaine, ecgonine, and
16 derivatives of ecgonine or their salts have been
17 removed.

18 (b) Cocaine, its salts, optical and geometric
19 isomers, and salts of isomers.

20 (c) Ecgonine, its derivatives, their salts,
21 isomers, and salts of isomers."

22 2. By striking page 1, line 49, through page 2,
23 line 9 and inserting the following: "containing a
24 detectable amount of cocaine base.

25 Sec. ____. Section 124.401, subsection 1, paragraph
26 b, Code 2001, is amended by adding the following new
27 subparagraph:

28 NEW SUBPARAGRAPH. (3A) More than fifty grams but
29 not more than five hundred grams of any compound,
30 mixture, preparation, or substance containing a
31 detectable amount of any of the following:

32 (a) Coca leaves, except coca leaves and extracts
33 of coca leaves from which cocaine, ecgonine, and
34 derivatives of ecgonine or their salts have been

35 removed.

36 (b) Cocaine, its salts, optical and geometric
37 isomers, and salts of isomers.

38 (c) Ecgonine, its derivatives, their salts,
39 isomers, and salts of isomers."

40 3. Page 2, by striking lines 20 through 30 and
41 inserting the following: "~~(2) which contains~~
42 containing a detectable amount of cocaine base.

43 Sec. ____ Section 124.401, subsection 1, paragraph
44 c, Code 2001, is amended by adding the following new
45 subparagraph:

46 NEW SUBPARAGRAPH. (3A) Fifty grams or less of any
47 compound, mixture, preparation, or substance
48 containing a detectable amount of any of the
49 following:

50 (a) Coca leaves, except coca leaves and extracts

Page 2

1 of coca leaves from which cocaine, ecgonine, and
2 derivatives of ecgonine or their salts have been
3 removed.

4 (b) Cocaine, its salts, optical and geometric
5 isomers, and salts of isomers.

6 (c) Ecgonine, its derivatives, their salts,
7 isomers, and salts of isomers."

8 4. Page 2, line 34, by striking the words and
9 figures "subparagraphs (1) and (2)" and inserting the
10 following: "subparagraph (2)".

11 5. Page 2, line 35, by striking the word "are"
12 and inserting the following: "is".

13 6. Page 2, by striking lines 36 through 43.

14 7. Page 2, line 48, by striking the figure "(3)"
15 and inserting the following: "(3A)".

16 8. Page 2, line 49, by striking the figure "(3)"
17 and inserting the following: "(3A)".

18 9. Page 3, line 1, by striking the figure "(3)"
19 and inserting the following: "(3A)".

20 10. By renumbering as necessary.

FORD of Polk

H-8269

1 Amend the amendment, H-8210, to Senate File 429, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 ""Sec. ____ Section 476.44, subsection 2, Code
7 2001, is amended to read as follows:

8 2. a. An electric utility subject to this

9 division, except a utility ~~which~~ that elects rate
 10 regulation pursuant to section 476.1A, shall not be
 11 required to purchase, at any one time, more than its
 12 scheduled percentage share of one hundred five
 13 ~~megawatts of power its Iowa retail load~~ from
 14 alternative energy production facilities or small
 15 hydro facilities at the rates established pursuant to
 16 section 476.43. The board shall ~~allocate the one~~
 17 ~~hundred five megawatts~~ make the allocations based upon
 18 each utility's percentage of the total Iowa retail
 19 peak demand, ~~for the each year,~~ beginning January 1,
 20 ~~1990,~~ of all utilities subject to this section, based
 21 on the following schedule:

22 (1) Until January 1, 2010, two percent.

23 (2) Beginning January 1, 2010, ten percent.

24 (3) Beginning January 1, 2020, twenty percent.

25 b. If a utility undergoes reorganization as
 26 defined in section 476.76, the board shall combine the
 27 allocated purchases of power for each utility involved
 28 in the reorganization.

29 c. Notwithstanding the ~~one hundred five megawatt~~
 30 current applicable maximum, the board may increase the
 31 amount of power that a utility is required to purchase
 32 at the rates established pursuant to section 476.43 if
 33 the board finds that a utility, including a
 34 reorganized utility, exceeds ~~its 1990~~ the Iowa retail
 35 peak demand level for the utility for the prior year
 36 by twenty percent and the additional power the utility
 37 is required to purchase will encourage the development
 38 of alternate energy production facilities and small
 39 hydro facilities. The increase shall not exceed the
 40 utility's increase in peak demand multiplied by the
 41 ratio of the utility's share of the ~~one hundred five~~
 42 megawatt current scheduled maximum to its ~~1990~~ Iowa
 43 retail peak demand."

44 2. Page 2, by inserting after line 30 the
 45 following:

46 " _____. Title page, line 1, by inserting after the
 47 words "relating to" the following: "utilities,
 48 including renewable energy purchase requirements by
 49 electric utilities, and"."

50 3. By renumbering, redesignating, and correcting

Page 2

1 internal references as necessary.

HATCH of Polk
 CHIODO of Polk
 FALLON of Polk
 JOCHUM of Dubuque

ATTEBERRY of Delaware
 CONNORS of Polk
 OSTERHAUS of Jackson
 LENSING of Johnson

QUIRK of Chickasaw
 SHOULTZ of Black Hawk

REYNOLDS of Van Buren
 WITT of Black Hawk

H-8270

1 Amend House File 2547 as follows:

2 1. Page 2, by striking lines 9 through 17 and
 3 inserting the following:

4 "Sec. __. Section 135.24, Code Supplement 2001,
 5 is amended to read as follows:

6 135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM
 7 ESTABLISHED – IMMUNITY FROM CIVIL LIABILITY.

8 1. The director shall establish within the
 9 department a program to provide to eligible hospitals,
 10 clinics, or other health care facilities, health care
 11 referral programs, or charitable organizations, free
 12 medical, ~~and~~ dental, ~~and~~ chiropractic services given
 13 on a voluntary basis by health care providers. A
 14 participating health care provider shall register with
 15 the department and obtain from the department a list
 16 of eligible, participating hospitals, clinics, or
 17 other health care facilities, health care referral
 18 programs, or charitable organizations.

19 2. The department, in consultation with the
 20 department of human services, shall adopt rules to
 21 implement the volunteer health care provider program
 22 which shall include the following:

23 a. Procedures for registration of health care
 24 providers deemed qualified by the board of medical
 25 examiners, the board of physician assistant examiners,
 26 the board of dental examiners, ~~and~~ the board of
 27 nursing, ~~and the board of chiropractic examiners.~~

28 b. Criteria for and identification of hospitals,
 29 clinics, or other health care facilities, health care
 30 referral programs, or charitable organizations,
 31 eligible to participate in the provision of free
 32 medical, ~~or~~ dental, ~~or~~ chiropractic services through
 33 the volunteer health care provider program. A health
 34 care facility, a health care referral program, a
 35 charitable organization, or a health care provider
 36 participating in the program shall not bill or charge
 37 a patient for any health care provider service
 38 provided under the volunteer health care provider
 39 program.

40 c. Identification of the medical services to be
 41 provided under the program. The medical services
 42 provided may include, but shall not be limited to,
 43 obstetrical and gynecological medical services, ~~and~~
 44 psychiatric services provided by a physician licensed
 45 under chapter 148, 150, or 150A, ~~or services provided~~
 46 under chapter 151.

47 3. A health care provider providing free care

48 under this section shall be considered an employee of
 49 the state under chapter 669 and shall be afforded
 50 protection as an employee of the state under section

Page 2

1 669.21, provided that the health care provider has
 2 done all of the following:
 3 a. Registered with the department pursuant to
 4 subsection 1.
 5 b. Provided medical, ~~or dental,~~ or chiropractic
 6 services through a hospital, clinic, or other health
 7 care facility, health care referral program, or
 8 charitable organization listed as eligible and
 9 participating by the department pursuant to subsection
 10 1.
 11 4. For the purposes of this section, "charitable
 12 organization" means a charitable organization within
 13 the meaning of section 501(c)(3) of the Internal
 14 Revenue Code which has as its primary purpose the
 15 sponsorship or support of programs designed to improve
 16 the quality, awareness, and availability of medical,
 17 ~~or dental,~~ or chiropractic services to children and to
 18 serve as a funding mechanism for provision of medical,
 19 ~~or dental,~~ or chiropractic services, including but not
 20 limited to immunizations, to children in this state.
 21 5. For the purposes of this section, "health care
 22 provider" means a physician licensed under chapter
 23 148, 150, ~~or 150A,~~ or 151, a physician assistant
 24 licensed and practicing under a supervising physician
 25 pursuant to chapter 148C, a licensed practical nurse,
 26 a registered nurse, or a dentist, dental hygienist, or
 27 dental assistant registered or licensed to practice
 28 under chapter 153."
 29 2. By renumbering as necessary.

VAN FOSSEN of Scott

H-8271

1 Amend House File 2436 as follows:
 2 1. Page 1, line 20, by striking the word
 3 "commenced" and inserting the following: "perfected".
 4 2. Page 1, by striking lines 24 through 26, and
 5 inserting the following: "attorney, any lienholders
 6 and encumbrancers of the property in the same manner
 7 as an original notice, and filed with the sheriff,
 8 within thirty days from the date of filing the notice
 9 of appeal".
 10 3. Page 2, by inserting after line 1, the
 11 following:
 12 "Sec. ___. Section 6B.22, Code 2001, is amended to

13 read as follows:

14 6B.22 PLEADINGS ON APPEAL.

15 A written petition shall be filed by the plaintiff
 16 within ~~twenty~~ thirty days after perfection of the
 17 appeal, stating specifically the items of damage and
 18 the amount thereof. The court may for good cause
 19 shown grant additional time for the filing of the
 20 petition. The defendant shall file a written answer
 21 to plaintiff's petition, or such other pleadings as
 22 may be proper."

23 4. By renumbering as necessary.

PETERSEN of Polk

H-8272

1 Amend House File 2561 as follows:

2 1. Page 41, by inserting after line 35 the
 3 following:

4 "DIVISION ____

5 MANAGED CARE CONTRACT

6 Sec. ____ Section 249A.26, subsection 1, Code
 7 Supplement 2001, is amended to read as follows:

8 1. The state shall pay for one hundred percent of
 9 the nonfederal share of the services paid for under
 10 any prepaid mental health services plan for medical
 11 assistance implemented by the department as authorized
 12 by law. The contract for such a plan in effect as of
 13 July 1, 2002, shall not be extended or continued
 14 beyond June 30, 2004, without express statutory
 15 authorization."

16 2. Title page, line 5, by inserting after the
 17 word "appeals," the following: "limiting the contract
 18 period for a prepaid mental health services plan,".

19 3. By renumbering as necessary.

HEATON of Henry
 VAN ENGELENHOVEN of Mahaska
 JOHNSON of Osceola
 CARROLL of Poweshiek

H-8275

1 Amend House File 2509 as follows:

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

4 "Section 1. Section 322.2, subsection 7, Code
 5 Supplement 2001, is amended to read as follows:

6 7. "Engaged in the business" means doing any of
 7 the following acts for the purpose of the sale of
 8 motor vehicles at retail: acquiring, selling,

9 exchanging, holding, offering, displaying, brokering,
 10 accepting on consignment, conducting a retail auction,
 11 or acting as an agent for the purpose of doing any of
 12 those acts. A person selling at retail more than six
 13 motor vehicles during a twelve-month period may be
 14 presumed to be engaged in the business, except that a
 15 private, nonprofit corporation chartered under chapter
 16 504A shall not be presumed to be engaged in the
 17 business of selling used vehicles, provided that the
 18 vehicles sold by the private, nonprofit corporation
 19 are vehicles that have been donated to the private,
 20 nonprofit corporation for the purpose of raising funds
 21 for the private, nonprofit corporation. A private,
 22 nonprofit corporation that sells more than twenty-five
 23 vehicles in a twelve-month period shall, however, be
 24 required to be licensed under this chapter as an
 25 entity engaged in the business of selling motor
 26 vehicles."
 27 2. By renumbering, redesignating, and correcting
 28 internal references as necessary.

FALLON of Polk

H-8276

1 Amend House File 2567 as follows:
 2 1. Page 4, line 6, by inserting after the word
 3 "county" the following: "whose population is forty
 4 thousand or more or whose population is over ten
 5 thousand and increased by six percent or more between
 6 the 1990 federal decennial census and the 2000 federal
 7 decennial census".
 8 2. Page 4, by striking lines 20 through 23, and
 9 inserting the following: "of the city is located in
 10 the county."
 11 3. Page 4, line 24, by inserting after the word
 12 "counties" the following: "required to create a
 13 strategic development plan".
 14 4. Page 11, line 22, by inserting after the word
 15 "county" the following: "governed by a strategic
 16 development plan".
 17 5. Page 11, by striking lines 26 through 30, and
 18 inserting the following:
 19 "2. A county that has approved a strategic
 20 development plan pursuant to this chapter, and any
 21 city in such county, shall use the strategic
 22 development plan as the basis for the comprehensive
 23 plan required pursuant to section 335.5 or 414.3 if
 24 the county or city has adopted a zoning ordinance."
 25 6. Page 12, line 6, by striking the word "shall"
 26 and inserting the following: "may".
 27 7. Page 12, line 21, by inserting after the

28 figure "2005," the following: "for territory located
29 in a county governed by a strategic development
30 plan,".

31 8. Page 12, line 25, by inserting after the word
32 "area." the following: "However, a city may annex
33 territory in a strategic preservation area if the city
34 intends to retain the area's designation as a
35 strategic preservation area and if the annexation is a
36 voluntary annexation applied for pursuant to section
37 368.7."

38 9. Page 13, line 22, by inserting after the word
39 "territory" the following: ", if applicable".

FALLON of Polk
CARROLL of Poweshiek

H-8279

1 Amend House File 2493 as follows:

2 1. Page 2, line 4, by inserting after the word
3 "agency" the following: "and who comes into contact
4 with a student as a result of the school employment or
5 participates in sexual conduct with a student only
6 after the student has knowledge of the school
7 employment".

EICHHORN of Hamilton

H-8283

1 Amend the amendment, H-8223, to House File 2090, as
2 follows:

3 1. Page 1, line 8, by inserting after the word
4 "procedure," the following: "which contract
5 authorizes the expenditure of twenty-five thousand
6 dollars or more in public funds,".

DOTZLER of Black Hawk

H-8285

1 Amend House File 2572 as follows:

2 1. Page 1, line 21, by inserting before the word
3 "compelling" the following: "continuing and".

4 2. Page 1, line 26, by inserting after the word
5 "reservation" the following: "prior to, during, or
6 following a state child custody proceeding".

7 3. Page 2, line 1, by inserting after the word
8 "political" the following: ", cultural,".

9 4. Page 2, line 33, by striking the words "a
10 person" and inserting the following: "an adult
11 person".

- 12 5. Page 2, line 35, by striking the words "a
13 person" and inserting the following: "an adult
14 person".
- 15 6. Page 3, by striking lines 15 through 17 and
16 inserting the following:
17 "8. "Indian custodian" means an Indian person who
18 has legal custody of an Indian child under tribal law,
19 tribal custom, or state law or to whom temporary
20 physical care, custody, and control has been
21 transferred by the child's parent."
- 22 7. Page 4, line 3, by striking the figure "(c)"
23 and inserting the following: "(b), (c)".
- 24 8. Page 4, by inserting after line 9 the
25 following:
26 "_. "Reservation" means Indian country as
27 defined in 18 U.S.C. § 1151 or land that is not
28 covered under that definition but the title to which
29 is either held by the United States in trust for the
30 benefit of an Indian tribe or Indian person or held by
31 an Indian tribe or Indian person subject to a
32 restriction by the United States against alienation."
- 33 9. Page 4, line 13, by striking the word
34 "permanent".
- 35 10. Page 4, by striking lines 15 through 17 and
36 inserting the following:
37 "_. "Tribal court" means a court or body vested
38 by an Indian tribe with jurisdiction over child
39 custody proceedings and which is a federal court of
40 Indian offenses, a court established and operated
41 under the code or custom of an Indian tribe, or an
42 administrative body of an Indian tribe vested with
43 authority over child custody proceedings."
- 44 11. Page 4, line 26, by inserting after the word
45 "The" the following: "court shall require a".
- 46 12. Page 4, line 28, by striking the word "shall"
47 and inserting the following: "to".
- 48 13. Page 4, line 34, by inserting after the word
49 "tribe" the following: ", including but not limited
50 to the United States department of the interior."

Page 2

- 1 14. Page 6, line 1, by inserting after the word
2 "court" the following: "or a party to the
3 proceeding".
- 4 15. Page 6, line 2, by striking the word
5 "predominately" and inserting the following:
6 "predominantly".
- 7 16. Page 6, line 24, by inserting after the word
8 "days" the following: "after receipt of the notice".
- 9 17. Page 6, line 32, by inserting after the word
10 "chapter" the following: "and whose identity is

11 known. The identity of such extended family members
12 shall be ascertained by an inquiry of each of the
13 child's parents and by making other reasonable
14 inquiries of persons, including but not limited to the
15 child's Indian tribe and the known members of the
16 child's extended family".

17 18. Page 7, line 12, by striking the word
18 "request" and inserting the following: "be granted up
19 to".

20 19. Page 7, by striking lines 26 through 28 and
21 inserting the following:

22 "f. A statement that the court may appoint counsel
23 for the child upon a finding that the appointment is
24 in the best interest of the child.

25 g. A statement that the information contained in
26 the notice, petition, pleading, and other court
27 documents is confidential."

28 20. Page 7, line 30, by inserting after the word
29 "child," the following: "the procedures described in
30 25 U.S.C. § 1913 shall govern the proceedings. In
31 addition,".

32 21. Page 9, line 8, by inserting after the word
33 "chapter" the following: ", including but not limited
34 to the purposes of maintaining the vital relationship
35 between Indian tribes and the tribes' children and
36 that the best interests of an Indian child require
37 that the child be placed in a foster or adoptive home
38 that reflects the unique values of Indian culture.

39 _____. Notwithstanding the absence of an objection
40 to a transfer of proceedings as described in
41 subsection 9 or a declination of the transfer as
42 described in subsection 11, the court may order the
43 transfer in circumstances in which the evidence
44 necessary to the case cannot be adequately presented
45 in the tribal court without undue hardship to the
46 parties or the witnesses, or the tribal court is
47 unable to mitigate such hardship by making
48 arrangements to receive and consider such evidence by
49 remote communication, hearing the evidence at a
50 location convenient to the parties or the witnesses,

Page 3

1 or any other means permitted in the tribe's rules of
2 evidence or discovery".

3 22. Page 9, by striking lines 32 through 34 and
4 inserting the following: "proceedings."

5 23. Page 10, line 3, by striking the words "
6 whenever possible,".

7 24. Page 10, by inserting after line 5 the
8 following:

9 "_____. A party seeking an involuntary foster care

10 placement of or termination of parental rights over an
 11 Indian child shall provide evidence to the court that
 12 active efforts have been made to provide remedial
 13 services and rehabilitative programs designed to
 14 prevent the breakup of the Indian family and that
 15 these efforts have proved unsuccessful."

16 25. Page 10, line 26, by striking the word
 17 "jurisdiction" and inserting the following:
 18 "jurisdiction".

19 26. Page 11, line 22, by inserting before the
 20 word "court" the following: "petition,".

21 27. Page 11, line 34, by inserting after the word
 22 "days." the following: "If the Indian child's tribe
 23 has been identified, the court shall notify the tribe
 24 of the date and time of any hearing scheduled to
 25 determine whether to extend an emergency removal or
 26 placement order."

27 28. Page 12, line 10, by striking the words "at
 28 least one qualified expert witness" and inserting the
 29 following: "qualified expert witnesses".

30 29. Page 13, line 5, by inserting after the word
 31 "child's" the following: "extended".

32 30. Page 14, line 9, by inserting after the word
 33 "section." the following: "A determination of the
 34 applicable prevailing social and cultural standards
 35 shall be confirmed by the testimony or other
 36 documented support of qualified expert witnesses."

37 31. Page 14, line 10, by striking the word
 38 "care," and inserting the following: "care placement,
 39 emergency removal,".

40 32. Page 14, line 14, by inserting before the
 41 word "efforts" the following: "active".

42 33. Page 14, line 26, by inserting after the word
 43 "PROOF" the following: " – CHANGE OF ADOPTIVE OR
 44 FOSTER CARE PLACEMENT".

45 34. Page 16, by inserting after line 5 the
 46 following:

47 "5. a. Notwithstanding any other law to the
 48 contrary, if a final decree of adoption of an Indian
 49 child has been vacated or set aside or the adoptive
 50 parents voluntarily consent to the termination of

Page 4

1 parental rights to the Indian child, a biological
 2 parent of the child or prior Indian custodian may
 3 petition for return of custody and the court shall
 4 grant such petition unless there is a showing, in a
 5 proceeding subject to the provisions of 25 U.S.C. §
 6 1912, that the return of custody is not in the best
 7 interests of the child.

8 b. If an Indian child is removed from a foster

9 care placement for the purpose of further foster care
 10 or preadoptive or adoptive placement, the placement
 11 shall be in accordance with this chapter and the
 12 federal Indian Child Welfare Act, unless the Indian
 13 child is being returned to the parent or Indian
 14 custodian from whose custody the child was originally
 15 removed."

16 35. Page 16, line 10, by inserting after the word
 17 "regarding" the following: "jurisdiction over child
 18 custody proceedings and".

19 36. Page 16, line 18, by inserting after the word
 20 "political" the following: ", cultural,".

21 37. Page 16, line 20, by striking the words "
 22 where available,".

23 38. Page 16, line 26, by striking the words
 24 "whenever possible".

25 39. Page 16, lines 31 and 32, by striking the
 26 words ", if possible,".

27 40. Page 16, by inserting after line 33 the
 28 following:

29 "3. An agreement entered into under this section
 30 may be revoked by either party by giving one hundred
 31 eighty days' advance written notice to the other
 32 party. The revocation shall not affect any action or
 33 proceeding over which a court has already assumed
 34 jurisdiction, unless the agreement provides
 35 otherwise."

36 41. Page 17, line 27, by inserting before the
 37 word "efforts" the following: "active".

38 42. Page 19, by inserting after line 4 the
 39 following:

40 "____. Upon application of an Indian person who is
 41 eighteen years of age or older and was the subject of
 42 an adoptive placement, the court that entered the
 43 final decree shall provide the person, through an
 44 appropriate order, if necessary, with information
 45 described in subsection 2 as may be secured from the
 46 court, agency, or private attorney records."

47 43. Page 19, line 6, by inserting after the word
 48 "anonymous," the following: "identifying".

49 44. Page 19, line 13, by inserting after the word
 50 "services" the following: ", in consultation with the

Page 5

1 Indian tribes having land within this state,".

2 45. Page 19, line 16, by striking the words "The
 3 court" and inserting the following: "An appellate
 4 court".

5 46. Page 19, line 19, by inserting after the word
 6 "custodian," the following: "extended family
 7 member,".

- 8 47. Page 19, line 29, by inserting after the word
 9 "tribe" the following: ", or if applicable, an
 10 extended family member".
- 11 48. Page 19, line 33, by striking the words "an
 12 expert witness" the following: "qualified expert
 13 witnesses".
- 14 49. Page 19, by inserting after line 34 the
 15 following:
 16 "h. Any other violation that is not harmless
 17 error, including but not limited to a failure to
 18 comply with 25 U.S.C. § 1911, 1912, 1913, 1915, 1916,
 19 or 1917.
- 20 3. If a petitioner in an Indian child custody
 21 proceeding before a state court has improperly removed
 22 the child from the custody of the child's parent or
 23 Indian custodian or has improperly retained custody
 24 after a visit or other temporary relinquishment of
 25 custody, the court shall decline jurisdiction over the
 26 petition and shall immediately return the child to the
 27 child's parent or Indian custodian unless returning
 28 the child to the parent or Indian custodian would
 29 subject the child to a substantial and immediate
 30 danger or threat of such danger."
- 31 50. By renumbering, redesignating, and correcting
 32 internal references as necessary.

WARNSTADT of Woodbury

H-8286

- 1 Amend Senate File 2197, as passed by the Senate, as
 2 follows:
- 3 1. Page 1, line 26, by inserting after the word
 4 "facility." the following: "In addition, a person
 5 does not commit a violation of this section if the
 6 person has established prior to the effective date of
 7 this Act a residence within two thousand feet of the
 8 real property comprising a school or child care
 9 facility, or if a school or child care facility is
 10 placed on or after the effective date of this Act
 11 within two thousand feet of the established residence
 12 of the person."

EICHHORN of Hamilton

H-8290

- 1 Amend Senate File 2179 as passed by the Senate, as
 2 follows:
- 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. NEW SECTION. 135.39A FEMALE GENITAL

6 MUTILATION – EDUCATION, PREVENTION, AND OUTREACH
7 ACTIVITIES.

8 The director shall carry out appropriate education,
9 prevention, and outreach activities to inform the
10 public about the health risks and emotional trauma
11 inflicted by the practice of female genital mutilation
12 and to inform the public and the medical community of
13 any criminal penalties applicable to the performance
14 of female genital mutilation. The director shall work
15 to obtain private funds to finance these prevention
16 and outreach activities. For the purposes of this
17 section, "female genital mutilation" means the
18 separation or surgical alteration of normal, healthy,
19 functioning female genital tissue."

20 2. Page 1, line 1, by striking the word and
21 figure "Section 1" and inserting the following: "Sec.
22 100".

23 3. Page 1, by striking lines 25 through 32.

24 4. Page 1, line 33, by striking the figure "7"
25 and inserting the following: "6".

26 5. Page 1, by inserting after line 35, the
27 following:

28 "Sec.____. EFFECTIVE DATE. Section 100 of this
29 Act takes effect July 1, 2003."

30 6. Title page, line 1, by striking the word
31 "and".

32 7. Title page, line 2, by inserting after the word
33 "penalty" the following: ", and providing an
34 effective date".

35 8. By renumbering as necessary.

FORD of Polk
BRUNKHORST of Bremer

H-8292

1 Amend Senate File 2192, as passed by the Senate, as
2 follows:

3 1. Page 18, by inserting after line 26, the
4 following:

5 "Sec.____. Section 322.2, subsection 7, Code
6 Supplement 2001, is amended to read as follows:

7 7. "Engaged in the business" means doing any of
8 the following acts for the purpose of the sale of
9 motor vehicles at retail: acquiring, selling,
10 exchanging, holding, offering, displaying, brokering,
11 accepting on consignment, conducting a retail auction,
12 or acting as an agent for the purpose of doing any of
13 those acts. A person selling at retail more than six
14 motor vehicles during a twelve-month period may be
15 presumed to be engaged in the business, except that a
16 private, nonprofit corporation chartered under chapter

17 504A shall not be presumed to be engaged in the
 18 business of selling used vehicles, provided that the
 19 vehicles sold by the private, nonprofit corporation
 20 are vehicles that have been donated to the private,
 21 nonprofit corporation for the purpose of raising funds
 22 for the private, nonprofit corporation. A private,
 23 nonprofit corporation that sells more than twenty-five
 24 vehicles in a twelve-month period shall, however, be
 25 required to be licensed under this chapter as an
 26 entity engaged in the business of selling motor
 27 vehicles."

28 2. By renumbering, redesignating, and correcting
 29 internal references as necessary.

FALLON of Polk

H-8293

1 Amend House File 2405 as follows:

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

4 "DIVISION I

5 STATE LAND MANAGEMENT AND PLANNING

6 Section 1. NEW SECTION. 6C.1 TITLE.

7 This chapter shall be known and may be cited as the
 8 "Land Management Planning Act".

9 Sec. . NEW SECTION. 6C.2 LAND DEVELOPMENT AND
 10 USE – STATE POLICY ESTABLISHED.

11 It is the policy of this state to provide for the
 12 sound and orderly development and use of land and to
 13 provide for the protection and preservation of the
 14 private and public interest in the land, water, and
 15 related resources of this state for the public health,
 16 safety, morals, and general welfare of present and
 17 future generations. It is further the policy of this
 18 state to preserve the use of prime agricultural land
 19 for agricultural production and to preserve natural,
 20 cultural, and historical areas while striking a
 21 balance between legitimate public purposes and private
 22 property rights.

23 Sec. . NEW SECTION. 6C.3 DEFINITIONS.

24 1. "Agricultural land" means agricultural land as
 25 that term is defined in section 9H.1.

26 2. "Board" means the land management planning
 27 board established in section 6C.4.

28 3. "Department" means the department of economic
 29 development.

30 4. "Public agency" means an agency as defined in
 31 section 17A.2, a county, a city, or other political
 32 subdivision, including but not limited to a principal
 33 department as provided in section 7E.5, a school
 34 corporation organized under chapter 273 or 274, a

35 community college as provided in chapter 260C, or a
 36 township as provided in chapter 359.
 37 5. "Strategic development plan" means a plan
 38 adopted by a county and the cities within the county
 39 and approved by the land management planning board as
 40 provided in chapter 366.
 41 Sec. __. NEW SECTION. 6C.4 LAND MANAGEMENT
 42 PLANNING BOARD.
 43 1. A land management planning board is established
 44 as the state's principal agency overseeing land
 45 management planning by cities and counties. The board
 46 shall oversee the administration of this chapter, and
 47 chapters 366 and 368, monitor the effectiveness of
 48 public agencies in carrying out the policy of this
 49 state as established in section 6C.2, and study
 50 methods to successfully implement the policy.

Page 2

1 2. The board shall be composed of the following
 2 members:
 3 a. One member appointed from a city with a
 4 population of more than forty-five thousand, according
 5 to the most recent certified federal census.
 6 b. One member appointed from a city with a
 7 population of forty-five thousand or less, according
 8 to the most recent certified federal census.
 9 c. One member appointed from a county with a
 10 population of more than fifty thousand, according to
 11 the most recent certified federal census.
 12 d. One member appointed from a county with a
 13 population of fifty thousand or less, according to the
 14 most recent certified federal census.
 15 e. One member appointed to represent the general
 16 public.
 17 3. The members shall be appointed by the governor
 18 subject to confirmation by the senate as provided in
 19 section 2.32. The appointments shall be for six-year
 20 staggered terms beginning and ending as provided in
 21 section 69.19, or for an unexpired term if a vacancy
 22 occurs. No member shall serve more than two complete
 23 six-year terms.
 24 4. The board shall elect a chairperson each year.
 25 5. Members of the board, other than a state
 26 officer or employee, are entitled to receive a per
 27 diem as specified in section 7E.6 for each day spent
 28 in performance of duties as members, and shall be
 29 reimbursed for all actual and necessary expenses
 30 incurred in the performance of duties as members.
 31 6. The department shall provide office space and
 32 staff assistance, and shall budget funds to cover
 33 expenses of the board and of committees established

34 pursuant to chapter 368. The office of attorney
 35 general shall provide legal counsel to the board.
 36 Sec. . NEW SECTION. 6C.5 POWERS AND DUTIES OF
 37 THE BOARD.
 38 1. The board shall do all of the following:
 39 a. Review strategic development plans submitted
 40 for dispute resolution pursuant to section 366.6.
 41 b. Review and approve plans submitted for final
 42 approval pursuant to section 366.7.
 43 c. Approve or disapprove petitions for boundary
 44 adjustment as provided in chapter 368.
 45 d. Establish policies for administration of the
 46 land management planning fund created in section 6C.6.
 47 e. Adopt rules pursuant to chapter 17A necessary
 48 to administer its duties under this chapter and
 49 chapters 366 and 368. The rules may include
 50 establishing filing fees for applications and

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1 petitions submitted to the board pursuant to chapter
 2 368.
 3 2. The board may adopt forms to be completed and
 4 submitted by cities and counties as necessary for the
 5 efficient administration of this chapter and chapters
 6 366 and 368.
 7 Sec. . NEW SECTION. 6C.6 LAND MANAGEMENT
 8 PLANNING FUND.
 9 1. A land management planning fund is created
 10 within the state treasury under the control of the
 11 department. Moneys in the fund shall be used
 12 exclusively to pay for the costs of administration of
 13 this chapter and chapters 366 and 368 by the
 14 department.
 15 2. The fund shall consist of all of the following:
 16 a. Moneys appropriated by the general assembly.
 17 b. Moneys available to and obtained or accepted by
 18 the department from the federal government or private
 19 sources for deposit in the fund.
 20 c. Filing fees paid for applications and petitions
 21 submitted to the board pursuant to chapter 368.
 22 "DIVISION II"
 23 2. Page 3, by striking lines 25 and 26.
 24 3. Page 3, by inserting before line 27 the
 25 following:
 26 "DIVISION III
 27 LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING
 28 Sec. . NEW SECTION. 366.1 DEFINITIONS.
 29 1. "Agricultural land" means agricultural land as
 30 defined in section 9H.1.
 31 2. "Board" means the land management planning
 32 board created in section 6C.4.

33 Sec. __. NEW SECTION. 366.2 LOCAL STRATEGIC
34 DEVELOPMENT COMMITTEE.

35 1. A local strategic development committee is
36 created within each county whose population is forty
37 thousand or more or whose population is over ten
38 thousand and increased by six percent or more between
39 the 1990 federal decennial census and the 2000 federal
40 decennial census. Members shall be appointed to the
41 committee on or before September 1, 2002. The
42 committee shall be composed of the following members:
43 a. Three members appointed by the county board of
44 supervisors. Two of the three members must be
45 residents of the unincorporated area of the county.
46 b. One member appointed by the city council of
47 each city located in the county.
48 c. One member appointed by the mayor of each of
49 the two cities with the highest population located in
50 the county.

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1 d. An additional member shall be appointed by the
2 mayor of each participating city for every fifty
3 thousand residents in the city.
4 2. A city shall be represented on a committee if
5 any part of the city is located in the county.
6 3. Two or more contiguous counties required to
7 create a strategic development plan may organize as
8 one combined strategic development committee.
9 4. The committee shall hold an organizational
10 meeting no later than ten days after appointment of
11 members. The organizational meeting shall be convened
12 by the chairperson of the county board of supervisors.
13 Sec. __. NEW SECTION. 366.3 STRATEGIC
14 DEVELOPMENT PLAN – GOALS AND OBJECTIVES.
15 1. The local strategic development committee shall
16 create and recommend a strategic development plan for
17 the county.
18 2. The purpose of a strategic development plan is
19 to direct coordinated, efficient, and orderly urban
20 development that will, based on an analysis of present
21 and future needs, best promote the public health,
22 safety, morals, and general welfare. The goals and
23 objectives of a strategic development plan include the
24 following:
25 a. Encouraging a pattern of compact development in
26 strategic development areas.
27 b. Promoting redevelopment of existing urban
28 areas.
29 c. Promoting employment opportunities and the
30 economic health of the county and all cities in the
31 county.

- 32 d. Providing for a variety of housing choices
33 within strategic development areas and assuring
34 affordable housing for future population growth.
35 e. Identifying and conserving natural resource
36 areas, environmentally sensitive land, and features of
37 significant local, statewide, or regional
38 architectural, cultural, historical, or archaeological
39 interest.
40 f. Preserving land identified by the strategic
41 development committee as prime agricultural land for
42 use in agricultural production.
43 g. Balancing the need for land management
44 regulations with the protection of private property
45 rights.
46 h. Ensuring the efficient use of infrastructure
47 and that adequate municipal services are provided
48 concurrently with development.
49 i. Taking into consideration such other matters
50 that are related to the coordinated, efficient, and

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- 1 orderly development of the county and all cities in
2 the county.
3 Sec. ____ . NEW SECTION. 366.4 STRATEGIC
4 DEVELOPMENT PLAN – REQUIREMENTS.
5 1. A strategic development plan shall divide the
6 county into strategic development areas where future
7 development would be allowed to occur and strategic
8 preservation areas where development would not be
9 allowed. A strategic development plan shall address
10 transportation, public infrastructure, municipal
11 services, economic development, housing, recreation,
12 natural resources, and land use. A strategic
13 development plan may address hazard mitigation, energy
14 systems, cultural preservation, and other elements
15 appropriate to the area governed by the plan.
16 2. The committee shall conduct a review of
17 existing comprehensive plans governing the county, if
18 applicable, and governing each city located in the
19 county.
20 3. Before the committee drafts a strategic
21 development plan, the committee shall hold a public
22 hearing in order to obtain citizen input on
23 preparation of the strategic development plan. The
24 hearing shall be held no later than thirty days after
25 the committee's organizational meeting. The county
26 auditor shall publish notice of the time, date, place,
27 and purpose of the public hearing in a newspaper of
28 general circulation in the county. The notice must be
29 published not less than ten days but no more than
30 twenty days before the hearing. The notice shall

31 include a description of the general duties of the
32 strategic development committee and the cities and
33 counties represented on the strategic development
34 committee.

35 4. A strategic development plan shall include
36 documents describing and depicting the corporate
37 limits of each city in the county and the boundaries
38 of each strategic development area and each strategic
39 preservation area.

40 5. a. In establishing a strategic development
41 area, the plan shall do all of the following:

42 (1) Identify territory that a reasonable and
43 prudent person would project as the likely site of
44 commercial, industrial, or residential growth over the
45 next twenty years based on historical experience,
46 economic trends, population growth patterns,
47 topographical characteristics, and any professional
48 planning, engineering, and economic studies that are
49 available. The city shall report population growth
50 projections for the city based upon federal census

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1 data.

2 (2) Identify agricultural land which has a corn
3 suitability rating of sixty or higher, according to
4 information released by Iowa state university to the
5 department of revenue and finance for assessment and
6 taxation of agricultural land. Agricultural land with
7 a corn suitability rating of sixty or higher shall not
8 be included in a strategic development area unless the
9 local strategic development committee makes a showing
10 that the land is necessary for the orderly development
11 of the strategic development area.

12 b. In establishing a strategic preservation area,
13 the plan shall identify territory to be preserved for
14 the next twenty years for agricultural purposes,
15 forests, recreational areas, wildlife management
16 areas, cultural areas, historical areas, or other
17 areas planned for preservation.

18 6. When designating that part of a strategic
19 development area contiguous to a city, the committee
20 shall identify, and give consideration to, the amount
21 of territory within the current incorporated
22 boundaries of the city that is vacant or undeveloped
23 land.

24 7. The committee shall utilize planning resources
25 that are available within the county, including city
26 and county planning commissions, zoning
27 administrators, and a council of governments
28 established pursuant to chapter 28H. The committee is
29 also encouraged to utilize the services of a joint

30 planning commission established pursuant to chapter
31 28I and colleges and universities in the state.
32 Sec. . NEW SECTION. 366.5 LOCAL GOVERNMENT
33 RATIFICATION OF STRATEGIC DEVELOPMENT PLAN.
34 1. Before the committee submits the plan
35 recommended for ratification, the committee shall hold
36 at least one public hearing on the proposed
37 recommended strategic development plan. The county
38 auditor shall publish notice of the time, place, and
39 purpose of the public hearing in a newspaper of
40 general circulation in the county. The notice must be
41 published at least ten days but no more than twenty
42 days before the hearing.
43 2. Not later than January 1, 2004, the committee
44 shall submit the recommended strategic development
45 plan to the county board of supervisors and the city
46 council of each city in the county.
47 a. Not later than sixty days after receiving the
48 recommended strategic development plan, the county
49 board of supervisors and each city council shall by
50 resolution either ratify or reject the recommended

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1 strategic development plan. A city or county that
2 fails to timely act on the resolution shall be deemed
3 to have ratified the recommended strategic development
4 plan on the last day of the sixty-day period. If the
5 strategic development plan is ratified, the committee
6 shall submit the plan to the land management planning
7 board for approval.
8 b. If the county board of supervisors or a city
9 council rejects the recommended strategic development
10 plan submitted by the committee, the county or city
11 shall submit its objections to the plan along with the
12 notice of rejection. After receiving objections to
13 the plan, the committee may recommend a revised
14 strategic development plan no later than sixty days
15 after the recommended plan is rejected or may resubmit
16 the original plan. Before the committee submits the
17 revised plan recommended for ratification, the
18 committee shall hold at least one public hearing on
19 the revised plan in the manner provided in subsection
20 1. The committee shall submit any revised strategic
21 development plan, or resubmit the original plan, to
22 the county board of supervisors and the city council
23 of each city in the county for ratification.
24 Not later than sixty days after receiving a revised
25 strategic development plan or resubmitted original
26 plan, the county board of supervisors and each city
27 council shall either ratify or reject the plan in the
28 same manner as provided in paragraph "a". A city or

29 county that fails to timely act on a resolution shall
 30 be deemed to have ratified the plan on the last day of
 31 the sixty-day period.

32 Sec.____. NEW SECTION. 366.6 DISPUTE RESOLUTION.

33 1. If a recommended strategic development plan and
 34 a revised strategic development plan are rejected
 35 pursuant to section 366.5, subsection 2, paragraph
 36 "b", the committee shall submit each of the rejected
 37 plans to the board for resolution of the matter within
 38 ten days of rejection of the revised plan. The board
 39 shall review the strategic development plans submitted
 40 by the committee and may adopt such amendments to a
 41 plan necessary for its approval by the board.

42 2. Not later than October 1, 2004, the board shall
 43 have approved strategic development plans submitted to
 44 the board for dispute resolution. Such approval is
 45 deemed to satisfy the approval requirement of section
 46 366.7.

47 Sec.____. NEW SECTION. 366.7 PLAN SUBMITTED TO
 48 BOARD FOR FINAL APPROVAL.

49 A strategic development plan ratified pursuant to
 50 section 366.5 shall be submitted to the board for

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1 approval within ten days of ratification of the plan.
 2 If the board determines that a plan conforms with the
 3 requirements of this chapter, the board shall approve
 4 the plan. If the board determines that a plan does
 5 not so conform, the board shall adopt such amendments
 6 to the plan necessary for its approval by the board.
 7 The board shall have approved all plans by January 1,
 8 2005.

9 Sec.____. NEW SECTION. 366.8 RECORDING OF
 10 STRATEGIC DEVELOPMENT PLAN.

11 After the board has approved a strategic
 12 development plan, the board shall retain a copy of the
 13 plan on file and shall forward a copy to the county
 14 auditor who shall record the plan in the office of
 15 county recorder no later than five days after
 16 receiving the plan from the board.

17 Sec.____. NEW SECTION. 366.9 DURATION OF PLANS
 18 – REVIEW AND AMENDMENT.

19 After a strategic development plan has been
 20 recorded with the county recorder, the plan shall
 21 remain in effect for not less than five years absent a
 22 showing of extraordinary circumstances necessitating a
 23 change in the plan. After expiration of the five-year
 24 period, the county or a city in the county may propose
 25 an amendment to the strategic development plan or may
 26 propose a review of the plan by filing notice with the
 27 county board of supervisors for the county and the

28 city council of each city in the county. Upon receipt
 29 of such notice by the county and each city, the county
 30 board of supervisors shall promptly reconvene the
 31 local strategic planning committee. The burden of
 32 proving the reasonableness of a proposed amendment to
 33 the plan shall be upon the party proposing the
 34 amendment. The procedures for amending the strategic
 35 development plan shall be the same as the procedures
 36 set forth in this chapter for creating the original
 37 strategic development plan.

38 Sec. __. NEW SECTION. 366.10 JUDICIAL REVIEW.

39 1. The county, a city in the county, a resident of
 40 the county, or an owner of real property located in
 41 the county may seek judicial review of a decision of
 42 the board relating to the strategic development plan
 43 presented to the board for its approval. The judicial
 44 review provisions of this section and chapter 17A
 45 shall be the exclusive means by which a person or
 46 party who is aggrieved or adversely affected by action
 47 of the board may seek judicial review of the action of
 48 the board or of a local government.

49 2. A petition for judicial review must be filed
 50 within sixty days after the strategic development plan

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1 is recorded with the county recorder. In accordance
 2 with the Iowa rules of civil procedure pertaining to
 3 service of process, copies of the petition shall be
 4 served upon the board.

5 3. The court's review is limited to questions
 6 relating to jurisdiction, regularity of proceedings,
 7 and whether the action of the board is, by a
 8 preponderance of the evidence, arbitrary,
 9 unreasonable, or without substantial supporting
 10 evidence. The court may nullify an action of the
 11 board and return the plan with appropriate directions
 12 to the board.

13 4. The filing of a petition for judicial review
 14 does not stay the effectiveness of the strategic
 15 development plan or recognition of strategic
 16 development areas and strategic preservation areas
 17 identified in the plan. However, the court may order
 18 a stay upon appropriate terms if it is shown to the
 19 satisfaction of the court that any party or the public
 20 at large is likely to suffer significant injury if a
 21 stay is not granted. If more than one petition for
 22 judicial review regarding a single board action is
 23 filed, all such petitions shall be consolidated and
 24 tried as a single civil action.

25 5. The following portions of section 17A.19 are
 26 not applicable to this chapter:

27 a. The portion of subsection 2 relating to where
 28 proceedings for judicial review shall be instituted.
 29 b. Subsection 5.
 30 c. Subsection 8.
 31 d. Subsections 10 through 12.
 32 Sec. . NEW SECTION. 366.11 LOCAL
 33 IMPLEMENTATION.
 34 1. A city or county governed by a strategic
 35 development plan shall not adopt ordinances regulating
 36 land development and management within its territory
 37 that are inconsistent with the strategic development
 38 plan governing the territory.
 39 2. A county that has approved a strategic
 40 development plan pursuant to this chapter, and any
 41 city in such county, shall use the strategic
 42 development plan as the basis for the comprehensive
 43 plan required pursuant to section 335.5 or 414.3 if
 44 the county or city has adopted a zoning ordinance.
 45 The county and each city shall amend its comprehensive
 46 plan to conform to the strategic development plan.
 47 After a strategic development plan is approved, all
 48 land use decisions made by the governing body of each
 49 city and county and the city's or county's planning
 50 commission shall be consistent with the strategic

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1 development plan.
 2 3. A city or county is under no obligation to
 3 provide municipal services for development that does
 4 not conform to the applicable strategic development
 5 plan.
 6 Sec. . NEW SECTION. 414.32 REGULATORY
 7 INCENTIVES.
 8 Cities may provide regulatory incentives, including
 9 expedited permitting and waiver of permit fees, for
 10 new development, expansion of existing development,
 11 and redevelopment within all or part of the
 12 incorporated boundaries of the city in areas
 13 containing undeveloped or underdeveloped land or
 14 buildings that are substandard, dilapidated, vacant,
 15 abandoned, or functionally obsolete.
 16 DIVISION IV
 17 CITY DEVELOPMENT
 18 Sec. . Section 368.1, subsection 3, Code 2001,
 19 is amended to read as follows:
 20 3. "Board" means the city development land
 21 management planning board established in section ~~368.9~~
 22 ~~6C.4~~.
 23 Sec. . NEW SECTION. 368.5A ANNEXATION
 24 PROHIBITED – STRATEGIC PRESERVATION AREAS.
 25 Beginning January 1, 2005, for territory located in

26 a county governed by a strategic development plan,
 27 only territory contained in a strategic development
 28 area may be annexed. The city council or land
 29 management planning board shall not approve any
 30 application or petition that seeks to annex territory
 31 contained in a strategic preservation area. However,
 32 a city may annex territory in a strategic preservation
 33 area if the city intends to retain the area's
 34 designation as a strategic preservation area and if
 35 the annexation is a voluntary annexation applied for
 36 pursuant to section 368.7.

37 Sec. __. Section 368.7A, subsection 1, Code 2001,
 38 is amended to read as follows:

39 1. The board of supervisors of each affected
 40 county shall notify the ~~city development land~~
 41 management planning board of the existence of that
 42 portion of any secondary road which extends to the
 43 center line but has not become part of the city by
 44 annexation and has a common boundary with a city. The
 45 notification shall include a legal description and a
 46 map identifying the location of the secondary road.
 47 The ~~city development land management planning~~ board
 48 shall provide notice and an opportunity to be heard to
 49 each city in or next to which the secondary road is
 50 located. The ~~city development land management~~

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1 planning board shall certify that the notification is
 2 correct and declare the road, or portion of the road
 3 extending to the center line, annexed to the city as
 4 of the date of certification. This section is not
 5 intended to interfere with or modify existing chapter
 6 28E agreements on jurisdictional transfer of roads, or
 7 continuing negotiations between jurisdictions.

8 Sec. __. Section 368.11, Code Supplement 2001, is
 9 amended by adding the following new unnumbered
 10 paragraph before unnumbered paragraph 3:

11 NEW UNNUMBERED PARAGRAPH. Plans required by this
 12 section to be filed with a petition shall include
 13 specific information pertaining to estimated costs of
 14 implementing the plan, the time frame involved in
 15 implementing the plan, and any other specific
 16 information related to implementing the plan.

17 Sec. __. Section 368.11, Code Supplement 2001, is
 18 amended by adding the following new subsection:

19 NEW SUBSECTION. 14. A statement describing how
 20 the boundary adjustment will conform to the strategic
 21 development plan governing the territory, if
 22 applicable.

23 Sec. __. Sections 368.9 and 368.10, Code 2001,
 24 are repealed.

DIVISION V

CORRESPONDING AMENDMENTS

25
 26
 27 Sec. __. Section 15.108, subsection 3, paragraph
 28 a, subparagraph (2), Code Supplement 2001, is amended
 29 to read as follows:
 30 (2) Provide office space and staff assistance to
 31 the ~~city development land management planning~~ board as
 32 provided in section ~~368.9 6C.4~~.
 33 Sec. __. Section 331.304, subsection 7, Code
 34 2001, is amended to read as follows:
 35 7. The board may file a petition with the ~~city~~
 36 ~~development land management planning~~ board as provided
 37 in section 368.11.
 38 Sec. __. Section 331.321, subsection 1, paragraph
 39 t, Code Supplement 2001, is amended to read as
 40 follows:
 41 t. Local representatives to serve with the ~~city~~
 42 ~~development land management planning~~ board as provided
 43 in section 368.14.
 44 Sec. __. Section 384.38, subsection 2, Code 2001,
 45 is amended to read as follows:
 46 2. Upon petition as provided in section 384.41,
 47 subsection 1, a city may assess to private property
 48 affected by public improvements within three miles of
 49 the city's boundaries the cost of construction and
 50 repair of public improvements within that area. The

Page 12

1 right-of-way of a railway company shall not be
 2 assessed unless the company joins as a petitioner for
 3 said such improvements. In the petition the property
 4 owners shall waive the limitation provided in section
 5 384.62 that an assessment may not exceed twenty-five
 6 percent of the value of the lot. The petition shall
 7 contain a statement that the owners agree to pay the
 8 city an amount equal to five percent of the cost of
 9 the improvements, to cover administrative expenses
 10 incurred by the city. This amount may be added to the
 11 cost of the improvements. Before the council may
 12 adopt the resolution of necessity, the preliminary
 13 resolution, preliminary plans and specifications,
 14 plat, schedule, and estimate of cost must be submitted
 15 to, and receive written approval from, the board of
 16 supervisors of any county which contains part of the
 17 property, and the ~~city development land management~~
 18 ~~planning~~ board established in section ~~368.9 6C.4~~.
 19 Sec. __. LAND MANAGEMENT PLANNING BOARD
 20 TRANSITION. Terms of current city development board
 21 members shall continue until their expiration.
 22 Sec. __. IMPLEMENTATION OF ACT. Section 25B.2,
 23 subsection 3, shall not apply to this Act.

24 Sec. ____ EFFECTIVE DATES.
 25 1. The sections of this Act enacting Code section
 26 368.5A and amending Code section 368.11 take effect
 27 January 1, 2005.
 28 2. The remainder of this Act, being deemed of
 29 immediate importance, takes effect upon enactment."
 30 4. Title page, line 1, by inserting after the
 31 word "to" the following: "state and local land
 32 management and planning and to".
 33 5. Title page, line 4, by striking the words "an
 34 effective date" and inserting the following:
 35 "effective dates".
 36 6. By renumbering as necessary.

FALLON of Polk

H-8294

1 Amend House File 2186 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 805.8A, subsection 14,
 5 paragraph d, Code Supplement 2001, is amended to read
 6 as follows:
 7 d. LITTER AND DEBRIS VIOLATIONS. For violations
 8 under sections 321.369 and 321.370, the scheduled fine
 9 is ~~thirty-five~~ fifty dollars."

REKOW of Allamakee

H-8296

1 Amend the Senate amendment, H-8174, to House File
 2 2138, as passed by the House, as follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 " ____ . Page 1, by inserting before line 1 the
 6 following:
 7 "Sec. ____ . Section 260C.14, Code Supplement 2001,
 8 is amended by adding the following new subsection:
 9 NEW SUBSECTION. 20. Adopt a policy to offer the
 10 following options, at a minimum, to a student who is a
 11 member of the Iowa national guard or reserve forces of
 12 the United States and who is ordered to active state
 13 service or federal service or duty:
 14 a. Receive a grade or an incomplete for a course,
 15 or an administrative drop with a full refund, if
 16 approved by the instructor.
 17 b. Withdraw from all current term courses with a
 18 full refund of tuition and fees."
 19 ____ . Page 3, by inserting after line 4 the
 20 following:

21 "3A. If the commission grants temporary relief to
 22 an affected individual in accordance with subsection
 23 3, and the individual applies for renewal of
 24 eligibility within one year of discharge from active
 25 duty, eligibility for state financial assistance shall
 26 be reinstated.""

27 2. Page 1, by inserting after line 4 the
 28 following:
 29 ""Sec. ___. Section 262.9, Code Supplement 2001,
 30 is amended by adding the following new subsection:
 31 NEW SUBSECTION. 29. Direct the institutions of
 32 higher education under its control to adopt a policy
 33 to the following options, at a minimum, to a student
 34 who is a member of the Iowa national guard or reserve
 35 forces of the United States and who is ordered to
 36 active state service or federal service or duty:
 37 a. Receive a grade or an incomplete for a course,
 38 or an administrative drop with a full refund, if
 39 approved by the instructor.
 40 b. Withdraw from all current term courses with a
 41 full refund of tuition and fees.""

42 3. Page 1, by striking lines 8 and 9 and
 43 inserting the following:
 44 "___ . Title page, by striking lines 1 through 4
 45 and inserting the following: "An Act relating to
 46 educational benefits and protections for members and
 47 families of Iowa national guard or United States
 48 reserve forces during activation for federal service
 49 or active state service and including a"."

50 4. By renumbering as necessary.

WARNSTADT of Woodbury

H-8301

1 Amend Senate File 2267, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 4, by inserting after the word
 4 "DISTRICTS" the following: "AND JUDICIAL ELECTION
 5 DISTRICTS".
 6 2. Page 1, line 7, by inserting after the word
 7 "districts" the following: "and judicial election
 8 districts".
 9 3. Page 1, line 9, by inserting after the word
 10 "districts" the following: "and judicial election
 11 districts".
 12 4. Page 1, line 14, by inserting after the word
 13 "districts" the following: "and judicial election
 14 districts".
 15 5. Page 1, line 15, by inserting after the word
 16 "districts" the following: "and judicial election
 17 districts".

- 18 6. Page 1, line 17, by inserting after the word
 19 "districts" the following: "and judicial election
 20 districts".
- 21 7. Page 1, by striking lines 20 through 23 and
 22 inserting the following: "assembly. The general
 23 assembly shall bring the bill".
- 24 8. Page 1, by striking lines 25 and 26 and
 25 inserting the following: "in the next regular session
 26 immediately following the submission of the plan,
 27 under a procedure or rule".
- 28 9. Page 1, by striking lines 28 through 30, and
 29 inserting the following: "purely corrective nature."
- 30 10. Page 2, line 2, by inserting after the word
 31 "court" the following: "shall".
- 32 11. Page 2, line 16, by striking the words
 33 "reorganized judicial" and inserting the following:
 34 "judicial election".
- 35 12. Page 2, lines 17 and 18, by striking the
 36 words "serve as judicial election districts for" and
 37 inserting the following: "be used solely for the".
- 38 13. Page 2, line 20, by inserting after the word
 39 "districts" the following: "and judicial election
 40 districts".

Committee on Judiciary

H-8302

- 1 Amend Senate File 2192, as passed by the Senate, as
 2 follows:
- 3 1. Page 26, by inserting after line 21 the
 4 following:
- 5 "Sec. . EFFECTIVE DATE. The provisions of this
 6 division of this Act amending sections 321.182,
 7 321.190, and 321.196, relating to the issuance of a
 8 driver's license or nonoperator's identification card
 9 to foreign nationals, being deemed of immediate
 10 importance, take effect upon enactment."
- 11 2. By renumbering as necessary.

HUSER of Polk
 BRAUNS of Muscatine

H-8305

- 1 Amend Senate File 2106, as amended, passed, and
 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 9 and 10, and
 4 inserting the following: "subsection 5."
- 5 2. Page 1, line 23, by striking the word "thirty"
 6 and inserting the following: "twenty-one".
- 7 3. Page 3, line 28, by striking the word "thirty"

- 8 and inserting the following: "twenty-one".
 9 4. Page 3, line 32, by striking the word "thirty"
 10 and inserting the following: "twenty-one".
 11 5. Page 4, line 12, by striking the word "thirty"
 12 and inserting the following: "twenty-one".
 13 6. Page 4, line 16, by striking the word "thirty"
 14 and inserting the following: "twenty-one".

Committee on Human Resources

H-8306

- 1 Amend Senate File 2280, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 29 the
 4 following:
 5 "5. The department of human services shall limit
 6 implementation of this section to the extent to which
 7 funding is available for the costs of implementation."

Committee on Human Resources

H-8311

- 1 Amend Senate File 2296, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking lines 6 through 23.
 4 2. By striking page 2, line 34 through page 3,
 5 line 23.
 6 3. Title page, lines 1 and 2, by striking the
 7 words ", registered voter identification numbers,".
 8 4. By renumbering as necessary.

REYNOLDS of Van Buren

H-8315

- 1 Amend House Concurrent Resolution 121 as follows:
 2 1. Page 1, lines 14 and 15, by striking the words
 3 "despite being underpaid".

GARMAN of Story

H-8318

- 1 Amend Senate File 2144, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 27, the
 4 following:
 5 "Sec. __. EFFECTIVE DATE. This Act takes effect
 6 September 30, 2004."
 7 2. Title page, line 2, by inserting after the

8 word "offenses" the following: "and providing for an
 9 effective date".
 10 3. By renumbering as necessary.

CHIODO of Polk
 BODDICKER of Cedar
 HORBACH of Tama
 MERTZ of Kossuth

SIEVERS of Scott
 KETTERING of Sac
 DOTZLER of Black Hawk

H-8322

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 by implanting or attempting to implant
 16 the product of nuclear transplantation into a woman's
 17 uterus or a substitute for a woman's uterus.
 18 2. "Human somatic cell" means a diploid cell,
 19 having a complete set of chromosomes, obtained or
 20 derived from a living or deceased human body at any
 21 stage of development.
 22 3. "Nuclear transplantation" means introducing the
 23 nuclear material of a human somatic cell into a
 24 fertilized or unfertilized oocyte from which the
 25 nucleus has been or will be removed or inactivated.
 26 4. "Oocyte" means the unfertilized human ovum.
 27 Sec. 4. NEW SECTION. 707B.4 HUMAN CLONING –
 28 PROHIBITIONS – EXCEPTIONS – PENALTY.
 29 1. A person shall not intentionally or knowingly
 30 do any of the following:
 31 a. Perform or attempt to perform human cloning.
 32 b. Participate in performing or in an attempt to
 33 perform human cloning.
 34 c. Transfer or receive, in whole or in part, ship,
 35 receive, or import the product of nuclear
 36 transplantation for the purpose of human cloning.
 37 2. This chapter shall not be interpreted to
 38 restrict areas of scientific research not specifically
 39 prohibited, including in vitro fertilization, or to
 40 restrict the administration of fertility-enhancing
 41 drugs. This chapter shall not be construed to

42 restrict areas of biomedical, agricultural, and
 43 scientific research not specifically prohibited by
 44 this chapter, including somatic cell nuclear transfer
 45 or other cloning technologies to clone molecules,
 46 deoxyribonucleic acid, cells, and tissues. This
 47 chapter shall not be interpreted to prohibit the
 48 performance of human stem cell research in this state.
 49 3. a. A person who violates subsection 1,
 50 paragraph "a" or "b", is guilty of a class "C" felony.

Page 2

1 b. A person who violates subsection 1, paragraph
 2 "c", is guilty of an aggravated misdemeanor.
 3 4. A person who violates this section in a manner
 4 that results in a pecuniary gain to the person is
 5 subject to a civil penalty in an amount that is twice
 6 the amount of the gross gain.
 7 5. A person who violates this section and who is
 8 licensed pursuant to chapter 148, 150, or 150A is
 9 subject to revocation of the person's license.
 10 6. A violation of this section is grounds for
 11 denial of an application for, denial of renewal of, or
 12 revocation of any license, permit, certification, or
 13 any other form of permission required to practice or
 14 engage in any trade, occupation, or profession
 15 regulated by this state."
 16 2. Title page, by striking lines 1 and 2, and
 17 inserting the following: "An Act relating to human
 18 cloning and human stem cell research, and".

HANSEN of Pottawattamie
 MYERS of Johnson

H-8324

1 Amend Senate File 2197, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 26 the
 4 following:
 5 "Sec. ___. Section 711.3, Code 2001, is amended to
 6 read as follows:
 7 711.3 ROBBERY IN THE SECOND DEGREE.
 8 All robbery which is not robbery in the first
 9 degree is robbery in the second degree, except as
 10 provided in section 711.3A. Robbery in the second
 11 degree is a class "C" felony.
 12 Sec. ___. NEW SECTION. 711.3A ROBBERY IN THE
 13 THIRD DEGREE.
 14 A person commits robbery in the third degree when,
 15 while perpetrating a robbery, the person does not do

16 any of the following: cause injury, attempt to cause
 17 injury, threaten to cause injury or to commit a
 18 forcible felony, purposefully put another in fear of
 19 injury, possess a firearm or dangerous weapon, commit
 20 a theft of cash or an item with a value greater than
 21 fifty dollars, or commit a robbery of a financial
 22 institution as defined in section 12C.1. Robbery in
 23 the third degree is a class "D" felony.
 24 Sec. ___. 2001 Iowa Acts, chapter 186, section 6,
 25 subsection 6, is amended by striking the subsection.
 26 Sec. ___. EFFECTIVE DATE. The section of this Act
 27 amending 2001 Iowa Acts, chapter 186, section 6,
 28 subsection 6, being deemed of immediate importance,
 29 takes effect upon enactment."
 30 2. Title page, by striking lines 1 and 2, and
 31 inserting the following: "An Act relating to criminal
 32 offenses and procedure, including persons required to
 33 register as sex offenders, the criminal offense of
 34 robbery, drug courts, providing for a penalty, and
 35 providing for an effective date."
 36 3. By renumbering as necessary.

GRUNDBERG of Polk

H-8333

1 Amend Senate File 2301, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, lines 15 and 16, by striking the words
 4 and figures "in violation of section 814.11 or 815.10"
 5 and inserting the following: "without complying with
 6 section 814.11, subsection 6, or section 815.10,
 7 subsection 5".
 8 2. Page 2, line 5, by striking the words "The
 9 party appearing by telephone" and inserting the
 10 following: "If the state public defender participates
 11 by telephone, the state public defender".
 12 3. Page 9, lines 9 and 10, by striking the words
 13 and figures ", 908.1, and 908.11, or the rules of
 14 criminal procedure" and inserting the following: "or
 15 the rules of criminal procedur 908.1, and 908.11,".

SHEY of Linn

H-8335

1 Amend Senate File 2144, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 4, the
 4 following:
 5 "Sec. ___. Section 321J.2, Code 2001, is amended
 6 by adding the following new subsection:

7 NEW SUBSECTION. 2A. a. Notwithstanding
8 subsection 2, paragraph "a", or any other provision of
9 this chapter to the contrary, a person who violates
10 subsection 1, paragraph "b", whose alcohol
11 concentration established by the results of an
12 analysis of a specimen of the person's blood, breath,
13 or urine withdrawn in accordance with this chapter
14 exceeds .08 but is less than .10, commits a serious
15 misdemeanor for the first offense, punishable solely
16 by all of the following:

17 (1) Imprisonment in the county jail for up to
18 forty-eight hours, to be served as ordered by the
19 court, less credit for any time the person was
20 confined in a jail or detention facility following
21 arrest. However, the court, in ordering service of
22 the sentence and in its discretion, may accommodate
23 the person's work schedule.

24 (2) Assessment of a fine of five hundred dollars.
25 As an alternative to a portion or all of the fine, the
26 court may order the person to perform unpaid community
27 service.

28 (3) Revocation of the person's driver's license
29 for a maximum period of thirty days. Notwithstanding
30 any provision of the Code to the contrary, there shall
31 be no minimum period of ineligibility for such a
32 revocation.

33 b. This subsection shall not apply to a person who
34 is under the age of twenty-one who operates a motor
35 vehicle while having an alcohol concentration of .02
36 or more pursuant to section 321J.2A, to a person who
37 revokes the person's implied consent pursuant to
38 section 321J.6, or to a person who is convicted of or
39 pleads guilty to a violation of section 707.6A.
40 Sec.____. Section 321J.4, subsection 1, Code 2001,
41 is amended to read as follows:

42 1. If Except as provided in section 321J.2,
43 subsection 2A, paragraph "a", subparagraph (3), if a
44 defendant is convicted of a violation of section
45 321J.2 and the defendant's driver's license or
46 nonresident operating privilege has not been revoked
47 under section 321J.9 or 321J.12 for the occurrence
48 from which the arrest arose, the department shall
49 revoke the defendant's driver's license or nonresident
50 operating privilege for one hundred eighty days if the

Page 2

1 defendant has had no previous conviction or revocation
2 under this chapter. The defendant shall not be
3 eligible for any temporary restricted license for at
4 least thirty days after the effective date of the
5 revocation if a test was obtained, and for at least

6 ninety days if a test was refused. If the defendant
 7 is under the age of twenty-one, the defendant shall
 8 not be eligible for a temporary restricted license for
 9 at least sixty days after the effective date of
 10 revocation.

11 Sec. ___. Section 321J.4B, subsection 5, paragraph
 12 d, Code 2001, is amended to read as follows:

13 d. The period of impoundment or immobilization of
 14 a motor vehicle under this section shall be the period
 15 of license revocation imposed upon the person
 16 convicted of the offense or one hundred eighty days,
 17 whichever period is longer. However, for violations
 18 described in section 321J.2, subsection 2A, paragraph
 19 "a", subparagraph (3), the period of impoundment or
 20 immobilization of a motor vehicle shall be the period
 21 of license revocation imposed upon the person
 22 convicted of the offense. The impoundment or
 23 immobilization period shall commence on the day that
 24 the vehicle is first impounded or immobilized."

25 2. Page 1, by inserting after line 10 the
 26 following:

27 "Sec. ___. Section 321J.12, subsection 1,
 28 paragraph "a", Code Supplement 2001, is amended to
 29 read as follows:

30 a. One hundred eighty days if the person has had
 31 no revocation under this chapter, except as provided
 32 in section 321J.2, subsection 2A, paragraph "a",
 33 subparagraph (3)."

34 3. Title page, line 1, by striking the words
 35 "providing for" and inserting the following:
 36 "relating to".

37 4. By renumbering as necessary.

CHIODO of Polk
 SIEVERS of Scott
 KETTERING of Sac
 MYERS of Johnson
 WARNSTADT of Woodbury
 BROERS of Cerro Gordo
 SHOULTZ of Black Hawk

HANSEN of Pottawattamie
 BODDICKER of Cedar
 HORBACH of Tama
 BRUNKHORST of Bremer
 MERTZ of Kossuth
 FORD of Polk

H-8338

1 Amend Senate File 2034, 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 711.3, Code 2001, is amended
 6 to read as follows:

7 711.3 ROBBERY IN THE SECOND DEGREE.

8 All robbery which is not robbery in the first
 9 degree is robbery in the second degree, except as

10 provided in section 711.3A. Robbery in the second
 11 degree is a class "C" felony.
 12 Sec. 2. NEW SECTION. 711.3A ROBBERY IN THE THIRD
 13 DEGREE.

14 A person commits robbery in the third degree when,
 15 while perpetrating a robbery, the person does not do
 16 any of the following: cause injury, attempt to cause
 17 injury, threaten to cause injury or to commit a
 18 forcible felony, purposefully put another in fear of
 19 injury, possess a firearm or dangerous weapon, commit
 20 a theft of cash or an item with a value greater than
 21 fifty dollars, or commit a robbery of a financial
 22 institution as defined in section 12C.1. Robbery in
 23 the third degree is a class "D" felony."

24 2. Page 1, by inserting after line 8, the
 25 following:
 26 "Sec. ___. 2001 Iowa Acts, chapter 186, section 6,
 27 subsection 6, is amended by striking the subsection.
 28 Sec. ___. EFFECTIVE DATE. The section of this Act
 29 amending 2001 Iowa Acts, chapter 186, section 6,
 30 subsection 6, being deemed of immediate importance,
 31 takes effect upon enactment."

32 3. Title page, by striking lines 1 and 2, and
 33 inserting the following: "An Act relating to criminal
 34 offenses and procedure, including the criminal offense
 35 of robbery, drug courts, and the filing of a criminal
 36 indictment or trial information, and providing for an
 37 effective date."

38 4. By renumbering as necessary.

GRUNDBERG of Polk

H-8340

1 Amend Senate File 2267, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 24 the
 4 following:

5 "Sec. ___. Section 602.8102, subsection 1, Code
 6 Supplement 2001, is amended to read as follows:

7 1. Keep the office of the clerk at the county
 8 seat, and be open for court business on a uniform
 9 basis throughout the state.

10 Sec. ___. REPEAL. The section of this Act
 11 amending section 602.8102 is repealed upon the
 12 division of the state into judicial districts and
 13 judicial election districts pursuant to section
 14 602.6107."

15 2. Title page, line 1, by striking the words
 16 "districts and" and inserting the following:
 17 "districts,".

18 3. Title page, line 2, by inserting after the

19 word "districts" the following: ", and the clerks of
 20 court offices".
 21 4. By renumbering as necessary.

EICHHORN of Hamilton

H-8341

1 Amend Senate File 2267, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Sec. ___. Section 602.6105, Code 2001, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 2A. The court shall maintain a
 8 magistrate court in a city that is not the county seat
 9 if a magistrate court existed in that city as of July
 10 1, 2001, and if the city requests a magistrate. Any
 11 additional costs to the judicial branch for
 12 maintaining a magistrate in a city other than the
 13 county seat shall be paid by the city requesting the
 14 magistrate."
 15 2. Page 2, by inserting after line 24, the
 16 following:
 17 "Sec. ___. Section 602.6401, subsection 2, Code
 18 2001, is amended by adding the following new
 19 paragraph:
 20 NEW PARAGRAPH. f. The existence of a city in the
 21 county other than the county seat that maintained a
 22 magistrate court as of July 1, 2001.
 23 Sec. ___. REPEAL. The sections of this Act
 24 amending sections 602.6105 and 602.6401 are repealed
 25 upon the division of the state into judicial districts
 26 and judicial election districts pursuant to section
 27 602.6107."
 28 3. Title page, line 1, by striking the words
 29 "districts and" and inserting the following:
 30 "districts".
 31 4. Title page, line 2, by inserting after the
 32 word "districts" the following: ", and magistrate
 33 court".

EICHHORN of Hamilton

H-8344

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 29 the
 4 following:
 5 "Sec. ___. Section 85.31, subsection 1, unnumbered
 6 paragraph 1, Code 2001, is amended to read as follows:

7 When death results from the injury, the employer
8 shall pay the dependents who were wholly dependent on
9 the earnings of the employee for support at the time
10 of the injury, during their lifetime, compensation
11 upon the basis of ~~eighty one~~ eighty one hundred percent per week
12 of the employee's average weekly spendable earnings,
13 commencing from the date of death as follows:

14 Sec. ___. Section 85.34, subsection 2, unnumbered
15 paragraph 1, Code 2001, is amended to read as follows:
16 Compensation for permanent partial disability shall
17 begin at the termination of the healing period
18 provided in subsection 1. The compensation shall be
19 in addition to the benefits provided by sections 85.27
20 and 85.28. The compensation shall be based upon the
21 extent of the disability and upon the basis of ~~eighty~~
22 one hundred percent per week of the employee's average
23 spendable weekly earnings, but not more than a weekly
24 benefit amount, rounded to the nearest dollar, equal
25 to one hundred eighty-four percent of the statewide
26 average weekly wage paid employees as determined by
27 the department of workforce development under section
28 96.19, subsection 36, and in effect at the time of the
29 injury. The minimum weekly benefit amount shall be
30 equal to the weekly benefit amount of a person whose
31 gross weekly earnings are thirty-five percent of the
32 statewide average weekly wage. For all cases of
33 permanent partial disability compensation shall be
34 paid as follows:

35 Sec. ___. Section 85.34, subsection 3, unnumbered
36 paragraph 1, Code 2001, is amended to read as follows:
37 Compensation for an injury causing permanent total
38 disability shall be upon the basis of ~~eighty one~~
39 hundred percent per week of the employee's average
40 spendable weekly earnings, but not more than a weekly
41 benefit amount, rounded to the nearest dollar, equal
42 to two hundred percent of the statewide average weekly
43 wage paid employees as determined by the department of
44 workforce development under section 96.19, subsection
45 36, and in effect at the time of the injury. The
46 minimum weekly benefit amount is equal to the weekly
47 benefit amount of a person whose gross weekly earnings
48 are thirty-five percent of the statewide average
49 weekly wage. The weekly compensation is payable
50 during the period of the employee's disability.

Page 2

1 Sec. ___. Section 85.37, Code 2001, is amended to
2 read as follows:

3 85.37 COMPENSATION SCHEDULE.

4 If an employee receives a personal injury causing
5 temporary total disability, or causing a permanent

6 partial disability for which compensation is payable
 7 during a healing period, compensation for the
 8 temporary total disability or for the healing period
 9 shall be upon the basis provided in this section. The
 10 weekly benefit amount payable to any employee for any
 11 one week shall be upon the basis of eighty one hundred
 12 percent of the employee's weekly spendable earnings,
 13 but shall not exceed an amount, rounded to the nearest
 14 dollar, equal to sixty-six and two-thirds percent of
 15 the statewide average weekly wage paid employees as
 16 determined by the department of workforce development
 17 under section 96.19, subsection 36, and in effect at
 18 the time of the injury. However, as of July 1, 1975;
 19 July 1, 1977; July 1, 1979; and July 1, 1981, the
 20 maximum weekly benefit amount rounded to the nearest
 21 dollar shall be increased so that it equals one
 22 hundred percent, one hundred thirty-three and one-
 23 third percent, one hundred sixty-six and two-thirds
 24 percent, and two hundred percent, respectively, of the
 25 statewide average weekly wage as determined above.
 26 Total weekly compensation for any employee shall not
 27 exceed eighty one hundred percent per week of the
 28 employee's weekly spendable earnings. The minimum
 29 weekly benefit amount shall be equal to the weekly
 30 benefit amount of a person whose gross weekly earnings
 31 are thirty-five percent of the statewide average
 32 weekly wage, or to the spendable weekly earnings of
 33 the employee, whichever are less.
 34 Such compensation shall be in addition to the
 35 benefits provided by sections 85.27 and 85.28."
 36 2. By renumbering as necessary.

REEDER of Fayette

H-8353

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 5 the
 4 following:
 5 "Sec. ___. Section 507E.3, subsection 2,
 6 unnumbered paragraph 1, Code 2001, is amended to read
 7 as follows:
 8 A person commits a class "D" felony if the person,
 9 with the intent to defraud ~~an insurer~~, does any of the
 10 following:
 11 Sec. ___. Section 507E.3, subsection 2, Code 2001,
 12 is amended by adding the following new paragraphs:
 13 NEW PARAGRAPH. d. Makes a false statement or
 14 representation as to a material fact in the course of
 15 reporting, investigating, or adjusting a claim for any
 16 payment or any other benefit pursuant to an insurance

17 policy.
 18 NEW PARAGRAPH. e. Makes a false statement or
 19 representation as to a material fact for the purpose
 20 of obtaining, maintaining, or renewing insurance that
 21 is required by law, whether for the person or for
 22 another person, or for the purpose of evading the
 23 requirements of the law."
 24 2. By renumbering as necessary.

CHIODO of Polk

H-8357

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, by striking line 5 and inserting the
 6 following: "made United States and state of Iowa
 7 flag, and a flag honoring prisoners of war, in good
 8 condition, to be displayed".
 9 3. Page 1, line 7, by inserting after the word
 10 "district." the following: "Each school district is
 11 encouraged to seek the assistance of veterans'
 12 organizations and other community groups in obtaining
 13 flags for classrooms."
 14 4. Title page, by striking line 1 and inserting
 15 the following: "An Act relating to the display of a
 16 United States and state of Iowa flag, and a flag
 17 honoring prisoners of war, in each".
 18 5. Title page, lines 3 and 4, by striking the
 19 words ", and providing an effective date".
 20 6. By renumbering, relettering, or redesignating
 21 and correcting internal references as necessary.

Senate Amendment

H-8363

1 Amend Senate File 2267, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 12 through 24 and
 4 inserting the following:
 5 "Sec.____. Section 602.6109, Code 2001, is
 6 repealed."
 7 2. By renumbering as necessary.

KREIMAN of Davis

H-8364

1 Amend Senate File 2267, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 5, by striking the figure "2002"
 4 and inserting the following: "2003".

KUHN of Floyd
 MERTZ of Kossuth

H-8365

- 1 Amend Senate File 2267, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. JUDICIAL REORGANIZATION COMMISSION.
 6 The supreme court shall form a commission to develop a
 7 plan to reorganize the judicial districts and election
 8 districts in the state. The commission shall consist
 9 of two members of the judiciary, two members of the
 10 general assembly, an attorney, a clerk of the district
 11 court, and two members of the general public. In
 12 developing the reorganization plan the commission
 13 shall consult with and receive input from members of
 14 the general public, court employees, judges, members
 15 of the general assembly, the eight judicial
 16 departments of correctional services, county officers,
 17 officials from other interested political
 18 subdivisions, and attorneys. The commission shall
 19 submit a proposed plan to the general assembly by July
 20 1, 2003. The proposed plan shall be accompanied by a
 21 report stating the reasons for developing the plan and
 22 describing in detail the process used in developing
 23 the plan."
 24 2. Title page, line 1, by striking the words
 25 "relating to reorganizing" and inserting the
 26 following: "creating a commission for the
 27 reorganization of".

KUHN of Floyd
 MERTZ of Kossuth

H-8367

- 1 Amend Senate File 2267, 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 602.1205, Code 2001, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 3. A clerk of the district court
 8 shall be maintained in each county at the county seat.
 9 Sec. 2. Section 602.1215, subsection 1, Code 2001,
 10 is amended to read as follows:
 11 1. The district judges of each judicial election

12 district shall by majority vote appoint persons to
 13 serve as clerks of the district court, one for each
 14 county within the judicial election district as
 15 required by section 602.1205, subsection 3. A person
 16 does not qualify for appointment to the office of
 17 clerk of the district court unless the person is at
 18 the time of application a resident of the state.
 19 Within three months of appointment the clerk of the
 20 district court must establish residence and physically
 21 reside in the county. A clerk of the district court
 22 may be removed from office for cause by a majority
 23 vote of the district judges of the judicial election
 24 district. Before removal, the clerk of the district
 25 court shall be notified of the cause for removal."

26 2. Page 2, by inserting after line 11 the
 27 following:

28 "Sec. __. Section 602.6108, Code 2001, is amended
 29 to read as follows:

30 602.6108 REASSIGNMENT OF PERSONNEL.

31 The chief justice of the supreme court shall assign
 32 judicial officers and court employees from one
 33 judicial district to another, except for the clerk of
 34 the district court, on a continuing basis if need be,
 35 in order to handle the judicial business in all
 36 districts promptly and efficiently at all times."

37 3. Page 2, by inserting after line 24 the
 38 following:

39 "Sec. __. Section 602.8102, subsection 1, Code
 40 Supplement 2001, is amended to read as follows:

41 1. Keep the office of the clerk at the county seat
 42 as required by section 602.1205, subsection 3.

43 Sec. __. REPEAL. The sections of this Act
 44 amending sections 602.1205, 602.1215, 602.6108, and
 45 602.8102 are repealed upon the division of the state
 46 into judicial districts and judicial election
 47 districts pursuant to section 602.6107."

48 4. Title page, line 1, by striking the words
 49 "districts and" and inserting the following:
 50 "districts,".

Page 2

1 5. Title page, line 2, by inserting after the
 2 word "districts" the following: ", and clerks of
 3 court offices".

4 6. By renumbering as necessary.

EICHHORN of Hamilton

H-8368

1 Amend Senate File 2267, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 1, lines 26 through 28, by striking the
4 words ", under a procedure or rule permitting no
5 amendments by either house except those of a purely
6 corrective nature".

EICHHORN of Hamilton

H-8369

1 Amend the Senate amendment, H-8357, to House File
2 2516, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 13 the
5 following:

6 "___ Page 1, line 19, by inserting after the
7 word "choice." the following: "The daily observance
8 of a minute of silence established in accordance with
9 this section shall be conducted in the English
10 language.""

MURPHY of Dubuque

H-8377

1 Amend the Senate amendment, H-8357, to House File
2 2516, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 13 the
5 following:

6 "___ Page 1, line 19, by inserting after the
7 word "choice." the following: "La observancia diaria
8 de un minuto de silencio establecido de acuerdo con
9 esta seccion sera conducida en la lengua inglesa.""

MURPHY of Dubuque

FALLON of Polk

HUSER of Polk

H-8378

1 Amend the amendment, H-8365, to Senate File 2267,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 5 through 23 and
5 inserting the following:

6 ""Section 1. JUDICIAL REORGANIZATION – STUDY
7 COMMITTEE. The legislative council is requested to
8 establish a study committee during the 2002
9 legislative interim to develop a plan to reorganize
10 the judicial districts and judicial election
11 districts. The study committee shall consist of

12 legislative members of both political parties from
 13 both houses of the general assembly, from each
 14 judicial district, and shall be evenly balanced
 15 between urban and rural legislators. In developing a
 16 plan of reorganization, the committee shall consult
 17 with and receive input from the general public,
 18 judges, court employees, the eight judicial district
 19 departments of correctional services, county officers,
 20 officials from other interested political
 21 subdivisions, and attorneys. The committee shall
 22 submit a final report to the general assembly no later
 23 than November 15, 2002."

24 2. Page 1, line 26, by striking the word
 25 "commission" and inserting the following: "study
 26 committee".

KUHN of Floyd
 MERTZ of Kossuth

H-8381

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 6 the
 4 following:

5 "Sec. ___. Section 86.13, unnumbered paragraph 4,
 6 Code 2001, is amended by striking the unnumbered
 7 paragraph and inserting in lieu thereof the following:

8 Unless the employer proves as an affirmative
 9 defense that the employer had a reasonable excuse for
 10 not paying or for paying amounts after their due dates
 11 fixed by law or by a health care provider, including
 12 all benefits provided by sections 85.27 through 85.34
 13 or section 86.13, whether constituting compensation,
 14 interest, penalties, or other benefits, the denial or
 15 delay of which payment is proven by the employee, the
 16 workers' compensation commissioner shall order the
 17 employer to pay the employee a penalty equal to treble
 18 the amount or the value, as the case may be, of the
 19 payment which was denied or delayed past the due
 20 date."

21 2. By renumbering as necessary.

HATCH of Polk

H-8382

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 6 the
 4 following:

5 "Sec. ___. Section 86.13, unnumbered paragraph 4,

6 Code 2001, is amended by striking the unnumbered
 7 paragraph and inserting in lieu thereof the following:
 8 Unless the employer proves as an affirmative
 9 defense that the employer had a reasonable excuse for
 10 not paying or for paying weekly compensation after its
 11 due date, the denial or delay of which is proven by
 12 the employee, the workers' compensation commissioner
 13 shall order the employer to pay the employee a penalty
 14 equal to treble the amount of the weekly compensation,
 15 the payment of which was denied or delayed past the
 16 due date."
 17 2. By renumbering as necessary.

HATCH of Polk

H-8384

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting before line 6 the
 4 following:
 5 "Sec. ___. Section 85.27, subsection 4, Code
 6 Supplement 2001, is amended to read as follows:
 7 4. For purposes of this section, the employer is
 8 obliged to furnish reasonable services and supplies to
 9 treat an injured employee, ~~and has the right to choose~~
 10 ~~the care but the choice of care shall be made jointly~~
 11 by the employer and the employee. The treatment must
 12 be offered promptly and be reasonably suited to treat
 13 the injury without undue inconvenience to the
 14 employee. ~~If the employee has reason to be~~
 15 ~~dissatisfied with the care offered, the employee~~
 16 ~~should communicate the basis of such dissatisfaction~~
 17 ~~to the employer, in writing if requested, following~~
 18 ~~which the employer and the employee may agree to~~
 19 ~~alternate care reasonably suited to treat the injury.~~
 20 If the employer and employee cannot agree on such
 21 ~~alternate~~ care, the commissioner may, upon application
 22 and reasonable proofs of the necessity therefor, allow
 23 and order ~~other~~ alternate care. In an emergency, or
 24 if, at any time prior to an alternate care decision
 25 being issued by the commissioner, the employee
 26 reasonably needs care, the employee may choose the
 27 employee's care at the employer's expense, provided
 28 the employer or the employer's agent cannot be reached
 29 immediately. An application made under this
 30 subsection shall be considered an original proceeding
 31 for purposes of commencement and contested case
 32 proceedings under section 85.26. The hearing shall be
 33 conducted pursuant to chapter 17A. Before a hearing
 34 is scheduled, the parties may choose a telephone
 35 hearing or an in-person hearing. A request for an in-

36 person hearing shall be approved unless the in-person
 37 hearing would be impractical because of the distance
 38 between the parties to the hearing. The workers'
 39 compensation commissioner shall issue a decision
 40 within ten working days of receipt of an application
 41 for alternate care made pursuant to a telephone
 42 hearing or within fourteen working days of receipt of
 43 an application for alternate care made pursuant to an
 44 in-person hearing. ~~The employer shall notify an~~
 45 ~~injured employee of the employee's ability to contest~~
 46 ~~the employer's choice of care pursuant to this~~
 47 ~~subsection."~~
 48 2. By renumbering as necessary.

JOCHUM of Dubuque

H-8385

1 Amend Senate File 2190, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by inserting after line 29 the
 4 following:
 5 "Sec. ___. Section 85.33, subsection 2, Code 2001,
 6 is amended by striking the subsection and inserting in
 7 lieu thereof the following:
 8 2. "Temporary partial disability" or "temporarily,
 9 partially disabled" means the condition of an employee
 10 which, as the result of care or treatment of a
 11 personal injury arising out of and in the course of
 12 employment, the actual gross weekly earnings of the
 13 employee is less than the weekly earnings computed in
 14 accordance with section 85.36."
 15 2. By renumbering as necessary.

DOTZLER of Black Hawk

H-8386

1 Amend the amendment, H-8299, to Senate File 2190,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 44 the
 5 following:
 6 " ___. Page 3, by inserting after line 6 the
 7 following:
 8 "Sec. ___. Section 86.13, unnumbered paragraph 4,
 9 Code 2001, is amended by striking the unnumbered
 10 paragraph and inserting in lieu thereof the following:
 11 Unless the employer proves as an affirmative
 12 defense that the employer had a reasonable excuse for
 13 not paying or for paying weekly compensation after its
 14 due date, the denial or delay of which is proven by

15 the employee, the workers' compensation commissioner
 16 shall order the employer to pay the employee a penalty
 17 equal to treble the amount of the weekly compensation,
 18 the payment of which was denied or delayed past the
 19 due date.""
 20 2. By renumbering as necessary.

HATCH of Polk

H-8387

1 Amend the amendment, H-8299, to Senate File 2190,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 44 the
 5 following:
 6 "____. Page 3, by inserting after line 6 the
 7 following:
 8 "Sec.____. Section 86.13, unnumbered paragraph 4,
 9 Code 2001, is amended by striking the unnumbered
 10 paragraph and inserting in lieu thereof the following:
 11 Unless the employer proves as an affirmative
 12 defense that the employer had a reasonable excuse for
 13 not paying or for paying amounts after their due dates
 14 fixed by law or by a health care provider, including
 15 all benefits provided by sections 85.27 through 85.34
 16 or section 86.13, whether constituting compensation,
 17 interest, penalties, or other benefits, the denial or
 18 delay of which payment is proven by the employee, the
 19 workers' compensation commissioner shall order the
 20 employer to pay the employee a penalty equal to treble
 21 the amount or the value, as the case may be, of the
 22 payment which was denied or delayed past the due
 23 date.""
 24 2. By renumbering as necessary.

HATCH of Polk

H-8392

1 Amend the amendment, H-8299, to Senate File 2190,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 "____. Page 2, by inserting 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."~~

Page 2

1 2. By renumbering as necessary.

JOCHUM of Dubuque

H-8393

1 Amend the amendment, H-8338, to Senate File 2034,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 5 through 23 and
 5 inserting the following:
 6 ""Sec. ___. Section 124.401, subsection 1,

7 paragraph a, subparagraph (2), Code 2001, is amended
 8 by adding the following new subparagraph subdivision:
 9 NEW SUBPARAGRAPH SUBDIVISION. (g) 3,4-
 10 methylenedioxyamphetamine (MDMA), its salts,
 11 isomers, or salts of isomers.

12 Sec. ___. Section 124.401, subsection 1, paragraph
 13 b, Code 2001, is amended by adding the following new
 14 subparagraph:

15 NEW SUBPARAGRAPH. (9) More than ten grams but not
 16 more than five kilograms of 3,4-
 17 methylenedioxyamphetamine (MDMA), its salts,
 18 isomers, or salts of isomers, or any compound, mixture
 19 or preparation which contains any quantity of
 20 detectable amount of MDMA, its salts, isomers, or
 21 salts of isomers.

22 Sec. ___. Section 124.401, subsection 1, paragraph
 23 c, Code 2001, is amended by adding the following new
 24 subparagraph:

25 NEW SUBPARAGRAPH. (7A) Ten grams or less of 3,4-
 26 methylenedioxyamphetamine (MDMA), its salts,
 27 isomers, or salts of isomers, or any compound, mixture
 28 or preparation which contains any quantity of
 29 detectable amount of MDMA, its salts, isomers, or
 30 salts of isomers.

31 Sec. ___. Section 124.401, subsection 4,
 32 unnumbered paragraph 1, Code 2001, is amended to read
 33 as follows:

34 A person who possesses any product containing any
 35 of the following commits a class "D" felony, if the
 36 person possesses with the intent ~~to use the product~~
 37 that the product be used to manufacture any controlled
 38 substance:

39 Sec. ___. Section 124.401A, Code 2001, is amended
 40 to read as follows:

41 124.401A ENHANCED PENALTY FOR MANUFACTURE OR
 42 DISTRIBUTION TO PERSONS ON CERTAIN REAL PROPERTY.

43 In addition to any other penalties provided in this
 44 chapter, a person who is eighteen years of age or
 45 older who unlawfully manufactures with intent to
 46 distribute, distributes, or possesses with intent to
 47 distribute a substance or counterfeit substance listed
 48 in schedule I, II, or III, or a simulated controlled
 49 substance represented to be a controlled substance
 50 classified in schedule I, II, or III, to another

Page 2

1 person who is eighteen years of age or older in or on,
 2 or within one thousand feet of the real property
 3 comprising a public or private elementary or secondary
 4 school, public park, public swimming pool, public
 5 recreation center, or on a marked school bus, may be

6 sentenced up to an additional term of confinement of
7 five years.

8 Sec. ___. Section 124.409, subsection 1, Code
9 2001, is amended by striking the subsection.

10 Sec. ___. Section 321J.2, subsection 3, paragraph
11 a, subparagraph (3), Code 2001, is amended by striking
12 the subparagraph.

13 Sec. ___. Section 462A.14, subsection 3, paragraph
14 a, subparagraph (3), Code 2001, is amended by striking
15 the subparagraph.

16 Sec. ___. Section 622.53, Code 2001, is amended to
17 read as follows:

18 622.53 JUDICIAL RECORD – STATE OR FEDERAL COURTS.

19 A judicial record of this state, including the
20 filed certified shorthand notes of the official court
21 reporter as transcribed or a court of the United
22 States may be proved by the production of the
23 original, or a copy of it certified by the clerk or
24 person having the legal custody of it, authenticated
25 by the custodian's seal of office, if there is a seal.
26 ~~That~~ A judicial record of another state may be proved
27 by the attestation of the clerk and the seal of the
28 court annexed, if there is a seal, ~~together with a~~
29 ~~certificate of a judge, chief justice, or presiding~~
30 ~~magistrate that the attestation is in due form of law.~~

31 Sec. ___. Section 711.3, Code 2001, is amended to
32 read as follows:

33 711.3 ROBBERY IN THE SECOND DEGREE.

34 All robbery which is not robbery in the first
35 degree is robbery in the second degree, except as
36 provided in section 711.3A. Robbery in the second
37 degree is a class "C" felony.

38 Sec. ___. NEW SECTION. 711.3A ROBBERY IN THE
39 THIRD DEGREE.

40 A person commits robbery in the third degree when,
41 while perpetrating a robbery, the person does not do
42 any of the following: cause injury, attempt to cause
43 injury, threaten to cause injury or to commit a
44 forcible felony, purposefully put another in fear of
45 injury, possess a firearm or dangerous weapon, commit
46 a theft of cash or an item with a value greater than
47 fifty dollars, or commit a robbery of a financial
48 institution as defined in section 12C.1. Robbery in
49 the third degree is a class "D" felony.

50 Sec. ___. Section 713.6A, subsection 2, Code

Page 3

1 Supplement 2001, is amended to read as follows:
2 2. Burglary in the third degree involving a
3 burglary of an unoccupied motor vehicle or motor truck
4 as defined in section 321.1, or a vessel defined in

5 section 462A.2, is an aggravated misdemeanor for a
 6 first offense. ~~A second or subsequent~~ If the person
 7 has a prior conviction under this section chapter, the
 8 offense is punishable under subsection 1.

9 Sec.____. Section 713.6B, subsection 2, Code
 10 Supplement 2001, is amended to read as follows:

11 2. Attempted burglary in the third degree
 12 involving an attempted burglary of an unoccupied motor
 13 vehicle or motor truck as defined in section 321.1, or
 14 a vessel defined in section 462A.2, is a serious
 15 misdemeanor for a first offense. ~~A second or~~
 16 ~~subsequent~~ If the person has a prior conviction under
 17 this section chapter, the offense is punishable under
 18 subsection 1.""

19 2. Page 1, by inserting after line 25 the

20 ""Sec.____. Section 901.5, Code 2001, is amended
 21 by adding the following new subsection:

22 NEW SUBSECTION. 13. In addition to any sentence
 23 or other penalty imposed against the defendant, the
 24 court shall sentence the defendant to an additional
 25 term of years if required under section 902.13.

26 Sec.____. NEW SECTION. 901.11 DEFERRED JUDGMENTS
 27 – PREVIOUS OFFENSES FOR PURPOSES OF ENHANCEMENT.

28 In determining if an offense is a second or
 29 subsequent offense for purposes of sentencing, the
 30 following shall apply:

31 1. A deferred judgment entered pursuant to section
 32 907.3 for the same offense shall be counted as a
 33 previous offense.

34 2. A conviction, deferred judgment, or the
 35 equivalent of a deferred judgment for a violation in
 36 any other state under a statute substantially
 37 corresponding to the offense shall be counted as a
 38 previous offense. The courts shall judicially notice
 39 the statutes of other states which define offenses
 40 substantially equivalent to those defined in the Code
 41 and can therefore be considered corresponding
 42 statutes.

43 3. Each previous offense for which conviction or
 44 deferral of judgment was entered prior to the date of
 45 the violation charged shall be considered and counted
 46 as a separate previous offense.

47 Sec.____. Section 902.3A, subsection 1, unnumbered
 48 paragraph 1, Code Supplement 2001, is amended to read
 49 as follows:

50 Notwithstanding section 902.3, when a conviction

Page 4

1 for a class "D" felony or a class "C" felony under
 2 section 124.401, subsection 1, paragraph "c", is
 3 entered against a person, the court, at its

4 discretion, in imposing a sentence of confinement
 5 pursuant to section 901.5, may commit the person into
 6 the custody of the director of the Iowa department of
 7 corrections for a determinate term of less than the
 8 maximum length of the sentence prescribed by section
 9 902.9, ~~subsection 5, if mitigating circumstances exist~~
 10 ~~and those circumstances are stated specifically on the~~
 11 ~~record.~~

12 Sec. __. Section 902.3A, subsection 1, paragraph
 13 e, Code Supplement 2001, is amended to read as
 14 follows:

15 e. This section does not apply to an offense
 16 classified as a forcible felony, a felony under
 17 section 321J.2, felonies in chapters 707, 708, and
 18 709, ~~a person sentenced as a habitual offender,~~
 19 ~~felonies listed in section 901A.1, or felonies listed~~
 20 ~~in section 902.12 or 902.13, or a felony committed by~~
 21 ~~a person on parole or work release, or while in the~~
 22 ~~custody of the director of the department of~~
 23 ~~corrections.~~

24 Sec. __. Section 902.3A, subsection 3, Code
 25 Supplement 2001, is amended by striking the
 26 subsection.

27 Sec. __. Section 902.11, unnumbered paragraph 1,
 28 Code 2001, is amended to read as follows:

29 A person serving a sentence for conviction of a
 30 felony, other than a forcible felony under section
 31 902.12 ~~or 902.13~~, who has a criminal record of one or
 32 more prior convictions for a forcible felony or a
 33 crime of a similar gravity in this or any other state,
 34 shall be denied parole or work release unless the
 35 person has served at least one-half of the maximum
 36 term of the defendant's sentence. However, the
 37 mandatory sentence provided for by this section does
 38 not apply if either of the following apply:

39 Sec. __. Section 902.12, subsection 5, unnumbered
 40 paragraph 1, Code 2001, is amended to read as follows:

41 5. Robbery in the first ~~or second~~ degree in
 42 violation of section 711.2 ~~or 711.3~~.

43 Sec. __. NEW SECTION. 902.13 MINIMUM SENTENCE
 44 – ROBBERY SECOND.

45 1. Except as otherwise provided in section 903A.2,
 46 a person serving a sentence for conviction of robbery
 47 in the second degree shall serve one hundred percent
 48 of the maximum term of the person's sentence and shall
 49 not be released on parole or work release.

50 2. The person shall also be sentenced to an

Page 5

1 additional term of three years. The board of parole
 2 shall determine whether the person should be released

3 on parole or placed in a work release program. When a
4 person commences service of the additional term of
5 years, the person shall initially be released by the
6 board of parole subject to the terms and conditions
7 set out in chapter 906. Violations of the terms and
8 conditions of release shall be subject to the
9 procedures set out in chapter 905 or 908 or rules
10 adopted under those chapters. The sentence of an
11 additional term of years shall be consecutive to the
12 original term of confinement.

13 Sec. __. Section 903A.2, subsection 1, paragraph
14 a, Code 2001, is amended to read as follows:

15 a. Category "A" sentences are those sentences
16 which are not subject to a maximum accumulation of
17 earned time of ~~fifteen percent of the total sentence~~
18 ~~of confinement~~ under section 902.12 or 902.13. To the
19 extent provided in subsection 5, category "A"
20 sentences also include life sentences imposed under
21 section 902.1. An inmate of an institution under the
22 control of the department of corrections who is
23 serving a category "A" sentence is eligible for a
24 reduction of sentence equal to one and two-tenths days
25 for each day the inmate demonstrates good conduct and
26 satisfactorily participates in any program or
27 placement status identified by the director to earn
28 the reduction. The programs include but are not
29 limited to the following:

30 Sec. __. Section 903A.2, subsection 1, Code 2001,
31 is amended by adding the following new paragraph:
32 NEW PARAGRAPH. c. Category "C" sentences are
33 those sentences which are subject to a maximum
34 accumulation of earned time of thirty percent of the
35 total sentence of confinement under section 902.13.
36 An inmate of an institution under the control of the
37 department of corrections who is serving a category
38 "C" sentence is eligible for a reduction of sentence
39 equal to three-sevenths of a day for each day of good
40 conduct by the inmate.

41 Sec. __. Section 903A.7, Code 2001, is amended to
42 read as follows:

43 903A.7 SEPARATE SENTENCES.

44 Consecutive multiple sentences that are within the
45 same category under section 903A.2 shall be construed
46 as one continuous sentence for purposes of calculating
47 reductions of sentence for earned time. If a person
48 is sentenced to serve sentences of both multiple
49 categories, category "B" sentences shall be served
50 before category "C" and category "A" sentences are

Page 6

1 served, and category "C" sentences shall be served

2 before category "A" sentences are served, and earned
3 time accrued against the category "B" sentences shall
4 not be used to reduce the category "C" or category "A"
5 sentences, and earned time accrued against category
6 "C" sentences shall not be used to reduce category "A"
7 or category "B" sentences. If an inmate serving a
8 category "A" sentence is sentenced to serve a category
9 "B" sentence or a category "C" sentence, the category
10 "A" sentence shall be interrupted, and no further
11 earned time shall accrue against that sentence until
12 the category "B" sentence is completed. If an inmate
13 -serving a category "C" sentence is sentenced to serve
14 a category "B" sentence, the category "C" sentence
15 shall be interrupted, and no further earned time shall
16 accrue against that sentence until the category "B"
17 sentence is completed.

18 Sec. ___. Section 906.15, unnumbered paragraph 1,
19 Code 2001, is amended to read as follows:

20 Unless sooner discharged, a person released on
21 parole shall be discharged when the person's term of
22 parole equals the period of imprisonment specified in
23 the person's sentence, less all time served in
24 confinement. Discharge from parole may be granted
25 prior to such time, when an early discharge is
26 appropriate. The board shall periodically review all
27 paroles, and when the board determines that any person
28 on parole is able and willing to fulfill the
29 obligations of a law-abiding citizen without further
30 supervision, the board shall discharge the person from
31 parole. A parole officer shall periodically review
32 all paroles assigned to the parole officer, and when
33 the parole officer determines that any person assigned
34 to the officer is able and willing to fulfill the
35 obligations of a law-abiding citizen without further
36 supervision, the officer may discharge the person from
37 parole after notification and approval of the district
38 director and notification of the board of parole. In
39 any event, discharge from parole shall terminate the
40 person's sentence. However, if a person has been
41 sentenced to an additional term of years under section
42 902.13, the person shall not be discharged from the
43 term until the additional term of years has been
44 served. However, a person convicted of a violation of
45 section 709.3, 709.4 or 709.8 committed on or with a
46 child shall not be discharged from parole until the
47 person's term of parole equals the period of
48 imprisonment specified in the person's sentence, less
49 all time served in confinement.

50 Sec. ___. Section 907.3, subsection 1, paragraph

Page 7

1 c, Code 2001, is amended to read as follows:
 2 c. Prior to the commission of the offense the
 3 defendant had been granted a deferred judgment or
 4 similar relief, ~~two or more times~~ anywhere in the
 5 United States.
 6 Sec.____. Section 907.3, subsection 1, paragraph
 7 d, Code 2001, is amended by striking the paragraph.
 8 Sec.____. Section 907.3, subsection 1, paragraph
 9 g, subparagraph (3), Code 2001, is amended by striking
 10 the subparagraph."
 11 3. Page 1, by striking lines 33 through 37, and
 12 inserting the following: "inserting the following:
 13 "An Act relating to criminal offenses and procedure,
 14 including the creation of new criminal offenses, the
 15 filing of a criminal indictment or trial information,
 16 providing for enhancements and penalties, and
 17 providing an effective date.""

TREMMELE of Wapello

H-8394

1 Amend the amendment, H-8322, to Senate File 2118,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, by inserting after line 15, the
 5 following:
 6 "Sec.____. **NEW SECTION. 707B.5 DONATION AND**
 7 **INFORMED CONSENT FOR STEM CELL RESEARCH.**
 8 Human embryos created only for the purpose of
 9 fertility treatments, in excess of the clinical need,
 10 may be donated for the purpose of stem cell research
 11 if the donation meets all of the following
 12 requirements:
 13 1. The donation is voluntary.
 14 2. No inducement, monetary or of any other nature,
 15 is offered in exchange for the donation.
 16 3. Informed consent for the donation is obtained
 17 from the individuals participating in the fertility
 18 treatments."
 19 2. By renumbering as necessary.

DOLECHECK of Ringgold
 RAECKER of Polk
 FINCH of Story

H-8396

1 Amend Senate File 2144, as passed by the Senate, as
 2 follows:

- 3 1. Page 1, by inserting after line 27 the
 4 following:
 5 "Sec. __. STUDY. The criminal and juvenile
 6 justice planning division of the department of human
 7 rights shall conduct a study on the relationship
 8 between the effect of the .08 blood alcohol
 9 concentration limit for motor vehicle operating-while-
 10 intoxicated offenses and the number of persons stopped
 11 and arrested for such offenses. The report shall
 12 include data on the ratio of minority persons involved
 13 in such stops and arrests versus the general
 14 population. The criminal and juvenile justice
 15 planning division shall submit a report of its
 16 findings to the general assembly by January 12, 2004."
 17 2. By renumbering as necessary.

KREIMAN of Davis
 FORD of Polk

H-8398

- 1 Amend Senate File 2118, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 24, the
 4 following:
 5 "Sec. __. NEW SECTION. 707B.7 DONATION AND
 6 INFORMED CONSENT FOR STEM CELL RESEARCH.
 7 Notwithstanding any provision of this chapter to
 8 the contrary, human embryos created only for the
 9 purpose of fertility treatments, in excess of the
 10 clinical need, may be donated for the purpose of stem
 11 cell research if the donation meets all of the
 12 following requirements:
 13 1. The donation is voluntary.
 14 2. No inducement, monetary or of any other nature,
 15 is offered in exchange for the donation.
 16 3. Informed consent for the donation is obtained
 17 from the individuals participating in the fertility
 18 treatments."
 19 2. By renumbering as necessary.

DOLECHECK of Ringgold
 RAECKER of Polk
 FINCH of Story

H-8400

- 1 Amend the amendment, H-8301, to Senate File 2267,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 24 through 29 and
 5 inserting the following:

6 "____. Page 1, by striking lines 25 through 30 and
 7 inserting the following: "in the next regular session
 8 immediately following the submission of the plan.""

EICHHORN of Hamilton

H-8405

1 Amend Senate File 2034, 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 124.401, subsection 1,
 6 paragraph a, subparagraph (2), unnumbered paragraph 1,
 7 Code 2001, is amended to read as follows:
 8 More than five kilograms of a any compound, mixture
 9 ~~or, preparation, or substance containing a detectable~~
 10 amount of any of the following:
 11 Sec.____. Section 124.401, subsection 1, paragraph
 12 a, subparagraph (2), subparagraph divisions (a), (b),
 13 and (c), Code 2001, are amended by striking the
 14 subparagraph subdivisions.
 15 Sec.____. Section 124.401, subsection 1, paragraph
 16 a, subparagraph (2), subparagraph division (f), Code
 17 2001, is amended to read as follows:
 18 (f) Any compound, mixture, or preparation which
 19 contains any quantity of any of the substances
 20 referred to in ~~subparagraph subdivisions (a) through~~
 21 ~~(e) this subparagraph (2).~~
 22 Sec.____. Section 124.401, subsection 1, paragraph
 23 a, subparagraph (3), Code 2001, is amended to read as
 24 follows:
 25 (3) More than fifty grams of a any compound,
 26 mixture or, ~~preparation, or substance described in~~
 27 ~~subparagraph (2) which contains~~ containing a
 28 detectable amount of cocaine base.
 29 Sec. _____. Section 124.401, subsection 1, paragraph
 30 a, Code 2001, is amended by adding the following new
 31 subparagraph:
 32 **NEW SUBPARAGRAPH.** (3A) More than five hundred
 33 grams of any compound, mixture, preparation, or
 34 substance containing a detectable amount of any of the
 35 following:
 36 (a) Coca leaves, except coca leaves and extracts
 37 of coca leaves from which cocaine, ecgonine, and
 38 derivatives of ecgonine or their salts have been
 39 removed.
 40 (b) Cocaine, its salts, optical and geometric
 41 isomers, and salts of isomers.
 42 (c) Ecgonine, its derivatives, their salts,
 43 isomers, and salts of isomers.
 44 Sec.____. Section 124.401, subsection 1, paragraph

45 b, subparagraph (2), Code 2001, is amended by striking
46 the subparagraph.

47 Sec. ___. Section 124.401, subsection 1, paragraph
48 b, subparagraph (3), Code 2001, is amended to read as
49 follows:

50 (3) More than five grams but not more than fifty

Page 2

1 grams of a any compound, mixture, preparation, or
2 substance ~~described in subparagraph (2) which contains~~
3 containing a detectable amount of cocaine base.

4 Sec. ___. Section 124.401, subsection 1, paragraph
5 b, Code 2001, is amended by adding the following new
6 subparagraph:

7 NEW SUBPARAGRAPH. (3A) More than fifty grams but
8 not more than five hundred grams of any compound,
9 mixture, preparation, or substance containing a
10 detectable amount of any of the following:

11 (a) Coca leaves, except coca leaves and extracts
12 of coca leaves from which cocaine, ecgonine, and
13 derivatives of ecgonine or their salts have been
14 removed.

15 (b) Cocaine, its salts, optical and geometric
16 isomers, and salts of isomers.

17 (c) Ecgonine, its derivatives, their salts,
18 isomers, and salts of isomers.

19 Sec. ___. Section 124.401, subsection 1, paragraph
20 c, subparagraph (2), Code 2001, is amended by striking
21 the subparagraph.

22 Sec. ___. Section 124.401, subsection 1, paragraph
23 c, subparagraph (3), Code 2001, is amended to read as
24 follows:

25 (3) Five grams or less of a any compound, mixture,
26 preparation, or substance ~~described in subparagraph~~
27 ~~(2) which contains~~ containing a detectable amount of
28 cocaine base.

29 Sec. ___. Section 124.401, subsection 1, paragraph
30 c, Code 2001, is amended by adding the following new
31 subparagraph:

32 NEW SUBPARAGRAPH. (3A) Fifty grams or less of any
33 compound, mixture, preparation, or substance
34 containing a detectable amount of any of the
35 following:

36 (a) Coca leaves, except coca leaves and extracts
37 of coca leaves from which cocaine, ecgonine, and
38 derivatives of ecgonine or their salts have been
39 removed.

40 (b) Cocaine, its salts, optical and geometric
41 isomers, and salts of isomers.

42 (c) Ecgonine, its derivatives, their salts,
43 isomers, and salts of isomers.

44 Sec.____. Section 232.22, subsection 1, paragraph
 45 e, subparagraph (2), Code Supplement 2001, is amended
 46 to read as follows:
 47 (2) A mixture or substance containing cocaine, its
 48 salts, optical and geometric isomers, and salts of
 49 isomers, and if the act was committed by an adult, it
 50 would be a violation of section 124.401, subsection 1,

Page 3

1 paragraph "a", subparagraph ~~(2)~~ (3A), subparagraph
 2 subdivision (b), paragraph "b", subparagraph ~~(2)~~ (3A),
 3 subparagraph subdivision (b), or paragraph "c",
 4 subparagraph ~~(2)~~ (3A), subparagraph subdivision (b)."
 5 2. Page 1, line 1, by striking the word "Section"
 6 and inserting the following: "Sec."
 7 3. Title page, line 1, by inserting after the
 8 word "relating" the following: "to criminal
 9 penalties, and".
 10 4. By renumbering as necessary.

FORD of Polk

H-8409

1 Amend the Senate amendment, H-8357, to House File
 2 2516, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 4, by inserting after the words
 5 "may cause" the following: "a portrait of the current
 6 president of the United States,".
 7 2. Page 1, by striking line 16 and inserting the
 8 following: "portrait of the president of the United
 9 States, the United States and state of Iowa flags, and
 10 a flag".
 11 3. By renumbering as necessary.

HUSER of Polk

H-8410

1 Amend the Senate amendment, H-8357, to House File
 2 2516, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 4, by inserting after the words
 5 "may cause" the following: "a copy of the Declaration
 6 of Independence, the Constitution of the United
 7 States, including the Bill of Rights and other
 8 amendments to the Constitution of the United States,
 9 in the English language; and".
 10 2. Page 1, line 8, by striking the word
 11 "condition," and inserting the following:
 12 "condition;".

- 13 3. Page 1, by striking lines 14 through 17 and
 14 inserting the following:
 15 "___ . Title page, by striking line 1 and
 16 inserting the following: "An Act relating to
 17 patriotic displays in a"."
 18 4. By renumbering as necessary.

WARNSTADT of Woodbury

H-8411

- 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 predominately 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".

HANSEN of Pottawattamie
BODDICKER of Cedar
MYERS of Johnson

H-8414

1 Amend the Senate amendment, H-8357, to House File
2 2516, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 13 the
5 following:
6 "____. Page 1, line 8, by striking the word
7 "OBSERVANCE" and inserting the following: "CLASSROOM
8 ACTIVITIES".
9 _____. Page 1, line 9, by inserting after the word
10 "SILENCE" the following: "- PLEDGE OF ALLEGIANCE".
11 _____. Page 1, line 10, by inserting before the
12 word "The" the following: "1."
13 _____. Page 1, by inserting after line 19 the
14 following:
15 "2. The board of directors of each public school
16 and the authorities in charge of each nonpublic school
17 shall cause the pledge of allegiance to be recited at
18 the beginning of each school day unless the
19 authorities in charge of a nonpublic school determine
20 that this requirement conflicts with the school's
21 religious doctrines. Persons reciting the pledge of
22 allegiance shall stand holding their right hand over
23 their heart. A student shall not be compelled,
24 against the student's objections or those of the
25 student's parent or guardian, to recite the pledge of
26 allegiance, but shall be required to maintain a
27 respectful silence.""
28 2. Page 1, by striking lines 15 through 17 and
29 inserting the following: "the following: "An Act
30 relating to patriotic displays in a"."
31 3. By renumbering as necessary.

MURPHY of Dubuque

H-8415

1 Amend the Senate amendment, H-8357, to House File
2 2516, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 13 the

5 following:

6 "____. Page 1, line 8, by striking the word

7 "OBSERVANCE" and inserting the following: "CLASSROOM
8 ACTIVITIES".

9 _____. Page 1, line 9, by inserting after the word

10 "SILENCE" the following: " – NATIONAL ANTHEM".

11 _____. Page 1, line 11, by inserting after the word

12 "classroom" the following: "and may also cause the
13 classroom teacher and students in each classroom to
14 sing the national anthem at least once daily".

15 _____. Page 1, line 14, by inserting after the word

16 "classroom" the following: ", and may cause the
17 students in the classroom to sing the national anthem
18 at least once daily".

19 2. Page 1, by striking lines 15 through 17 and

20 inserting the following: "the following: "An Act
21 relating to patriotic displays in a"."

22 3. By renumbering as necessary.

MURPHY of Dubuque

H-8422

1 Amend Senate File 2228, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 13 the

4 following:

5 "Sec. 103. NEW SECTION. 298B.1 SCHOOL DISTRICT
6 SALES TAX FUND.

7 1. A school district sales tax fund is created as
8 a separate and distinct fund in the state treasury
9 under the control of the department of revenue and
10 finance. Moneys in the fund include revenues credited
11 to the fund pursuant to section 422.69, subsection 2,
12 appropriations made to the fund, and other moneys
13 deposited into the fund. The moneys credited in a
14 fiscal year to the fund shall be distributed as
15 follows:

16 a. (1) A school district located in whole or in
17 part in a county that voted on and approved prior to
18 March 31, 2002, the local sales and services tax for
19 school infrastructure purposes under chapter 422E
20 shall receive an amount equal to its guaranteed school
21 infrastructure amount as calculated under subsection 2
22 if the board of directors notifies the director of
23 revenue and finance that the school district wants to
24 receive its guaranteed school infrastructure amount.
25 The notification shall be provided by July 1, 2003.
26 If notification is not received by July 1, 2003, the
27 school district shall receive moneys pursuant to
28 paragraph "b". Nothing in this chapter shall prevent
29 a school district from using its guaranteed school

30 infrastructure amount to pay principal and interest on
 31 obligations issued pursuant to section 422E.4.

32 (2) A school district receiving moneys pursuant to
 33 subparagraph (1) shall cease to receive its guaranteed
 34 school infrastructure amount and shall receive moneys
 35 pursuant to paragraph "b" starting with the calendar
 36 quarter immediately following the calendar quarter in
 37 which occurs the end of the original ten-year period
 38 or the date listed on the original ballot proposition,
 39 whichever is the earlier, as provided in chapter 422E.
 40 However, a school district receiving moneys pursuant
 41 to subparagraph (1) may elect at anytime to receive
 42 moneys pursuant to paragraph "b" by providing
 43 notification to receive moneys pursuant to paragraph
 44 "b" to the director of revenue and finance and the
 45 director of the department of management by the middle
 46 of the fifth month preceding the calendar quarter for
 47 which the election will apply. Once a school district
 48 makes this election it is irrevocable.

49 b. (1) Moneys remaining after computations made
 50 pursuant to paragraph "a" shall be distributed to

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1 school districts not receiving moneys under paragraph
 2 "a" on a per student basis calculated by the director
 3 of revenue and finance by dividing the moneys
 4 available during the previous calendar quarter by the
 5 combined actual enrollment for all school districts
 6 receiving distributions under this paragraph.

7 (2) The combined actual enrollment for school
 8 districts, for purposes of subparagraph (1), shall be
 9 calculated by adding together the actual enrollment
 10 for each school district receiving distributions under
 11 subparagraph (1) as determined by the department of
 12 management based on the actual enrollment figures
 13 reported by October 1 to the department of management
 14 by the department of education pursuant to section
 15 257.6, subsection 1. The combined actual enrollment
 16 count shall be forwarded to the director of revenue
 17 and finance by January 1, annually, for purposes of
 18 supplying estimated tax payment figures and making tax
 19 payments pursuant to subsection 3 for the following
 20 four calendar quarters.

21 2. a. For purposes of distributions under
 22 subsection 1, paragraph "a", the school district's
 23 guaranteed school infrastructure amount shall be
 24 calculated according to the following formula:

25 The district's guaranteed school infrastructure
 26 amount equals the product of the county guaranteed
 27 school infrastructure amount times the district's
 28 county actual enrollment divided by the county

29 combined actual enrollment.
 30 b. For purposes of the formula in paragraph "a":
 31 (1) "Base year" means the fiscal year beginning
 32 July 1, 2001.
 33 (2) "Base year county taxable sales percentage"
 34 means the percentage that the taxable sales in the
 35 county during the base year is of the total state
 36 taxable sales during the base year.
 37 (3) "County combined actual enrollment" means the
 38 actual enrollment figures determined by the department
 39 of management for the county based on the actual
 40 enrollment figures reported by October 1 to the
 41 department of management by the department of
 42 education pursuant to section 257.6, subsection 1.
 43 (4) "County guaranteed school infrastructure
 44 amount" means an amount equal to the product of the
 45 county's chapter 422E proportionate share times the
 46 amount deposited in the school district sales tax fund
 47 for the current quarter times the current quarter
 48 county taxable sales percentage divided by the base
 49 year county taxable sales percentage.
 50 (5) "County's chapter 422E proportionate share"

Page 3

1 means the percentage that the annualized revenues
 2 received or which would have been received in the
 3 county under chapter 422E for the base year is of one-
 4 fifth of the total state sales tax revenues collected
 5 for deposit into the general fund of the state for the
 6 base year.
 7 (6) "Current quarter" means the calendar quarter
 8 for which distributions under this section are being
 9 made.
 10 (7) "Current quarter county taxable sales
 11 percentage" means the percentage that the taxable
 12 sales in the county during the current quarter is of
 13 the total state taxable sales during the current
 14 quarter.
 15 (8) "District's county actual enrollment" means
 16 the actual enrollment of the school district that
 17 attends school in the county for which the county
 18 combined actual enrollment is determined.
 19 (9) "Taxable sales" means sales subject to the
 20 state sales and services tax under chapter 422,
 21 division IV.
 22 3. a. The director of revenue and finance by
 23 April 10 preceding each fiscal year shall send to each
 24 school district an estimate of the amount of tax
 25 moneys each school district will receive for the year
 26 and for each quarter of the year. At the end of each
 27 quarter, the director may revise the estimates for the

28 year and remaining quarters.

29 b. The director shall remit ninety-five percent of
30 the estimated tax receipts collected during the
31 previous calendar quarter for the school district to
32 the school district on or before the end of the
33 following calendar quarter. The first distributions
34 shall be made on or before July 1, 2003, of the
35 estimated tax receipts collected during the calendar
36 quarter beginning January 1, 2003, and ending March
37 31, 2003.

38 c. The director shall remit a final payment of the
39 remainder of tax moneys due for the fiscal year before
40 November 10 of the next fiscal year. If an
41 overpayment has resulted during the previous fiscal
42 year, the November payment shall be adjusted to
43 reflect any overpayment.

44 d. If the distributions are to school districts
45 described in subsection 1, paragraph "a", the payments
46 to these school districts shall be made on a monthly
47 basis beginning with the first distribution to be made
48 in February 2003.

49 4. The department of revenue and finance has
50 rulemaking authority for purposes of carrying out the

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1 provisions of this section.

2 Sec. 104. NEW SECTION. 298B.2 USE OF SCHOOL
3 DISTRICT SALES TAX FUND MONEYS.

4 1. a. A school district receiving moneys from the
5 school district sales tax fund under section 298B.1,
6 subsection 1, paragraph "a", shall use the moneys as
7 provided on the original ballot proposition pursuant
8 to chapter 422E, for the payment of principal and
9 interest on general obligation bonds issued pursuant
10 to chapter 296, or section 298.20 or loan agreements
11 under section 297.36, for payments made pursuant to
12 real property lease or lease-purchase agreements, or
13 for payment of principal and interest on bonds issued
14 under section 298B.3 or 422E.4.

15 b. If a school district that qualifies to receive
16 a guaranteed school infrastructure amount under
17 section 298B.1, subsection 1, paragraph "a", elects to
18 receive moneys under section 298B.1, subsection 1,
19 paragraph "b", the school district shall use the
20 moneys received, in an amount equal to its guaranteed
21 school infrastructure amount, for the purposes
22 provided in paragraph "a" of this subsection until the
23 fiscal year immediately following the fiscal year in
24 which occurs the end of the original ten-year period
25 or the date listed on the original ballot proposition,
26 whichever is the earlier, as provided in chapter 422E,

27 at which time all moneys received shall be used as
28 provided in subsection 2.
29 2. a. Moneys received by a school district from
30 the school district sales tax fund under section
31 298B.1, subsection 1, paragraph "b", except to the
32 extent provided in subsection 1, paragraph "b", of the
33 section, shall be spent for property tax relief or
34 infrastructure purposes according to an infrastructure
35 plan developed by the board of directors. The
36 infrastructure plan may apply to more than one fiscal
37 year, but shall be reviewed periodically by the board
38 of directors. Prior to adoption of the plan, the
39 board of directors shall hold a public hearing on the
40 question of approval of the proposed plan. The board
41 shall set forth its proposal and shall publish the
42 notice of the time and place of a public hearing on
43 the proposed plan. Notice of the time and place of
44 the public hearing shall be published not less than
45 ten nor more than twenty days before the public
46 hearing in a newspaper which is a newspaper of general
47 circulation in the school district. At the hearing,
48 or no later than thirty days after the date of the
49 hearing, the board shall take action to adopt the
50 proposed plan.

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1 b. If the board adopts the plan, the board shall
2 direct the county commissioner of elections to submit
3 the question of the approval or disapproval of the
4 infrastructure plan to the registered voters of the
5 school district at the next following regular school
6 election or a special election. If a majority of
7 those voting on the question favor the plan of the
8 board, the moneys received shall be used according to
9 the plan beginning with the first fiscal year
10 following that election until a change in the plan is
11 approved at a subsequent election by a majority of
12 those voting on the question. If a majority of those
13 voting on the question at the election does not favor
14 the plan of the board, the district shall use the
15 moneys received as provided in paragraph "c" for the
16 fiscal year.
17 If a plan is not approved at an election, the
18 question of the approval of the plan or any part of
19 that plan shall not be submitted to the registered
20 voters sooner than six months from the date the plan
21 or part of the plan was previously submitted.
22 c. If the infrastructure plan is not approved at
23 an election as provided in paragraph "b", or if a plan
24 is not approved by the board, moneys received by a
25 school district or moneys in excess of those needed

26 for infrastructure purposes according to an approved
 27 plan shall be used for the fiscal year to reduce the
 28 following levies including income surtax, if any, in
 29 the order determined by the board:

30 (1) Bond levies under sections 298.18 and 298.18A
 31 and all other debt levies until the moneys received or
 32 the levies are reduced to zero.

33 (2) The regular physical plant and equipment levy
 34 under section 298.2, until the moneys received or the
 35 levy is reduced to zero.

36 (3) The voter-approved physical plant and
 37 equipment levy and income surtax, if any, under
 38 section 298.2, until the moneys received or the levy
 39 and income surtax, if any, is reduced to zero.

40 (4) The district management levy under section
 41 298.4, until the moneys received or the levy is
 42 reduced to zero.

43 (5) The cash reserve levy under section 298.10,
 44 until the moneys received or the levy is reduced to
 45 zero.

46 (6) The budget adjustment levy under section
 47 257.14, until the moneys received or the levy is
 48 reduced to zero.

49 (7) The playground and equipment levy under
 50 section 300.2, until the moneys received or the levy

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1 is reduced to zero.

2 d. For purposes of this subsection,
 3 "infrastructure purposes" means those purposes for
 4 which a school district is authorized to contract
 5 indebtedness and issue general obligation bonds under
 6 chapter 296 or to expend tax revenues under section
 7 298.3, the payment of principal and interest on
 8 general obligation bonds issued under chapter 296 or
 9 section 298.20 or loan agreements under section
 10 297.36, payments made pursuant to a real property
 11 lease or lease-purchase agreement, or the payment of
 12 principal and interest on bonds issued under section
 13 298.3 or 422E.4.

14 e. Notwithstanding any other provision in this
 15 subsection, moneys received by a school district from
 16 the school district sales tax fund under section
 17 298B.1, subsection 1, paragraph "b", during the fiscal
 18 year beginning July 1, 2002, shall be dedicated for
 19 property tax relief by reducing the levies specified
 20 in paragraph "c" for taxes payable in the fiscal year
 21 beginning July 1, 2003. However, if an infrastructure
 22 plan is approved at an election by the required
 23 majority of those voting prior to April 15, 2003, any
 24 amount of such dedicated moneys may be used for the

25 purposes specified under the plan.
26 Sec. 105. NEW SECTION. 298B.3 BONDING.
27 A school district receiving moneys pursuant to
28 section 298B.1, subsection 1, paragraph "a", or a
29 school district receiving moneys pursuant to section
30 298B.1, subsection 1, paragraph "b", which has
31 approved by election the use of the moneys for
32 infrastructure purposes, may anticipate the amount of
33 moneys to be received pursuant to section 298B.1 as
34 provided in this section.
35 The board of directors of a school district may
36 issue negotiable, interest-bearing school bonds,
37 without an additional election, and utilize tax
38 receipts derived from the school district sales tax
39 fund for principal and interest repayment. Proceeds
40 of the bonds issued pursuant to this section shall be
41 utilized solely for infrastructure purposes as defined
42 in section 298B.2, subsection 2.
43 Bonds issued under this section may be sold at
44 public sale as provided in chapter 75. Notice shall
45 be given and a hearing shall be held as provided in
46 section 73A.12. Bonds may bear dates, bear interest
47 at rates not exceeding that permitted by chapter 74A,
48 mature in one or more installments, be in either
49 coupon or registered form, carry registration and
50 conversion privileges, be payable as to principal and

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1 interest at times and places, be subject to terms of
2 redemption prior to maturity with or without premium,
3 and be in one or more denominations, all as provided
4 by the resolution of the board of directors
5 authorizing their issuance. However, the maximum
6 period during which principal on the bonds is payable
7 shall not exceed the length of time the infrastructure
8 plan is valid. The resolution may also prescribe
9 additional provisions, terms, conditions, and
10 covenants which the board of directors deems
11 advisable, including provisions for creating and
12 maintaining reserve funds, the issuance of additional
13 bonds ranking on a parity with such bonds and
14 additional bonds junior and subordinate to such bonds,
15 and that such bonds shall rank on a parity with or be
16 junior and subordinate to any bonds which may be then
17 outstanding. Bonds may be issued to refund
18 outstanding and previously issued bonds under this
19 section. Bonds are a contract between the school
20 district and holders, and the resolution issuing the
21 bonds and pledging tax revenues to be received from
22 the school district sales tax fund to the payment of
23 principal and interest on the bonds is a part of the

24 contract. Bonds issued pursuant to this section shall
 25 not constitute indebtedness within the meaning of any
 26 constitutional or statutory debt limitation or
 27 restriction, and shall not be subject to any other law
 28 relating to the authorization, issuance, or sale of
 29 bonds.

30 A school district may enter into a chapter 28E
 31 agreement with another school district or other public
 32 entity. The school district shall only expend its
 33 designated portion of tax revenues to be received from
 34 the school district sales tax fund.

35 Sec. 106. NEW SECTION. 298B.4 REPEAL.

36 This chapter is repealed July 1, 2022, for fiscal
 37 years beginning on or after that date.

38 Sec. 107. Section 422.43, subsections 1, 2, 4, 5,
 39 6, 7, 10, and 12, Code Supplement 2001, are amended to
 40 read as follows:

41 1. There is imposed a tax of ~~five~~ six percent upon
 42 the gross receipts from all sales of tangible personal
 43 property, consisting of goods, wares, or merchandise,
 44 except as otherwise provided in this division, sold at
 45 retail in the state to consumers or users; a like rate
 46 of tax upon the gross receipts from the sales,
 47 furnishing, or service of gas, electricity, water,
 48 heat, pay television service, and communication
 49 service, including the gross receipts from such sales
 50 by any municipal corporation or joint water utility

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1 furnishing gas, electricity, water, heat, pay
 2 television service, and communication service to the
 3 public in its proprietary capacity, except as
 4 otherwise provided in this division, when sold at
 5 retail in the state to consumers or users; a like rate
 6 of tax upon the gross receipts from all sales of
 7 tickets or admissions to places of amusement, fairs,
 8 and athletic events except those of elementary and
 9 secondary educational institutions; a like rate of tax
 10 on the gross receipts from an entry fee or like charge
 11 imposed solely for the privilege of participating in
 12 an activity at a place of amusement, fair, or athletic
 13 event unless the gross receipts from the sales of
 14 tickets or admissions charges for observing the same
 15 activity are taxable under this division; and a like
 16 rate of tax upon that part of private club membership
 17 fees or charges paid for the privilege of
 18 participating in any athletic sports provided club
 19 members.

20 2. There is imposed a tax of ~~five~~ six percent upon
 21 the gross receipts derived from the operation of all
 22 forms of amusement devices and games of skill, games

23 of chance, raffles, and bingo games as defined in
24 chapter 99B, operated or conducted within the state,
25 the tax to be collected from the operator in the same
26 manner as for the collection of taxes upon the gross
27 receipts of tickets or admission as provided in this
28 section. The tax shall also be imposed upon the gross
29 receipts derived from the sale of lottery tickets or
30 shares pursuant to chapter 99E. The tax on the
31 lottery tickets or shares shall be included in the
32 sales price and distributed to the general fund as
33 provided in section 99E.10.

34 4. There is imposed a tax of ~~five~~ six percent upon
35 the gross receipts from the sales of engraving,
36 photography, retouching, printing, and binding
37 services. For the purpose of this division, the sales
38 of engraving, photography, retouching, printing, and
39 binding services are sales of tangible property.

40 5. There is imposed a tax of ~~five~~ six percent upon
41 the gross receipts from the sales of vulcanizing,
42 recapping, and retreading services. For the purpose
43 of this division, the sales of vulcanizing, recapping,
44 and retreading services are sales of tangible
45 property.

46 6. There is imposed a tax of ~~five~~ six percent upon
47 the gross receipts from the sales of optional service
48 or warranty contracts, except residential service
49 contracts regulated under chapter 523C, which provide
50 for the furnishing of labor and materials and require

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1 the furnishing of any taxable service enumerated under
2 this section. The gross receipts are subject to tax
3 even if some of the services furnished are not
4 enumerated under this section. For the purpose of
5 this division, the sale of an optional service or
6 warranty contract, other than a residential service
7 contract regulated under chapter 523C, is a sale of
8 tangible personal property. Additional sales,
9 services, or use taxes shall not be levied on
10 services, parts, or labor provided under optional
11 service or warranty contracts which are subject to tax
12 under this section.

13 If the optional service or warranty contract is a
14 computer software maintenance or support service
15 contract and there is no separately stated fee for the
16 taxable personal property or for the nontaxable
17 service, the tax of ~~five~~ six percent imposed by this
18 subsection shall be imposed on fifty percent of the
19 gross receipts from the sale of such contract. If the
20 contract provides for technical support services only,
21 no tax shall be imposed under this subsection. The

22 provisions of this subsection also apply to the tax
23 imposed by chapter 423.

24 7. There is imposed a tax of ~~five~~ six percent upon
25 the gross receipts from the renting of rooms,
26 apartments, or sleeping quarters in a hotel, motel,
27 inn, public lodging house, rooming house, manufactured
28 or mobile home which is tangible personal property, or
29 tourist court, or in any place where sleeping
30 accommodations are furnished to transient guests for
31 rent, whether with or without meals. "Renting" and
32 "rent" include any kind of direct or indirect charge
33 for such rooms, apartments, or sleeping quarters, or
34 their use. For the purposes of this division, such
35 renting is regarded as a sale of tangible personal
36 property at retail. However, this tax does not apply
37 to the gross receipts from the renting of a room,
38 apartment, or sleeping quarters while rented by the
39 same person for a period of more than thirty-one
40 consecutive days.

41 10. There is imposed a tax of ~~five~~ six percent
42 upon the gross receipts from the rendering,
43 furnishing, or performing of services as defined in
44 section 422.42.

45 12. A tax of ~~five~~ six percent is imposed upon the
46 gross receipts from the sales of prepaid telephone
47 calling cards and prepaid authorization numbers. For
48 the purpose of this division, the sales of prepaid
49 telephone calling cards and prepaid authorization
50 numbers are sales of tangible personal property.

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1 Sec. 108. Section 422.43, subsection 13, paragraph
2 a, unnumbered paragraph 1, Code Supplement 2001, is
3 amended to read as follows:

4 A tax of ~~five~~ six percent is imposed upon the gross
5 receipts from the sales, furnishing, or service of
6 solid waste collection and disposal service.

7 Sec. 109. Section 422.43, subsections 16 and 17,
8 Code Supplement 2001, are amended to read as follows:

9 16. a. A tax of ~~five~~ six percent is imposed upon
10 the gross receipts from sales of bundled services
11 contracts. For purposes of this subsection, a
12 "bundled services contract" means an agreement
13 providing for a retailer's performance of services,
14 one or more of which is a taxable service enumerated
15 in this section and one or more of which is not, in
16 return for a consumer's or user's single payment for
17 the performance of the services, with no separate
18 statement to the consumer or user of what portion of
19 that payment is attributable to any one service which
20 is a part of the contract.

21 b. For purposes of the administration of the tax
22 on bundled services contracts, the director may enter
23 into agreements of limited duration with individual
24 retailers, groups of retailers, or organizations
25 representing retailers of bundled services contracts.
26 Such an agreement shall impose the tax rate only upon
27 that portion of the gross receipts from a bundled
28 services contract which is attributable to taxable
29 services provided under the contract.

30 17. A tax of ~~five~~ ~~six~~ percent is imposed upon the
31 gross receipts from any mobile telecommunication
32 service which this state is allowed to tax by the
33 provisions of the federal Mobile Telecommunications
34 Sourcing Act, Pub. L. No. 106-252, 4 U.S.C. § 116 et
35 seq. For purposes of this subsection, taxes on mobile
36 telecommunications service, as defined under the
37 federal Mobile Telecommunications Sourcing Act, that
38 are deemed to be provided by the customer's home
39 service provider shall be paid to the taxing
40 jurisdiction whose territorial limits encompass the
41 customer's place of primary use, regardless of where
42 the mobile telecommunication service originates,
43 terminates, or passes through and shall in all other
44 respects be taxed in conformity with the federal
45 Mobile Telecommunications Sourcing Act. All other
46 provisions of the federal Mobile Telecommunications
47 Sourcing Act are adopted by the state of Iowa and
48 incorporated into this subsection by reference. With
49 respect to mobile telecommunications service under the
50 federal Mobile Telecommunications Sourcing Act the

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1 director shall, if requested, enter into agreements
2 consistent with the provisions of the federal Act.

3 Sec. 110. Section 422.43, Code Supplement 2001, is
4 amended by adding the following new subsection:

5 NEW SUBSECTION. 18. The sales tax rate of six
6 percent is reduced to five percent on July 1, 2022.

7 Sec. 111. Section 422.47, Code Supplement 2001, is
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 2. Construction contractors may
10 make application to the department for a refund of the
11 additional one percent tax paid under this division by
12 reason of the increase in the tax from five to six
13 percent for taxes paid on goods, wares, or merchandise
14 under the following conditions:

15 a. The goods, wares, or merchandise are
16 incorporated into an improvement to real estate in
17 fulfillment of a written contract fully executed prior
18 to January 1, 2003. The refund shall not apply to
19 equipment transferred in fulfillment of a mixed

20 construction contract.

21 b. The contractor has paid to the department or to
22 a retailer the full six percent tax.

23 c. The claim is filed on forms provided by the
24 department and is filed within one year of the date
25 the tax is paid.

26 A contractor who makes an erroneous application for
27 refund shall be liable for payment of the excess
28 refund paid plus interest at the rate in effect under
29 section 421.7. In addition, a contractor who
30 willfully makes a false application for refund is
31 guilty of a simple misdemeanor and is liable for a
32 penalty equal to fifty percent of the excess refund
33 claimed. Excess refunds, penalties, and interest due
34 under this subsection may be enforced and collected in
35 the same manner as the tax imposed by this division.

36 Sec. 112. Section 422.69, subsection 2, Code 2001,
37 is amended to read as follows:

38 2. a. Unless Except as provided in paragraph "b",
39 or as otherwise provided, the fees, taxes, interest,
40 and penalties collected under this chapter shall be
41 credited to the general fund.

42 b. One-sixth of the fees, taxes, interest, and
43 penalties collected pursuant to division IV shall be
44 credited to the school district sales tax fund created
45 in section 298B.1. This paragraph is repealed July 1,
46 2022.

47 Sec. 113. Section 422E.1, Code 2001, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 4. a. This chapter does not
50 apply to any county after the effective date of this

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1 section of this Act, except to the extent provided in
2 paragraph "b". Any election on the imposition of the
3 local sales and services tax scheduled to be held on
4 or after the effective date of this section of this
5 Act shall not be held.

6 b. A county that has voted on and approved prior
7 to March 31, 2002, a local sales and services tax for
8 school infrastructure purposes shall impose the tax
9 until December 31, 2002. However, the increase in the
10 state sales and services tax under chapter 422,
11 division IV, from five percent on January 1, 2003, to
12 six percent shall replace the county's local sales and
13 services tax for school infrastructure purposes and to
14 this extent the local sales and services tax for
15 school infrastructure purposes is repealed.

16 Sec. 114. APPLICABILITY. This section applies in
17 regard to the increase in the state sales tax from
18 five to six percent. The six percent rate applies to

19 all sales of taxable personal property, consisting of
 20 goods, wares, or merchandise if delivery occurs on or
 21 after January 1, 2003. The six percent rate applies
 22 to the gross receipts from the sale, furnishing, or
 23 service of gas, electricity, water, heat, pay
 24 television service, and communication service if the
 25 date of billing the customer is on or after January 1,
 26 2003. In the case of a service contract entered into
 27 prior to January 1, 2003, which contract calls for
 28 periodic payments, the six percent rate applies to
 29 those payments made or due on or after January 1,
 30 2003. This periodic payment applies, but is not
 31 limited to, tickets or admissions, private club
 32 membership fees, sources of amusement, equipment
 33 rental, dry cleaning, reducing salons, dance schools,
 34 and all other services subject to tax, except the
 35 aforementioned utility services which are subject to a
 36 special transitional rule. Unlike periodic payments
 37 under service contracts, installment sales of goods,
 38 wares, and merchandise are subject to the full amount
 39 of sales or use tax when the sales contract is entered
 40 into.

41 Sec. 115. EFFECTIVE DATES.

42 1. Sections 103, 104, and 113 of this Act,
 43 enacting sections 298B.1 and 298B.2 and section
 44 422E.1, subsection 4, being deemed of immediate
 45 importance, take effect upon enactment.

46 2. Sections 107, 108, 109, 111, and 112 of this
 47 Act, amending section 422.43, increasing the sales
 48 tax, and sections 422.47 and 422.69, take effect
 49 January 1, 2003."

50 2. Title page, line 2, by inserting after the

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1 word "purposes" the following: "and of school
 2 district moneys received from certain state sales tax
 3 revenues for property tax relief and infrastructure
 4 purposes if approved by the vote of the electorate,
 5 providing a penalty, and including effective date
 6 provisions."

HOFFMAN of Crawford
 KETTERING of Sac
 FINCH of Story
 BRUNKHORST of Bremer

RICHARDSON of Warren
 MERTZ of Kossuth
 TYMESON of Madison

H-8423

1 Amend House File 2590 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:

4 "DIVISION I
5 PHYSICAL PLANT AND EQUIPMENT LEVY"

6 2. Page 1, by inserting after line 5 the
7 following:

8 "DIVISION II
9 STATE LAND MANAGEMENT AND PLANNING
10 Sec.____. NEW SECTION. 6C.1 TITLE.

11 This chapter shall be known and may be cited as the
12 "Land Management Planning Act".

13 Sec.____. NEW SECTION. 6C.2 LAND DEVELOPMENT AND
14 USE – STATE POLICY ESTABLISHED.

15 It is the policy of this state to provide for the
16 sound and orderly development and use of land and to
17 provide for the protection and preservation of the
18 private and public interest in the land, water, and
19 related resources of this state for the public health,
20 safety, morals, and general welfare of present and
21 future generations. It is further the policy of this
22 state to preserve the use of prime agricultural land
23 for agricultural production and to preserve natural,
24 cultural, and historical areas while striking a
25 balance between legitimate public purposes and private
26 property rights.

27 Sec.____. NEW SECTION. 6C.3 DEFINITIONS.

28 1. "Agricultural land" means agricultural land as
29 that term is defined in section 9H.1.

30 2. "Board" means the land management planning
31 board established in section 6C.5.

32 3. "Department" means the department of economic
33 development.

34 4. "Public agency" means an agency as defined in
35 section 17A.2, a county, a city, or other political
36 subdivision, including but not limited to a principal
37 department as provided in section 7E.5, a school
38 corporation organized under chapter 273 or 274, a
39 community college as provided in chapter 260C, or a
40 township as provided in chapter 359.

41 5. "Strategic development plan" means a plan
42 adopted by a county and the cities within the county
43 and approved by the land management planning board as
44 provided in chapter 366.

45 Sec.____. NEW SECTION. 6C.5 LAND MANAGEMENT
46 PLANNING BOARD.

47 1. A land management planning board is established
48 as the state's principal agency overseeing land
49 management planning by cities and counties. The board
50 shall oversee the administration of this chapter, and

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1 chapters 366 and 368, monitor the effectiveness of
2 public agencies in carrying out the policy of this

- 3 state as established in section 6C.2, and study
4 methods to successfully implement the policy.
- 5 2. The board shall be composed of the following
6 members:
- 7 a. One member appointed from a city with a
8 population of more than forty-five thousand, according
9 to the most recent certified federal census.
- 10 b. One member appointed from a city with a
11 population of forty-five thousand or less, according
12 to the most recent certified federal census.
- 13 c. One member appointed from a county with a
14 population of more than fifty thousand, according to
15 the most recent certified federal census.
- 16 d. One member appointed from a county with a
17 population of fifty thousand or less, according to the
18 most recent certified federal census.
- 19 e. One member appointed to represent the general
20 public.
- 21 3. The members shall be appointed by the governor
22 subject to confirmation by the senate as provided in
23 section 2.32. The appointments shall be for six-year
24 staggered terms beginning and ending as provided in
25 section 69.19, or for an unexpired term if a vacancy
26 occurs. No member shall serve more than two complete
27 six-year terms.
- 28 4. The board shall elect a chairperson each year.
- 29 5. Members of the board, other than a state
30 officer or employee, are entitled to receive a per
31 diem as specified in section 7E.6 for each day spent
32 in performance of duties as members, and shall be
33 reimbursed for all actual and necessary expenses
34 incurred in the performance of duties as members.
- 35 6. The department shall provide office space and
36 staff assistance, and shall budget funds to cover
37 expenses of the board. The office of attorney general
38 shall provide legal counsel to the board.
- 39 Sec. __. NEW SECTION. 6C.6 POWERS AND DUTIES OF
40 THE BOARD.
- 41 1. The board shall do all of the following:
- 42 a. Review strategic development plans submitted
43 for dispute resolution pursuant to section 366.6.
- 44 b. Review and approve plans submitted for final
45 approval pursuant to section 366.7.
- 46 c. Approve or disapprove petitions for boundary
47 adjustment as provided in chapter 368.
- 48 d. Establish policies for administration of the
49 land management planning fund created in section 6C.7.
- 50 e. Adopt rules pursuant to chapter 17A necessary

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1 to administer its duties under this chapter and
 2 chapters 366 and 368.

3 2. The board may adopt forms to be completed and
 4 submitted by cities and counties as necessary for the
 5 efficient administration of this chapter and chapters
 6 366 and 368.

7 Sec.____. NEW SECTION. 6C.7 LAND MANAGEMENT
 8 PLANNING FUND.

9 1. A land management planning fund is created
 10 within the state treasury under the control of the
 11 department. Moneys in the fund shall be used
 12 exclusively to pay for the costs of administration of
 13 this chapter and chapters 366 and 368 by the
 14 department.

15 2. The fund shall consist of all of the following:
 16 a. Moneys appropriated by the general assembly.
 17 b. Moneys available to and obtained or accepted by
 18 the department from the federal government or private
 19 sources for deposit in the fund.

20 DIVISION III

21 LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

22 Sec.____. NEW SECTION. 366.1 DEFINITIONS.

23 1. "Agricultural land" means agricultural land as
 24 defined in section 9H.1.

25 2. "Board" means the land management planning
 26 board created in section 6C.5.

27 Sec.____. NEW SECTION. 366.2 LOCAL STRATEGIC
 28 DEVELOPMENT COMMITTEE.

29 1. A local strategic development committee is
 30 created within each county. Members shall be
 31 appointed to the committee on or before September 1,
 32 2002. The committee shall be composed of the
 33 following members:

34 a. Three members appointed by the county board of
 35 supervisors. Two of the three members must be
 36 residents of the unincorporated area of the county.

37 b. One member appointed by the city council of
 38 each city located in the county.

39 c. One member appointed by the mayor of each of
 40 the two cities with the highest population located in
 41 the county.

42 d. An additional member shall be appointed by the
 43 mayor of each participating city for every fifty
 44 thousand residents in the city.

45 2. A city shall be represented on a committee if
 46 any part of the city is located in the county.
 47 However, if the portion of the city in the county is
 48 less than one-half of the entire geographical area of
 49 the city, the member representing the city shall be a
 50 nonvoting member of the committee.

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1 3. Two or more contiguous counties may organize as
2 one combined strategic development committee.

3 4. The committee shall hold an organizational
4 meeting no later than ten days after appointment of
5 members. The organizational meeting shall be convened
6 by the chairperson of the county board of supervisors.

7 Sec. __. NEW SECTION. 366.3 STRATEGIC
8 DEVELOPMENT PLAN – GOALS AND OBJECTIVES.

9 1. The local strategic development committee shall
10 create and recommend a strategic development plan for
11 the county.

12 2. The purpose of a strategic development plan is
13 to direct coordinated, efficient, and orderly urban
14 development that will, based on an analysis of present
15 and future needs, best promote the public health,
16 safety, morals, and general welfare. The goals and
17 objectives of a strategic development plan include the
18 following:

19 a. Encouraging a pattern of compact development in
20 strategic development areas.

21 b. Promoting redevelopment of existing urban
22 areas.

23 c. Promoting employment opportunities and the
24 economic health of the county and all cities in the
25 county.

26 d. Providing for a variety of housing choices
27 within strategic development areas and assuring
28 affordable housing for future population growth.

29 e. Identifying and conserving natural resource
30 areas, environmentally sensitive land, and features of
31 significant local, statewide, or regional
32 architectural, cultural, historical, or archaeological
33 interest.

34 f. Preserving land identified by the strategic
35 development committee as prime agricultural land for
36 use in agricultural production.

37 g. Balancing the need for land management
38 regulations with the protection of private property
39 rights.

40 h. Ensuring the efficient use of infrastructure
41 and that adequate municipal services are provided
42 concurrently with development.

43 i. Taking into consideration such other matters
44 that are related to the coordinated, efficient, and
45 orderly development of the county and all cities in
46 the county.

47 Sec. __. NEW SECTION. 366.4 STRATEGIC
48 DEVELOPMENT PLAN – REQUIREMENTS.

49 1. A strategic development plan shall divide the
50 county into strategic development areas where future

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1 development would be allowed to occur and strategic
2 preservation areas where development would not be
3 allowed. A strategic development plan shall address
4 transportation, public infrastructure, municipal
5 services, economic development, housing, recreation,
6 natural resources, and land use. A strategic
7 development plan may address hazard mitigation, energy
8 systems, cultural preservation, and other elements
9 appropriate to the area governed by the plan.

10 2. The committee shall conduct a review of
11 existing comprehensive plans governing the county, if
12 applicable, and governing each city located in the
13 county.

14 3. Before the committee drafts a strategic
15 development plan, the committee shall hold a public
16 hearing in order to obtain citizen input on
17 preparation of the strategic development plan. The
18 hearing shall be held no later than thirty days after
19 the committee's organizational meeting. The county
20 auditor shall publish notice of the time, date, place,
21 and purpose of the public hearing in a newspaper of
22 general circulation in the county. The notice must be
23 published not less than ten days but no more than
24 twenty days before the hearing. The notice shall
25 include a description of the general duties of the
26 strategic development committee and the cities and
27 counties represented on the strategic development
28 committee.

29 4. A strategic development plan shall include
30 documents describing and depicting the corporate
31 limits of each city in the county and the boundaries
32 of each strategic development area and each strategic
33 preservation area.

34 5. a. In establishing a strategic development
35 area, the plan shall do all of the following:

36 (1) Identify territory that a reasonable and
37 prudent person would project as the likely site of
38 commercial, industrial, or residential growth over the
39 next twenty years based on historical experience,
40 economic trends, population growth patterns,
41 topographical characteristics, and any professional
42 planning, engineering, and economic studies that are
43 available. The city shall report population growth
44 projections for the city based upon federal census
45 data.

46 (2) Identify agricultural land which has a corn
47 suitability rating of sixty or higher, according to
48 information released by Iowa state university to the
49 department of revenue and finance for assessment and
50 taxation of agricultural land. Agricultural land with

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1 a corn suitability rating of sixty or higher shall not
2 be included in a strategic development area unless the
3 local strategic development committee makes a showing
4 that the land is necessary for the orderly development
5 of the strategic development area.

6 b. In establishing a strategic preservation area,
7 the plan shall identify territory to be preserved for
8 the next twenty years for agricultural purposes,
9 forests, recreational areas, wildlife management
10 areas, cultural areas, historical areas, or other
11 areas planned for preservation.

12 6. When designating that part of a strategic
13 development area contiguous to a city, the committee
14 shall identify, and give consideration to, the amount
15 of territory within the current incorporated
16 boundaries of the city that is vacant or undeveloped
17 land.

18 7. The committee shall utilize planning resources
19 that are available within the county, including city
20 and county planning commissions, zoning
21 administrators, and a council of governments
22 established pursuant to chapter 28H. The committee is
23 also encouraged to utilize the services of a joint
24 planning commission established pursuant to chapter
25 28I and colleges and universities in the state.

26 Sec. . NEW SECTION. 366.5 LOCAL GOVERNMENT
27 RATIFICATION OF STRATEGIC DEVELOPMENT PLAN.

28 1. Before the committee submits the plan
29 recommended for ratification, the committee shall hold
30 at least one public hearing on the proposed
31 recommended strategic development plan. The county
32 auditor shall publish notice of the time, place, and
33 purpose of the public hearing in a newspaper of
34 general circulation in the county. The notice must be
35 published at least ten days but no more than twenty
36 days before the hearing.

37 2. Not later than January 1, 2004, the committee
38 shall submit the recommended strategic development
39 plan to the county board of supervisors and the city
40 council of each city in the county.

41 a. Not later than sixty days after receiving the
42 recommended strategic development plan, the county
43 board of supervisors and each city council shall by
44 resolution either ratify or reject the recommended
45 strategic development plan. A city or county that
46 fails to timely act on the resolution shall be deemed
47 to have ratified the recommended strategic development
48 plan on the last day of the sixty-day period. If the
49 strategic development plan is ratified, the committee
50 shall submit the plan to the land management planning

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1 board for approval.
 2 b. If the county board of supervisors or a city
 3 council rejects the recommended strategic development
 4 plan submitted by the committee, the county or city
 5 shall submit its objections to the plan along with the
 6 notice of rejection. After receiving objections to
 7 the plan, the committee may recommend a revised
 8 strategic development plan no later than sixty days
 9 after the recommended plan is rejected or may resubmit
 10 the original plan. Before the committee submits the
 11 revised plan recommended for ratification, the
 12 committee shall hold at least one public hearing on
 13 the revised plan in the manner provided in subsection
 14 1. The committee shall submit any revised strategic
 15 development plan to the county board of supervisors
 16 and the city council of each city in the county for
 17 ratification.

18 Not later than sixty days after receiving a revised
 19 strategic development plan, the county board of
 20 supervisors and each city council shall either ratify
 21 or reject the revised strategic development plan in
 22 the same manner as provided in paragraph "a". A city
 23 or county that fails to timely act on a resolution
 24 shall be deemed to have ratified the revised strategic
 25 development plan on the last day of the sixty-day
 26 period.

27 Sec. __. NEW SECTION. 366.6 DISPUTE RESOLUTION.

28 1. If a recommended strategic development plan and
 29 a revised strategic development plan are rejected
 30 pursuant to section 366.5, the committee shall submit
 31 each of the rejected plans to the board for resolution
 32 of the matter within ten days of rejection of the
 33 revised plan. The board shall review the strategic
 34 development plans submitted by the committee and may
 35 adopt such amendments to a plan necessary for its
 36 approval by the board.

37 2. Not later than October 1, 2004, the board shall
 38 have approved strategic development plans submitted to
 39 the board for dispute resolution. Such approval is
 40 deemed to satisfy the approval requirement of section
 41 366.7.

42 Sec. __. NEW SECTION. 366.7 PLAN SUBMITTED TO
 43 BOARD FOR FINAL APPROVAL.

44 A strategic development plan ratified pursuant to
 45 section 366.5 shall be submitted to the board for
 46 approval within ten days of ratification of the plan.
 47 If the board determines that a plan conforms with the
 48 requirements of this chapter, the board shall approve
 49 the plan. If the board determines that a plan does
 50 not so conform, the board shall adopt such amendments

Page 8

1 to the plan necessary for its approval by the board.
2 The board shall have approved all plans by January 1,
3 2005.

4 Sec. __. NEW SECTION. 366.8 RECORDING OF
5 STRATEGIC DEVELOPMENT PLAN.

6 After the board has approved a strategic
7 development plan, the board shall retain a copy of the
8 plan on file and shall forward a copy to the county
9 auditor who shall record the plan in the office of
10 county recorder no later than five days after
11 receiving the plan from the board.

12 Sec. __. NEW SECTION. 366.9 DURATION OF PLANS
13 – REVIEW AND AMENDMENT.

14 After a strategic development plan has been
15 recorded with the county recorder, the plan shall
16 remain in effect for not less than five years absent a
17 showing of extraordinary circumstances necessitating a
18 change in the plan. After expiration of the five-year
19 period, the county or a city in the county may propose
20 an amendment to the strategic development plan or may
21 propose a review of the plan by filing notice with the
22 county board of supervisors for the county and the
23 city council of each city in the county. Upon receipt
24 of such notice by the county and each city, the county
25 board of supervisors shall promptly reconvene the
26 local strategic planning committee. The burden of
27 proving the reasonableness of a proposed amendment to
28 the plan shall be upon the party proposing the
29 amendment. The procedures for amending the strategic
30 development plan shall be the same as the procedures
31 set forth in this chapter for creating the original
32 strategic development plan.

33 Sec. __. NEW SECTION. 366.10 JUDICIAL REVIEW.

34 1. The county, a city in the county, a resident of
35 the county, or an owner of real property located in
36 the county may seek judicial review of a decision of
37 the board relating to the strategic development plan
38 presented to the board for its approval. The judicial
39 review provisions of this section and chapter 17A
40 shall be the exclusive means by which a person or
41 party who is aggrieved or adversely affected by action
42 of the board may seek judicial review of the action of
43 the board or of a local government.

44 2. A petition for judicial review must be filed
45 within sixty days after the strategic development plan
46 is recorded with the county recorder. In accordance
47 with the Iowa rules of civil procedure pertaining to
48 service of process, copies of the petition shall be
49 served upon the board.

50 3. The court's review is limited to questions

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1 relating to jurisdiction, regularity of proceedings,
 2 and whether the action of the board is, by a
 3 preponderance of the evidence, arbitrary,
 4 unreasonable, or without substantial supporting
 5 evidence. The court may nullify an action of the
 6 board and return the plan with appropriate directions
 7 to the board.

8 4. The filing of a petition for judicial review
 9 does not stay the effectiveness of the strategic
 10 development plan or recognition of strategic
 11 development areas and strategic preservation areas
 12 identified in the plan. However, the court may order
 13 a stay upon appropriate terms if it is shown to the
 14 satisfaction of the court that any party or the public
 15 at large is likely to suffer significant injury if a
 16 stay is not granted. If more than one petition for
 17 judicial review regarding a single board action is
 18 filed, all such petitions shall be consolidated and
 19 tried as a single civil action.

20 5. The following portions of section 17A.19 are
 21 not applicable to this chapter:

22 a. The portion of subsection 2 relating to where
 23 proceedings for judicial review shall be instituted.

24 b. Subsection 5.

25 c. Subsection 8.

26 d. Subsections 10 through 12.

27 Sec. . NEW SECTION. 366.11 LOCAL
 28 IMPLEMENTATION.

29 1. A city or county shall not adopt ordinances
 30 regulating land development and management within its
 31 territory that are inconsistent with the strategic
 32 development plan governing the territory.

33 2. A strategic development plan approved pursuant
 34 to this chapter shall be the basis for the
 35 comprehensive plan of each county required pursuant to
 36 section 335.5, if the county has adopted a zoning
 37 ordinance, and for the comprehensive plan of each city
 38 in the county required pursuant to section 414.3. The
 39 county and each city shall amend its comprehensive
 40 plan to conform to the strategic development plan.
 41 After a strategic development plan is approved, all
 42 land use decisions made by the governing body of each
 43 city and county and the city's or county's planning
 44 commission shall be consistent with the strategic
 45 development plan.

46 3. A city or county is under no obligation to
 47 provide municipal services for development that does
 48 not conform to the applicable strategic development
 49 plan.

50 Sec. . NEW SECTION. 414.32 REGULATORY

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1 INCENTIVES.

2 Cities shall provide regulatory incentives,
 3 including expedited permitting and waiver of permit
 4 fees, for new development, expansion of existing
 5 development, and redevelopment within all or part of
 6 the incorporated boundaries of the city in areas
 7 containing undeveloped or underdeveloped land or
 8 buildings that are substandard, dilapidated, vacant,
 9 abandoned, or functionally obsolete.

10 DIVISION IV

11 CITY DEVELOPMENT

12 Sec. __. Section 368.1, subsection 3, Code 2001,
 13 is amended to read as follows:

14 3. "Board" means the ~~city development land~~
 15 management planning board established in section ~~368.9~~
 16 6C.5.

17 Sec. __. NEW SECTION. 368.5A ANNEXATION
 18 PROHIBITED – STRATEGIC PRESERVATION AREAS.

19 Beginning January 1, 2005, only territory contained
 20 in a strategic development area may be annexed. The
 21 city council or land management planning board shall
 22 not approve any application or petition that seeks to
 23 annex territory contained in a strategic preservation
 24 area.

25 Sec. __. Section 368.7A, subsection 1, Code 2001,
 26 is amended to read as follows:

27 1. The board of supervisors of each affected
 28 county shall notify the ~~city development land~~
 29 management planning board of the existence of that
 30 portion of any secondary road which extends to the
 31 center line but has not become part of the city by
 32 annexation and has a common boundary with a city. The
 33 notification shall include a legal description and a
 34 map identifying the location of the secondary road.
 35 The ~~city development land~~ management planning board
 36 shall provide notice and an opportunity to be heard to
 37 each city in or next to which the secondary road is
 38 located. The ~~city development land~~ management
 39 planning board shall certify that the notification is
 40 correct and declare the road, or portion of the road
 41 extending to the center line, annexed to the city as
 42 of the date of certification. This section is not
 43 intended to interfere with or modify existing chapter
 44 28E agreements on jurisdictional transfer of roads, or
 45 continuing negotiations between jurisdictions.

46 Sec. __. Section 368.11, Code Supplement 2001, is
 47 amended by adding the following new unnumbered
 48 paragraph before unnumbered paragraph 3:
 49 NEW UNNUMBERED PARAGRAPH. Plans required by this
 50 section to be filed with a petition shall include

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1 specific information pertaining to estimated costs of
2 implementing the plan, the time frame involved in
3 implementing the plan, and any other specific
4 information related to implementing the plan.
5 Sec. ___. Section 368.11, Code Supplement 2001, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 14. A statement describing how
8 the boundary adjustment will conform to the strategic
9 development plan governing the territory.
10 Sec. ___. Sections 368.9 and 368.10, Code 2001,
11 are repealed.

DIVISION V

CORRESPONDING AMENDMENTS

14 Sec. ___. Section 15.108, subsection 3, paragraph
15 a, subparagraph (2), Code Supplement 2001, is amended
16 to read as follows:

17 (2) Provide office space and staff assistance to
18 the ~~city development land management planning~~ board as
19 provided in section ~~368.9~~ 6C.5.

20 Sec. ___. Section 331.304, subsection 7, Code
21 2001, is amended to read as follows:

22 7. The board may file a petition with the ~~city~~
23 development land management planning board as provided
24 in section 368.11.

25 Sec. ___. Section 331.321, subsection 1, paragraph
26 t, Code Supplement 2001, is amended to read as
27 follows:

28 t. Local representatives to serve with the ~~city~~
29 development land management planning board as provided
30 in section 368.14.

31 Sec. ___. Section 384.38, subsection 2, Code 2001,
32 is amended to read as follows:

33 2. Upon petition as provided in section 384.41,
34 subsection 1, a city may assess to private property
35 affected by public improvements within three miles of
36 the city's boundaries the cost of construction and
37 repair of public improvements within that area. The
38 right-of-way of a railway company shall not be
39 assessed unless the company joins as a petitioner for
40 ~~said such~~ improvements. In the petition the property
41 owners shall waive the limitation provided in section
42 384.62 that an assessment may not exceed twenty-five
43 percent of the value of the lot. The petition shall
44 contain a statement that the owners agree to pay the
45 city an amount equal to five percent of the cost of
46 the improvements, to cover administrative expenses
47 incurred by the city. This amount may be added to the
48 cost of the improvements. Before the council may
49 adopt the resolution of necessity, the preliminary
50 resolution, preliminary plans and specifications,

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1 plat, schedule, and estimate of cost must be submitted
 2 to, and receive written approval from, the board of
 3 supervisors of any county which contains part of the
 4 property, and the ~~city development~~ land management
 5 planning board established in section ~~368.9~~ 6C.5.
 6 Sec.____. LAND MANAGEMENT PLANNING BOARD
 7 TRANSITION. Terms of current city development board
 8 members shall continue until their expiration.
 9 Sec.____. IMPLEMENTATION OF ACT. Section 25B.2,
 10 subsection 3, shall not apply to this Act.
 11 Sec.____. EFFECTIVE DATES.
 12 1. The section of this Act amending section 298.3
 13 takes effect July 1, 2002.
 14 2. The sections of this Act enacting Code section
 15 368.5A and amending Code section 368.11 take effect
 16 January 1, 2005.
 17 3. The remainder of this Act takes effect May 1,
 18 2002."
 19 3. Title page, line 1, by inserting after the
 20 word "Act" the following: "relating to real and
 21 personal property by".
 22 4. Title page, line 2, by inserting after the
 23 word "expenditures" the following: "and by providing
 24 a method for state and local land management and
 25 planning, and providing effective dates".
 26 5. By renumbering as necessary.

FALLON of Polk

H-8436

1 Amend the amendment, H-8422, to Senate File 2228,
 2 as passed by the Senate as follows:
 3 1. Page 1, by inserting after line 2, the
 4 following:
 5 "____. Page 1, by inserting before line 1 the
 6 following:
 7 "DIVISION I
 8 PHYSICAL PLANT AND EQUIPMENT LEVY"
 9 2. Page 1, by striking line 5, and inserting the
 10 following:
 11 ""DIVISION II
 12 SCHOOL DISTRICT SALES TAX
 13 Sec. 103. 298B.1 NEW SECTION. SCHOOL DISTRICT".
 14 3. Page 12, by inserting after line 40, the
 15 following:
 16 "DIVISION III
 17 STATE LAND MANAGEMENT AND PLANNING
 18 Sec.____. NEW SECTION. 6C.1 TITLE.
 19 This chapter shall be known and may be cited as the

20 "Land Management Planning Act".
 21 Sec. __. NEW SECTION. 6C.2 LAND DEVELOPMENT AND
 22 USE – STATE POLICY ESTABLISHED.
 23 It is the policy of this state to provide for the
 24 sound and orderly development and use of land and to
 25 provide for the protection and preservation of the
 26 private and public interest in the land, water, and
 27 related resources of this state for the public health,
 28 safety, morals, and general welfare of present and
 29 future generations. It is further the policy of this
 30 state to preserve the use of prime agricultural land
 31 for agricultural production and to preserve natural,
 32 cultural, and historical areas while striking a
 33 balance between legitimate public purposes and private
 34 property rights.
 35 Sec. __. NEW SECTION. 6C.3 DEFINITIONS.
 36 1. "Agricultural land" means agricultural land as
 37 that term is defined in section 9H.1.
 38 2. "Board" means the land management planning
 39 board established in section 6C.5.
 40 3. "Department" means the department of economic
 41 development.
 42 4. "Public agency" means an agency as defined in
 43 section 17A.2, a county, a city, or other political
 44 subdivision, including but not limited to a principal
 45 department as provided in section 7E.5, a school
 46 corporation organized under chapter 273 or 274, a
 47 community college as provided in chapter 260C, or a
 48 township as provided in chapter 359.
 49 5. "Strategic development plan" means a plan
 50 adopted by a county and the cities within the county

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1 and approved by the land management planning board as
 2 provided in chapter 366.
 3 Sec. __. NEW SECTION. 6C.5 LAND MANAGEMENT
 4 PLANNING BOARD.
 5 1. A land management planning board is established
 6 as the state's principal agency overseeing land
 7 management planning by cities and counties. The board
 8 shall oversee the administration of this chapter, and
 9 chapters 366 and 368, monitor the effectiveness of
 10 public agencies in carrying out the policy of this
 11 state as established in section 6C.2, and study
 12 methods to successfully implement the policy.
 13 2. The board shall be composed of the following
 14 members:
 15 a. One member appointed from a city with a
 16 population of more than forty-five thousand, according
 17 to the most recent certified federal census.
 18 b. One member appointed from a city with a

- 19 population of forty-five thousand or less, according
 20 to the most recent certified federal census.
- 21 c. One member appointed from a county with a
 22 population of more than fifty thousand, according to
 23 the most recent certified federal census.
- 24 d. One member appointed from a county with a
 25 population of fifty thousand or less, according to the
 26 most recent certified federal census.
- 27 e. One member appointed to represent the general
 28 public.
- 29 3. The members shall be appointed by the governor
 30 subject to confirmation by the senate as provided in
 31 section 2.32. The appointments shall be for six-year
 32 staggered terms beginning and ending as provided in
 33 section 69.19, or for an unexpired term if a vacancy
 34 occurs. No member shall serve more than two complete
 35 six-year terms.
- 36 4. The board shall elect a chairperson each year.
- 37 5. Members of the board, other than a state
 38 officer or employee, are entitled to receive a per
 39 diem as specified in section 7E.6 for each day spent
 40 in performance of duties as members, and shall be
 41 reimbursed for all actual and necessary expenses
 42 incurred in the performance of duties as members.
- 43 6. The department shall provide office space and
 44 staff assistance, and shall budget funds to cover
 45 expenses of the board. The office of attorney general
 46 shall provide legal counsel to the board.
- 47 Sec. __. NEW SECTION. 6C.6 POWERS AND DUTIES OF
 48 THE BOARD.
- 49 1. The board shall do all of the following:
- 50 a. Review strategic development plans submitted

Page 3

- 1 for dispute resolution pursuant to section 366.6.
- 2 b. Review and approve plans submitted for final
 3 approval pursuant to section 366.7.
- 4 c. Approve or disapprove petitions for boundary
 5 adjustment as provided in chapter 368.
- 6 d. Establish policies for administration of the
 7 land management planning fund created in section 6C.7.
- 8 e. Adopt rules pursuant to chapter 17A necessary
 9 to administer its duties under this chapter and
 10 chapters 366 and 368.
- 11 2. The board may adopt forms to be completed and
 12 submitted by cities and counties as necessary for the
 13 efficient administration of this chapter and chapters
 14 366 and 368.
- 15 Sec. __. NEW SECTION. 6C.7 LAND MANAGEMENT
 16 PLANNING FUND.
- 17 1. A land management planning fund is created

18 within the state treasury under the control of the
 19 department. Moneys in the fund shall be used
 20 exclusively to pay for the costs of administration of
 21 this chapter and chapters 366 and 368 by the
 22 department.
 23 2. The fund shall consist of all of the following:
 24 a. Moneys appropriated by the general assembly.
 25 b. Moneys available to and obtained or accepted by
 26 the department from the federal government or private
 27 sources for deposit in the fund.

28 DIVISION IV

29 LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING

30 Sec. __. NEW SECTION. 366.1 DEFINITIONS.

31 1. "Agricultural land" means agricultural land as
 32 defined in section 9H.1.

33 2. "Board" means the land management planning
 34 board created in section 6C.5.

35 Sec. __. NEW SECTION. 366.2 LOCAL STRATEGIC
 36 DEVELOPMENT COMMITTEE.

37 1. A local strategic development committee is
 38 created within each county. Members shall be
 39 appointed to the committee on or before September 1,
 40 2002. The committee shall be composed of the
 41 following members:

42 a. Three members appointed by the county board of
 43 supervisors. Two of the three members must be
 44 residents of the unincorporated area of the county.

45 b. One member appointed by the city council of
 46 each city located in the county.

47 c. One member appointed by the mayor of each of
 48 the two cities with the highest population located in
 49 the county.

50 d. An additional member shall be appointed by the

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1 mayor of each participating city for every fifty
 2 thousand residents in the city.

3 2. A city shall be represented on a committee if
 4 any part of the city is located in the county.

5 However, if the portion of the city in the county is
 6 less than one-half of the entire geographical area of
 7 the city, the member representing the city shall be a
 8 nonvoting member of the committee.

9 3. Two or more contiguous counties may organize as
 10 one combined strategic development committee.

11 4. The committee shall hold an organizational
 12 meeting no later than ten days after appointment of
 13 members. The organizational meeting shall be convened
 14 by the chairperson of the county board of supervisors.

15 Sec. __. NEW SECTION. 366.3 STRATEGIC

16 DEVELOPMENT PLAN – GOALS AND OBJECTIVES.

- 17 1. The local strategic development committee shall
18 create and recommend a strategic development plan for
19 the county.
- 20 2. The purpose of a strategic development plan is
21 to direct coordinated, efficient, and orderly urban
22 development that will, based on an analysis of present
23 and future needs, best promote the public health,
24 safety, morals, and general welfare. The goals and
25 objectives of a strategic development plan include the
26 following:
- 27 a. Encouraging a pattern of compact development in
28 strategic development areas.
- 29 b. Promoting redevelopment of existing urban
30 areas.
- 31 c. Promoting employment opportunities and the
32 economic health of the county and all cities in the
33 county.
- 34 d. Providing for a variety of housing choices
35 within strategic development areas and assuring
36 affordable housing for future population growth.
- 37 e. Identifying and conserving natural resource
38 areas, environmentally sensitive land, and features of
39 significant local, statewide, or regional
40 architectural, cultural, historical, or archaeological
41 interest.
- 42 f. Preserving land identified by the strategic
43 development committee as prime agricultural land for
44 use in agricultural production.
- 45 g. Balancing the need for land management
46 regulations with the protection of private property
47 rights.
- 48 h. Ensuring the efficient use of infrastructure
49 and that adequate municipal services are provided
50 concurrently with development.

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- 1 i. Taking into consideration such other matters
2 that are related to the coordinated, efficient, and
3 orderly development of the county and all cities in
4 the county.
- 5 Sec. __. NEW SECTION. 366.4 STRATEGIC
6 DEVELOPMENT PLAN – REQUIREMENTS.
- 7 1. A strategic development plan shall divide the
8 county into strategic development areas where future
9 development would be allowed to occur and strategic
10 preservation areas where development would not be
11 allowed. A strategic development plan shall address
12 transportation, public infrastructure, municipal
13 services, economic development, housing, recreation,
14 natural resources, and land use. A strategic
15 development plan may address hazard mitigation, energy

16 systems, cultural preservation, and other elements
 17 appropriate to the area governed by the plan.
 18 2. The committee shall conduct a review of
 19 existing comprehensive plans governing the county, if
 20 applicable, and governing each city located in the
 21 county.
 22 3. Before the committee drafts a strategic
 23 development plan, the committee shall hold a public
 24 hearing in order to obtain citizen input on
 25 preparation of the strategic development plan. The
 26 hearing shall be held no later than thirty days after
 27 the committee's organizational meeting. The county
 28 auditor shall publish notice of the time, date, place,
 29 and purpose of the public hearing in a newspaper of
 30 general circulation in the county. The notice must be
 31 published not less than ten days but no more than
 32 twenty days before the hearing. The notice shall
 33 include a description of the general duties of the
 34 strategic development committee and the cities and
 35 counties represented on the strategic development
 36 committee.
 37 4. A strategic development plan shall include
 38 documents describing and depicting the corporate
 39 limits of each city in the county and the boundaries
 40 of each strategic development area and each strategic
 41 preservation area.
 42 5. a. In establishing a strategic development
 43 area, the plan shall do all of the following:
 44 (1) Identify territory that a reasonable and
 45 prudent person would project as the likely site of
 46 commercial, industrial, or residential growth over the
 47 next twenty years based on historical experience,
 48 economic trends, population growth patterns,
 49 topographical characteristics, and any professional
 50 planning, engineering, and economic studies that are

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1 available. The city shall report population growth
 2 projections for the city based upon federal census
 3 data.
 4 (2) Identify agricultural land which has a corn
 5 suitability rating of sixty or higher, according to
 6 information released by Iowa state university to the
 7 department of revenue and finance for assessment and
 8 taxation of agricultural land. Agricultural land with
 9 a corn suitability rating of sixty or higher shall not
 10 be included in a strategic development area unless the
 11 local strategic development committee makes a showing
 12 that the land is necessary for the orderly development
 13 of the strategic development area.
 14 b. In establishing a strategic preservation area,

15 the plan shall identify territory to be preserved for
16 the next twenty years for agricultural purposes,
17 forests, recreational areas, wildlife management
18 areas, cultural areas, historical areas, or other
19 areas planned for preservation.

20 6. When designating that part of a strategic
21 development area contiguous to a city, the committee
22 shall identify, and give consideration to, the amount
23 of territory within the current incorporated
24 boundaries of the city that is vacant or undeveloped
25 land.

26 7. The committee shall utilize planning resources
27 that are available within the county, including city
28 and county planning commissions, zoning
29 administrators, and a council of governments
30 established pursuant to chapter 28H. The committee is
31 also encouraged to utilize the services of a joint
32 planning commission established pursuant to chapter
33 28I and colleges and universities in the state.

34 Sec. __. **NEW SECTION. 366.5 LOCAL GOVERNMENT**
35 **RATIFICATION OF STRATEGIC DEVELOPMENT PLAN.**

36 1. Before the committee submits the plan
37 recommended for ratification, the committee shall hold
38 at least one public hearing on the proposed
39 recommended strategic development plan. The county
40 auditor shall publish notice of the time, place, and
41 purpose of the public hearing in a newspaper of
42 general circulation in the county. The notice must be
43 published at least ten days but no more than twenty
44 days before the hearing.

45 2. Not later than January 1, 2004, the committee
46 shall submit the recommended strategic development
47 plan to the county board of supervisors and the city
48 council of each city in the county.

49 a. Not later than sixty days after receiving the
50 recommended strategic development plan, the county

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1 board of supervisors and each city council shall by
2 resolution either ratify or reject the recommended
3 strategic development plan. A city or county that
4 fails to timely act on the resolution shall be deemed
5 to have ratified the recommended strategic development
6 plan on the last day of the sixty-day period. If the
7 strategic development plan is ratified, the committee
8 shall submit the plan to the land management planning
9 board for approval.

10 b. If the county board of supervisors or a city
11 council rejects the recommended strategic development
12 plan submitted by the committee, the county or city
13 shall submit its objections to the plan along with the

14 notice of rejection. After receiving objections to
 15 the plan, the committee may recommend a revised
 16 strategic development plan no later than sixty days
 17 after the recommended plan is rejected or may resubmit
 18 the original plan. Before the committee submits the
 19 revised plan recommended for ratification, the
 20 committee shall hold at least one public hearing on
 21 the revised plan in the manner provided in subsection
 22 1. The committee shall submit any revised strategic
 23 development plan to the county board of supervisors
 24 and the city council of each city in the county for
 25 ratification.

26 Not later than sixty days after receiving a revised
 27 strategic development plan, the county board of
 28 supervisors and each city council shall either ratify
 29 or reject the revised strategic development plan in
 30 the same manner as provided in paragraph "a". A city
 31 or county that fails to timely act on a resolution
 32 shall be deemed to have ratified the revised strategic
 33 development plan on the last day of the sixty-day
 34 period.

35 Sec. __. NEW SECTION. 366.6 DISPUTE RESOLUTION.

36 1. If a recommended strategic development plan and
 37 a revised strategic development plan are rejected
 38 pursuant to section 366.5, the committee shall submit
 39 each of the rejected plans to the board for resolution
 40 of the matter within ten days of rejection of the
 41 revised plan. The board shall review the strategic
 42 development plans submitted by the committee and may
 43 adopt such amendments to a plan necessary for its
 44 approval by the board.

45 2. Not later than October 1, 2004, the board shall
 46 have approved strategic development plans submitted to
 47 the board for dispute resolution. Such approval is
 48 deemed to satisfy the approval requirement of section
 49 366.7.

50 Sec. __. NEW SECTION. 366.7 PLAN SUBMITTED TO

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1 BOARD FOR FINAL APPROVAL.

2 A strategic development plan ratified pursuant to
 3 section 366.5 shall be submitted to the board for
 4 approval within ten days of ratification of the plan.
 5 If the board determines that a plan conforms with the
 6 requirements of this chapter, the board shall approve
 7 the plan. If the board determines that a plan does
 8 not so conform, the board shall adopt such amendments
 9 to the plan necessary for its approval by the board.
 10 The board shall have approved all plans by January 1,
 11 2005.

12 Sec. __. NEW SECTION. 366.8 RECORDING OF

13 STRATEGIC DEVELOPMENT PLAN.

14 After the board has approved a strategic
 15 development plan, the board shall retain a copy of the
 16 plan on file and shall forward a copy to the county
 17 auditor who shall record the plan in the office of
 18 county recorder no later than five days after
 19 receiving the plan from the board.

20 Sec. __. NEW SECTION. 366.9 DURATION OF PLANS
 21 – REVIEW AND AMENDMENT.

22 After a strategic development plan has been
 23 recorded with the county recorder, the plan shall
 24 remain in effect for not less than five years absent a
 25 showing of extraordinary circumstances necessitating a
 26 change in the plan. After expiration of the five-year
 27 period, the county or a city in the county may propose
 28 an amendment to the strategic development plan or may
 29 propose a review of the plan by filing notice with the
 30 county board of supervisors for the county and the
 31 city council of each city in the county. Upon receipt
 32 of such notice by the county and each city, the county
 33 board of supervisors shall promptly reconvene the
 34 local strategic planning committee. The burden of
 35 proving the reasonableness of a proposed amendment to
 36 the plan shall be upon the party proposing the
 37 amendment. The procedures for amending the strategic
 38 development plan shall be the same as the procedures
 39 set forth in this chapter for creating the original
 40 strategic development plan.

41 Sec. __. NEW SECTION. 366.10 JUDICIAL REVIEW.

42 1. The county, a city in the county, a resident of
 43 the county, or an owner of real property located in
 44 the county may seek judicial review of a decision of
 45 the board relating to the strategic development plan
 46 presented to the board for its approval. The judicial
 47 review provisions of this section and chapter 17A
 48 shall be the exclusive means by which a person or
 49 party who is aggrieved or adversely affected by action
 50 of the board may seek judicial review of the action of

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1 the board or of a local government.
 2 2. A petition for judicial review must be filed
 3 within sixty days after the strategic development plan
 4 is recorded with the county recorder. In accordance
 5 with the Iowa rules of civil procedure pertaining to
 6 service of process, copies of the petition shall be
 7 served upon the board.
 8 3. The court's review is limited to questions
 9 relating to jurisdiction, regularity of proceedings,
 10 and whether the action of the board is, by a
 11 preponderance of the evidence, arbitrary,

12 unreasonable, or without substantial supporting
 13 evidence. The court may nullify an action of the
 14 board and return the plan with appropriate directions
 15 to the board.

16 4. The filing of a petition for judicial review
 17 does not stay the effectiveness of the strategic
 18 development plan or recognition of strategic
 19 development areas and strategic preservation areas
 20 identified in the plan. However, the court may order
 21 a stay upon appropriate terms if it is shown to the
 22 satisfaction of the court that any party or the public
 23 at large is likely to suffer significant injury if a
 24 stay is not granted. If more than one petition for
 25 judicial review regarding a single board action is
 26 filed, all such petitions shall be consolidated and
 27 tried as a single civil action.

28 5. The following portions of section 17A.19 are
 29 not applicable to this chapter:

30 a. The portion of subsection 2 relating to where
 31 proceedings for judicial review shall be instituted.

32 b. Subsection 5.

33 c. Subsection 8.

34 d. Subsections 10 through 12.

35 Sec. __. NEW SECTION. 366.11 LOCAL
 36 IMPLEMENTATION.

37 1. A city or county shall not adopt ordinances
 38 regulating land development and management within its
 39 territory that are inconsistent with the strategic
 40 development plan governing the territory.

41 2. A strategic development plan approved pursuant
 42 to this chapter shall be the basis for the
 43 comprehensive plan of each county required pursuant to
 44 section 335.5, if the county has adopted a zoning
 45 ordinance, and for the comprehensive plan of each city
 46 in the county required pursuant to section 414.3. The
 47 county and each city shall amend its comprehensive
 48 plan to conform to the strategic development plan.
 49 After a strategic development plan is approved, all
 50 land use decisions made by the governing body of each

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1 city and county and the city's or county's planning
 2 commission shall be consistent with the strategic
 3 development plan.

4 3. A city or county is under no obligation to
 5 provide municipal services for development that does
 6 not conform to the applicable strategic development
 7 plan.

8 Sec. __. NEW SECTION. 414.32 REGULATORY
 9 INCENTIVES.

10 Cities shall provide regulatory incentives,

11 including expedited permitting and waiver of permit
 12 fees, for new development, expansion of existing
 13 development, and redevelopment within all or part of
 14 the incorporated boundaries of the city in areas
 15 containing undeveloped or underdeveloped land or
 16 buildings that are substandard, dilapidated, vacant,
 17 abandoned, or functionally obsolete.

18 DIVISION V

19 CITY DEVELOPMENT

20 Sec.____. Section 368.1, subsection 3, Code 2001,
 21 is amended to read as follows:

22 3. "Board" means the ~~city development land~~
 23 ~~management planning~~ board established in section ~~368.9~~
 24 ~~6C.5~~.

25 Sec.____. **NEW SECTION.** 368.5A ANNEXATION
 26 PROHIBITED – STRATEGIC PRESERVATION AREAS.

27 Beginning January 1, 2005, only territory contained
 28 in a strategic development area may be annexed. The
 29 city council or land management planning board shall
 30 not approve any application or petition that seeks to
 31 annex territory contained in a strategic preservation
 32 area.

33 Sec.____. Section 368.7A, subsection 1, Code 2001,
 34 is amended to read as follows:

35 1. The board of supervisors of each affected
 36 county shall notify the ~~city development land~~
 37 ~~management planning~~ board of the existence of that
 38 portion of any secondary road which extends to the
 39 center line but has not become part of the city by
 40 annexation and has a common boundary with a city. The
 41 notification shall include a legal description and a
 42 map identifying the location of the secondary road.
 43 The ~~city development land management planning~~ board
 44 shall provide notice and an opportunity to be heard to
 45 each city in or next to which the secondary road is
 46 located. The ~~city development land management~~
 47 ~~planning~~ board shall certify that the notification is
 48 correct and declare the road, or portion of the road
 49 extending to the center line, annexed to the city as
 50 of the date of certification. This section is not

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1 intended to interfere with or modify existing chapter
 2 28E agreements on jurisdictional transfer of roads, or
 3 continuing negotiations between jurisdictions.

4 Sec.____. Section 368.11, Code Supplement 2001, is
 5 amended by adding the following new unnumbered
 6 paragraph before unnumbered paragraph 3:
 7 **NEW UNNUMBERED PARAGRAPH.** Plans required by this
 8 section to be filed with a petition shall include
 9 specific information pertaining to estimated costs of

10 implementing the plan, the time frame involved in
 11 implementing the plan, and any other specific
 12 information related to implementing the plan.
 13 Sec. __. Section 368.11, Code Supplement 2001, is
 14 amended by adding the following new subsection:
 15 NEW SUBSECTION. 14. A statement describing how
 16 the boundary adjustment will conform to the strategic
 17 development plan governing the territory.
 18 Sec. __. Sections 368.9 and 368.10, Code 2001,
 19 are repealed.

20 DIVISION VI

21 CORRESPONDING AMENDMENTS

22 Sec. __. Section 15.108, subsection 3, paragraph
 23 a, subparagraph (2), Code Supplement 2001, is amended
 24 to read as follows:

25 (2) Provide office space and staff assistance to
 26 the ~~city development land management planning~~ board as
 27 provided in section ~~368.9~~ 6C.5.

28 Sec. __. Section 331.304, subsection 7, Code
 29 2001, is amended to read as follows:

30 7. The board may file a petition with the ~~city~~
 31 ~~development land management planning~~ board as provided
 32 in section 368.11.

33 Sec. __. Section 331.321, subsection 1, paragraph
 34 t, Code Supplement 2001, is amended to read as
 35 follows:

36 t. Local representatives to serve with the ~~city~~
 37 ~~development land management planning~~ board as provided
 38 in section 368.14.

39 Sec. __. Section 384.38, subsection 2, Code 2001,
 40 is amended to read as follows:

41 2. Upon petition as provided in section 384.41,
 42 subsection 1, a city may assess to private property
 43 affected by public improvements within three miles of
 44 the city's boundaries the cost of construction and
 45 repair of public improvements within that area. The
 46 right-of-way of a railway company shall not be
 47 assessed unless the company joins as a petitioner for
 48 ~~said~~ such improvements. In the petition the property
 49 owners shall waive the limitation provided in section
 50 384.62 that an assessment may not exceed twenty-five

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1 percent of the value of the lot. The petition shall
 2 contain a statement that the owners agree to pay the
 3 city an amount equal to five percent of the cost of
 4 the improvements, to cover administrative expenses
 5 incurred by the city. This amount may be added to the
 6 cost of the improvements. Before the council may
 7 adopt the resolution of necessity, the preliminary
 8 resolution, preliminary plans and specifications,

9 plat, schedule, and estimate of cost must be submitted
 10 to, and receive written approval from, the board of
 11 supervisors of any county which contains part of the
 12 property, and the city development land management
 13 planning board established in section ~~368.9~~ 6C.5.
 14 Sec. ____ LAND MANAGEMENT PLANNING BOARD
 15 TRANSITION. Terms of current city development board
 16 members shall continue until their expiration.
 17 Sec. ____ IMPLEMENTATION OF ACT. Section 25B.2,
 18 subsection 3, shall not apply to this Act."
 19 4. Page 12, by inserting after line 49, the
 20 following:
 21 "3. The section of this Act amending section 298.3
 22 takes effect July 1, 2002.
 23 4. The sections of this Act enacting section
 24 368.5A and amending section 368.11 take effect January
 25 1, 2005.
 26 5. The remainder of this Act takes effect May 1,
 27 2002."
 28 5. Page 13, line 4, by inserting after the word
 29 "electorate" the following: "and providing a method
 30 for state and local land management and planning".
 31 6. By renumbering as necessary.

FALLON of Polk

H-8438

1 Amend Senate File 2228, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 12 the
 4 following:
 5 "Sec. ____ Section 298.4, Code 2001, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 6. To pay the operational costs
 8 of transportation expenses otherwise payable from a
 9 school district's general fund."
 10 2. Title page, line 2, by striking the word
 11 "purposes" and inserting the following: "and
 12 management levy purposes, and relating to the purposes
 13 for which management levy revenue may be utilized".
 14 3. By renumbering as necessary.

OSTERHAUS of Jackson

H-8439

1 Amend Senate File 2228, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 296.7, subsection 3, Code

6 2001, is amended to read as follows:

7 3. A Except as provided in section 298.4, a school
 8 district, providing an insurance program as described
 9 in subsection 2, shall not contract indebtedness and
 10 issue general obligation bonds or enter into insurance
 11 agreements obligating the school district to make
 12 payments beyond its current budget year for that
 13 employee benefit plan. A school district may,
 14 however, apply to the school budget review committee
 15 for relief if necessitated by the expenses in the
 16 school district's insurance program as described in
 17 subsection 2."

18 2. Page 1, by inserting after line 12 the
 19 following:

20 "Sec. __. Section 298.4, Code 2001, is amended by
 21 adding the following new subsection:

22 NEW SUBSECTION. 6. To pay the cost of employee
 23 health benefits. For the purposes of this subsection,
 24 employee health benefits shall refer to costs for
 25 hospital and surgical, medical expense, major medical,
 26 dental, or prescription drug benefits."

27 3. Title page, line 2, by striking the word
 28 "purposes" and inserting the following: "and
 29 management levy purposes, and relating to the purposes
 30 for which management levy revenue may be utilized".

31 4. By renumbering as necessary.

OSTERHAUS of Jackson

H-8440

1 Amend Senate File 2309, as passed by the Senate, as
 2 follows:

3 1. Page 8, by inserting after line 28 the
 4 following:

5 "NEW SECTION. 9H.8 ENGLISH CLASSES.

6 A processor with more than ten percent of its
 7 workforce as noncitizens shall provide English
 8 language proficiency classes and the time to attend
 9 such classes to all employees who desire to attend
 10 such classes."

11 2. By renumbering, redesignating, and correcting
 12 internal references as necessary.

WARNSTADT of Woodbury

H-8442

1 Amend Senate File 2228, as passed by the Senate, as
2 follows:

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

5 "DIVISION I
6 PHYSICAL PLANT AND EQUIPMENT LEVY"

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

9 "DIVISION II
10 STATE LAND MANAGEMENT AND PLANNING
11 Sec. . NEW SECTION. 6C.1 TITLE.

12 This chapter shall be known and may be cited as the
13 "Land Management Planning Act".

14 Sec. . NEW SECTION. 6C.2 LAND DEVELOPMENT AND
15 USE – STATE POLICY ESTABLISHED.

16 It is the policy of this state to provide for the
17 sound and orderly development and use of land and to
18 provide for the protection and preservation of the
19 private and public interest in the land, water, and
20 related resources of this state for the public health,
21 safety, morals, and general welfare of present and
22 future generations. It is further the policy of this
23 state to preserve the use of prime agricultural land
24 for agricultural production and to preserve natural,
25 cultural, and historical areas while striking a
26 balance between legitimate public purposes and private
27 property rights.

28 Sec. . NEW SECTION. 6C.3 DEFINITIONS.

29 1. "Agricultural land" means agricultural land as
30 that term is defined in section 9H.1.

31 2. "Board" means the land management planning
32 board established in section 6C.5.

33 3. "Department" means the department of economic
34 development.

35 4. "Public agency" means an agency as defined in
36 section 17A.2, a county, a city, or other political
37 subdivision, including but not limited to a principal
38 department as provided in section 7E.5, a school
39 corporation organized under chapter 273 or 274, a
40 community college as provided in chapter 260C, or a
41 township as provided in chapter 359.

42 5. "Strategic development plan" means a plan
43 adopted by a county and the cities within the county
44 and approved by the land management planning board as
45 provided in chapter 366.

46 Sec. . NEW SECTION. 6C.5 LAND MANAGEMENT
47 PLANNING BOARD.

48 1. A land management planning board is established
49 as the state's principal agency overseeing land
50 management planning by cities and counties. The board

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1 shall oversee the administration of this chapter, and
2 chapters 366 and 368, monitor the effectiveness of
3 public agencies in carrying out the policy of this
4 state as established in section 6C.2, and study
5 methods to successfully implement the policy.

6 2. The board shall be composed of the following
7 members:

8 a. One member appointed from a city with a
9 population of more than forty-five thousand, according
10 to the most recent certified federal census.

11 b. One member appointed from a city with a
12 population of forty-five thousand or less, according
13 to the most recent certified federal census.

14 c. One member appointed from a county with a
15 population of more than fifty thousand, according to
16 the most recent certified federal census.

17 d. One member appointed from a county with a
18 population of fifty thousand or less, according to the
19 most recent certified federal census.

20 e. One member appointed to represent the general
21 public.

22 3. The members shall be appointed by the governor
23 subject to confirmation by the senate as provided in
24 section 2.32. The appointments shall be for six-year
25 staggered terms beginning and ending as provided in
26 section 69.19, or for an unexpired term if a vacancy
27 occurs. No member shall serve more than two complete
28 six-year terms.

29 4. The board shall elect a chairperson each year.

30 5. Members of the board, other than a state
31 officer or employee, are entitled to receive a per
32 diem as specified in section 7E.6 for each day spent
33 in performance of duties as members, and shall be
34 reimbursed for all actual and necessary expenses
35 incurred in the performance of duties as members.

36 6. The department shall provide office space and
37 staff assistance, and shall budget funds to cover
38 expenses of the board. The office of attorney general
39 shall provide legal counsel to the board.

40 Sec. . NEW SECTION. 6C.6 POWERS AND DUTIES OF
41 THE BOARD.

42 1. The board shall do all of the following:

43 a. Review strategic development plans submitted
44 for dispute resolution pursuant to section 366.6.

45 b. Review and approve plans submitted for final
46 approval pursuant to section 366.7.

47 c. Approve or disapprove petitions for boundary
48 adjustment as provided in chapter 368.

49 d. Establish policies for administration of the
50 land management planning fund created in section 6C.7.

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1 e. Adopt rules pursuant to chapter 17A necessary
 2 to administer its duties under this chapter and
 3 chapters 366 and 368.
 4 2. The board may adopt forms to be completed and
 5 submitted by cities and counties as necessary for the
 6 efficient administration of this chapter and chapters
 7 366 and 368.
 8 Sec. . NEW SECTION. 6C.7 LAND MANAGEMENT
 9 PLANNING FUND.

10 1. A land management planning fund is created
 11 within the state treasury under the control of the
 12 department. Moneys in the fund shall be used
 13 exclusively to pay for the costs of administration of
 14 this chapter and chapters 366 and 368 by the
 15 department.
 16 2. The fund shall consist of all of the following:
 17 a. Moneys appropriated by the general assembly.
 18 b. Moneys available to and obtained or accepted by
 19 the department from the federal government or private
 20 sources for deposit in the fund.

21 **DIVISION III**

22 **LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING**
 23 Sec. . NEW SECTION. 366.1 DEFINITIONS.

24 1. "Agricultural land" means agricultural land as
 25 defined in section 9H.1.
 26 2. "Board" means the land management planning
 27 board created in section 6C.5.
 28 Sec. . NEW SECTION. 366.2 LOCAL STRATEGIC
 29 DEVELOPMENT COMMITTEE.

30 1. A local strategic development committee is
 31 created within each county. Members shall be
 32 appointed to the committee on or before September 1,
 33 2002. The committee shall be composed of the
 34 following members:
 35 a. Three members appointed by the county board of
 36 supervisors. Two of the three members must be
 37 residents of the unincorporated area of the county.
 38 b. One member appointed by the city council of
 39 each city located in the county.
 40 c. One member appointed by the mayor of each of
 41 the two cities with the highest population located in
 42 the county.
 43 d. An additional member shall be appointed by the
 44 mayor of each participating city for every fifty
 45 thousand residents in the city.
 46 2. A city shall be represented on a committee if
 47 any part of the city is located in the county.
 48 However, if the portion of the city in the county is
 49 less than one-half of the entire geographical area of
 50 the city, the member representing the city shall be a

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1 nonvoting member of the committee.

2 3. Two or more contiguous counties may organize as
3 one combined strategic development committee.

4 4. The committee shall hold an organizational
5 meeting no later than ten days after appointment of
6 members. The organizational meeting shall be convened
7 by the chairperson of the county board of supervisors.

8 Sec. __. **NEW SECTION.** 366.3 STRATEGIC
9 DEVELOPMENT PLAN – GOALS AND OBJECTIVES.

10 1. The local strategic development committee shall
11 create and recommend a strategic development plan for
12 the county.

13 2. The purpose of a strategic development plan is
14 to direct coordinated, efficient, and orderly urban
15 development that will, based on an analysis of present
16 and future needs, best promote the public health,
17 safety, morals, and general welfare. The goals and
18 objectives of a strategic development plan include the
19 following:

20 a. Encouraging a pattern of compact development in
21 strategic development areas.

22 b. Promoting redevelopment of existing urban
23 areas.

24 c. Promoting employment opportunities and the
25 economic health of the county and all cities in the
26 county.

27 d. Providing for a variety of housing choices
28 within strategic development areas and assuring
29 affordable housing for future population growth.

30 e. Identifying and conserving natural resource
31 areas, environmentally sensitive land, and features of
32 significant local, statewide, or regional
33 architectural, cultural, historical, or archaeological
34 interest.

35 f. Preserving land identified by the strategic
36 development committee as prime agricultural land for
37 use in agricultural production.

38 g. Balancing the need for land management
39 regulations with the protection of private property
40 rights.

41 h. Ensuring the efficient use of infrastructure
42 and that adequate municipal services are provided
43 concurrently with development.

44 i. Taking into consideration such other matters
45 that are related to the coordinated, efficient, and
46 orderly development of the county and all cities in
47 the county.

48 Sec. __. **NEW SECTION.** 366.4 STRATEGIC
49 DEVELOPMENT PLAN – REQUIREMENTS.

50 1. A strategic development plan shall divide the

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1 county into strategic development areas where future
2 development would be allowed to occur and strategic
3 preservation areas where development would not be
4 allowed. A strategic development plan shall address
5 transportation, public infrastructure, municipal
6 services, economic development, housing, recreation,
7 natural resources, and land use. A strategic
8 development plan may address hazard mitigation, energy
9 systems, cultural preservation, and other elements
10 appropriate to the area governed by the plan.

11 2. The committee shall conduct a review of
12 existing comprehensive plans governing the county, if
13 applicable, and governing each city located in the
14 county.

15 3. Before the committee drafts a strategic
16 development plan, the committee shall hold a public
17 hearing in order to obtain citizen input on
18 preparation of the strategic development plan. The
19 hearing shall be held no later than thirty days after
20 the committee's organizational meeting. The county
21 auditor shall publish notice of the time, date, place,
22 and purpose of the public hearing in a newspaper of
23 general circulation in the county. The notice must be
24 published not less than ten days but no more than
25 twenty days before the hearing. The notice shall
26 include a description of the general duties of the
27 strategic development committee and the cities and
28 counties represented on the strategic development
29 committee.

30 4. A strategic development plan shall include
31 documents describing and depicting the corporate
32 limits of each city in the county and the boundaries
33 of each strategic development area and each strategic
34 preservation area.

35 5. a. In establishing a strategic development
36 area, the plan shall do all of the following:
37 (1) Identify territory that a reasonable and
38 prudent person would project as the likely site of
39 commercial, industrial, or residential growth over the
40 next twenty years based on historical experience,
41 economic trends, population growth patterns,
42 topographical characteristics, and any professional
43 planning, engineering, and economic studies that are
44 available. The city shall report population growth
45 projections for the city based upon federal census
46 data.

47 (2) Identify agricultural land which has a corn
48 suitability rating of sixty or higher, according to
49 information released by Iowa state university to the
50 department of revenue and finance for assessment and

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1 taxation of agricultural land. Agricultural land with
2 a corn suitability rating of sixty or higher shall not
3 be included in a strategic development area unless the
4 local strategic development committee makes a showing
5 that the land is necessary for the orderly development
6 of the strategic development area.

7 b. In establishing a strategic preservation area,
8 the plan shall identify territory to be preserved for
9 the next twenty years for agricultural purposes,
10 forests, recreational areas, wildlife management
11 areas, cultural areas, historical areas, or other
12 areas planned for preservation.

13 6. When designating that part of a strategic
14 development area contiguous to a city, the committee
15 shall identify, and give consideration to, the amount
16 of territory within the current incorporated
17 boundaries of the city that is vacant or undeveloped
18 land.

19 7. The committee shall utilize planning resources
20 that are available within the county, including city
21 and county planning commissions, zoning
22 administrators, and a council of governments
23 established pursuant to chapter 28H. The committee is
24 also encouraged to utilize the services of a joint
25 planning commission established pursuant to chapter
26 28I and colleges and universities in the state.

27 Sec. __. NEW SECTION. 366.5 LOCAL GOVERNMENT
28 RATIFICATION OF STRATEGIC DEVELOPMENT PLAN.

29 1. Before the committee submits the plan
30 recommended for ratification, the committee shall hold
31 at least one public hearing on the proposed
32 recommended strategic development plan. The county
33 auditor shall publish notice of the time, place, and
34 purpose of the public hearing in a newspaper of
35 general circulation in the county. The notice must be
36 published at least ten days but no more than twenty
37 days before the hearing.

38 2. Not later than January 1, 2004, the committee
39 shall submit the recommended strategic development
40 plan to the county board of supervisors and the city
41 council of each city in the county.

42 a. Not later than sixty days after receiving the
43 recommended strategic development plan, the county
44 board of supervisors and each city council shall by
45 resolution either ratify or reject the recommended
46 strategic development plan. A city or county that
47 fails to timely act on the resolution shall be deemed
48 to have ratified the recommended strategic development
49 plan on the last day of the sixty-day period. If the
50 strategic development plan is ratified, the committee

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1 shall submit the plan to the land management planning
2 board for approval.

3 b. If the county board of supervisors or a city
4 council rejects the recommended strategic development
5 plan submitted by the committee, the county or city
6 shall submit its objections to the plan along with the
7 notice of rejection. After receiving objections to
8 the plan, the committee may recommend a revised
9 strategic development plan no later than sixty days
10 after the recommended plan is rejected or may resubmit
11 the original plan. Before the committee submits the
12 revised plan recommended for ratification, the
13 committee shall hold at least one public hearing on
14 the revised plan in the manner provided in subsection
15 1. The committee shall submit any revised strategic
16 development plan to the county board of supervisors
17 and the city council of each city in the county for
18 ratification.

19 Not later than sixty days after receiving a revised
20 strategic development plan, the county board of
21 supervisors and each city council shall either ratify
22 or reject the revised strategic development plan in
23 the same manner as provided in paragraph "a". A city
24 or county that fails to timely act on a resolution
25 shall be deemed to have ratified the revised strategic
26 development plan on the last day of the sixty-day
27 period.

28 Sec. __. **NEW SECTION. 366.6 DISPUTE RESOLUTION.**

29 1. If a recommended strategic development plan and
30 a revised strategic development plan are rejected
31 pursuant to section 366.5, the committee shall submit
32 each of the rejected plans to the board for resolution
33 of the matter within ten days of rejection of the
34 revised plan. The board shall review the strategic
35 development plans submitted by the committee and may
36 adopt such amendments to a plan necessary for its
37 approval by the board.

38 2. Not later than October 1, 2004, the board shall
39 have approved strategic development plans submitted to
40 the board for dispute resolution. Such approval is
41 deemed to satisfy the approval requirement of section
42 366.7.

43 Sec. __. **NEW SECTION. 366.7 PLAN SUBMITTED TO**
44 **BOARD FOR FINAL APPROVAL.**

45 A strategic development plan ratified pursuant to
46 section 366.5 shall be submitted to the board for
47 approval within ten days of ratification of the plan.
48 If the board determines that a plan conforms with the
49 requirements of this chapter, the board shall approve
50 the plan. If the board determines that a plan does

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1 not so conform, the board shall adopt such amendments
2 to the plan necessary for its approval by the board.
3 The board shall have approved all plans by January 1,
4 2005.

5 Sec. __. NEW SECTION. 366.8 RECORDING OF
6 STRATEGIC DEVELOPMENT PLAN.

7 After the board has approved a strategic
8 development plan, the board shall retain a copy of the
9 plan on file and shall forward a copy to the county
10 auditor who shall record the plan in the office of
11 county recorder no later than five days after
12 receiving the plan from the board.

13 Sec. __. NEW SECTION. 366.9 DURATION OF PLANS
14 – REVIEW AND AMENDMENT.

15 After a strategic development plan has been
16 recorded with the county recorder, the plan shall
17 remain in effect for not less than five years absent a
18 showing of extraordinary circumstances necessitating a
19 change in the plan. After expiration of the five-year
20 period, the county or a city in the county may propose
21 an amendment to the strategic development plan or may
22 propose a review of the plan by filing notice with the
23 county board of supervisors for the county and the
24 city council of each city in the county. Upon receipt
25 of such notice by the county and each city, the county
26 board of supervisors shall promptly reconvene the
27 local strategic planning committee. The burden of
28 proving the reasonableness of a proposed amendment to
29 the plan shall be upon the party proposing the
30 amendment. The procedures for amending the strategic
31 development plan shall be the same as the procedures
32 set forth in this chapter for creating the original
33 strategic development plan.

34 Sec. __. NEW SECTION. 366.10 JUDICIAL REVIEW.

35 1. The county, a city in the county, a resident of
36 the county, or an owner of real property located in
37 the county may seek judicial review of a decision of
38 the board relating to the strategic development plan
39 presented to the board for its approval. The judicial
40 review provisions of this section and chapter 17A
41 shall be the exclusive means by which a person or
42 party who is aggrieved or adversely affected by action
43 of the board may seek judicial review of the action of
44 the board or of a local government.

45 2. A petition for judicial review must be filed
46 within sixty days after the strategic development plan
47 is recorded with the county recorder. In accordance
48 with the Iowa rules of civil procedure pertaining to
49 service of process, copies of the petition shall be
50 served upon the board.

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1 3. The court's review is limited to questions
2 relating to jurisdiction, regularity of proceedings,
3 and whether the action of the board is, by a
4 preponderance of the evidence, arbitrary,
5 unreasonable, or without substantial supporting
6 evidence. The court may nullify an action of the
7 board and return the plan with appropriate directions
8 to the board.

9 4. The filing of a petition for judicial review
10 does not stay the effectiveness of the strategic
11 development plan or recognition of strategic
12 development areas and strategic preservation areas
13 identified in the plan. However, the court may order
14 a stay upon appropriate terms if it is shown to the
15 satisfaction of the court that any party or the public
16 at large is likely to suffer significant injury if a
17 stay is not granted. If more than one petition for
18 judicial review regarding a single board action is
19 filed, all such petitions shall be consolidated and
20 tried as a single civil action.

21 5. The following portions of section 17A.19 are
22 not applicable to this chapter:

23 a. The portion of subsection 2 relating to where
24 proceedings for judicial review shall be instituted.

25 b. Subsection 5.

26 c. Subsection 8.

27 d. Subsections 10 through 12.

28 Sec. . **NEW SECTION.** 366.11 LOCAL
29 IMPLEMENTATION.

30 1. A city or county shall not adopt ordinances
31 regulating land development and management within its
32 territory that are inconsistent with the strategic
33 development plan governing the territory.

34 2. A strategic development plan approved pursuant
35 to this chapter shall be the basis for the
36 comprehensive plan of each county required pursuant to
37 section 335.5, if the county has adopted a zoning
38 ordinance, and for the comprehensive plan of each city
39 in the county required pursuant to section 414.3. The
40 county and each city shall amend its comprehensive
41 plan to conform to the strategic development plan.
42 After a strategic development plan is approved, all
43 land use decisions made by the governing body of each
44 city and county and the city's or county's planning
45 commission shall be consistent with the strategic
46 development plan.

47 3. A city or county is under no obligation to
48 provide municipal services for development that does
49 not conform to the applicable strategic development
50 plan.

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1 Sec. . NEW SECTION. 414.32 REGULATORY
 2 INCENTIVES.

3 Cities shall provide regulatory incentives,
 4 including expedited permitting and waiver of permit
 5 fees, for new development, expansion of existing
 6 development, and redevelopment within all or part of
 7 the incorporated boundaries of the city in areas
 8 containing undeveloped or underdeveloped land or
 9 buildings that are substandard, dilapidated, vacant,
 10 abandoned, or functionally obsolete.

11 DIVISION IV
 12 CITY DEVELOPMENT

13 Sec. . Section 368.1, subsection 3, Code 2001,
 14 is amended to read as follows:

15 3. "Board" means the ~~city development land~~
 16 management planning board established in section ~~368.9~~
 17 6C.5.

18 Sec. . NEW SECTION. 368.5A ANNEXATION
 19 PROHIBITED – STRATEGIC PRESERVATION AREAS.

20 Beginning January 1, 2005, only territory contained
 21 in a strategic development area may be annexed. The
 22 city council or land management planning board shall
 23 not approve any application or petition that seeks to
 24 annex territory contained in a strategic preservation
 25 area.

26 Sec. . Section 368.7A, subsection 1, Code 2001,
 27 is amended to read as follows:

28 1. The board of supervisors of each affected
 29 county shall notify the ~~city development land~~
 30 management planning board of the existence of that
 31 portion of any secondary road which extends to the
 32 center line but has not become part of the city by
 33 annexation and has a common boundary with a city. The
 34 notification shall include a legal description and a
 35 map identifying the location of the secondary road.
 36 The ~~city development land management planning~~ board
 37 shall provide notice and an opportunity to be heard to
 38 each city in or next to which the secondary road is
 39 located. The ~~city development land management~~
 40 planning board shall certify that the notification is
 41 correct and declare the road, or portion of the road
 42 extending to the center line, annexed to the city as
 43 of the date of certification. This section is not
 44 intended to interfere with or modify existing chapter
 45 28E agreements on jurisdictional transfer of roads, or
 46 continuing negotiations between jurisdictions.

47 Sec. . Section 368.11, Code Supplement 2001, is
 48 amended by adding the following new unnumbered
 49 paragraph before unnumbered paragraph 3:

50 NEW UNNUMBERED PARAGRAPH. Plans required by this

Page 11

1 section to be filed with a petition shall include
 2 specific information pertaining to estimated costs of
 3 implementing the plan, the time frame involved in
 4 implementing the plan, and any other specific
 5 information related to implementing the plan.

6 Sec.____. Section 368.11, Code Supplement 2001, is
 7 amended by adding the following new subsection:
 8 **NEW SUBSECTION.** 14. A statement describing how
 9 the boundary adjustment will conform to the strategic
 10 development plan governing the territory.

11 Sec.____. Sections 368.9 and 368.10, Code 2001,
 12 are repealed.

13 DIVISION V

14 CORRESPONDING AMENDMENTS

15 Sec.____. Section 15.108, subsection 3, paragraph
 16 a, subparagraph (2), Code Supplement 2001, is amended
 17 to read as follows:

18 (2) Provide office space and staff assistance to
 19 the ~~city development land management planning~~ board as
 20 provided in section ~~368.9~~ 6C.5.

21 Sec.____. Section 331.304, subsection 7, Code
 22 2001, is amended to read as follows:

23 7. The board may file a petition with the ~~city~~
 24 ~~development land management planning~~ board as provided
 25 in section 368.11.

26 Sec.____. Section 331.321, subsection 1, paragraph
 27 t, Code Supplement 2001, is amended to read as
 28 follows:

29 t. Local representatives to serve with the ~~city~~
 30 ~~development land management planning~~ board as provided
 31 in section 368.14.

32 Sec.____. Section 384.38, subsection 2, Code 2001,
 33 is amended to read as follows:

34 2. Upon petition as provided in section 384.41,
 35 subsection 1, a city may assess to private property
 36 affected by public improvements within three miles of
 37 the city's boundaries the cost of construction and
 38 repair of public improvements within that area. The
 39 right-of-way of a railway company shall not be
 40 assessed unless the company joins as a petitioner for
 41 ~~said such~~ improvements. In the petition the property
 42 owners shall waive the limitation provided in section
 43 384.62 that an assessment may not exceed twenty-five
 44 percent of the value of the lot. The petition shall
 45 contain a statement that the owners agree to pay the
 46 city an amount equal to five percent of the cost of
 47 the improvements, to cover administrative expenses
 48 incurred by the city. This amount may be added to the
 49 cost of the improvements. Before the council may
 50 adopt the resolution of necessity, the preliminary

Page 12

1 resolution, preliminary plans and specifications,
 2 plat, schedule, and estimate of cost must be submitted
 3 to, and receive written approval from, the board of
 4 supervisors of any county which contains part of the
 5 property, and the ~~city development~~ land management
 6 planning board established in section ~~368.9~~ 6C.5.
 7 Sec.____. LAND MANAGEMENT PLANNING BOARD
 8 TRANSITION. Terms of current city development board
 9 members shall continue until their expiration.
 10 Sec.____. IMPLEMENTATION OF ACT. Section 25B.2,
 11 subsection 3, shall not apply to this Act.
 12 Sec.____. EFFECTIVE DATES.
 13 1. The sections of this Act amending section 298.3
 14 take effect July 1, 2002.
 15 2. The sections of this Act enacting section
 16 368.5A and amending section 368.11 take effect January
 17 1, 2005.
 18 3. The remainder of this Act takes effect May 1,
 19 2002."
 20 3. Title page, line 1, by inserting after the
 21 word "to" the following: "real and personal property
 22 by providing for".
 23 4. Title page, line 2, by inserting after the
 24 word "purposes" the following: "and by providing a
 25 method for state and local land management and
 26 planning, and providing effective dates".
 27 5. By renumbering as necessary.

FALLON of Polk

H-8443

1 Amend Senate File 2179, 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. NEW SECTION. 135.39A FEMALE GENITAL
 6 MUTILATION – EDUCATION, PREVENTION, AND OUTREACH
 7 PROGRAM.
 8 1. For the purposes of this section, "female
 9 genital mutilation" means the separation or surgical
 10 alteration of normal, healthy, functioning female
 11 genital tissue.
 12 2. The general assembly finds that it is in the
 13 interest of the public health, safety, and welfare to
 14 protect the female children of this state from the
 15 physical, emotional, and psychological harm associated
 16 with female genital mutilation. The general assembly
 17 further finds that, although the practice of female
 18 genital mutilation is an accepted practice in certain

19 cultures, individuals should be made aware of the
 20 nature and extent of the potential long-term physical,
 21 emotional, and psychological trauma that may result
 22 from such practice. Therefore, the general assembly
 23 declares that the protection of the public requires
 24 the establishment of a program to educate the
 25 appropriate communities concerning female genital
 26 mutilation including the health risks associated with
 27 this practice.

28 3. In accordance with subsection 2, the violence
 29 prevention educator of the Iowa department of public
 30 health shall work in coordination with a group
 31 representing victim advocacy organizations, public
 32 health services, and immigrant rights organizations to
 33 implement appropriate education, prevention, and
 34 outreach activities to inform the public about the
 35 health risks and the psychological and emotional
 36 trauma inflicted by the practice of female genital
 37 mutilation. The activities shall include informing
 38 the medical community and the general public of any
 39 criminal penalties that may apply to a person who
 40 knowingly performs female genital mutilation.

41 4. The violence prevention educator of the Iowa
 42 department of public health shall work in coordination
 43 with victim advocacy organizations, public health
 44 services, and immigrant rights organizations to
 45 educate health care workers about the unique health
 46 care needs of survivors of female genital mutilation.

47 5. The Iowa sexual abuse hotline shall provide
 48 twenty-four-hour information, support, and referral
 49 services on the subject of female genital mutilation.

50 6. The director of public health shall work to

Page 2

1 obtain private funds to finance these education,
 2 prevention, and outreach activities."

3 2. Title page, by striking lines 1 and 2, and
 4 inserting the following: "An Act relating to the
 5 establishment of a female genital mutilation
 6 education, prevention, and outreach program."

SMITH of Marshall
 BRUNKHORST of Bremer
 FORD of Polk

H-8444

1 Amend the amendment, H-8299, to Senate File 2190,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by inserting after line 44, the

5 following:
 6 "c. This subsection shall be known and may be
 7 cited as the "Workers' Compensation Benefit Reduction
 8 Act of 2002.""

JOCHUM of Dubuque

H-8445

1 Amend the amendment, H-8422, to Senate File 2228,
 2 as passed by the Senate, as follows:
 3 1. Page 4, by striking line 34 and inserting the
 4 following: "other purposes, including infrastructure,
 5 according to a".
 6 2. Page 4, line 35, by inserting after the word
 7 "directors." the following: "The plan developed may
 8 provide for the use of moneys received for any
 9 purpose, including infrastructure purposes."
 10 3. Page 4, line 36, by striking the word
 11 "infrastructure".
 12 4. Page 5, line 4, by striking the word
 13 "infrastructure".
 14 5. Page 5, line 22, by striking the word
 15 "infrastructure".
 16 6. Page 5, by striking line 26 and inserting the
 17 following: "for the purposes specified in the
 18 approved".
 19 7. Page 6, line 21, by striking the word
 20 "infrastructure".
 21 8. Page 6, line 32, by striking the word
 22 "infrastructure".
 23 9. Page 6, by striking lines 41 and 42 and
 24 inserting the following: "utilized solely for the
 25 purposes specified in the approved plan."
 26 10. Page 7, line 7, by striking the word
 27 "infrastructure".
 28 11. Page 13, line 3, by inserting before the word
 29 "infrastructure" the following: "other specified
 30 purposes, including".

WISE of Lee
 MASCHER of Johnson

H-8446

1 Amend Senate File 2228, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 296.7, subsection 3, Code
 6 2001, is amended to read as follows:
 7 3. A Except as provided in section 298.4, a school

8 district, providing an insurance program as described
 9 in subsection 2, shall not contract indebtedness and
 10 issue general obligation bonds or enter into insurance
 11 agreements obligating the school district to make
 12 payments beyond its current budget year for that
 13 employee benefit plan. A school district may,
 14 however, apply to the school budget review committee
 15 for relief if necessitated by the expenses in the
 16 school district's insurance program as described in
 17 subsection 2."

18 2. Page 1, by inserting after line 12 the
 19 following:

20 "Sec. __. Section 298.4, Code 2001, is amended by
 21 adding the following new subsection:

22 NEW SUBSECTION. 6. To pay the cost of employee
 23 health benefits. For the purposes of this subsection,
 24 employee health benefits shall refer to costs for
 25 hospital and surgical, medical expense, major medical,
 26 dental, pharmacist services, and prescription drug
 27 benefits."

28 3. Title page, line 2, by striking the word
 29 "purposes" and inserting the following: "and
 30 management levy purposes, and relating to the purposes
 31 for which management levy revenue may be utilized".

32 4. By renumbering as necessary.

OSTERHAUS of Jackson

H-8452

1 Amend the amendment, H-8422, to Senate File 2228,
 2 as passed by the Senate, as follows:

3 1. Page 3, by inserting after line 48 the
 4 following:

5 "3A. Notwithstanding any provision to the contrary
 6 in making the calculations of the amount each school
 7 district shall receive, a school district shall not be
 8 included if it is located in whole or in part in a
 9 county that has voted not to be subject to the
 10 additional one cent state sales tax as follows:
 11 a. A county in which its school districts are
 12 receiving moneys or were eligible to receive moneys
 13 under subsection 1, paragraph "a", shall hold an
 14 election within four months, as set by the board,
 15 prior to the end of the original ten-year period or
 16 the date listed on the original ballot proposition,
 17 whichever is the earlier, as provided in chapter 422E,
 18 on the question of the county being exempt from the
 19 additional one cent state sales tax. If a majority of
 20 those voting on the question favor the exemption, the
 21 county shall be exempt from the additional one cent
 22 sales tax beginning with the first fiscal year

23 following the favorable election.

24 b. A county not described in paragraph "a" shall
 25 hold an election between September 1, 2012, and
 26 January 1, 2013, on the question of the county being
 27 exempt from the additional one cent state sales tax.
 28 If a majority of those voting on the question favor
 29 the exemption, the county shall be exempt from the
 30 additional one cent sales tax beginning with the first
 31 fiscal year following the favorable election."

32 2. Page 11, by inserting after line 6 the
 33 following:

34 "Sec. . Section 422.45, Code Supplement 2001,
 35 is amended by adding the following new subsection:
 36 NEW SUBSECTION. 63. a. Subject to paragraph "b",
 37 the gross receipts from sales made or services
 38 rendered, furnished, or performed in a county that has
 39 voted to be exempt from the additional one cent state
 40 sales tax as provided in section 298B.1, subsection
 41 3A.

42 b. The exemption in this subsection only applies
 43 to the one percent increase in the sales tax rate as
 44 increased in this Act.

45 c. This subsection is repealed July 1, 2022."

HUSER of Polk
 VAN FOSSEN of Scott

H-8453

1 Amend the amendment, H-8422, to Senate File 2228,
 2 as passed by the Senate, as follows:

3 1. Page 1, line 14, by inserting after the word
 4 "fund" the following: "shall be transferred as
 5 provided in subsection 3A and after such transfer the
 6 remaining moneys".

7 2. Page 3, by inserting after line 48 the
 8 following:

9 "3A. There shall be transferred from the moneys
 10 credited in a fiscal year to the school district sales
 11 tax fund to the general fund of the state the amount,
 12 as estimated by the legislative fiscal bureau, of lost
 13 revenue to the general fund of the state for that
 14 fiscal year as a result of the exemption of pensions
 15 and retirement income from the individual income tax
 16 as provided in section 220 of this Act. Transfers
 17 under this subsection shall be made quarterly."

18 3. Page 7, by inserting after line 37 the
 19 following:

20 "Sec. 220. Section 422.7, subsection 31, Code
 21 Supplement 2001, is amended to read as follows:

22 31. For a person who is disabled, or is fifty-five
 23 years of age or older, or is the surviving spouse of

24 an individual or a survivor having an insurable
 25 interest in an individual who would have qualified for
 26 the exemption under this subsection for the tax year,
 27 subtract, to the extent included, the total amount of
 28 a governmental or other pension or retirement pay,
 29 including, but not limited to, defined benefit or
 30 defined contribution plans, annuities, individual
 31 retirement accounts, plans maintained or contributed
 32 to by an employer, or maintained or contributed to by
 33 a self-employed person as an employer, and deferred
 34 compensation plans or any earnings attributable to the
 35 deferred compensation plans, ~~up to a maximum of six~~
 36 ~~thousand dollars for a person, other than a husband or~~
 37 ~~wife, who files a separate state income tax return and~~
 38 ~~up to a maximum of twelve thousand dollars for a~~
 39 ~~husband and wife who file a joint state income tax~~
 40 ~~return.~~ However, a surviving spouse who is not
 41 disabled or fifty-five years of age or older can only
 42 exclude the amount of pension or retirement pay
 43 received as a result of the death of the other spouse.
 44 ~~A husband and wife filing separate state income tax~~
 45 ~~returns or separately on a combined state return are~~
 46 ~~allowed a combined maximum exclusion under this~~
 47 ~~subsection of up to twelve thousand dollars. The~~
 48 ~~twelve thousand dollar exclusion shall be allocated to~~
 49 ~~the husband or wife in the proportion that each~~
 50 ~~spouse's respective pension and retirement pay~~

Page 2

1 ~~received bears to total combined pension and~~
 2 ~~retirement pay received."~~
 3 4. Page 12, by inserting after line 49 the
 4 following:
 5 "3. Section 220 of this Act, amending section
 6 422.7, subsection 31, takes effect January 1, 2003,
 7 for tax years beginning on or after that date."
 8 5. Page 13, line 4, by inserting after the word
 9 "electorate," the following: "exempting pensions and
 10 retirement income from the individual income tax,".

VAN FOSSEN of Scott
 SHEY of Linn
 MILLAGE of Scott
 HUSER of Polk

SIEVERS of Scott
 SUKUP of Franklin
 HOVERSTEN of Woodbury
 CHIODO of Polk

H-8454

1 Amend the amendment, H-8422, to Senate File 2228,
 2 as passed by the Senate, as follows:
 3 1. Page 5, line 6, by striking the words "a
 4 majority" and inserting the following: "at least

- 5 sixty percent".
- 6 2. Page 5, line 11, by striking the words "a
- 7 majority" and inserting the following: "at least
- 8 sixty percent".
- 9 3. Page 5, line 12, by striking the words "a
- 10 majority" and inserting the following: "at least
- 11 sixty percent".
- 12 4. Page 6, line 23, by striking the word
- 13 "majority" and inserting the following: "sixty
- 14 percent".

VAN FOSSEN of Scott	SHEY of Linn
SIEVERS of Scott	BOAL of Polk
SUKUP of Franklin	MILLAGE of Scott
HOVERSTEN of Woodbury	HUSER of Polk
CHIODO of Polk	

H-8455

- 1 Amend the amendment, H-8422, to Senate File 2228,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "____. Page 1, by inserting before line 1 the
- 6 following:
- 7 "Sec.____. Section 8.57, subsection 5, paragraph
- 8 c, Code Supplement 2001, is amended to read as
- 9 follows:
- 10 c. Moneys in the fund in a fiscal year shall be
- 11 used as directed by the general assembly for public
- 12 vertical infrastructure projects and for the student
- 13 achievement and teacher quality program established in
- 14 chapter 284. For the purposes of this subsection,
- 15 "vertical infrastructure" includes only land
- 16 acquisition and construction, major renovation and
- 17 major repair of buildings, all appurtenant structures,
- 18 utilities, site development, and recreational trails.
- 19 "Vertical infrastructure" does not include routine,
- 20 recurring maintenance or operational expenses or
- 21 leasing of a building, appurtenant structure, or
- 22 utility without a lease-purchase agreement. ~~However,~~
- 23 ~~appropriations may be made for the fiscal years~~
- 24 ~~beginning July 1, 1997, and July 1, 1998, for the~~
- 25 ~~purpose of funding the completion of Part III of the~~
- 26 ~~Iowa communications network."~~
- 27 2. Page 13, line 4, by inserting after the word
- 28 "electorate," the following: "utilization of rebuild

29 Iowa infrastructure fund for purposes of teacher
30 pay,".

VAN FOSSEN of Scott
HOVERSTEN of Woodbury
CHIIODO of Polk

SHEY of Linn
HUSER of Polk

H-8456

1 Amend the amendment, H-8422, to Senate File 2228,
2 as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "____. Page 1, by inserting before line 1 the
6 following:
7 "Section 1. Section 257.8, subsection 1, Code
8 Supplement 2001, is amended to read as follows:
9 1. STATE PERCENT OF GROWTH. The state percent of
10 growth for the budget year beginning July 1, 2001, is
11 four percent. The state percent of growth for the
12 budget year beginning July 1, 2002, is four percent.
13 The state percent of growth for each budget year in
14 the period beginning July 1, 2003, and ending June 30,
15 2013, is four percent. The state percent of growth
16 for each subsequent budget year shall be established
17 by statute which shall be enacted within thirty days
18 of the submission in the year preceding the base year
19 of the governor's budget under section 8.21. The
20 establishment of the state percent of growth for a
21 budget year shall be the only subject matter of the
22 bill which enacts the state percent of growth for a
23 budget year.""
24 2. Page 1, line 14, by inserting after the word
25 "fund" the following: "shall be transferred as
26 provided in subsection 3A and after such transfer the
27 remaining moneys".
28 3. Page 3, by inserting after line 48 the
29 following:
30 "3A. There shall be transferred from the moneys
31 credited in a fiscal year to the school district sales
32 tax fund to the general fund of the state the amount,
33 as estimated by the legislative fiscal bureau, of the
34 cost to the general fund of the state for that fiscal
35 year of the state percent of growth for school aid
36 purposes being set at four percent as provided in
37 section 1 of this Act. Transfers under this
38 subsection shall be made quarterly."
39 4. Page 13, line 4, by inserting after the word

40 "electorate," the following: "establishing the state
 41 percent of growth for state school aid purposes,".

VAN FOSSEN of Scott
 SHEY of Linn
 HOVERSTEN of Woodbury
 HUSER of Polk

H-8457

1 Amend the amendment, H-8422, to Senate File 2228,
 2 as passed by the Senate, as follows:

3 1. Page 1, line 14, by inserting after the word
 4 "fund" the following: "shall be transferred as
 5 provided in subsection 3A and after such transfer the
 6 remaining moneys".

7 2. Page 3, by inserting after line 48 the
 8 following:

9 "3A. There shall be transferred from the moneys
 10 credited in a fiscal year to the school district sales
 11 tax fund to the general fund of the state the amount,
 12 as estimated by the legislative fiscal bureau, of lost
 13 revenue to the general fund of the state for that
 14 fiscal year as a result of the phaseout of the
 15 insurance premiums tax as provided in sections 230,
 16 231, 232, and 233 of this Act. Transfers under this
 17 subsection shall be made quarterly."

18 3. Page 7, by inserting after line 37 the
 19 following:

20 "Sec. 230. Section 432.1, subsection 1, paragraph
 21 a, Code 2001, is amended to read as follows:

22 a. ~~Two percent~~ The applicable percent, as provided
 23 in subsection 2A, of the gross amount of premiums
 24 received during the preceding calendar year by every
 25 life insurance company or association, not including
 26 fraternal beneficiary associations, or the gross
 27 payments or deposits collected from holders of
 28 fraternal beneficiary association certificates, on
 29 contracts of insurance covering risks resident in this
 30 state during the preceding year, including contracts
 31 for group insurance and annuities and without
 32 including or deducting any amounts received or paid
 33 for reinsurance.

34 Sec. 231. Section 432.1, subsection 2, Code 2001,
 35 is amended to read as follows:

36 2. ~~Two percent~~ The applicable percent, as provided
 37 in subsection 2A, of the gross amount of premiums,
 38 assessments, and fees received during the preceding
 39 calendar year by every company or association other
 40 than life on contracts of insurance other than life
 41 for business done in this state, including all
 42 insurance upon property situated in this state, after

43 deducting the amounts returned upon canceled policies,
 44 certificates and rejected applications but not
 45 including the gross premiums, assessments and fees in
 46 connection with ocean marine insurance authorized in
 47 section 515.48.
 48 Sec. 232. Section 432.1, Code 2001, is amended by
 49 adding the following new subsection:
 50 NEW SUBSECTION. 2A. The "applicable percent" for

Page 2

1 purposes of subsections 1 and 2 and section 432.2 is
 2 the following:
 3 a. For calendar years beginning before the 2003
 4 calendar year, two percent.
 5 b. For the 2003 calendar year, one and one-half
 6 percent.
 7 c. For the 2004 calendar year, one percent.
 8 d. For the 2005 calendar year, one-half of one
 9 percent.
 10 e. For the 2006 and subsequent calendar years,
 11 zero percent.
 12 Sec. 233. Section 432.2, Code 2001, is amended to
 13 read as follows:
 14 432.2 MUTUAL SERVICE CORPORATIONS.
 15 Notwithstanding section 432.1, a hospital service
 16 corporation, medical service corporation,
 17 pharmaceutical service corporation, optometric service
 18 corporation and any other service corporation
 19 operating under chapter 514 shall pay as taxes to the
 20 director of revenue and finance an amount equal to ~~two~~
 21 percent the applicable percent, as provided in section
 22 432.1, subsection 2A, of the gross amount of payments
 23 received during the preceding calendar year for
 24 subscriber contracts covering residents in this state
 25 after deducting the amounts returned to subscribers
 26 upon canceled subscriber contracts and rejected
 27 applications. Section 432.1, subsections 3 and 4,
 28 apply to the tax imposed by this section."
 29 4. Page 13, line 4, by inserting after the word
 30 "electorate," the following: "phasing out the
 31 insurance premiums tax,".

VAN FOSSEN of Scott
 SHEY of Linn
 HOVERSTEN of Woodbury
 CHIODO of Polk

H-8458

1 Amend the amendment, H-8422, to Senate File 2228,
 2 as passed by the Senate, as follows:

3 1. Page 1, line 14, by inserting after the word
4 "fund" the following: "shall be transferred as
5 provided in subsection 3A and after such transfer the
6 remaining moneys".

7 2. Page 3, by inserting after line 48 the
8 following:

9 "3A. There shall be transferred from the moneys
10 credited in a fiscal year to the school district sales
11 tax fund to the general fund of the state the amount,
12 as estimated by the legislative fiscal bureau, of lost
13 revenue to the general fund of the state for that
14 fiscal year as a result of the five percent reduction
15 in the individual income tax rates provided in section
16 200 of this Act. Transfers under this subsection
17 shall be made quarterly."

18 3. Page 7, by inserting after line 37 the
19 following:

20 "Sec. 200. Section 422.5, subsection 1, paragraphs
21 a through i, Code 2001, are amended to read as
22 follows:

23 a. On all taxable income from zero through one
24 thousand dollars, ~~thirty-six~~ thirty-four hundredths of
25 one percent.

26 b. On all taxable income exceeding one thousand
27 dollars but not exceeding two thousand dollars,
28 ~~seventy-two~~ sixty-eight hundredths of one percent.

29 c. On all taxable income exceeding two thousand
30 dollars but not exceeding four thousand dollars, two
31 and ~~forty-three~~ thirty-one hundredths percent.

32 d. On all taxable income exceeding four thousand
33 dollars but not exceeding nine thousand dollars, four
34 and ~~one-half~~ twenty-eight hundredths percent.

35 e. On all taxable income exceeding nine thousand
36 dollars but not exceeding fifteen thousand dollars,
37 ~~six five~~ and ~~twelve~~ eighty-one hundredths percent.

38 f. On all taxable income exceeding fifteen
39 thousand dollars but not exceeding twenty thousand
40 dollars, six and ~~forty-eight~~ sixteen hundredths
41 percent.

42 g. On all taxable income exceeding twenty thousand
43 dollars but not exceeding thirty thousand dollars, six
44 and ~~eight-tenths~~ forty-six hundredths percent.

45 h. On all taxable income exceeding thirty thousand
46 dollars but not exceeding forty-five thousand dollars,
47 seven and ~~ninety-two~~ fifty-two hundredths percent.

48 i. On all taxable income exceeding forty-five
49 thousand dollars, eight and ~~ninety-eight~~ fifty-three
50 hundredths percent."

Page 2

1 4. Page 12, by inserting after line 49 the
 2 following:
 3 "3. Section 200 of this Act, amending section
 4 422.5, takes effect January 1, 2003, for tax years
 5 beginning on or after that date."
 6 5. Page 13, line 4, by inserting after the word
 7 "electorate," the following: "reducing the individual
 8 income tax rates,".

VAN FOSSEN of Scott
 SHEY of Linn
 MILLAGE of Scott
 HOVERSTEN of Woodbury
 CHIODO of Polk

H-8459

1 Amend the amendment, H-8422, to Senate File 2228,
 2 as passed by the Senate, as follows:
 3 1. Page 1, line 14, by inserting after the word
 4 "fund" the following: "shall be transferred as
 5 provided in subsection 3A and after such transfer the
 6 remaining moneys".
 7 2. Page 3, by inserting after line 48 the
 8 following:
 9 "3A. There shall be transferred from the moneys
 10 credited in a fiscal year to the school district sales
 11 tax fund to the general fund of the state the amount,
 12 as estimated by the legislative fiscal bureau, of lost
 13 revenue to the general fund of the state for that
 14 fiscal year as a result of the exemption from the
 15 individual income tax of social security benefits as
 16 provided in section 210 of this Act. Transfers under
 17 this subsection shall be made quarterly."
 18 3. Page 7, by inserting after line 37 the
 19 following:
 20 "Sec. 210. Section 422.7, subsection 13, Code
 21 Supplement 2001, is amended to read as follows:
 22 13. Subtract, to the extent included, the amount
 23 of additional social security benefits taxable under
 24 the Internal Revenue Code for tax years beginning on
 25 or after January 1, 1994, but before January 1, 2003.
 26 The amount of social security benefits taxable as
 27 provided in section 86 of the Internal Revenue Code,
 28 as amended up to and including January 1, 1993,
 29 continues to apply for state income tax purposes for
 30 tax years beginning on or after January 1, 1994, but
 31 before January 1, 2003. Married taxpayers, who file a
 32 joint federal income tax return and who elect to file
 33 separate returns or who elect separate filing on a

34 combined return for state income tax purposes, shall
 35 allocate between the spouses the amount of benefits
 36 subtracted from net income in the ratio of the social
 37 security benefits received by each spouse to the total
 38 of these benefits received by both spouses.

39 Subtract, to the extent included, the amount of
 40 social security benefits taxable under the Internal
 41 Revenue Code for tax years beginning on or after
 42 January 1, 2003."

43 4. Page 12, by inserting after line 49 the
 44 following:

45 "3. Section 210 of this Act, amending section
 46 422.7, subsection 13, takes effect January 1, 2003,
 47 for tax years beginning on or after that date."

48 5. Page 13, line 4, by inserting after the word
 49 "electorate," the following: "exempting social
 50 security benefits from the individual income tax,".

VAN FOSSEN of Scott
 SIEVERS of Scott
 MILLAGE of Scott
 HUSER of Polk

SHEY of Linn
 SUKUP of Franklin
 HOVERSTEN of Woodbury
 CHIODO of Polk

H-8460

1 Amend amendment, H-8422, to Senate File 2228, as
 2 passed by the Senate, as follows:

3 1. Page 1, line 14, by inserting after the word
 4 "fund" the following: "shall be transferred as
 5 provided in subsection 3A and after such transfer the
 6 remaining moneys".

7 2. Page 3, by inserting after line 48, the
 8 following:

9 "3A. There shall be transferred from the moneys
 10 credited in a fiscal year to the school district sales
 11 tax fund to the general fund of the state the amount
 12 appropriated from the general fund of the state for
 13 that fiscal year to purchase motor vehicles for
 14 additional state troopers."

15 3. Page 13, line 4, by inserting after the word
 16 "electorate," the following: "reimbursing the general
 17 fund of the state for the purchase of state trooper
 18 motor vehicles,".

VAN FOSSEN of Scott

H-8461

1 Amend the amendment, H-8422, to Senate File 2228,
 2 as passed by the Senate, as follows:

3 1. Page 1, line 14, by inserting after the word
 4 "fund" the following: "shall be transferred as

5 provided in subsection 3A and after such transfer the
6 remaining moneys".

7 2. Page 3, by inserting after line 48 the
8 following:

9 "3A. There shall be transferred from the moneys
10 credited in a fiscal year to the school district sales
11 tax fund to the Iowa economic emergency fund an amount
12 sufficient to increase the balance in the Iowa
13 economic emergency fund to the maximum balance allowed
14 under section 8.55, subsection 2. The determination
15 of the amount necessary to increase the balance in the
16 Iowa economic emergency fund shall be determined after
17 the distribution of any surplus in the general fund of
18 the state at the conclusion of the fiscal year.
19 Transfers under this subsection shall be made
20 quarterly."

21 3. Page 13, line 4, by inserting after the word
22 "electorate," the following: "increasing the balance
23 in the Iowa economic emergency fund,".

VAN FOSSEN of Scott
HOVERSTEN of Woodbury
CHIODO of Polk

SHEY of Linn
HUSER of Polk

H-8462

1 Amend amendment, H-8422, to Senate File 2228, as
2 passed by the Senate, as follows:

3 1. By striking everything after the amending
4 clause and inserting the following:

5 "___ Page 1, by inserting before line 1 the
6 following:

7 "Section 1. Section 23A.2, subsection 10,
8 paragraph h, Code Supplement 2001, is amended to read
9 as follows:

10 h. The performance of an activity listed in
11 section 331.424, Code 2001, as a service for which a
12 supplemental levy ~~may~~ was allowed to be certified.

13 Sec. 102. NEW SECTION. 28L.1 IOWA COMMISSION ON
14 STATE AND LOCAL TAXATION.

15 1. An Iowa commission on state and local taxation
16 is created which shall consist of thirteen members
17 appointed as follows:

18 a. Three senators appointed by the majority leader
19 of the senate, one of whom shall be nominated by the
20 minority leader of the senate. Two of the appointees
21 shall be residents of a county with a population of
22 less than forty thousand.

23 b. Three representatives appointed by the speaker
24 of the house, one of whom shall be nominated by the
25 minority leader of the house. Two of the appointees
26 shall be residents of a county with a population of

27 less than forty thousand.
28 c. One member appointed by the Iowa state
29 association of counties.
30 d. One member appointed by the Iowa league of
31 cities.
32 e. One member appointed by the Iowa association of
33 school boards.
34 f. One member from an organization representing
35 agricultural interests appointed jointly by the
36 majority leader of the senate and the speaker of the
37 house.
38 g. One member from an organization representing
39 taxpayers and appointed jointly by the majority leader
40 of the senate and the speaker of the house.
41 h. One member from an organization representing
42 business taxpayers and appointed jointly by the
43 majority leader of the senate and the speaker of the
44 house.
45 i. One member representing small business owners
46 appointed jointly by the majority leader of the senate
47 and the speaker of the house.
48 2. In making all appointments, consideration shall
49 be given to gender, race, or ethnic representation,
50 population and demographic factors, and representation

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1 of different geographic regions. Appointments made
2 under subsection 1, paragraphs "c" through "e", are
3 not subject to section 69.16 or 69.16A.
4 3. Members of the commission shall hold office for
5 four years beginning June 1 of the year of appointment
6 and until their successors are appointed, except that
7 three initial appointees shall be appointed for one
8 year, three initial appointees for two years, four
9 initial appointees for three years, and three initial
10 appointees for four years. The commission shall
11 conduct its organizational meeting no later than
12 September 1, 2001, and at that meeting shall elect a
13 chairperson to serve until May 2002.
14 4. Legislative members of the commission are
15 eligible for per diem and expenses as provided in
16 section 2.10. Other members of the commission shall
17 be reimbursed for actual and necessary expenses
18 incurred in performance of their duties. Members may
19 also be eligible to receive compensation as provided
20 in section 7E.6.
21 5. A majority of the commission members shall
22 constitute a quorum. For the purpose of conducting
23 business, a majority vote of the commission shall be
24 required. Beginning in May 2002, the commission shall
25 meet in May of each year for the purpose of electing

26 one of its members as chairperson. The commission
 27 shall meet quarterly and at other times as necessary
 28 at the call of the chairperson or when any five
 29 members of the commission file a written request with
 30 the chairperson for a meeting. Written notice of the
 31 time and place of each meeting shall be given to each
 32 member of the commission.

33 6. The commission may establish committees, as it
 34 deems advisable and feasible, whose membership shall
 35 include at least two members of the commission, but
 36 only the commission may take final action on a
 37 proposal or recommendation of a committee.

38 7. Any vacancy shall be filled in the same manner
 39 as regular appointments are made for the unexpired
 40 portion of the regular term. A member of the
 41 commission may be removed for any of the causes and in
 42 the manner provided in chapter 66.

43 Sec. 103. NEW SECTION. 28L.2 STAFF AND
 44 FACILITIES.

45 The commission and committees established by the
 46 commission may accept technical and operational
 47 assistance from the staff of the legislative service
 48 bureau and the legislative fiscal bureau, other state
 49 or federal agencies, units of local governments, or
 50 any other public or private source. The directors of

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1 the legislative service bureau and the legislative
 2 fiscal bureau may assign professional, technical,
 3 legal, clerical, or other staff, as necessary and
 4 authorized by the legislative council for continued
 5 operation of the commission. However, technical and
 6 operational assistance provided by the bureaus shall
 7 be provided within existing appropriations made to or
 8 with existing resources of the legislative service
 9 bureau and legislative fiscal bureau. The legislative
 10 council may also provide to the commission available
 11 facilities and equipment as requested by the
 12 commission. The legislative council shall provide
 13 funding for consulting services should the commission
 14 deem it appropriate.

15 Sec. 104. NEW SECTION. 28L.3 REVIEW OF STATE AND
 16 LOCAL REVENUE AND SERVICES.

17 1. The commission shall conduct a review of the
 18 following:
 19 a. Revenue sources available to local governments,
 20 including taxes, fees, state appropriations, and
 21 federal moneys.
 22 b. Revenue sources available to the state,
 23 including taxes, fees, and federal moneys, and the
 24 portion of state revenues annually appropriated, or

25 otherwise disbursed, to local governments.
 26 c. Services provided by local governments,
 27 including those provided at the discretion of a local
 28 government and those mandated by federal or state
 29 statutes and regulations.
 30 2. In conducting its review of revenue sources,
 31 the commission shall study state and local taxes from
 32 the standpoint of equity, neutrality, competitiveness,
 33 simplicity, and stability.
 34 3. The commission shall hold public hearings to
 35 allow persons and organizations to be heard.
 36 4. The commission shall submit a report to the
 37 general assembly on the status of the review no later
 38 than March 15, 2003. The status report shall
 39 summarize the commission's activities to date and may
 40 include such other information that the commission
 41 deems relevant and necessary.
 42 5. a. The commission shall submit a final report
 43 to the general assembly no later than January 15,
 44 2006.
 45 b. The final report shall include the following:
 46 (1) A statement of goals that the commission
 47 believes are necessary to achieve principles of
 48 taxation agreed upon by the committee.
 49 (2) Any strategies formulated by the commission
 50 that consist of recommended methods of state and local

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1 taxation, specific structural changes, and any
 2 modifications to the current system of state and local
 3 taxation.
 4 (3) Such other information that the commission
 5 deems relevant and necessary.
 6 6. This section shall not be construed to preclude
 7 the enactment of legislation that eliminates or
 8 reduces any state or local government tax during the
 9 period the Iowa commission on state and local taxation
 10 is conducting the review required by this section.
 11 Sec. 105. NEW SECTION. 28L.4 DUTIES OF THE
 12 COMMISSION.
 13 The commission shall:
 14 1. Conduct the review as required in section
 15 28L.3.
 16 2. Monitor legislative or administrative action on
 17 recommendations in the report required in section
 18 28L.3.
 19 3. Annually report on the state of local
 20 governments in Iowa.
 21 4. Annually report on state and federal issues
 22 relating to local government that have a potential
 23 fiscal impact on local governments.

24 5. Annually report on court decisions having an
25 impact on state and local government revenue or
26 services.

27 6. The reports in subsections 3, 4, and 5 shall be
28 filed with the governor, president of the senate,
29 speaker of the house, and the majority and minority
30 leaders of each house, and shall be made available to
31 legislators and the public upon request. The reports
32 must be submitted no later than January 15 of each
33 year.

34 Sec. 106. NEW SECTION. 28L.5 INFORMATION.

35 The commission may request from any state agency or
36 official the information and assistance as needed to
37 perform the duties of the commission. A state agency
38 or official shall furnish the information or
39 assistance requested within the authority and
40 resources of the state agency or official. This
41 section does not allow the examination or copying of
42 any public record which is required by law to be kept
43 confidential.

44 Sec. 107. NEW SECTION. 28L.6 FUTURE REPEAL.

45 This chapter is repealed effective July 1, 2006.

46 Sec. 108. Section 123.38, unnumbered paragraph 2,
47 Code 2001, is amended to read as follows:

48 Any licensee or permittee, or the licensee's or
49 permittee's executor or administrator, or any person
50 duly appointed by the court to take charge of and

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1 administer the property or assets of the licensee or
2 permittee for the benefit of the licensee's or
3 permittee's creditors, may voluntarily surrender a
4 license or permit to the division. When a license or
5 permit is surrendered the division shall notify the
6 local authority, and the division or the local
7 authority shall refund to the person surrendering the
8 license or permit, a proportionate amount of the fee
9 received by the division or the local authority for
10 the license or permit as follows: if a license or
11 permit is surrendered during the first three months of
12 the period for which it was issued, the refund shall
13 be three-fourths of the amount of the fee; if
14 surrendered more than three months but not more than
15 six months after issuance, the refund shall be one-
16 half of the amount of the fee; if surrendered more
17 than six months but not more than nine months after
18 issuance, the refund shall be one-fourth of the amount
19 of the fee. No refund shall be made, however, for any
20 special liquor permit, nor for a liquor control
21 license, wine permit, or beer permit surrendered more
22 than nine months after issuance. For purposes of this

23 paragraph, any portion of license or permit fees used
 24 for the purposes authorized in section 331.424,
 25 ~~subsection 1, paragraphs "a" and "b", and in section~~
 26 ~~331.424A,~~ shall not be deemed received either by the
 27 division or by a local authority. No refund shall be
 28 made to any licensee or permittee, upon the surrender
 29 of the license or permit, if there is at the time of
 30 surrender, a complaint filed with the division or
 31 local authority, charging the licensee or permittee
 32 with a violation of this chapter. If upon a hearing
 33 on a complaint the license or permit is not revoked or
 34 suspended, then the licensee or permittee is eligible,
 35 upon surrender of the license or permit, to receive a
 36 refund as provided in this section; but if the license
 37 or permit is revoked or suspended upon hearing the
 38 licensee or permittee is not eligible for the refund
 39 of any portion of the license or permit fee.

40 Sec. 109. Section 218.99, Code 2001, is amended to
 41 read as follows:

42 218.99 COUNTIES TO BE NOTIFIED OF PATIENTS'
 43 PERSONAL ACCOUNTS.

44 The administrator in control of a state institution
 45 shall direct the business manager of each institution
 46 under the administrator's jurisdiction ~~which is~~
 47 ~~mentioned in section 331.424, subsection 1, paragraphs~~
 48 ~~"a" and "b", and for which services are paid under~~
 49 section 331.424A, to quarterly inform the county of
 50 legal settlement's entity designated to perform the

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1 county's single entry point process of any patient or
 2 resident who has an amount in excess of two hundred
 3 dollars on account in the patients' personal deposit
 4 fund and the amount on deposit. The administrators
 5 shall direct the business manager to further notify
 6 the entity designated to perform the county's single
 7 entry point process at least fifteen days before the
 8 release of funds in excess of two hundred dollars or
 9 upon the death of the patient or resident. If the
 10 patient or resident has no county of legal settlement,
 11 notice shall be made to the director of human services
 12 and the administrator in control of the institution
 13 involved."

14 _____. Page 1, by inserting before line 13 the
 15 following:

16 "Sec. 110. Section 331.301, subsection 12, Code
 17 Supplement 2001, is amended to read as follows:

18 12. The board of supervisors may credit funds to a
 19 reserve for the purposes authorized by subsection 11
 20 of this section; ~~section 331.424, subsection 1,~~
 21 ~~paragraph "f";~~ and section 331.441, subsection 2,

22 paragraph "b". Moneys credited to the reserve, and
 23 interest earned on such moneys, shall remain in the
 24 reserve until expended for purposes authorized by
 25 subsection 11 of this section; ~~section 331.424,~~
 26 ~~subsection 1, paragraph "f";~~ or section 331.441,
 27 subsection 2, paragraph "b".

28 Sec. 111. Section 331.325, Code 2001, is amended
 29 to read as follows:

30 331.325 CONTROL AND MAINTENANCE OF PIONEER
 31 CEMETERIES – CEMETERY COMMISSION.

32 1. As used in this section, "pioneer cemetery"
 33 means a cemetery where there have been six or fewer
 34 burials in the preceding fifty years.

35 2. Each county board of supervisors may adopt an
 36 ordinance assuming jurisdiction and control of pioneer
 37 cemeteries in the county. The board shall exercise
 38 the powers and duties of township trustees relating to
 39 the maintenance and repair of cemeteries in the county
 40 as provided in sections 359.28 through 359.41 except
 41 that the board shall not certify a tax levy pursuant
 42 to section 359.30 or 359.33 and except that the
 43 maintenance and repair of all cemeteries under the
 44 jurisdiction of the county including pioneer
 45 cemeteries shall be paid from the ~~county general~~
 46 ~~cemetery fund~~. The maintenance and improvement
 47 program for a pioneer cemetery may include restoration
 48 and management of native prairie grasses and
 49 wildflowers.

50 3. In lieu of management of the cemeteries, the

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1 board of supervisors may create, by ordinance, a
 2 cemetery commission to assume jurisdiction and
 3 management of the pioneer cemeteries in the county.
 4 The ordinance shall delineate the number of
 5 commissioners, the appointing authority, the term of
 6 office, officers, employees, organizational matters,
 7 rules of procedure, compensation and expenses, and
 8 other matters deemed pertinent by the board. The
 9 board may delegate any power and duties relating to
 10 cemeteries which may otherwise be exercised by
 11 township trustees pursuant to sections 359.28 through
 12 359.41 to the cemetery commission except the
 13 commission shall not certify a tax levy pursuant to
 14 section 359.30 or 359.33 and except that the expenses
 15 of the cemetery commission shall be paid from the
 16 ~~county general cemetery fund~~.

17 4. Notwithstanding sections 359.30 and 359.33, the
 18 costs of management, repair, and maintenance of
 19 pioneer cemeteries shall be paid from the ~~county~~
 20 ~~general cemetery fund~~.

21 Sec. 112. Section 331.421, subsections 1 and 10,
 22 Code 2001, are amended by striking the subsections.

23 Sec. 113. Section 331.421, Code 2001, is amended
 24 by adding the following new subsection:

25 NEW SUBSECTION. 7A. "Item" means a budgeted
 26 expenditure, appropriation, or cash reserve from a
 27 fund for a service area, program, program element, or
 28 purpose.

29 Sec. 114. Section 331.422, Code 2001, is amended
 30 by adding the following new subsection:

31 NEW SUBSECTION. 2A. Taxes in the amount necessary
 32 to meet obligations under section 331.425, subsection
 33 1, paragraphs "a" and "b", shall be levied on all
 34 taxable property in the county.

35 Sec. 115. Section 331.423, Code 2001, is amended
 36 by striking the section and inserting in lieu thereof
 37 the following:

38 331.423 PROPERTY TAX DOLLARS – MAXIMUMS.

39 1. Annually, the board shall determine separate
 40 property tax levy limits to pay for general county
 41 services and rural county services in accordance with
 42 this section. The property tax levies separately
 43 certified for general county services and rural county
 44 services in accordance with section 331.434 shall not
 45 exceed the amount determined under this section.

46 2. For purposes of this section and sections
 47 331.423A and 331.423B:

48 a. "Annual price index" means the change, computed
 49 to four decimal places, between the preliminary price
 50 index for the third quarter of the calendar year

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1 preceding the calendar year in which the fiscal year
 2 starts and the revised price index for the third
 3 quarter of the previous calendar year as published in
 4 the same issue in which such preliminary price index
 5 is first published. The price index used shall be the
 6 state and local government chain-type price index used
 7 in the quantity and price indexes for gross domestic
 8 product as published by the United States department
 9 of commerce. The annual price index shall not be less
 10 than zero and shall not exceed four hundredths. The
 11 change shall then be added to one to create a
 12 multiplier for the annual price index. For the fiscal
 13 year beginning July 1, 2002, the annual price index as
 14 defined in this paragraph, for the purposes of
 15 determining the tentative maximum property tax dollars
 16 for general county services and rural county services
 17 under section 331.423, subsection 3, shall be the same
 18 as the annual price index certified for the fiscal
 19 year beginning July 1, 2001, as applied in section

20 331.423A, subsection 3.

21 b. "Boundary adjustment" means annexation,
22 severance, incorporation, or discontinuance as those
23 terms are defined in section 368.1.

24 c. "Budget year" is the fiscal year beginning
25 during the calendar year in which a budget is first
26 certified.

27 d. "County affected by tax increment financing"
28 means a county where both of the following apply:

29 (1) The board of supervisors certified a general
30 fund levy for the fiscal year beginning July 1, 2001,
31 on or before March 15, 2001, that was less than three
32 dollars and fifty cents per thousand dollars of
33 taxable valuation times the taxable valuation for the
34 general fund for that fiscal year.

35 (2) A city or community college established a tax
36 increment financing district on property against which
37 the county levied general fund property taxes in the
38 fiscal year beginning July 1, 2000.

39 e. "Current fiscal year" is the fiscal year ending
40 during the calendar year in which a budget is first
41 certified.

42 f. "Local sales and services taxes" means local
43 sales and services taxes imposed under the authority
44 of chapter 422B.

45 g. "Net new valuation taxes" means the amount of
46 property tax dollars equal to the tentative maximum
47 general rate for purposes of the general fund, or the
48 tentative maximum rural rate for purposes of the rural
49 services fund, times the increase from the previous
50 fiscal year in taxable valuation due to the following:

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1 (1) Net new construction excluding all incremental
2 valuation that is released in any one year from an
3 urban renewal area for which taxes are being divided
4 under section 403.19 if the property remains part of
5 the urban renewal area.

6 (2) Additions or improvements to existing
7 structures.

8 (3) Remodeling of existing structures for which a
9 building permit is required.

10 (4) Net boundary adjustment.

11 (5) A municipality no longer dividing tax revenues
12 in an urban renewal area as provided in section
13 403.19, to the extent that the incremental valuation
14 released is due to new construction or revaluation on
15 property newly constructed after the division of
16 revenue begins.

17 (6) That portion of taxable property located in an
18 urban revitalization area on which an exemption was

- 19 allowed and such exemption has expired.
- 20 (7) A municipality dividing tax revenues in an
21 urban renewal area as provided in section 403.19 which
22 is located in a county affected by tax increment
23 financing, to the extent of the amount of incremental
24 valuation on property newly constructed on or after
25 July 1, 2001. The amount computed under this
26 subparagraph shall not exceed the dollar equivalent of
27 three hundred fifty hundred thousandths multiplied by
28 the taxable valuation for the general fund for the
29 budget year, minus the greater of the current year's
30 tentative maximum property tax dollars for general
31 county services or the general fund property tax
32 dollars certified for the fiscal year beginning July
33 1, 2001.
- 34 h. "Property tax replacement dollars" means
35 revenues received under sections 427B.17 through
36 427B.19D, revenues received under chapter 437A,
37 subchapter II, revenues received under section 99F.11
38 that are specifically designated for property tax
39 relief in the current fiscal year, and amounts
40 appropriated by the general assembly for property tax
41 relief first enacted for fiscal years beginning on or
42 after July 1, 2001.
- 43 i. "Tentative maximum general rate" means the
44 amount calculated in subsection 3, paragraph "b",
45 subparagraph (1), divided by the net taxable valuation
46 in the county. For purposes of this paragraph, "net
47 taxable valuation" is the amount of taxable valuation
48 in the county minus the amount of taxable valuation
49 used to calculate net new valuation taxes.
- 50 j. "Tentative maximum rural rate" means the amount

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- 1 calculated in subsection 3, paragraph "c",
2 subparagraph (1), divided by the net taxable valuation
3 in the unincorporated area of the county. For
4 purposes of this paragraph, "net taxable valuation" is
5 the amount of taxable valuation in the unincorporated
6 area of the county minus the amount of taxable
7 valuation in the unincorporated area of the county
8 used to calculate net new valuation taxes.
- 9 k. "Unused taxing authority" means the maximum
10 amount of property tax dollars calculated under
11 subsection 3 for a fiscal year minus the amount
12 actually levied under this section in that fiscal
13 year. Unused taxing authority may be carried forward
14 to the following fiscal year. However, the amount of
15 unused taxing authority which may be carried forward
16 shall not exceed twenty-five percent of the maximum
17 amount of property tax dollars available in the

18 current fiscal year.

19 3. a. Effective for and after the fiscal year
20 beginning July 1, 2002, the maximum amount of property
21 tax dollars levied which may be certified by a county
22 for general county services and rural county services
23 shall be the tentative maximum property tax dollars
24 calculated under paragraphs "b" and "c", respectively,
25 and adjusted by the amounts in paragraphs "d", "e",
26 and "f".

27 b. The tentative maximum property tax dollars for
28 general county services is an amount equal to the sum
29 of the following:

30 (1) The current fiscal year's tentative maximum
31 property tax dollars for general county services minus
32 the unused taxing authority carried forward from the
33 previous fiscal year times the annual price index.

34 (2) The amount of net new valuation taxes.

35 (3) The amount of unused taxing authority carried
36 forward from the previous fiscal year.

37 c. The tentative maximum property tax dollars for
38 rural county services is an amount equal to the sum of
39 the following:

40 (1) The current fiscal year's tentative maximum
41 property tax dollars for rural county services minus
42 the unused taxing authority carried forward from the
43 previous fiscal year times the annual price index.

44 (2) The amount of net new valuation taxes.

45 (3) The amount of unused taxing authority carried
46 forward from the previous fiscal year.

47 d. Subtract the amount of property tax replacement
48 dollars to be received for the budget year that will
49 be deposited in the general fund or the rural services
50 fund, as applicable.

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1 e. Subtract the amount of local sales and services
2 taxes for property tax relief estimated by the
3 department of revenue and finance to be received for
4 the budget year that will be deposited in the general
5 fund or the rural services fund, as applicable.

6 f. Subtract the amount of local sales and services
7 taxes received for property tax relief in the previous
8 fiscal year for the county general fund and rural
9 services fund, and add the amount of local sales and
10 services taxes that was budgeted for property tax
11 relief for each of those funds in that fiscal year.

12 4. Property taxes certified for deposit in the
13 mental health, mental retardation, and developmental
14 disabilities services fund in section 331.424A, the
15 cemetery fund in section 331.424B, the county
16 supplemental fund in section 331.425, and the debt

17 service fund in section 331.430, any capital projects
 18 fund established by the county for deposit of bond,
 19 loan, or note proceeds, and any temporary increase
 20 approved pursuant to section 331.424, are not counted
 21 against the maximum amount of property tax dollars
 22 that may be certified for the fiscal year under
 23 subsection 3.

24 5. The department of management shall adopt rules
 25 to administer this section and sections 331.423A and
 26 331.423B after consultation with the county finance
 27 committee.

28 Sec. 116. **NEW SECTION.** 331.423A BASE YEAR
 29 PROPERTY TAX DOLLARS.

30 1. For purposes of calculating maximum property
 31 tax dollars under section 331.423, the tentative
 32 maximum property tax dollars for the fiscal year
 33 beginning July 1, 2000, for general county services
 34 shall be calculated as provided in this subsection.
 35 For purposes of the base year calculation, the amount
 36 of property taxes levied for general county services
 37 shall include the amounts levied for each fiscal year
 38 for general county services pursuant to sections
 39 331.423, 331.424, and 331.426, Code 2001, and exclude
 40 the amount of property tax dollars levied for the
 41 purposes described in section 331.423, subsection 4,
 42 and section 331.425 in each fiscal year. For purposes
 43 of the base year calculation, the amount of property
 44 taxes levied for rural county services shall include
 45 the amounts levied for each fiscal year for rural
 46 county services pursuant to sections 331.423, 331.424,
 47 and 331.426, Code 2001, and exclude the amount of
 48 property tax dollars levied for the purposes described
 49 in section 331.423, subsection 4, and section 331.425
 50 in each fiscal year.

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1 a. The tentative maximum amount of property tax
 2 dollars for general county services for taxes payable
 3 in the fiscal year beginning July 1, 2000, shall be an
 4 amount equal to the sum of the following, divided by
 5 three, and adjusted by the amount in paragraph "b":
 6 (1) The sum of the amount of property taxes levied
 7 for general county services and the amount of property
 8 tax replacement dollars received, the amount of
 9 revenues received under section 99F.11 that were
 10 specifically designated for property tax relief, and
 11 the amount of local sales and services tax revenues
 12 received as property tax relief and deposited in the
 13 general fund, all for the fiscal year beginning July
 14 1, 1997, times one and one hundred ten thousandths.
 15 (2) The sum of the amount of property taxes levied

16 for general county services and the amount of property
 17 tax replacement dollars received, the amount of
 18 revenues received under section 99F.11 that were
 19 specifically designated for property tax relief, and
 20 the amount of local sales and services tax revenues
 21 received as property tax relief and deposited in the
 22 general fund, all for the fiscal year beginning July
 23 1, 1998, times one and eighty-nine thousandths.

24 (3) The sum of the amount of property taxes levied
 25 for general county services and the amount of property
 26 tax replacement dollars received, the amount of
 27 revenues received under section 99F.11 that were
 28 specifically designated for property tax relief, and
 29 the amount of local sales and services tax revenues
 30 received as property tax relief and deposited in the
 31 general fund, all for the fiscal year beginning July
 32 1, 1999, times one and sixty-seven thousandths.

33 b. The amount computed under the formula in
 34 paragraph "a" shall be adjusted by subtracting the
 35 amount of the ending fund balance differential for
 36 general county services as provided in this paragraph.
 37 The ending fund balance differential for general
 38 county services is the difference between the general
 39 fund's ending balance for the fiscal year beginning
 40 July 1, 1999, and the general fund's ending balance
 41 for the fiscal year beginning July 1, 1996, divided by
 42 three. However, for purposes of this paragraph, the
 43 ending fund balance for the fiscal year beginning July
 44 1, 1996, and the fiscal year beginning July 1, 1999,
 45 shall not include general obligation bond proceeds
 46 deposited in the general fund.

47 2. For purposes of calculating maximum property
 48 tax dollars under section 331.423, the tentative
 49 maximum property tax dollars for the fiscal year
 50 beginning July 1, 2000, for rural county services

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1 shall be calculated as provided in this subsection.

2 a. The tentative maximum amount of property tax
 3 dollars for rural county services for taxes payable in
 4 the fiscal year beginning July 1, 2000, shall be an
 5 amount equal to the sum of the following, divided by
 6 three, and adjusted by the amount in paragraph "b":

7 (1) The sum of the amount of property taxes levied
 8 for rural county services and the amount of property
 9 tax replacement dollars received, the amount of
 10 revenues received under section 99F.11 that were
 11 specifically designated for property tax relief, and
 12 the amount of local sales and services tax revenues
 13 received as property tax relief and deposited in the
 14 rural services fund, all for the fiscal year beginning

15 July 1, 1997, times one and one hundred ten
 16 thousandths.

17 (2) The sum of the amount of property taxes levied
 18 for rural county services and the amount of property
 19 tax replacement dollars received, the amount of
 20 revenues received under section 99F.11 that were
 21 specifically designated for property tax relief, and
 22 the amount of local sales and services tax revenues
 23 received as property tax relief and deposited in the
 24 rural services fund, all for the fiscal year beginning
 25 July 1, 1998, times one and eighty-nine thousandths.

26 (3) The sum of the amount of property taxes levied
 27 for rural county services and the amount of property
 28 tax replacement dollars received, the amount of
 29 revenues received under section 99F.11 that were
 30 specifically designated for property tax relief, and
 31 the amount of local sales and services tax revenues
 32 received as property tax relief and deposited in the
 33 rural services fund, all for the fiscal year beginning
 34 July 1, 1999, times one and sixty-seven thousandths.

35 b. The amount computed under the formula in
 36 paragraph "a" shall be adjusted by subtracting the
 37 amount of the ending fund balance differential for
 38 rural county services as provided in this paragraph.
 39 The ending fund balance differential for rural county
 40 services is the difference between the rural services
 41 fund's ending balance for the fiscal year beginning
 42 July 1, 1999, and the rural services fund's ending
 43 balance for the fiscal year beginning July 1, 1996,
 44 divided by three.

45 3. a. The tentative maximum amount of property
 46 tax dollars for general county services for taxes
 47 payable in the fiscal year beginning July 1, 2001, is
 48 an amount equal to the amount computed in subsection 1
 49 times the annual price index plus the amount of net
 50 new valuation taxes.

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1 b. The tentative maximum amount of property tax
 2 dollars for rural county services for taxes payable in
 3 the fiscal year beginning July 1, 2001, is an amount
 4 equal to the amount computed in subsection 2 times the
 5 annual price index plus the amount of net new
 6 valuation taxes.

7 4. Each county shall calculate its tentative
 8 maximum property tax dollars under this section on
 9 forms prescribed by the department of management.

10 Sec. 117. NEW SECTION. 331.423B ENDING FUND
 11 BALANCE.

12 1. Budgeted ending fund balances on a cash basis
 13 for a budget year in excess of twenty-five percent of

14 budgeted expenditures in either the general fund,
15 county supplemental fund, or rural services fund for
16 that budget year shall be explicitly reserved or
17 designated for a specific purpose and specifically
18 described in the certified budget. The description
19 shall include the projected date that the expenditures
20 will be appropriated for the specific purpose. A
21 county is encouraged, but not required, to reduce
22 budgeted, unreserved, or undesignated ending fund
23 balances for the budget year to an amount equal to
24 approximately twenty-five percent of budgeted
25 expenditures in the general fund, county supplemental
26 fund, and rural services fund for that budget year
27 unless a decision is certified by the state appeal
28 board ordering a reduction in the ending fund balance
29 of any of those funds. In a protest to the county
30 budget under section 331.436, the county shall have
31 the burden of proving that the budgeted balances in
32 excess of twenty-five percent are reasonably likely to
33 be appropriated for the explicitly reserved or
34 designated specific purpose by the date identified in
35 the certified budget. The excess budgeted balance for
36 the specific purpose shall be considered an increase
37 in an item in the budget for purposes of section
38 24.28.

39 2. For a county that has, as of June 30, 2001,
40 reduced its actual ending fund balance to less than
41 twenty-five percent of actual expenditures on a cash
42 basis, additional property taxes may be computed and
43 levied as provided in this subsection. The additional
44 property tax levy amount is an amount not to exceed
45 twenty-five percent of actual expenditures from the
46 general fund and rural services fund for the fiscal
47 year beginning July 1, 2000, minus the combined ending
48 fund balances for those funds for that year. The
49 amount of the additional property taxes shall be
50 divided between the general fund and the rural

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1 services fund in proportion to the amount of actual
2 expenditures for general county services to total
3 actual expenditures for general and rural county
4 services for the fiscal year beginning July 1, 2000,
5 and in proportion to the amount of actual expenditures
6 for rural county services to total actual expenditures
7 for general and rural county services for the fiscal
8 year beginning July 1, 2000. However, the amount
9 apportioned for general county services and for rural
10 county services shall not exceed for each fund twenty-
11 five percent of actual expenditures for the fiscal
12 year beginning July 1, 2000.

13 All or a portion of additional property tax dollars
 14 may be levied for the purpose of increasing cash
 15 reserves for general county services and rural county
 16 services in the budget year. The additional property
 17 tax dollars authorized under this subsection but not
 18 levied may be carried forward as unused ending fund
 19 balance taxing authority until and for the fiscal year
 20 beginning July 1, 2007. The amount carried forward,
 21 when combined with unused taxing authority shall not
 22 exceed twenty-five percent of the maximum amount of
 23 property tax dollars available in the current fiscal
 24 year. Additionally, property taxes that are levied as
 25 unused ending fund balance taxing authority under this
 26 subsection may be the subject of a protest under
 27 section 331.436 and the amount will be considered an
 28 increase in an item in the budget for purposes of
 29 section 24.28. The amount of additional property
 30 taxes levied under this subsection shall not be
 31 included in the computation of the maximum amount of
 32 property tax dollars which may be certified and levied
 33 under section 331.423.

34 Sec. 118. Section 331.424, Code Supplement 2001,
 35 is amended by striking the section and inserting in
 36 lieu thereof the following:

37 331.424 AUTHORITY TO LEVY BEYOND MAXIMUM PROPERTY
 38 TAX DOLLARS.

39 1. The board may certify additions to the maximum
 40 amount of property tax dollars to be levied for a
 41 period of time not to exceed two years if the
 42 proposition has been submitted at a special election
 43 and received a favorable majority of the votes cast on
 44 the proposition.

45 2. The special election is subject to the
 46 following:

47 a. The board must give at least thirty-two days'
 48 notice to the county commissioner of elections that
 49 the special election is to be held.

50 b. The special election shall be conducted by the

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1 county commissioner of elections in accordance with
 2 law.

3 c. The proposition to be submitted shall be
 4 substantially in the following form:

5 "Vote "yes" or "no" on the following: Shall the
 6 county of _____ levy for an additional \$_____ each
 7 year for ___ years beginning July 1, _____, in excess
 8 of the statutory limits otherwise applicable for the
 9 (general county services or rural services) fund?"

10 d. The canvass shall be held beginning at one p.m.
 11 on the second day which is not a holiday following the

12 special election.

13 e. Notice of the special election shall be
 14 published at least once in a newspaper as specified in
 15 section 331.305 prior to the date of the special
 16 election. The notice shall appear as early as
 17 practicable after the board has voted to submit a
 18 proposition to the voters to levy additional property
 19 tax dollars.

20 3. Registered voters in the county may vote on the
 21 proposition to increase property taxes for the general
 22 fund in excess of the statutory limit. Registered
 23 voters residing outside the corporate limits of a city
 24 within the county may vote on the proposition to
 25 increase property taxes for the rural services fund in
 26 excess of the statutory limit.

27 4. The amount of additional property tax dollars
 28 certified under this subsection shall not be included
 29 in the computation of the maximum amount of property
 30 tax dollars which may be certified and levied under
 31 section 331.423.

32 Sec. 119. Section 331.424B, Code 2001, is amended
 33 to read as follows:

34 331.424B CEMETERY LEVY.

35 The board may levy annually a tax on all taxable
 36 property in the county not to exceed six and three-
 37 fourths cents per thousand dollars of the assessed
 38 value of all taxable property in the county to repair
 39 and maintain all cemeteries under the jurisdiction of
 40 the board including pioneer cemeteries and to pay
 41 other expenses of the board or the cemetery commission
 42 as provided in section 331.325. The proceeds of the
 43 tax levy shall be credited to the ~~county general~~
 44 ~~cemetary fund. Sections 444.25A and 444.25B do not~~
 45 ~~apply to the property tax levied or expended for~~
 46 ~~cemeteries pursuant to section 331.325.~~

47 Sec. 120. Section 331.425, Code 2001, is amended
 48 by striking the section and inserting in lieu thereof
 49 the following:

50 331.425 COUNTY SUPPLEMENTAL FUND.

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1 1. The county supplemental fund is established for
 2 the following purposes:

3 a. Accounting for pension and related employee
 4 benefits as provided by the department of management.

5 b. Accounting for tort liability insurance,
 6 property insurance, and any other insurance that may
 7 be necessary in the operation of the county, costs of
 8 a self-insurance program, costs of a local government
 9 risk pool, and amounts payable under any insurance
 10 agreements to provide or procure such insurance, self-

11 insurance program, or local government risk pool.
 12 c. Accounting for gifts or grants received by the
 13 county for a particular purpose.
 14 d. Accounting for money and property received and
 15 handled by the county as trustee or custodian or in
 16 the capacity of an agent.

17 2. County revenues from taxes and other sources
 18 for the purposes described in this section shall be
 19 credited to the county supplemental fund.

20 Sec. 121. Section 331.427, subsection 2, paragraph
 21 1, Code Supplement 2001, is amended to read as
 22 follows:

23 1. Services listed in ~~section 331.424, subsection~~
 24 ~~1, and~~ section 331.554.

25 Sec. 122. Section 331.428, subsection 2, paragraph
 26 d, Code 2001, is amended by striking the paragraph.

27 Sec. 123. Section 331.429, subsection 1, Code
 28 Supplement 2001, is amended by adding the following
 29 new paragraph:

30 NEW PARAGRAPH. F. Notwithstanding paragraphs "a"
 31 and "b", transfers from the general fund or rural
 32 services fund in accordance with this paragraph. The
 33 board may transfer additional funds from the general
 34 fund or rural services fund in excess of the amounts
 35 in paragraphs "a" and "b" if the proposition has been
 36 submitted at a special election and received a
 37 favorable majority of the votes cast on the
 38 proposition. The board shall direct the county
 39 commissioner of elections to submit the proposition at
 40 an election. The board must give at least thirty-two
 41 days' notice to the county commissioner of elections
 42 that the special election is to be held. For a
 43 transfer from the general fund, registered voters of
 44 the county may vote on the proposition. For a
 45 transfer from the rural services fund, registered
 46 voters of the county residing outside the corporate
 47 limits of a city within the county may vote on the
 48 proposition. The proposition to be submitted shall be
 49 substantially in the following form:
 50 "Vote "yes" or "no" on the following question:

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1 Shall the county of _____ transfer an additional
 2 \$_____ each year for two years beginning July 1,
 3 _____, from the (general fund or rural services fund)
 4 to the secondary road fund?"

5 Notice of the special election shall be published
 6 at least once in a newspaper in the manner provided in
 7 section 331.305. Notice of the special election shall
 8 appear as early as practicable after the board has
 9 voted to submit a proposition to the voters to

10 transfer funds from the general fund or rural services
11 fund to the secondary road fund.

12 If a majority of the votes cast are in favor of the
13 proposition, the board shall certify the results of
14 the election to the department of management and
15 transfer the approved amount to the secondary road
16 fund in the appropriate fiscal year.

17 Sec. 124. Section 425A.2, subsection 4, paragraph
18 d, Code 2001, is amended to read as follows:

19 d. If the owner is an authorized farm corporation,
20 a shareholder or the shareholder's spouse who owns at
21 least ~~fifty-one~~ fifty percent of the stock of the
22 authorized farm corporation ~~or the shareholder's~~
23 ~~spouse~~.

24 Sec. 125. Section 425A.2, subsection 4, paragraph
25 e, Code 2001, is amended to read as follows:

26 e. If the owner is an individual who leases the
27 tract to a family farm corporation, a shareholder of
28 the corporation if the combined stock of the family
29 farm corporation owned by the owner of the tract and
30 persons related to the owner as enumerated in
31 paragraph "a" is equal to at least ~~fifty-one~~ fifty
32 percent of the stock of the family farm corporation.

33 Sec. 126. Section 425A.2, subsection 4, paragraph
34 f, Code 2001, is amended to read as follows:

35 f. If the owner is an individual who leases the
36 tract to a partnership, a partner if the combined
37 partnership interest owned by a designated person as
38 defined in paragraph "a" is equal to at least ~~fifty-~~
39 ~~one~~ fifty percent of the ownership interest of the
40 partnership.

41 Sec. 127. Section 427.1, subsection 19, Code
42 Supplement 2001, is amended by adding the following
43 new unnumbered paragraph after unnumbered paragraph 8:

44 NEW UNNUMBERED PARAGRAPH. Pollution-control
45 property used for purposes relating to the care and
46 feeding of livestock as defined in section 169C.1
47 shall be limited to the first two hundred thousand
48 dollars in assessed value, unless an owner of the
49 pollution-control property is any of the following:

50 a. The owner of agricultural land which is

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1 eligible for the family farm property tax credit as
2 provided in chapter 425A.

3 b. Actively engaged in farming as defined in
4 section 10.1.

5 c. A networking farmers entity as defined in
6 section 10.1 or a member of a networking farmers
7 entity.

8 Sec. 128. Section 331.426, Code 2001, is repealed.

9 Sec. ____ APPLICABILITY DATES. Sections 124
10 through 126 of this Act apply to credits applied for
11 on or after July 1, 2002. Section 127 of this Act
12 applies to exemptions first applied for on or after
13 July 1, 2002. Sections 1, 102 through 109, 110
14 through 123, and 128 of this Act apply to the fiscal
15 year beginning July 1, 2002, and all subsequent fiscal
16 years."

17 ____ Title page, line 2, by inserting after the
18 word "purposes" the following: "and the maximum
19 property tax dollars levied by a county and including
20 effective date provisions".

VAN FOSSEN of Scott

H-8463

1 Amend the amendment, H-8422, to Senate File 2228,
2 as passed by the Senate as follows:

3 1. By striking page 1, line 5 through page 7,
4 line 37 and inserting the following:

5 "Section 1. Section 307A.2, subsection 14A, Code
6 2001, is amended to read as follows:

7 14A. Annually recalculate the construction and
8 maintenance needs of roads under the jurisdiction of
9 each county to take into account the needs of a road
10 whose jurisdiction has been transferred from the
11 department to a county or from a county to the
12 department during the previous year. The
13 recalculation shall be reported by January 1 of the
14 year following the transfer and shall take effect the
15 following July 1 for the purposes of allocating moneys
16 under ~~sections section~~ section 312.3 ~~and 312.5~~.

17 Sec. 2. Section 309.10, Code 2001, is amended to
18 read as follows:

19 309.10 USE OF FARM-TO-MARKET ROAD ~~FUND~~ ACCOUNT.

20 1. Notwithstanding section 310.4, if the board of
21 supervisors of a county does not plan to utilize its
22 farm-to-market road ~~fund~~ account allocation for the
23 succeeding fiscal year for farm-to-market projects,
24 the board may annually, by stipulation in the
25 secondary road construction program and secondary road
26 budget submitted to the department in accordance with
27 sections 309.22 and 309.93, determine an amount of the
28 unobligated portion of its allocation, up to a maximum
29 of fifty percent of its anticipated total annual
30 allocation, for the construction and reconstruction of
31 local secondary roads. However, moneys from the farm-
32 to-market road ~~fund~~ account shall not be so used if
33 the moneys are needed to match federal funds available
34 for farm-to-market road projects.

35 2. A county shall not use farm-to-market road

36 ~~funds account moneys~~ as described in this section
 37 unless the total funds that the county transferred or
 38 provided during the prior fiscal year pursuant to
 39 section 331.429, subsection 1, paragraphs "a", "b",
 40 "d", and "e", are at least seventy-five percent of the
 41 sum of the following:

42 ~~1. a.~~ From the general fund of the county, the
 43 dollar equivalent of a tax of sixteen and seven-
 44 eighths cents per thousand dollars of assessed value
 45 on all taxable property in the county.

46 ~~2. b.~~ From the rural services fund of the county,
 47 the dollar equivalent of a tax of three dollars and
 48 three-eighths of a cent per thousand dollars of
 49 assessed value on all taxable property not located
 50 within the corporate limits of a city in the county.

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1 Sec. 3. Section 310.3, Code 2001, is amended to
 2 read as follows:

3 310.3 ~~FUNDS FARM-TO-MARKET ROAD ACCOUNT OF~~ 4 ~~SECONDARY ROAD FUND.~~

5 ~~There is hereby created a fund As provided in~~
 6 ~~section 312.2, the treasurer of state shall maintain a~~
 7 ~~separate account in the secondary road fund which~~
 8 ~~shall be known as the farm-to-market road fund account~~
 9 ~~which shall be made up as follows of the following:~~

10 1. All federal aid secondary road funds received
 11 by the state.

12 2. All road use tax funds by law credited to the
 13 farm-to-market road ~~fund account.~~

14 3. All other funds which may, under ~~the provisions~~
 15 ~~of this chapter or any other law, be credited or~~
 16 ~~appropriated for the use of the farm-to-market road~~
 17 ~~fund account.~~

18 Sec. 4. Section 310.4, Code 2001, is amended to
 19 read as follows:

20 310.4 USE OF ~~FUND ACCOUNT.~~

21 ~~Said The~~ farm-to-market road ~~fund account~~ is hereby
 22 appropriated for and shall be used in the
 23 establishment, construction, reconstruction, or
 24 improvement of the farm-to-market road system,
 25 including the drainage, grading, surfacing,
 26 resurfacing, construction of bridges and culverts, the
 27 elimination, protection, or improvement of railroad
 28 crossings, the acquiring of additional right of way
 29 and all other expenses incurred in the construction,
 30 reconstruction or improvement of ~~said the~~ farm-to-
 31 market road system under this chapter.

32 Sec. 5. Section 310.6, Code 2001, is amended to
 33 read as follows:

34 310.6 ACCOUNTS BY DEPARTMENT.

35 The department shall keep ~~accounts~~ subaccounts in
 36 relation to the farm-to-market road ~~fund~~ account and
 37 each county's allotment ~~thereof of the account~~,
 38 crediting each ~~fund~~ subaccount with all amounts by law
 39 creditable thereto, and charging each with all duly
 40 and finally approved vouchers for claims properly
 41 chargeable thereto.

42 Sec. 6. Section 310.8, Code 2001, is amended to
 43 read as follows:

44 310.8 QUARTERLY STATEMENT TO COUNTY ENGINEER.

45 The department shall, quarterly, advise each county
 46 engineer of the condition of ~~said the~~ county's
 47 allotment of the farm-to-market road ~~fund~~ account.
 48 ~~Said The~~ statement shall show the balance in ~~said the~~
 49 county's allotment at the beginning of ~~said the~~
 50 period, the amount or amounts allotted to ~~said the~~

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1 county during ~~said the~~ period, the amount disbursed
 2 from ~~said the~~ county's allotment during ~~said the~~
 3 period, and the balance in ~~said the~~ county's allotment
 4 at the end of the ~~said~~ period. ~~Said The~~ statement
 5 shall also show the estimated outstanding obligations
 6 against the ~~said~~ county's allotment at the date of
 7 ~~said the~~ statement.

8 Sec. 7. Section 310.16, Code 2001, is amended to
 9 read as follows:

10 310.16 CLAIMS CHARGED TO COUNTY ALLOTMENT.

11 All claims for improving farm-to-market roads
 12 hereunder shall be paid from the farm-to-market road
 13 account of the secondary road fund and charged to the
 14 allotment of ~~said fund~~ the account for the county in
 15 which ~~said the~~ project is located.

16 Sec. 8. Section 310.20, Code 2001, is amended to
 17 read as follows:

18 310.20 SUPERVISORS RESOLUTION TO STATE TREASURER.

19 Any county may, in any year, by resolution of its
 20 board of supervisors, make available for improvement
 21 or construction of farm-to-market roads within the
 22 county any portion of its allotment of road use tax
 23 funds. Upon certification of such a resolution, the
 24 state treasurer shall place in the county's allotment
 25 of the farm-to-market road account of the secondary
 26 road fund the amount authorized by ~~such the~~
 27 resolution.

28 Sec. 9. Section 310.27, Code 2001, is amended to
 29 read as follows:

30 310.27 PERIOD OF ALLOCATION – REVERSION –
 31 TEMPORARY TRANSFERS.

32 1. The portion of the farm-to-market road account
 33 of the secondary road fund allotted to any county as

34 provided in this chapter shall remain available for
 35 expenditure in ~~said the~~ county for three years after
 36 the close of the fiscal year during which ~~said sums~~
 37 ~~respectively were~~ the portion was allocated. Any ~~sum~~
 38 portion remaining unexpended at the end of the period
 39 during which it is available for expenditure, shall be
 40 reapportioned among all the counties ~~as provided in~~
 41 ~~section 312.5 for original allocations.~~

42 2. For the purposes of this section, any ~~sums~~
 43 portions of the farm-to-market road account of the
 44 secondary road fund allotted to any county shall be
 45 presumed to have been "expended" when a contract has
 46 been awarded obligating the ~~sums~~ portions. When
 47 projects and their estimated costs, which are proposed
 48 to be funded from the farm-to-market road ~~fund~~
 49 account, are submitted to the department for approval,
 50 the department shall estimate the total funding

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1 necessary and the period during which claims for the
 2 projects will be filed. After anticipating the
 3 funding necessary for approved projects, the
 4 department may temporarily allocate additional moneys
 5 from the farm-to-market road ~~fund~~ account for use in
 6 any other farm-to-market projects. However, a county
 7 shall not be temporarily allocated funds for projects
 8 in excess of the county's anticipated farm-to-market
 9 road ~~fund~~ account allocation for the current fiscal
 10 year plus the four succeeding fiscal years.

11 3. If in the judgment of the department the
 12 anticipated claims against the primary road fund for
 13 any month are in excess of moneys available, a
 14 temporary transfer for highway construction costs may
 15 be made from the farm-to-market road ~~fund~~ account to
 16 the primary road fund providing there will remain in
 17 the ~~transferring fund~~ farm-to-market road account a
 18 sufficient balance to meet the anticipated
 19 obligations. All transfers shall be repaid from the
 20 primary road fund to the farm-to-market road ~~fund~~
 21 account within sixty days from the date of the
 22 transfer. A transfer shall be made only with the
 23 approval of the director of management and shall
 24 comply with the director of management's rules
 25 relating to the transfer of funds. Similar transfers
 26 may be made by the department from the primary road
 27 fund to the farm-to-market road ~~fund~~ account and these
 28 transfers shall be subject to the same terms and
 29 conditions that transfers from the farm-to-market road
 30 ~~fund~~ account to the primary road fund are subject.

31 Sec. 10. Section 310.28, Code 2001, is amended to
 32 read as follows:

33 310.28 ENGINEERING AND OTHER EXPENSE.
 34 1. Engineering, inspection, and administration
 35 ~~expense expenses~~ in connection with any farm-to-market
 36 road project may be paid from ~~said the~~ county's
 37 allotment of the farm-to-market road account of the
 38 secondary road fund. Any such expense incurred by the
 39 department may in the first instance be advanced out
 40 of the primary road fund, ~~said the~~ amounts later being
 41 reimbursed to ~~said funds the~~ primary road fund out of
 42 the farm-to-market road ~~fund~~ account.
 43 2. ~~Provided, that no~~ No part of the salary or
 44 expense of the county engineer, any member of the
 45 county board of supervisors, any member of the
 46 department, the chief engineer, or any department head
 47 or district engineer of the department shall be paid
 48 out of the farm-to-market road ~~fund~~ account.
 49 Sec. 11. Section 310.34, Code 2001, is amended to
 50 read as follows:

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1 310.34 SECONDARY ROAD RESEARCH FUND.
 2 Notwithstanding any provision of law to the
 3 contrary, the department is ~~hereby authorized to may~~
 4 set aside each year not to exceed one and one-half
 5 percent of the receipts in the farm-to-market road
 6 ~~fund~~ account of the secondary road fund in a fund to
 7 be known as the secondary road research fund.
 8 Sec. 12. Section 312.2, unnumbered paragraph 1,
 9 Code Supplement 2001, is amended to read as follows:
 10 The treasurer of the state shall, on the first day
 11 of each month, credit all road use tax funds which
 12 have been received by the treasurer, to the primary
 13 road fund, the secondary road fund of the counties,
 14 ~~the farm-to-market road fund~~, and the street
 15 construction fund of cities in the following manner
 16 and amounts:
 17 Sec. 13. Section 312.2, subsections 1 through 4,
 18 Code Supplement 2001, are amended to read as follows:
 19 1. To the primary road fund, ~~forty-seven and one-~~
 20 ~~half~~ fifty percent.
 21 2. To the secondary road fund of the counties,
 22 ~~twenty-four and one-half~~ twenty-five percent. The
 23 treasurer shall maintain a separate farm-to-market
 24 road account in the secondary road fund for deposit of
 25 moneys to be used for farm-to-market roads.
 26 3. ~~To the farm-to-market road fund, eight percent.~~
 27 4. 3. To the street construction fund of the
 28 cities, ~~twenty~~ twenty-five percent.
 29 Sec. 14. Section 312.2, subsection 10, Code
 30 Supplement 2001, is amended to read as follows:
 31 10. The treasurer of state, before making the

32 other allotments provided for in this section, shall
 33 credit annually to the primary road fund from the road
 34 use tax fund the sum of four million four hundred
 35 thousand dollars and to the farm-to-market road
 36 account of the secondary road fund from the road use
 37 tax fund the sum of one million five hundred thousand
 38 dollars for partial compensation of allowing trucks to
 39 operate on the roads of this state as provided in
 40 section 321.463.

41 Sec. 15. Section 312.3, subsection 1, Code 2001,
 42 is amended by striking the subsection and inserting in
 43 lieu thereof the following:

44 1. Apportion among the counties of the state, in
 45 the ratio which the population of each county, as
 46 shown by the latest available federal census, bears to
 47 the total population of all counties in the state, the
 48 percentage of the road use tax fund which is credited
 49 to the secondary road fund of the counties. A county
 50 may have one special federal census taken each decade,

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1 and the population figure thus obtained shall be used
 2 in apportioning amounts under this subsection
 3 beginning the calendar year following the year in
 4 which the special census is certified by the secretary
 5 of state.

6 Sec. 16. Section 312.4, subsections 2 and 4, Code
 7 2001, are amended to read as follows:

8 2. The amount of the road use tax fund which the
 9 treasurer has credited to ~~(a) the~~ following:

- 10 a. The primary road fund,~~(b) the~~
 11 b. The secondary road fund of the counties,~~(c)~~
 12 the farm-to-market road fund, and (d) the
 13 c. The street construction fund of the cities.

14 4. The amount of federal aid secondary road funds
 15 which the treasurer has received from the federal
 16 government and credited to the farm-to-market road
 17 account of the secondary road fund.

18 Sec. 17. Section 314.3, Code 2001, is amended to
 19 read as follows:

20 314.3 CLAIMS – APPROVAL AND PAYMENT.

21 1. All claims for construction, reconstruction,
 22 improvement, repair, or maintenance on any highway
 23 shall be itemized on voucher forms prepared for that
 24 purpose, certified to by the claimants and by the
 25 engineer in charge, and then forwarded to the agency
 26 in control of that highway for final audit and
 27 approval. Claims payable from the farm-to-market road
 28 account of the secondary road fund shall be approved
 29 by both the board of supervisors and the department.
 30 Upon approval by the department of vouchers which are

31 payable from the farm-to-market road fund account, or
32 from the primary road fund, as the case may be, such
33 vouchers shall be forwarded to the director of revenue
34 and finance, who shall draw warrants ~~therefore for the~~
35 vouchers and ~~said the~~ warrants shall be paid by the
36 treasurer of the state from the farm-to-market road
37 fund account or from the primary road fund, as the
38 case may be.

39 2. If the engineer makes such certificate or a
40 member of the agency approves such claim when ~~said the~~
41 work has not been done in accordance with the plans
42 and specifications, and ~~said the~~ work be not promptly
43 made good without additional cost, the engineer or
44 member shall be liable on the person's bond for the
45 amount of such claim.

46 Sec. 18. Section 331.401, subsection 1, paragraph
47 b, Code 2001, is amended to read as follows:

48 b. Establish budgets for the farm-to-market road
49 account of the secondary road fund and the secondary
50 road fund in accordance with sections 309.10 and

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1 309.93 to 309.97.

2 Sec. 19. Section 331.429, Code Supplement 2001, is
3 amended to read as follows:

4 331.429 SECONDARY ROAD FUND.

5 1. Except as otherwise provided by state law,
6 county revenues for secondary and farm-to-market road
7 services shall be credited to the secondary road fund,
8 including the following:

9 a. Transfers from the general fund not to exceed
10 in any year the dollar equivalent of a tax of sixteen
11 and seven-eighths cents per thousand dollars of
12 assessed value on all taxable property in the county
13 multiplied by the ratio of current taxes actually
14 collected and apportioned for the general basic levy
15 to the total general basic levy for the current year,
16 and an amount equivalent to the moneys derived by the
17 general fund from military service tax credits under
18 chapter 426A, manufactured or mobile home taxes under
19 section 435.22, and delinquent taxes for prior years
20 collected and apportioned to the general basic fund in
21 the current year, multiplied by the ratio of sixteen
22 and seven-eighths cents to three dollars and fifty
23 cents.

24 b. Transfers from the rural services fund not to
25 exceed in any year the dollar equivalent of a tax of
26 three dollars and three-eighths cents per thousand
27 dollars of assessed value on all taxable property not
28 located within the corporate limits of a city in the
29 county multiplied by the ratio of current taxes

30 actually collected and apportioned for the rural
 31 services basic levy to the total rural services basic
 32 levy for the current year and an amount equivalent to
 33 the moneys derived by the rural services fund from
 34 military service tax credits under chapter 426A,
 35 manufactured or mobile home taxes under section
 36 435.22, and delinquent taxes for prior years collected
 37 and apportioned to the rural services basic fund in
 38 the current year, multiplied by the ratio of three
 39 dollars and three-eighths cents to three dollars and
 40 ninety-five cents.

41 c. Moneys allotted to the county from the state
 42 road use tax fund.

43 d. Moneys provided by individuals from their own
 44 contributions for the improvement of any secondary or
 45 farm-to-market road.

46 e. Other moneys dedicated to this fund by law
 47 including but not limited to funds so dedicated
 48 pursuant to sections 306.15, 309.52, 311.23, 311.29,
 49 and 313.28.

50 f. All federal aid secondary road funds received

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1 by the state.

2 2. The board may make appropriations from the
 3 secondary road fund and from the farm-to-market road
 4 account within the fund for the following secondary
 5 road services:

6 a. Construction and reconstruction of secondary
 7 and farm-to-market roads and costs incident to the
 8 construction and reconstruction.

9 b. Maintenance and repair of secondary and farm-
 10 to-market roads and costs incident to the maintenance
 11 and repair.

12 c. Payment of all or part of the cost of
 13 construction and maintenance of bridges in cities
 14 having a population of eight thousand or less and all
 15 or part of the cost of construction of roads which are
 16 located within cities of less than four hundred
 17 population and which lead to state parks.

18 d. Special drainage assessments levied on account
 19 of benefits to secondary or farm-to-market roads.

20 e. Payment of interest and principal on bonds of
 21 the county issued for secondary or farm-to-market
 22 roads, bridges, or culverts constructed by the county.

23 f. A legal obligation in connection with secondary
 24 and farm-to-market roads and bridges, which obligation
 25 is required by law to be taken over and assumed by the
 26 county.

27 g. Secondary and farm-to-market road equipment,
 28 materials, and supplies, and garages or sheds for

29 their storage, repair, and servicing.
 30 h. Assignment or designation of names or numbers
 31 to roads in the county and erection, construction, or
 32 maintenance of guideposts or signs at intersections of
 33 roads in the county.
 34 i. The services provided under sections 306.15,
 35 309.18, 309.52, 311.7, 311.23, 313A.23, 316.14,
 36 468.43, 468.108, 468.341, and 468.342, chapter 310, or
 37 other state law relating to secondary or farm-to-
 38 market roads."
 39 2. By striking page 11, line 44 through page 12,
 40 line 15 and inserting the following: "credited to the
 41 road use tax fund created in section 312.1. This
 42 paragraph is repealed July 1, 2022."
 43 3. Page 12, by inserting after line 40 the
 44 following:
 45 "Sec. __. Sections 310.7 and 312.5, Code 2001,
 46 are repealed.
 47 Sec. __. TRANSITION PROVISIONS. The treasurer of
 48 state and the state department of transportation shall
 49 cooperate to coordinate any transitional procedures
 50 required for allocation of road use tax funds as

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1 provided in this Act."
 2 4. Page 12, by striking lines 42 through 45 and
 3 inserting the following:
 4 "1. Except as provided in subsection 2, this Act
 5 takes effect July 1, 2002."
 6 5. Page 13, by striking lines 1 through 4 and
 7 inserting the following: "word "purposes" the
 8 following: "increasing the state sales tax for road
 9 purposes, changing the formula for the distribution of
 10 road use tax fund moneys,."

VAN FOSSEN of Scott	HUSER of Polk
METCALF of Polk	ELGIN of Linn
HOVERSTEN of Woodbury	CHIODO of Polk

H-8466

1 Amend the amendment, H-8422, to Senate File 2228,
 2 as passed by the Senate, as follows:
 3 1. Page 6, by inserting after line 25, the
 4 following:
 5 "3. Any public works building or other
 6 construction work funded with any moneys received
 7 under section 298B.1 shall not be utilized to pay for
 8 construction management services until such time as
 9 the general assembly has completed an in-depth study
 10 on the advisability of the cost impact of utilization

11 of construction management services on public
 12 projects. "Construction management services" means
 13 all services provided in the planning, design, and
 14 construction phase performed by a construction
 15 manager, but shall not include the services of a
 16 general contractor, architect, engineer, or registered
 17 landscape architect employed by the public owner."

SHEY of Linn

H-8467

1 Amend the amendment, H-8309, to Senate File 503, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by striking lines 7 and 8, and
 5 inserting the following:

6 "b. A runoff control basin ~~which~~ that collects and
 7 stores only".

8 2. Page 1, by striking lines 17 through 22, and
 9 inserting the following:

10 "NEW SUBSECTION. 18A. "Open feedlot" means an
 11 unroofed or partially roofed animal feeding operation
 12 in which no crop, vegetation, or forage growth or
 13 residue cover is maintained during the period that
 14 animals are confined in the animal feeding operation."

15 3. Page 1, by striking lines 27 through 36, and
 16 inserting the following:

17 "NEW SUBSECTION. 33A. "Runoff control basin"
 18 means an impoundment designed and operated to collect
 19 and store runoff from an open feedlot."

20 4. By striking page 1, line 37 through page 2,
 21 line 10, and inserting the following:

22 "Sec. ____ NEW SECTION. 455B.205A CONSTRUCTION
 23 DESIGN STANDARDS – OPEN FEEDLOT RUNOFF CONTROL
 24 BASINS.

25 If the department requires an open feedlot runoff
 26 control basin receiving runoff from which solids have
 27 been settled in accordance with requirements provided
 28 in 567 IAC 65.2(1) to be constructed according to
 29 design standards, regardless of whether the department
 30 requires the owner to obtain a construction permit
 31 under section 455B.200, design standards for the basin
 32 shall be established by rule as provided in chapter
 33 17A that exclusively account for special design
 34 characteristics of open feedlots and related runoff
 35 control basins, including but not limited to the
 36 dilute composition of settled open feedlot effluent as
 37 collected and stored in runoff control basins."

KUHN of Floyd

H-8468

1 Amend the amendment, H-8422, to Senate File 2228,
2 as passed, by the Senate, as follows:

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

5 "___ Page 1, by inserting before line 1, the
6 following:

7 "Sec. 200. Section 24.28, Code 2001, is amended to
8 read as follows:

9 24.28 HEARING ON PROTEST.

10 The state board, within a reasonable time, shall
11 fix a date for an initial hearing on the protest and
12 may designate a deputy to hold the hearing, which
13 shall be held in the county or in one of the counties
14 in which the municipality is located. Notice of the
15 time and place of the hearing shall be given by
16 certified mail to the appropriate officials of the
17 local government and to the first ten property owners
18 whose names appear upon the protest, at least ~~five~~ ten
19 days before the date fixed for the hearing. At all
20 hearings, the burden shall be upon the objectors with
21 reference to any proposed item in the budget, which
22 was included in the budget of the previous fiscal year
23 and which the objectors propose should be reduced or
24 ~~excluded; but the, to show that the item is not~~
25 necessary, reasonable, and in the interest of public
26 welfare. ~~The~~ burden shall be upon the certifying
27 board or the levying board, as the case may be, to
28 show that any new item in the budget compared to the
29 previous fiscal year, or any increase in any item in
30 the budget from the previous fiscal year, is
31 necessary, reasonable, and in the interest of the
32 public welfare. An item is considered to be a new
33 item in the budget if it is taxed or appropriated out
34 of the fund for the first time. The state board shall
35 not sustain any item in the budget from which appeal
36 is taken if the tax or appropriation for the item is
37 inconsistent with law. For purposes of this section,
38 "item" means a budgeted expenditure, appropriation, or
39 cash reserve from a fund for a service area, program,
40 program element, or purpose. For purposes of this
41 section, "previous fiscal year" is the fiscal year
42 ending during the calendar year previous to the
43 calendar year in which a budget is first certified.

44 Sec. 201. Section 25B.7, Code 2001, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 4. Beginning with property taxes
47 due and payable in the fiscal year beginning July 1,
48 2002, the state appropriation made to fund a property
49 tax credit or exemption shall not be reduced from the
50 appropriation made for the property tax credit or

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1 exemption in the prior fiscal year unless the reduced
2 appropriation receives approval of three-fifths of the
3 members of each house of the general assembly and a
4 fiscal note prepared by the legislative fiscal bureau
5 is provided to members of the general assembly and
6 made available to the general public identifying the
7 impact of the reduced appropriation on property
8 taxpayers at least two days before passage by either
9 house of the legislation containing the reduced
10 appropriation. The property tax credits and
11 exemptions subject to this section include, but are
12 not limited to, the following:

13 a. Homestead tax credit pursuant to sections 425.1
14 through 425.15.

15 b. Low-income property tax credit and elderly and
16 disabled property tax credit pursuant to sections
17 425.16 through 425.40.

18 c. Family farm tax credit pursuant to chapter
19 425A.

20 d. Agricultural land tax credit pursuant to
21 chapter 426.

22 e. Military service property tax credit and
23 exemption pursuant to chapter 426A.

24 Sec. 202. NEW SECTION. 25B.8 LOCAL GOVERNMENT
25 ASSISTANCE – GENERAL ASSEMBLY VOTE REQUIREMENTS.

26 1. For the fiscal year beginning July 1, 2002, and
27 all subsequent fiscal years, the general assembly
28 shall not approve an increase in any maximum property
29 tax levy rate authorized by state law unless the
30 increased maximum property tax levy rate receives
31 approval of three-fifths of the members of each house
32 of the general assembly and a fiscal note prepared by
33 the legislative fiscal bureau is provided to members
34 of the general assembly and made available to the
35 general public identifying the impact of the increased
36 maximum property tax levy rate on property taxpayers
37 at least two legislative days before passage of the
38 legislation by either house.

39 2. For the fiscal year beginning July 1, 2002, and
40 all subsequent fiscal years, the general assembly
41 shall not approve a reduction in appropriations for
42 local government assistance unless the reduced
43 appropriation receives approval of three-fifths of the
44 members of each house of the general assembly and a
45 fiscal note prepared by the legislative fiscal bureau
46 is provided to members of the general assembly and
47 made available to the general public identifying the
48 impact of the reduced appropriation on property
49 taxpayers at least two legislative days before passage
50 of the legislation by either house.

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1 For the purposes of this section, "local government
2 assistance" means those revenues estimated to be
3 received by political subdivisions in the budget year
4 under chapter 426B, chapter 437A, subchapter II, and
5 section 257.1 as it relates to the regular program
6 foundation base per pupil and the special education
7 support services foundation base per pupil, and
8 sections 405A.3, 405A.4, 405A.10, and 427B.17 through
9 427B.19D, and amounts appropriated by the general
10 assembly for property tax relief first enacted for
11 fiscal years beginning on or after July 1, 2002."

12 2. Page 7, by inserting after line 37, the
13 following:

14 "Sec. 203. Section 331.401, subsection 1, Code
15 2001, is amended by adding the following new paragraph
16 after paragraph c:

17 NEW PARAGRAPH. cc. Establish a property tax
18 replacement fund in accordance with section 331.430A.

19 Sec. 204. Section 331.421, Code 2001, is amended
20 by adding the following new subsections:

21 NEW SUBSECTION. 1A. "Budget year" is the fiscal
22 year beginning during the calendar year in which a
23 budget is first certified.

24 NEW SUBSECTION. 2A. "Current fiscal year" is the
25 fiscal year ending during the calendar year in which a
26 budget is first certified.

27 NEW SUBSECTION. 5A. "Fee-supported services"
28 means those services provided to political
29 subdivisions or residents of political subdivisions,
30 other than the county providing the service, for a fee
31 pursuant to an agreement entered into under chapter
32 28E regardless of whether such services are also
33 provided to residents of the unincorporated area of
34 the county providing the service.

35 NEW SUBSECTION. 7A. "Item" means a budgeted
36 expenditure, appropriation, or cash reserve from a
37 fund for a service area, program, program element, or
38 purpose.

39 NEW SUBSECTION. 7B. "Previous fiscal year" is the
40 fiscal year ending during the calendar year previous
41 to the calendar year in which a budget is first
42 certified.

43 Sec. 205. Section 331.421, subsections 7 and 8,
44 Code 2001, are amended to read as follows:

45 7. "General county services" means the services
46 ~~which that~~ are primarily intended to benefit all
47 residents of a county, including secondary road
48 services and fee-supported services, and the services
49 that are provided to persons residing in the
50 incorporated areas of the county, but excluding

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1 services financed by other statutory funds.
2 8. "Rural county services" means the services
3 ~~which that~~ are primarily intended to benefit those
4 persons residing in the county outside of incorporated
5 ~~city~~ areas, including ~~those services that are~~
6 incidentally provided to persons residing in the
7 incorporated areas of the county. "Rural county
8 services" includes secondary road services as taxed
9 and appropriated for under section 331.429, but
10 ~~excluding~~ excludes services financed by other
11 statutory funds. "Rural county services" does not
12 include fee-supported services provided primarily to
13 residents of a city.

14 Sec. 206. Section 331.422, unnumbered paragraph 1,
15 Code 2001, is amended to read as follows:

16 Subject to this section and sections 331.423
17 through ~~331.426~~ 331.425 or as otherwise provided by
18 state law, the board of each county shall certify
19 property taxes annually at its March session to be
20 levied for county purposes as follows:

21 Sec. 207. Section 331.424A, subsection 4, Code
22 Supplement 2001, is amended to read as follows:

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

41 Sec. 208. Section 331.425, unnumbered paragraph 1,
42 Code 2001, is amended to read as follows:

43 The board may certify an addition to a levy in
44 excess of the amounts otherwise permitted under
45 sections 331.423, and 331.424, ~~and 331.426~~ if the
46 proposition to certify an addition to a levy has been
47 submitted at a special levy election and received a
48 favorable majority of the votes cast on the
49 proposition. A special levy election is subject to
50 the following:

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1 Sec. 209. Section 331.427, subsection 2, Code
 2 Supplement 2001, is amended by adding the following
 3 new paragraph:

4 NEW PARAGRAPH. n. Salary costs and expenses
 5 incurred in the performance of all law enforcement
 6 responsibilities including, but not limited to, the
 7 following:

8 (1) Law enforcement services provided by the
 9 sheriff, as defined in section 331.101.

10 (2) Expenses incurred by the sheriff pursuant to
 11 section 331.322 or chapter 34.

12 (3) Salaries, benefits, and expenses related to
 13 law enforcement positions established pursuant to
 14 section 331.323, subsection 2, and section 331.904,
 15 subsection 2.

16 (4) Powers and duties performed by the sheriff
 17 pursuant to sections 331.651 through 331.661.

18 (5) Powers and duties performed by the sheriff
 19 pursuant to chapters 356 and 356A.

20 Sec. 210. Section 331.428, subsection 3, Code
 21 2001, is amended to read as follows:

22 3. Appropriations specifically authorized to be
 23 made from the rural services fund shall not be made
 24 from the general fund, but may be made from other
 25 sources. Appropriations for services made from the
 26 general fund for the current fiscal year or previous
 27 fiscal year shall not be made from the rural services
 28 fund for the budget year.

29 Sec. 211. NEW SECTION. 331.430A PROPERTY TAX
 30 REPLACEMENT CREDIT.

31 1. Property tax replacement dollars received by
 32 the county shall be credited to the property tax
 33 replacement fund. The board shall not levy property
 34 taxes for or make appropriations from the property tax
 35 replacement fund other than as provided in this
 36 section.

37 2. a. The county auditor shall reduce the
 38 certified tax levy for the general fund received from
 39 the board of supervisors for the budget year by an
 40 amount equal to the amount in the property tax
 41 replacement fund designated or allocated for
 42 countywide property tax relief. The auditor shall
 43 calculate the tax rate after the countywide property
 44 tax replacement amount is applied to the certified
 45 levy.

46 b. The county auditor shall reduce the certified
 47 tax levy for the rural services fund received from the
 48 board of supervisors for the budget year by an amount
 49 equal to the amount in the property tax replacement
 50 fund designated or allocated for property tax relief

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1 in the unincorporated area. The auditor shall
2 calculate the tax rate after the property tax
3 replacement amount is applied to the certified levy.
4 c. Amounts deposited in the property tax
5 replacement fund not specifically designated or
6 allocated for countywide property tax relief or for
7 property tax relief in the unincorporated area shall
8 be credited to the general fund in the proportion that
9 the total taxable valuation in the county bears to the
10 sum of the total taxable valuation in the county and
11 the taxable valuation in the unincorporated area of
12 the county and shall be credited to the rural services
13 fund in the proportion that the taxable valuation in
14 the unincorporated area of the county bears to the sum
15 of the total taxable valuation in the county and the
16 taxable valuation in the unincorporated area of the
17 county.

18 3. On the tax list, the county auditor shall
19 compute the amount of taxes due and payable on each
20 parcel before and after the amount received from the
21 property tax replacement fund is used to reduce the
22 county levy. The amounts shall be computed separately
23 for the general fund and rural services fund. The
24 amount of property tax dollars reduced on each parcel
25 as a result of the moneys received from the property
26 tax replacement, if applicable, shall be noted on each
27 tax statement prepared by the county treasurer
28 pursuant to section 445.23.

29 4. As used in this section, "property tax
30 replacement dollars" means revenues estimated to be
31 received in the budget year under chapter 422B that
32 are designated to be allocated for property tax relief
33 and amounts appropriated by the general assembly for
34 property tax relief first enacted for fiscal years
35 beginning on or after July 1, 2002. The amount of
36 property tax replacement dollars for the budget year
37 shall be adjusted to reflect revenue corrections or
38 reconciliation made during the current fiscal year for
39 the previous fiscal year.

40 Sec. 212. Section 331.434, unnumbered paragraph 1,
41 Code 2001, is amended to read as follows:

42 Annually, the board of each county, subject to
43 sections 331.423 through ~~331.426~~ 331.425 and other
44 applicable state law, shall prepare and adopt a
45 budget, certify taxes, and provide appropriations as
46 follows:

47 Sec. 213. Section 331.434, Code 2001, is amended
48 by adding the following new subsection:

49 NEW SUBSECTION. 8. a. Budgeted ending fund
50 balances for a budget year in excess of twenty-five

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1 percent of budgeted expenditures in either the general
2 fund or rural services fund for that budget year shall
3 be explicitly reserved or designated for a specific
4 purpose and specifically described in the certified
5 budget. The certified budget for the budget year
6 shall include a description of any changes from the
7 current fiscal year to the explicitly reserved or
8 designated purpose for the excess ending fund balance
9 as specifically described in the certified budget.
10 For purposes of this section, ending fund balances
11 shall be determined either on a cash basis or an
12 accrual basis, whichever is consistent with the method
13 used for the county's budget. The description shall
14 include the projected date that the expenditures will
15 be appropriated for the specific purpose. Budgeted
16 ending fund balances reserved or designated shall only
17 be used for the purpose specifically described in the
18 certified budget. The certified budget shall not be
19 amended for the purpose of changing the specific
20 purpose after the budget year begins.

21 b. In a protest to the county budget under section
22 331.436, the county shall have the burden of proving
23 that the budgeted ending fund balances in excess of
24 twenty-five percent are reasonably likely to be
25 appropriated for the explicitly reserved or designated
26 specific purpose by the date identified in the
27 certified budget.

28 c. The budgeted ending fund balance in excess of
29 twenty-five percent of expenditures for the general
30 fund or rural services fund shall be considered an
31 increase in an item in the budget for purposes of
32 section 24.28. The state appeal board may certify a
33 decision in accordance with section 24.32 that
34 requires a reduction in the budgeted ending fund
35 balance for a particular fund.

36 d. For purposes of this subsection, "budgeted
37 expenditures" does not include transfers from the
38 general fund or the rural services fund.

39 Sec. 214. Section 331.435, unnumbered paragraph 1,
40 Code 2001, is amended to read as follows:

41 The board may amend the adopted county budget,
42 subject to sections 331.423 through ~~331.426~~ 331.425
43 and other applicable state law, to permit increases in
44 any class of proposed expenditures contained in the
45 budget summary published under section 331.434,
46 subsection 3.

47 Sec. 215. Section 333A.2, subsection 1, unnumbered
48 paragraph 1, Code 2001, is amended to read as follows:

49 ~~There is created a~~ A county finance committee is
50 created consisting of ~~eight~~ ten members. The members

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1 of the committee shall be:

2 Sec. 216. Section 333A.2, subsection 1, Code 2001,
 3 is amended by adding the following new paragraph:
 4 NEW PARAGRAPH. e. Two persons who are not elected
 5 officials or employed by a political subdivision and
 6 who pay property taxes on land located in the
 7 unincorporated area of a county. One property
 8 taxpayer shall reside in a county with a population of
 9 twenty-two thousand five hundred or less and one
 10 property taxpayer shall reside in a county with a
 11 population of more than twenty-two thousand five
 12 hundred. The governor shall select and appoint the
 13 property taxpayers, subject to the approval of two-
 14 thirds of the members of the senate."

15 3. Page 11, by inserting after line 46 the
 16 following:

17 "Sec. 217. Section 422B.1, subsection 3, Code
 18 2001, is amended to read as follows:

19 3. A local option tax shall be imposed only after
 20 an election at which a majority of those voting on the
 21 question favors imposition and shall then be imposed
 22 until repealed as provided in subsection ~~6, paragraph~~
 23 ~~"a" 9, as applicable. If the tax is a local vehicle~~
 24 ~~tax imposed by a county, it shall apply to all~~
 25 ~~incorporated and unincorporated areas of the county.~~
 26 ~~If the tax is a A local sales and services option tax~~
 27 ~~imposed by a county, it shall only apply to those~~
 28 ~~incorporated areas and the unincorporated area of that~~
 29 ~~county in which a majority of those voting in the area~~
 30 ~~on the tax favors its imposition. For purposes of the~~
 31 ~~local sales and services option tax, all cities~~
 32 ~~contiguous to each other shall be treated as part of~~
 33 ~~one incorporated area and the tax would be imposed in~~
 34 ~~each of those contiguous cities only if the majority~~
 35 ~~of those voting in the total area covered by the~~
 36 ~~contiguous cities favors its imposition. For purposes~~
 37 ~~of the local sales and services option tax, a city is~~
 38 ~~not contiguous to another city if the only road access~~
 39 ~~between the two cities is through another state.~~

40 Sec. 218. Section 422B.1, subsection 4, Code 2001,
 41 is amended to read as follows:

42 4. a. A county board of supervisors shall direct
 43 within thirty days the county commissioner of
 44 elections to submit the question of imposition of a
 45 ~~local vehicle tax or a local sales and services option~~
 46 ~~tax to the registered voters of the incorporated and~~
 47 ~~unincorporated areas of the county upon receipt of a~~
 48 ~~petition, requesting imposition of a local vehicle tax~~
 49 ~~or a local sales and services option tax, signed by~~
 50 eligible electors of the whole county equal in number

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1 to ~~five ten~~ percent of the persons in the whole county
2 who voted at the last preceding state general
3 election. ~~In the case of a local vehicle tax, the~~
4 ~~petition requesting imposition shall specify the rate~~
5 ~~of tax and the classes, if any, that are to be exempt.~~
6 If a valid petition for imposition of a local option
7 tax is received no later than thirty days after a
8 motion is adopted, the contents of the petition shall
9 be used on the ballot. If more than one valid
10 petition is received, the earliest received petition
11 shall be used.

12 b. The question of the imposition of a local ~~sales~~
13 ~~and services option~~ tax shall be submitted to the
14 registered voters of the incorporated and
15 unincorporated areas of the county upon receipt by the
16 county commissioner of elections of the motion or
17 motions, requesting such submission, adopted by the
18 governing body or bodies of the city or cities located
19 within the county or of the county, for the
20 unincorporated areas of the county, representing at
21 least one half of the population of the county. A
22 motion may only be made by a governing body one time
23 in each six-month period. Upon adoption of such
24 motion, the governing body of the city or county, for
25 the unincorporated areas, shall submit the motion to
26 the county commissioner of elections and in the case
27 of the governing body of the city shall notify the
28 board of supervisors of the adoption of the motion.
29 The county commissioner of elections shall keep a file
30 on all the motions received and, upon reaching the
31 population requirements, shall publish notice of the
32 ballot proposition concerning the imposition of the
33 local ~~sales and services option~~ tax. A motion ceases
34 to be valid at the time of the holding of the regular
35 election for the election of members of the governing
36 body which adopted the motion. The county
37 commissioner of elections shall eliminate from the
38 file any motion that ceases to be valid. The manner
39 provided under this paragraph for the submission of
40 the question of imposition of a local ~~sales and~~
41 ~~services option~~ tax is an alternative to the manner
42 provided in paragraph "a", unless a valid petition is
43 received no later than thirty days after the
44 population requirements of this paragraph have been
45 reached and, in that case, the contents of the
46 petition shall be used on the ballot. Notwithstanding
47 any contrary provisions in this chapter, an election
48 may only be held one time in each six-month period for
49 each incorporated area or for the unincorporated area.
50 Sec. 219. Section 422B.1, subsection 5, Code 2001,

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1 is amended to read as follows:

2 5. The county commissioner of elections shall
3 submit the question of imposition of a local option
4 tax at a state general election or at a special
5 election held at any time other than the time of a
6 city regular election. The election shall not be held
7 sooner than sixty days after publication of notice of
8 the ballot proposition. The ballot proposition shall
9 specify the type and rate of tax and ~~in the case of a~~
10 ~~vehicle tax the classes that will be exempt and in the~~
11 ~~case of a local sales and services tax the date it~~
12 ~~will be imposed which date shall not be earlier than~~
13 ~~ninety days following the election.~~ The ballot
14 proposition shall also specify the approximate amount
15 of local option tax revenues that will be used for
16 property tax relief and shall contain a statement as
17 to the specific purpose or purposes for which the
18 revenues shall otherwise be expended. If the county
19 board of supervisors ~~decides under subsection 6 to~~
20 ~~specify or the petition specifies~~ a date on which the
21 local option ~~sales and services tax shall~~
22 automatically be repealed, the date of the repeal
23 shall also be specified on the ballot. ~~The rate of~~
24 ~~the vehicle tax shall be in increments of one dollar~~
25 ~~per vehicle as set by the petition seeking to impose~~
26 ~~the tax. The rate of a local sales and services tax~~
27 ~~shall not be more than one percent as set by the~~
28 ~~governing body. If a petition is received, the~~
29 directions provided to the commissioner of elections
30 by the board of supervisors as to the content of the
31 ballot shall be substantially similar to the content
32 of the petition, including revenue allocation and
33 repeal date. The state commissioner of elections
34 shall establish by rule the form for the ballot
35 proposition which form shall be uniform throughout the
36 state.

37 Sec. 220. Section 422B.1, subsection 6, Code 2001,
38 is amended by striking the subsection and inserting in
39 lieu thereof the following:

40 6. a. If a majority of those voting on the
41 question of imposition of the local option tax favors
42 imposition of the local option tax, the governing body
43 of that county shall impose the tax at the rate
44 specified for an unlimited period unless a date of
45 repeal is indicated on the ballot. However, in the
46 case of a local option tax, the county shall not
47 impose the tax in any incorporated area or the
48 unincorporated area if the majority of those voting on
49 the tax in that area did not favor its imposition.
50 The revenues from the local option tax shall be

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1 expended in the use and in the manner specified on the
2 most recent ballot receiving majority approval of the
3 incorporated or unincorporated area, as appropriate.

4 b. Within ten days of the election at which a
5 majority of those voting on the question favors the
6 imposition, repeal, or change in use of a local option
7 tax, the county auditor shall give written notice by
8 sending a copy of the abstract of the votes from the
9 favorable election to the director of revenue and
10 finance.

11 Sec. 221. Section 422B.1, subsection 7, unnumbered
12 paragraph 1, Code 2001, is amended by striking the
13 unnumbered paragraph.

14 Sec. 222. Section 422B.1, subsection 8, Code 2001,
15 is amended to read as follows:

16 8. ~~Local~~ The local option ~~taxes tax~~ authorize d to
17 be imposed as provided in this chapter ~~are is~~ a local
18 sales and services tax ~~and a local vehicle tax~~. ~~The~~
19 ~~rate of the tax shall be in increments of one dollar~~
20 ~~per vehicle for a vehicle tax as set on the petition~~
21 ~~seeking to impose the vehicle tax~~. The rate of a
22 local sales and services tax shall not be more than
23 one percent as set by the governing body.

24 Sec. 223. Section 422B.1, subsection 9, Code 2001,
25 is amended by striking the subsection and inserting in
26 lieu thereof the following:

27 9. a. A local option tax is repealed on the date
28 specified on the ballot which imposed the tax. If the
29 ballot proposition did not specify a date for the
30 repeal, a local option tax shall be repealed as
31 provided in this subsection. The use of the revenues
32 from a local option tax may be changed as provided in
33 this subsection.

34 b. The board of supervisors shall repeal the local
35 option tax in the unincorporated areas or in an
36 incorporated area in which the tax has been imposed,
37 thirty days after adoption by the board of supervisors
38 of its own motion for repeal in the unincorporated
39 areas or thirty days after receipt by the board of
40 supervisors of a motion adopted by the governing body
41 of that incorporated area requesting repeal, unless a
42 petition containing the required number of signatures
43 is received by the board of supervisors, within thirty
44 days of the adoption or receipt of the motion for
45 repeal, seeking an election on the approval or
46 disapproval of the repeal of the local option tax.
47 The petition shall be signed by eligible electors of
48 the unincorporated or incorporated area of the county
49 where the tax is to be repealed equal in number to ten
50 percent of the persons in the unincorporated or

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1 incorporated area of the county where the tax is to be
2 repealed who voted at the last preceding state general
3 election. Upon receipt of a petition seeking an
4 election on the question of repeal, the board of
5 supervisors or governing body of the incorporated area
6 shall, within thirty days following receipt of the
7 petition, either rescind its action to repeal or
8 direct the county commissioner of elections to submit
9 the question of approval or disapproval of the repeal
10 of the tax to the registered voters of the area where
11 the tax is to be repealed. The board of supervisors
12 shall repeal the local option tax effective as
13 provided in section 422B.9, subsection 1, following
14 the expiration of the thirty days allowed for
15 submission of a petition after the board of
16 supervisors adopted the repeal motion or the motion
17 for repeal was received. If the question of repeal is
18 submitted to the registered voters, the board of
19 supervisors shall repeal the local option tax as
20 provided in section 422B.9, subsection 1, following a
21 favorable election. For purposes of this subsection,
22 incorporated area includes any incorporated city which
23 is contiguous to another incorporated city.

24 c. The use of the local option tax revenues may be
25 changed as follows:

26 (1) The governing body of the incorporated area or
27 the board of supervisors for the unincorporated area
28 where the local option tax is imposed may, upon its
29 own motion, request the county commissioner of
30 elections to hold an election in the incorporated or
31 unincorporated area, as applicable, on the question of
32 the change in use of local option tax revenues. The
33 county commissioner of elections shall submit the
34 question on the change of use to the registered voters
35 of the incorporated or unincorporated area, as
36 applicable. The election shall be held as provided in
37 this subsection and subsection 5 for the imposition of
38 a local option tax.

39 (2) A county board of supervisors shall direct the
40 county commissioner of elections to submit the
41 question of change of use of a local option tax
42 revenues to the registered voters of the incorporated
43 or unincorporated areas of the county, as applicable,
44 within thirty days of receipt of a petition requesting
45 the change in use of local option tax revenues, signed
46 by eligible electors of the incorporated or
47 unincorporated area of the county where the change in
48 use is to occur equal in number to ten percent of the
49 persons in the incorporated or unincorporated area of
50 the county where the change in use is to occur who

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1 voted at the last preceding state general election.
2 The election shall be held as provided in this
3 subsection and subsection 5 for the imposition of a
4 local option tax.

5 (3) If more than one petition meeting the
6 requirements of this subsection for holding an
7 election on the change in use of a local option tax is
8 received, the earliest received petition shall be
9 used.

10 (4) The ballot proposition for a change in use
11 shall list the present use of the revenues, the
12 proposed use, and the date of the beginning of the
13 fiscal year on and after which revenues received will
14 be used for the new use. If a petition for a change
15 in use of a local option tax is received no later than
16 thirty days after a motion is adopted, the contents of
17 the petition shall be used on the ballot.
18 Notwithstanding any contrary provisions in this
19 chapter, an election may only be held one time in each
20 six-month period for each incorporated area or for the
21 unincorporated area. If a majority of those voting in
22 the incorporated or unincorporated area on the change
23 in use favors the change, the governing body of the
24 incorporated or unincorporated area shall change the
25 use of the local option tax beginning with the fiscal
26 year following the fiscal year in which the election
27 approving the change in use occurred.

28 (5) Notwithstanding subparagraph (4), the
29 governing body of the incorporated or unincorporated
30 area may change the use of the local option tax
31 beginning January 1 if a majority of those voting in
32 the incorporated or unincorporated area on the change
33 in use favors the change or if the governor has
34 declared a state of emergency or disaster covering the
35 incorporated or unincorporated area and the change in
36 use is for a capital project required as a result of
37 the emergency or disaster.

38 Sec. 224. Section 422B.1, subsection 10, Code
39 2001, is amended to read as follows:

40 10. Notwithstanding subsection 9 or any other
41 contrary provision of this chapter, a local option
42 ~~sales and services tax shall not be repealed or~~
43 ~~reduced in rate its use changed and an election shall~~
44 not be held on the question of repeal or change in use
45 if obligations are outstanding which are payable as
46 provided in section 422B.12, unless the change in use
47 is proposed for the portion of the local option tax
48 for which obligations payable as provided in section
49 422B.12 are not outstanding or funds sufficient to pay
50 the principal, interest, and premium, if any, on the

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1 outstanding obligations at and prior to maturity have
2 been properly set aside and pledged for that purpose.
3 A governing body shall not incur obligations of its
4 allocation under section 422B.10 or 422B.12 or
5 obligate local option tax revenues in any other manner
6 before the imposition of the local option tax has been
7 approved and shall not incur obligations or obligate
8 revenues after receipt of a petition requesting repeal
9 or change in use of the local option tax until the
10 question on the repeal or change in use has been voted
11 on."

12 4. Page 12, by inserting after line 15 the
13 following:

14 "Sec. 225. Section 441.50, Code 2001, is amended
15 to read as follows:

16 441.50 APPRAISERS EMPLOYED.

17 The conference board shall have power to employ or
18 contract with appraisers or other technical or expert
19 help to assist in the valuation of property, the cost
20 thereof to be paid in the same manner as other
21 expenses of the assessor's office. The conference
22 board may certify for levy annually an amount not to
23 exceed forty and one-half cents per thousand dollars
24 of assessed value of taxable property for the purpose
25 of establishing a special appraiser's fund, to be used
26 only for ~~such~~ the purposes described in this section.
27 From time to time the conference board may direct the
28 transfer of any unexpended balance in the special
29 appraiser's fund to the assessment expense fund.

30 Sec. 226. Section 445.5, subsection 1, Code 2001,
31 is amended by adding the following new paragraph:

32 NEW PARAGRAPH. j. The information required
33 pursuant to section 331.430A, subsection 3.

34 Sec. 227. Sections 24.48, 331.426, 422B.2, 422B.3,
35 and 422B.4, Code 2001, are repealed."

36 5. Page 12, by inserting after line 49 the
37 following:

38 "3. Sections 200 through 227 of this Act, being
39 deemed of immediate importance, take effect upon
40 enactment and apply to the fiscal year beginning July
41 1, 2002, and all subsequent fiscal years.""

42 6. Page 12, by inserting before line 50 the
43 following:

44 " . Title page, line 1, by inserting after the
45 word "to" the following: "local taxes and budgeting
46 practices, including"."

47 7. Page 13, line 1, by inserting after the word
48 "and" the following: "utilization".

49 8. Page 13, line 4, by inserting after the word
50 "electorate," the following: "creating a property tax

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1 replacement fund for counties,"
2 9. Page 13, line 5, by inserting after the word
3 "date" the following: "and applicability date".

SIEVERS of Scott

H-8469

1 Amend the amendment, H-8422, to Senate File 2228,
2 as passed by the Senate, as follows:

3 1. By striking everything after the amending
4 clause and inserting the following:

5 "____. Page 1, by inserting before line 1 the
6 following:

7 "Section 1. NEW SECTION. 99F.11A ADDITIONAL
8 WAGERING TAX.

9 1. Beginning January 1, 2003, in addition to the
10 tax imposed in section 99F.11, a tax is imposed on the
11 adjusted gross receipts in excess of three million
12 dollars received annually by an excursion gambling
13 boat at the rate of fourteen percent for the 2003
14 calendar year and at the rate of sixteen percent for
15 the 2004 and subsequent calendar years. The taxes
16 shall be paid to the treasurer of state within ten
17 days of each gambling day.

18 2. The amount of the additional adjusted gross
19 receipts tax imposed under subsection 1 shall be
20 deposited into the school district wagering tax fund
21 created in section 293.1.

22 Sec.____. NEW SECTION. 293.1 SCHOOL DISTRICT
23 WAGERING TAX FUND.

24 1. A school district wagering tax fund is created
25 as a separate and distinct fund in the state treasury
26 under the control of the department of education.
27 Moneys in the fund include revenues credited to the
28 fund pursuant to section 99F.11A, subsection 2,
29 appropriations made to the fund, and other moneys
30 deposited into the fund. The moneys credited in a
31 fiscal year to the fund shall be distributed as
32 provided in subsection 2.

33 2. a. Moneys in the school district wagering tax
34 fund shall be distributed to school districts not
35 receiving moneys from a local sales and services tax
36 for school infrastructure purposes under chapter 422E
37 on a per student basis calculated by the director of
38 the department of education by dividing the moneys
39 available during the previous calendar quarter by the
40 combined actual enrollment for all school districts
41 receiving distributions under this subsection.

42 b. The combined actual enrollment for school

43 districts, for purposes of paragraph "a", shall be
44 calculated by adding together the actual enrollment
45 for each school district receiving distributions under
46 paragraph "a" as determined by the department of
47 management based on the actual enrollment figures
48 reported by October 1 to the department of management
49 by the department of education pursuant to section
50 257.6, subsection 1.

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1 3. A school district receiving moneys from a local
2 sales and services tax for school infrastructure
3 purposes under chapter 422E shall be entitled to
4 receive moneys pursuant to subsection 2 beginning with
5 the first fiscal year following repeal of the local
6 sales and services tax under chapter 422E.

7 Sec. . NEW SECTION. 293.2 USE OF SCHOOL
8 DISTRICT WAGERING TAX FUND MONEYS.

9 1. a. Moneys received by a school district from
10 the school district wagering tax fund under section
11 293.1, subsection 2, shall be spent for infrastructure
12 purposes according to an infrastructure plan developed
13 by the board of directors. The infrastructure plan
14 may apply to more than one fiscal year, but shall be
15 reviewed periodically by the board of directors.
16 Prior to adoption of the plan, the board of directors
17 shall hold a public hearing on the question of
18 approval of the proposed plan. The board shall set
19 forth its proposal and shall publish the notice of the
20 time and place of a public hearing on the proposed
21 plan. Notice of the time and place of the public
22 hearing shall be published not less than ten nor more
23 than twenty days before the public hearing in a
24 newspaper which is a newspaper of general circulation
25 in the school district. At the hearing, or no later
26 than thirty days after the date of the hearing, the
27 board shall take action to adopt the proposed plan.
28 b. If the board adopts the plan, the board shall
29 direct the county commissioner of elections to submit
30 the question of the approval or disapproval of the
31 infrastructure plan to the registered voters of the
32 school district at the next following regular school
33 election or a special election. If a majority of
34 those voting on the question favor the plan of the
35 board, the moneys received shall be used according to
36 the plan beginning with the first fiscal year
37 following that election until a change in the plan is
38 approved at a subsequent election by a majority of
39 those voting on the question. If a majority of those
40 voting on the question at the election does not favor
41 the plan of the board, the district shall use the

42 moneys received as provided in paragraph "c" for the
 43 fiscal year.
 44 c. If the infrastructure plan is not approved at
 45 an election as provided in paragraph "b", or if a plan
 46 is not approved by the board, moneys received by a
 47 school district or moneys in excess of those needed
 48 for infrastructure purposes according to an approved
 49 plan shall be maintained in a separate fund set up by
 50 the board and shall only be used for purposes of an

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1 approved infrastructure plan.
 2 2. For purposes of this subsection,
 3 "infrastructure purposes" means those purposes for
 4 which a school district is authorized to contract
 5 indebtedness and issue general obligation bonds under
 6 chapter 296 or to expend tax revenues under section
 7 298.3, the payment of principal and interest on
 8 general obligation bonds issued under chapter 296 or
 9 section 298.20 or loan agreements under section
 10 297.36, payments made pursuant to a real property
 11 lease or lease-purchase agreement."
 12 _____. Title page, line 2, by inserting after the
 13 word "purposes" the following: "and of school
 14 district moneys received from the increase in the
 15 wagering tax"."

FALLON of Polk

H-8470

1 Amend House File 2090 as follows:
 2 1. Page 3, by striking lines 1 through 3 and
 3 inserting the following: "section, including an
 4 action for injunctive relief. A public contracting
 5 entity found to have".

HORBACH of Tama

H-8471

1 Amend House File 2090 as follows:
 2 1. Page 1, by striking lines 23 and 24 and
 3 inserting the following:
 4 "Sec. _____. NEW SECTION. 72.6 PUBLIC WORKS
 5 PROJECTS – PROJECT LABOR AGREEMENTS PROHIBITED –
 6 CONTRACTING PROCEDURES – CIVIL REMEDIES."
 7 2. Page 2, by inserting after line 24 the
 8 following:
 9 "3. CONTRACTING PROCEDURES.
 10 a. In the award of a contract for a public works

11 project, the public contracting entity shall give due
 12 consideration not only to the prices bid, but also to
 13 the mechanical or other equipment and the financial
 14 responsibility and experience of a bidder in the
 15 performance of like or similar contracts. In seeking
 16 the lowest responsible bid through the competitive bid
 17 process, the public contracting entity may require a
 18 successful bidder to provide reasonable assurances of
 19 having available sufficient resources to complete the
 20 project in a timely and quality manner according to
 21 the plans and specifications of the public works
 22 project. All contracts shall be in writing and shall
 23 be secured by a bond for the faithful performance of
 24 the contract as provided by law.

25 b. In the award of a contract for a public works
 26 project, a public contracting entity may provide an
 27 enhancement of payments upon early completion of the
 28 public works project if the availability of the
 29 enhancement payments is included in the notice to
 30 bidders, the enhancement payments are competitively
 31 neutral to potential bidders, the enhancement payments
 32 are considered as a separate item in the public
 33 hearing on the award of the contract, and the total
 34 value of the enhanced payments does not exceed ten
 35 percent of the value of the contract."

36 3. Page 2, line 25, by striking the figure "3."
 37 and inserting the following: "4."

38 4. Title page, line 1, by inserting after the
 39 word "Act" the following: "concerning public works
 40 projects, by".

41 5. Title page, line 2, by inserting after the
 42 word "projects," the following: "establishing certain
 43 contracting procedures,".

44 6. By renumbering as necessary.

HORBACH of Tama

H-8472

1 Amend the amendment, H-8422, to Senate File 2228,
 2 as passed by the Senate, as follows:

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

5 "___ Page 1, by inserting before line 1, the
 6 following:

7 "Section 1. Section 12.82, subsection 1, Code
 8 Supplement 2001, is amended to read as follows:

9 1. A school infrastructure fund is created and
 10 established as a separate and distinct fund in the
 11 state treasury under the control of the department of
 12 education. The fund shall be used for purposes of the
 13 school infrastructure program established in section

14 292.2 or for the purposes specified in subsection 5,
15 as applicable.
16 Sec. __. Section 12.82, Code Supplement 2001, is
17 amended by adding the following new subsection:
18 NEW SUBSECTION. 5. Beginning January 1, 2003,
19 chapter 292 shall not apply to the distribution and
20 use of the moneys in the school infrastructure fund.
21 Moneys in the school infrastructure fund shall be
22 distributed to all school districts on a per pupil
23 basis. In computing the per pupil amount for each
24 school district, the department of education shall use
25 the same actual enrollment figures that are used for
26 purposes of computing the combined actual enrollment
27 for school districts in a county as provided in
28 section 298B.1, subsection 1, paragraph "b",
29 subparagraph (2).
30 The moneys received by a school district from the
31 school infrastructure fund shall only be used for
32 school infrastructure purposes. For the purposes of
33 this subsection, "school infrastructure" means
34 activities authorized in section 296.1 but does not
35 include those activities related to stadiums, bus
36 barns, a home or homes of a teacher or superintendent,
37 procuring and improving a site for an athletic field,
38 or improving a site already owned for an athletic
39 field."
40 2. Page 1, line 14, by inserting after the word
41 "fund" the following: "shall be transferred as
42 provided in subsection 3A and after such transfer the
43 remaining moneys".
44 3. Page 3, by inserting after line 48 the
45 following:
46 "3A. There shall be transferred from the moneys
47 credited in a fiscal year to the school district sales
48 tax fund to the general fund of the state the sum of
49 twenty million dollars for the fiscal year beginning
50 July 1, 2002. The twenty million dollars so

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1 transferred is appropriated to the department of
2 education for continued support of the student
3 achievement and teacher quality program in accordance
4 with section 284.13."

GRUNDBERG of Polk

H-8473

1 Amend the amendment, H-8422, to Senate File 2228,
2 as passed by the Senate, as follows:
3 1. Page 1, by inserting before line 3, the

4 following:

5 "___". Page 1, by inserting before line 1, the

6 following:

7 "Section 1. NEW SECTION. 73A.22 SPECIFIC

8 PRODUCTS IN PLANS OR SPECIFICATIONS PROHIBITED.

9 1. Plans or specifications for a public

10 improvement shall not specify, endorse, or recommend

11 the use of a specific product or brand of product

12 unless the plans or specifications state the test or

13 standard by which the product is demonstrated to be

14 superior or unless equivalent products or brands are

15 also listed in the plans or specifications, or unless

16 a separate performance specification is prepared.

17 2. For purposes of this section, "public

18 improvement" means a public improvement as defined in

19 section 73A.1 and includes road construction,

20 reconstruction, and maintenance projects.

21 3. This section applies to the state, its

22 agencies, and any political subdivisions of the state.

23 4. If it is determined that application of this

24 section may cause denial of federal funds that would

25 otherwise be available, or would otherwise be

26 inconsistent with requirements of federal law, this

27 section shall be suspended, but only to the extent

28 necessary to prevent denial of the funds or to

29 eliminate the inconsistency with federal

30 requirements.""

31 2. Page 12, by inserting before line 50, the

32 following:

33 "___". Title page, line 1, by inserting after the

34 word "to" the following: "public improvements,

35 including plans or specifications for public

36 improvements,."

37 3. Page 13, line 1, by inserting after the word

38 "and" the following: "utilization".

39 4. By renumbering as necessary.

SHEY of Linn

H-8477

1 Amend House File 2591 as follows:

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

3 following:

4 "Section 1. Section 481A.48, subsection 1, Code

5 Supplement 2001, is amended to read as follows:

6 1. No person, except as otherwise provided by law,

7 shall willfully disturb, pursue, shoot, kill, take or

8 attempt to take or have in possession any of the

9 following game birds or animals except within the open

10 season established by the commission: Gray or fox

11 squirrel, bobwhite quail, cottontail or jack rabbit,

- 12 duck, snipe, pheasant, goose, woodcock, partridge,
- 13 coot, rail, ruffed grouse, wild turkey, pigeons, or
- 14 deer. The seasons, bag limits, possession limits and
- 15 locality shall be established by the department or
- 16 commission under the authority of sections 456A.24,
- 17 481A.38, and 481A.39. However, the commission shall
- 18 establish a bag limit of one bird for game birds."
- 19 2. Title page, line 2, by inserting after the
- 20 word "program" the following: "and a bag limit".
- 21 3. By renumbering as necessary.

RAYHONS of Hancock

H-8479

- 1 Amend House File 2591 as follows:
- 2 1. Page 1, by inserting after line 3 the
- 3 following:
- 4 "Sec.____. Section 483A.1, subsection 1, paragraph
- 5 q, Code Supplement 2001, is amended to read as
- 6 follows:
- 7 q. Wildlife habitat fee..... \$ ~~8.00~~
- 8 5.00"
- 9 2. Title page, line 2, by inserting after the
- 10 word "fee" the following: ", reducing the wildlife
- 11 habitat fee,".
- 12 3. By renumbering as necessary.

RAYHONS of Hancock

H-8482

- 1 Amend House File 2591 as follows:
- 2 1. Page 1, line 8, by striking the figure "2007"
- 3 and inserting the following: "2005".

RAYHONS of Hancock

H-8489

- 1 Amend Senate File 240, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the word "a".
- 4 2. Page 1, line 4, by striking the word "program"
- 5 and inserting the following: "programs".
- 6 3. Page 1, by inserting after line 6 the
- 7 following:
- 8 "1. One pilot program is intended to examine the
- 9 relative effectiveness of school infrastructure
- 10 funding using a local sales and services tax under
- 11 chapter 422E as compared to using the school district
- 12 sales tax fund under chapter 298B. The department of

13 education shall select six school districts that are
 14 collecting a local sales and services tax under
 15 chapter 422E, as of July 1, 2002, and six school
 16 districts that are not collecting a local sales and
 17 services tax under chapter 422E, as of July 1, 2002,
 18 but receive funding under chapter 298B."

19 4. Page 1, by striking line 7 and inserting the
 20 following:

21 "2. One pilot program is intended to shift the
 22 responsibility for the".

23 5. Page 1, line 14, by striking the figure "1"
 24 and inserting the following: "a".

25 6. Page 1, line 22, by striking the figure "2"
 26 and inserting the following: "b".

27 7. Page 1, line 27, by striking the figure "3"
 28 and inserting the following: "c".

29 8. Page 2, line 7, by striking the figure "4" and
 30 inserting the following: "d".

31 9. Page 2, line 16, by striking the figure "5"
 32 and inserting the following: "e".

33 10. Page 2, line 21, by striking the figure "6"
 34 and inserting the following: "f".

35 11. Page 3, line 4, by striking the figure "7"
 36 and inserting the following: "g".

37 12. Page 3, line 19, by striking the figure "8"
 38 and inserting the following: "h".

39 13. Page 4, by inserting after line 2 the
 40 following:

41 "Sec. 103. NEW SECTION. 298B.1 SCHOOL DISTRICT
 42 SALES TAX FUND.

43 1. A school district sales tax fund is created as
 44 a separate and distinct fund in the state treasury
 45 under the control of the department of revenue and
 46 finance. Moneys in the fund include revenues credited
 47 to the fund pursuant to section 422.69, subsection 2,
 48 appropriations made to the fund, and other moneys
 49 deposited into the fund. The moneys credited in a
 50 fiscal year to the fund shall be distributed as

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1 follows:

2 a. (1) A school district located in whole or in
 3 part in a county that voted on and approved prior to
 4 March 31, 2002, the local sales and services tax for
 5 school infrastructure purposes under chapter 422E
 6 shall receive an amount equal to its guaranteed school
 7 infrastructure amount as calculated under subsection 2
 8 if the board of directors notifies the director of
 9 revenue and finance that the school district wants to
 10 receive its guaranteed school infrastructure amount.
 11 The notification shall be provided by July 1, 2003.

12 If notification is not received by July 1, 2003, the
13 school district shall receive moneys pursuant to
14 paragraph "b". Nothing in this chapter shall prevent
15 a school district from using its guaranteed school
16 infrastructure amount to pay principal and interest on
17 obligations issued pursuant to section 422E.4.

18 (2) A school district receiving moneys pursuant to
19 subparagraph (1) shall cease to receive its guaranteed
20 school infrastructure amount and shall receive moneys
21 pursuant to paragraph "b" starting with the calendar
22 quarter immediately following the calendar quarter in
23 which occurs the end of the original ten-year period
24 or the date listed on the original ballot proposition,
25 whichever is the earlier, as provided in chapter 422E.
26 However, a school district receiving moneys pursuant
27 to subparagraph (1) may elect at anytime to receive
28 moneys pursuant to paragraph "b" by providing
29 notification to receive moneys pursuant to paragraph
30 "b" to the director of revenue and finance and the
31 director of the department of management by the middle
32 of the fifth month preceding the calendar quarter for
33 which the election will apply. Once a school district
34 makes this election it is irrevocable.

35 b. (1) Moneys remaining after computations made
36 pursuant to paragraph "a" shall be distributed to
37 school districts not receiving moneys under paragraph
38 "a" on a per student basis calculated by the director
39 of revenue and finance by dividing the moneys
40 available during the previous calendar quarter by the
41 combined actual enrollment for all school districts
42 receiving distributions under this paragraph.

43 (2) The combined actual enrollment for school
44 districts, for purposes of subparagraph (1), shall be
45 calculated by adding together the actual enrollment
46 for each school district receiving distributions under
47 subparagraph (1) as determined by the department of
48 management based on the actual enrollment figures
49 reported by October 1 to the department of management
50 by the department of education pursuant to section

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1 257.6, subsection 1. The combined actual enrollment
2 count shall be forwarded to the director of revenue
3 and finance by January 1, annually, for purposes of
4 supplying estimated tax payment figures and making tax
5 payments pursuant to subsection 3 for the following
6 four calendar quarters.

7 2. a. For purposes of distributions under
8 subsection 1, paragraph "a", the school district's
9 guaranteed school infrastructure amount shall be
10 calculated according to the following formula:

11 The district's guaranteed school infrastructure
12 amount equals the product of the county guaranteed
13 school infrastructure amount times the district's
14 county actual enrollment divided by the county
15 combined actual enrollment.

16 b. For purposes of the formula in paragraph "a":

17 (1) "Base year" means the fiscal year beginning
18 July 1, 2001.

19 (2) "Base year county taxable sales percentage"
20 means the percentage that the taxable sales in the
21 county during the base year is of the total state
22 taxable sales during the base year.

23 (3) "County combined actual enrollment" means the
24 actual enrollment figures determined by the department
25 of management for the county based on the actual
26 enrollment figures reported by October 1 to the
27 department of management by the department of
28 education pursuant to section 257.6, subsection 1.

29 (4) "County guaranteed school infrastructure
30 amount" means an amount equal to the product of the
31 county's chapter 422E proportionate share times the
32 amount deposited in the school district sales tax fund
33 for the current quarter times the current quarter
34 county taxable sales percentage divided by the base
35 year county taxable sales percentage.

36 (5) "County's chapter 422E proportionate share"
37 means the percentage that the annualized revenues
38 received or which would have been received in the
39 county under chapter 422E for the base year is of one-
40 fifth of the total state sales tax revenues collected
41 for deposit into the general fund of the state for the
42 base year.

43 (6) "Current quarter" means the calendar quarter
44 for which distributions under this section are being
45 made.

46 (7) "Current quarter county taxable sales
47 percentage" means the percentage that the taxable
48 sales in the county during the current quarter is of
49 the total state taxable sales during the current
50 quarter.

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1 (8) "District's county actual enrollment" means
2 the actual enrollment of the school district that
3 attends school in the county for which the county
4 combined actual enrollment is determined.

5 (9) "Taxable sales" means sales subject to the
6 state sales and services tax under chapter 422,
7 division IV.

8 3. a. The director of revenue and finance by
9 April 10 preceding each fiscal year shall send to each

10 school district an estimate of the amount of tax
11 moneys each school district will receive for the year
12 and for each quarter of the year. At the end of each
13 quarter, the director may revise the estimates for the
14 year and remaining quarters.

15 b. The director shall remit ninety-five percent of
16 the estimated tax receipts collected during the
17 previous calendar quarter for the school district to
18 the school district on or before the end of the
19 following calendar quarter. The first distributions
20 shall be made on or before July 1, 2003, of the
21 estimated tax receipts collected during the calendar
22 quarter beginning January 1, 2003, and ending March
23 31, 2003.

24 c. The director shall remit a final payment of the
25 remainder of tax moneys due for the fiscal year before
26 November 10 of the next fiscal year. If an
27 overpayment has resulted during the previous fiscal
28 year, the November payment shall be adjusted to
29 reflect any overpayment.

30 d. If the distributions are to school districts
31 described in subsection 1, paragraph "a", the payments
32 to these school districts shall be made on a monthly
33 basis beginning with the first distribution to be made
34 in February 2003.

35 4. The department of revenue and finance has
36 rulemaking authority for purposes of carrying out the
37 provisions of this section.

38 Sec. 104. NEW SECTION. 298B.2 USE OF SCHOOL
39 DISTRICT SALES TAX FUND MONEYS.

40 1. a. A school district receiving moneys from the
41 school district sales tax fund under section 298B.1,
42 subsection 1, paragraph "a", shall use the moneys as
43 provided on the original ballot proposition pursuant
44 to chapter 422E, for the payment of principal and
45 interest on general obligation bonds issued pursuant
46 to chapter 296, or section 298.20 or loan agreements
47 under section 297.36, for payments made pursuant to
48 real property lease or lease-purchase agreements, or
49 for payment of principal and interest on bonds issued
50 under section 298B.3 or 422E.4.

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1 b. If a school district that qualifies to receive
2 a guaranteed school infrastructure amount under
3 section 298B.1, subsection 1, paragraph "a", elects to
4 receive moneys under section 298B.1, subsection 1,
5 paragraph "b", the school district shall use the
6 moneys received, in an amount equal to its guaranteed
7 school infrastructure amount, for the purposes
8 provided in paragraph "a" of this subsection until the

9 fiscal year immediately following the fiscal year in
10 which occurs the end of the original ten-year period
11 or the date listed on the original ballot proposition,
12 whichever is the earlier, as provided in chapter 422E,
13 at which time all moneys received shall be used as
14 provided in subsection 2.

15 2. a. Moneys received by a school district from
16 the school district sales tax fund under section
17 298B.1, subsection 1, paragraph "b", except to the
18 extent provided in subsection 1, paragraph "b", of the
19 section, shall be spent for property tax relief or
20 infrastructure purposes according to an infrastructure
21 plan developed by the board of directors. The
22 infrastructure plan may apply to more than one fiscal
23 year, but shall be reviewed periodically by the board
24 of directors. Prior to adoption of the plan, the
25 board of directors shall hold a public hearing on the
26 question of approval of the proposed plan. The board
27 shall set forth its proposal and shall publish the
28 notice of the time and place of a public hearing on
29 the proposed plan. Notice of the time and place of
30 the public hearing shall be published not less than
31 ten nor more than twenty days before the public
32 hearing in a newspaper which is a newspaper of general
33 circulation in the school district. At the hearing,
34 or no later than thirty days after the date of the
35 hearing, the board shall take action to adopt the
36 proposed plan.

37 b. If the board adopts the plan, the board shall
38 direct the county commissioner of elections to submit
39 the question of the approval or disapproval of the
40 infrastructure plan to the registered voters of the
41 school district at the next following regular school
42 election or a special election. If a majority of
43 those voting on the question favor the plan of the
44 board, the moneys received shall be used according to
45 the plan beginning with the first fiscal year
46 following that election until a change in the plan is
47 approved at a subsequent election by a majority of
48 those voting on the question. If a majority of those
49 voting on the question at the election does not favor
50 the plan of the board, the district shall use the

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1 moneys received as provided in paragraph "c" for the
2 fiscal year.

3 If a plan is not approved at an election, the
4 question of the approval of the plan or any part of
5 that plan shall not be submitted to the registered
6 voters sooner than six months from the date the plan
7 or part of the plan was previously submitted.

8 c. If the infrastructure plan is not approved at
 9 an election as provided in paragraph "b", or if a plan
 10 is not approved by the board, moneys received by a
 11 school district or moneys in excess of those needed
 12 for infrastructure purposes according to an approved
 13 plan shall be used for the fiscal year to reduce the
 14 following levies including income surtax, if any, in
 15 the order determined by the board:

16 (1) Bond levies under sections 298.18 and 298.18A
 17 and all other debt levies until the moneys received or
 18 the levies are reduced to zero.

19 (2) The regular physical plant and equipment levy
 20 under section 298.2, until the moneys received or the
 21 levy is reduced to zero.

22 (3) The voter-approved physical plant and
 23 equipment levy and income surtax, if any, under
 24 section 298.2, until the moneys received or the levy
 25 and income surtax, if any, is reduced to zero.

26 (4) The district management levy under section
 27 298.4, until the moneys received or the levy is
 28 reduced to zero.

29 (5) The cash reserve levy under section 298.10,
 30 until the moneys received or the levy is reduced to
 31 zero.

32 (6) The budget adjustment levy under section
 33 257.14, until the moneys received or the levy is
 34 reduced to zero.

35 (7) The playground and equipment levy under
 36 section 300.2, until the moneys received or the levy
 37 is reduced to zero.

38 d. For purposes of this subsection,
 39 "infrastructure purposes" means those purposes for
 40 which a school district is authorized to contract
 41 indebtedness and issue general obligation bonds under
 42 chapter 296 or to expend tax revenues under section
 43 298.3, the payment of principal and interest on
 44 general obligation bonds issued under chapter 296 or
 45 section 298.20 or loan agreements under section
 46 297.36, payments made pursuant to a real property
 47 lease or lease-purchase agreement, or the payment of
 48 principal and interest on bonds issued under section
 49 298.3 or 422E.4.

50 e. Notwithstanding any other provision in this

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1 subsection, moneys received by a school district from
 2 the school district sales tax fund under section
 3 298B.1, subsection 1, paragraph "b", during the fiscal
 4 year beginning July 1, 2002, shall be dedicated for
 5 property tax relief by reducing the levies specified
 6 in paragraph "c" for taxes payable in the fiscal year

7 beginning July 1, 2003. However, if an infrastructure
8 plan is approved at an election by the required
9 majority of those voting prior to April 15, 2003, any
10 amount of such dedicated moneys may be used for the
11 purposes specified under the plan.

12 Sec. 105. NEW SECTION. 298B.3 BONDING.

13 A school district receiving moneys pursuant to
14 section 298B.1, subsection 1, paragraph "a", or a
15 school district receiving moneys pursuant to section
16 298B.1, subsection 1, paragraph "b", which has
17 approved by election the use of the moneys for
18 infrastructure purposes, may anticipate the amount of
19 moneys to be received pursuant to section 298B.1 as
20 provided in this section.

21 The board of directors of a school district may
22 issue negotiable, interest-bearing school bonds,
23 without an additional election, and utilize tax
24 receipts derived from the school district sales tax
25 fund for principal and interest repayment. Proceeds
26 of the bonds issued pursuant to this section shall be
27 utilized solely for infrastructure purposes as defined
28 in section 298B.2, subsection 2.

29 Bonds issued under this section may be sold at
30 public sale as provided in chapter 75. Notice shall
31 be given and a hearing shall be held as provided in
32 section 73A.12. Bonds may bear dates, bear interest
33 at rates not exceeding that permitted by chapter 74A,
34 mature in one or more installments, be in either
35 coupon or registered form, carry registration and
36 conversion privileges, be payable as to principal and
37 interest at times and places, be subject to terms of
38 redemption prior to maturity with or without premium,
39 and be in one or more denominations, all as provided
40 by the resolution of the board of directors
41 authorizing their issuance. However, the maximum
42 period during which principal on the bonds is payable
43 shall not exceed the length of time the infrastructure
44 plan is valid. The resolution may also prescribe
45 additional provisions, terms, conditions, and
46 covenants which the board of directors deems
47 advisable, including provisions for creating and
48 maintaining reserve funds, the issuance of additional
49 bonds ranking on a parity with such bonds and
50 additional bonds junior and subordinate to such bonds,

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1 and that such bonds shall rank on a parity with or be
2 junior and subordinate to any bonds which may be then
3 outstanding. Bonds may be issued to refund
4 outstanding and previously issued bonds under this
5 section. Bonds are a contract between the school

6 district and holders, and the resolution issuing the
 7 bonds and pledging tax revenues to be received from
 8 the school district sales tax fund to the payment of
 9 principal and interest on the bonds is a part of the
 10 contract. Bonds issued pursuant to this section shall
 11 not constitute indebtedness within the meaning of any
 12 constitutional or statutory debt limitation or
 13 restriction, and shall not be subject to any other law
 14 relating to the authorization, issuance, or sale of
 15 bonds.

16 A school district may enter into a chapter 28E
 17 agreement with another school district or other public
 18 entity. The school district shall only expend its
 19 designated portion of tax revenues to be received from
 20 the school district sales tax fund.

21 Sec. 106. NEW SECTION. 298B.4 REPEAL.

22 This chapter is repealed July 1, 2022, for fiscal
 23 years beginning on or after that date.

24 Sec. 107. Section 422.43, subsections 1, 2, 4, 5,
 25 6, 7, 10, and 12, Code Supplement 2001, are amended to
 26 read as follows:

27 1. There is imposed a tax of ~~five~~ six percent upon
 28 the gross receipts from all sales of tangible personal
 29 property, consisting of goods, wares, or merchandise,
 30 except as otherwise provided in this division, sold at
 31 retail in the state to consumers or users; a like rate
 32 of tax upon the gross receipts from the sales,
 33 furnishing, or service of gas, electricity, water,
 34 heat, pay television service, and communication
 35 service, including the gross receipts from such sales
 36 by any municipal corporation or joint water utility
 37 furnishing gas, electricity, water, heat, pay
 38 television service, and communication service to the
 39 public in its proprietary capacity, except as
 40 otherwise provided in this division, when sold at
 41 retail in the state to consumers or users; a like rate
 42 of tax upon the gross receipts from all sales of
 43 tickets or admissions to places of amusement, fairs,
 44 and athletic events except those of elementary and
 45 secondary educational institutions; a like rate of tax
 46 on the gross receipts from an entry fee or like charge
 47 imposed solely for the privilege of participating in
 48 an activity at a place of amusement, fair, or athletic
 49 event unless the gross receipts from the sales of
 50 tickets or admissions charges for observing the same

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1 activity are taxable under this division; and a like
 2 rate of tax upon that part of private club membership
 3 fees or charges paid for the privilege of
 4 participating in any athletic sports provided club

5 members.

6 2. There is imposed a tax of ~~five~~ six percent upon
7 the gross receipts derived from the operation of all
8 forms of amusement devices and games of skill, games
9 of chance, raffles, and bingo games as defined in
10 chapter 99B, operated or conducted within the state,
11 the tax to be collected from the operator in the same
12 manner as for the collection of taxes upon the gross
13 receipts of tickets or admission as provided in this
14 section. The tax shall also be imposed upon the gross
15 receipts derived from the sale of lottery tickets or
16 shares pursuant to chapter 99E. The tax on the
17 lottery tickets or shares shall be included in the
18 sales price and distributed to the general fund as
19 provided in section 99E.10.

20 4. There is imposed a tax of ~~five~~ six percent upon
21 the gross receipts from the sales of engraving,
22 photography, retouching, printing, and binding
23 services. For the purpose of this division, the sales
24 of engraving, photography, retouching, printing, and
25 binding services are sales of tangible property.

26 5. There is imposed a tax of ~~five~~ six percent upon
27 the gross receipts from the sales of vulcanizing,
28 recapping, and retreading services. For the purpose
29 of this division, the sales of vulcanizing, recapping,
30 and retreading services are sales of tangible
31 property.

32 6. There is imposed a tax of ~~five~~ six percent upon
33 the gross receipts from the sales of optional service
34 or warranty contracts, except residential service
35 contracts regulated under chapter 523C, which provide
36 for the furnishing of labor and materials and require
37 the furnishing of any taxable service enumerated under
38 this section. The gross receipts are subject to tax
39 even if some of the services furnished are not
40 enumerated under this section. For the purpose of
41 this division, the sale of an optional service or
42 warranty contract, other than a residential service
43 contract regulated under chapter 523C, is a sale of
44 tangible personal property. Additional sales,
45 services, or use taxes shall not be levied on
46 services, parts, or labor provided under optional
47 service or warranty contracts which are subject to tax
48 under this section.

49 If the optional service or warranty contract is a
50 computer software maintenance or support service

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1 contract and there is no separately stated fee for the
2 taxable personal property or for the nontaxable
3 service, the tax of ~~five~~ six percent imposed by this

4 subsection shall be imposed on fifty percent of the
5 gross receipts from the sale of such contract. If the
6 contract provides for technical support services only,
7 no tax shall be imposed under this subsection. The
8 provisions of this subsection also apply to the tax
9 imposed by chapter 423.

10 7. There is imposed a tax of ~~five~~ six percent upon
11 the gross receipts from the renting of rooms,
12 apartments, or sleeping quarters in a hotel, motel,
13 inn, public lodging house, rooming house, manufactured
14 or mobile home which is tangible personal property, or
15 tourist court, or in any place where sleeping
16 accommodations are furnished to transient guests for
17 rent, whether with or without meals. "Renting" and
18 "rent" include any kind of direct or indirect charge
19 for such rooms, apartments, or sleeping quarters, or
20 their use. For the purposes of this division, such
21 renting is regarded as a sale of tangible personal
22 property at retail. However, this tax does not apply
23 to the gross receipts from the renting of a room,
24 apartment, or sleeping quarters while rented by the
25 same person for a period of more than thirty-one
26 consecutive days.

27 10. There is imposed a tax of ~~five~~ six percent
28 upon the gross receipts from the rendering,
29 furnishing, or performing of services as defined in
30 section 422.42.

31 12. A tax of ~~five~~ six percent is imposed upon the
32 gross receipts from the sales of prepaid telephone
33 calling cards and prepaid authorization numbers. For
34 the purpose of this division, the sales of prepaid
35 telephone calling cards and prepaid authorization
36 numbers are sales of tangible personal property.

37 Sec. 108. Section 422.43, subsection 13, paragraph
38 a, unnumbered paragraph 1, Code Supplement 2001, is
39 amended to read as follows:

40 A tax of ~~five~~ six percent is imposed upon the gross
41 receipts from the sales, furnishing, or service of
42 solid waste collection and disposal service.

43 Sec. 109. Section 422.43, subsections 16 and 17,
44 Code Supplement 2001, are amended to read as follows:

45 16. a. A tax of ~~five~~ six percent is imposed upon
46 the gross receipts from sales of bundled services
47 contracts. For purposes of this subsection, a
48 "bundled services contract" means an agreement
49 providing for a retailer's performance of services,
50 one or more of which is a taxable service enumerated

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1 in this section and one or more of which is not, in
2 return for a consumer's or user's single payment for

3 the performance of the services, with no separate
4 statement to the consumer or user of what portion of
5 that payment is attributable to any one service which
6 is a part of the contract.

7 b. For purposes of the administration of the tax
8 on bundled services contracts, the director may enter
9 into agreements of limited duration with individual
10 retailers, groups of retailers, or organizations
11 representing retailers of bundled services contracts.
12 Such an agreement shall impose the tax rate only upon
13 that portion of the gross receipts from a bundled
14 services contract which is attributable to taxable
15 services provided under the contract.

16 17. A tax of ~~five~~ six percent is imposed upon the
17 gross receipts from any mobile telecommunication
18 service which this state is allowed to tax by the
19 provisions of the federal Mobile Telecommunications
20 Sourcing Act, Pub. L. No. 106-252, 4 U.S.C. § 116 et
21 seq. For purposes of this subsection, taxes on mobile
22 telecommunications service, as defined under the
23 federal Mobile Telecommunications Sourcing Act, that
24 are deemed to be provided by the customer's home
25 service provider shall be paid to the taxing
26 jurisdiction whose territorial limits encompass the
27 customer's place of primary use, regardless of where
28 the mobile telecommunication service originates,
29 terminates, or passes through and shall in all other
30 respects be taxed in conformity with the federal
31 Mobile Telecommunications Sourcing Act. All other
32 provisions of the federal Mobile Telecommunications
33 Sourcing Act are adopted by the state of Iowa and
34 incorporated into this subsection by reference. With
35 respect to mobile telecommunications service under the
36 federal Mobile Telecommunications Sourcing Act the
37 director shall, if requested, enter into agreements
38 consistent with the provisions of the federal Act.

39 Sec. 110. Section 422.43, Code Supplement 2001, is
40 amended by adding the following new subsection:

41 NEW SUBSECTION. 18. The sales tax rate of six
42 percent is reduced to five percent on July 1, 2022.

43 Sec. 111. Section 422.47, Code Supplement 2001, is
44 amended by adding the following new subsection:

45 NEW SUBSECTION. 2. Construction contractors may
46 make application to the department for a refund of the
47 additional one percent tax paid under this division by
48 reason of the increase in the tax from five to six
49 percent for taxes paid on goods, wares, or merchandise
50 under the following conditions:

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1 a. The goods, wares, or merchandise are
2 incorporated into an improvement to real estate in
3 fulfillment of a written contract fully executed prior
4 to January 1, 2003. The refund shall not apply to
5 equipment transferred in fulfillment of a mixed
6 construction contract.

7 b. The contractor has paid to the department or to
8 a retailer the full six percent tax.

9 c. The claim is filed on forms provided by the
10 department and is filed within one year of the date
11 the tax is paid.

12 A contractor who makes an erroneous application for
13 refund shall be liable for payment of the excess
14 refund paid plus interest at the rate in effect under
15 section 421.7. In addition, a contractor who
16 willfully makes a false application for refund is
17 guilty of a simple misdemeanor and is liable for a
18 penalty equal to fifty percent of the excess refund
19 claimed. Excess refunds, penalties, and interest due
20 under this subsection may be enforced and collected in
21 the same manner as the tax imposed by this division.

22 Sec. 112. Section 422.69, subsection 2, Code 2001,
23 is amended to read as follows:

24 2. a. Unless Except as provided in paragraph "b",
25 or as otherwise provided, the fees, taxes, interest,
26 and penalties collected under this chapter shall be
27 credited to the general fund.

28 b. One-sixth of the fees, taxes, interest, and
29 penalties collected pursuant to division IV shall be
30 credited to the school district sales tax fund created
31 in section 298B.1. This paragraph is repealed July 1,
32 2022.

33 Sec. 113. Section 422E.1, Code 2001, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 4. a. This chapter does not
36 apply to any county after the effective date of this
37 section of this Act, except to the extent provided in
38 paragraph "b". Any election on the imposition of the
39 local sales and services tax scheduled to be held on
40 or after the effective date of this section of this
41 Act shall not be held.

42 b. A county that has voted on and approved prior
43 to March 31, 2002, a local sales and services tax for
44 school infrastructure purposes shall impose the tax
45 until December 31, 2002. However, the increase in the
46 state sales and services tax under chapter 422,
47 division IV, from five percent on January 1, 2003, to
48 six percent shall replace the county's local sales and
49 services tax for school infrastructure purposes and to
50 this extent the local sales and services tax for

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1 school infrastructure purposes is repealed.
2 Sec. 114. APPLICABILITY. This section applies in
3 regard to the increase in the state sales tax from
4 five to six percent. The six percent rate applies to
5 all sales of taxable personal property, consisting of
6 goods, wares, or merchandise if delivery occurs on or
7 after January 1, 2003. The six percent rate applies
8 to the gross receipts from the sale, furnishing, or
9 service of gas, electricity, water, heat, pay
10 television service, and communication service if the
11 date of billing the customer is on or after January 1,
12 2003. In the case of a service contract entered into
13 prior to January 1, 2003, which contract calls for
14 periodic payments, the six percent rate applies to
15 those payments made or due on or after January 1,
16 2003. This periodic payment applies, but is not
17 limited to, tickets or admissions, private club
18 membership fees, sources of amusement, equipment
19 rental, dry cleaning, reducing salons, dance schools,
20 and all other services subject to tax, except the
21 aforementioned utility services which are subject to a
22 special transitional rule. Unlike periodic payments
23 under service contracts, installment sales of goods,
24 wares, and merchandise are subject to the full amount
25 of sales or use tax when the sales contract is entered
26 into.

27 Sec. 115. EFFECTIVE DATES.

28 1. Sections 103, 104, and 113 of this Act,
29 enacting sections 298B.1 and 298B.2 and section
30 422E.1, subsection 4, being deemed of immediate
31 importance, take effect upon enactment.

32 2. Sections 107, 108, 109, 111, and 112 of this
33 Act, amending section 422.43, increasing the sales
34 tax, and sections 422.47 and 422.69, take effect
35 January 1, 2003."

36 14. Title page, by striking line 2 and inserting
37 the following: "programs and for the use of school
38 district moneys received from certain state sales tax
39 revenues for property tax relief and infrastructure
40 purposes if approved by the vote of the electorate,
41 providing a penalty, and including effective date
42 provisions."

RICHARDSON of Warren

H-8493

1 Amend House File 2614 as follows:

2 1. Page 5, by inserting after line 12 the
3 following:

4 "3A. DEPARTMENT OF EDUCATION
5 For school improvement technology grants to public
6 schools, notwithstanding section 12E.12, subsection 1,
7 paragraph "b", subparagraph (1):
8 \$ 4,580,000"
9 2. Page 7, by striking lines 2 through 8.
10 3. Page 7, by striking lines 15 through 28.
11 4. Page 16, by striking lines 20 through 28 and
12 inserting the following:
13 "Of the amount appropriated in this lettered
14 paragraph, \$350,000 shall be allocated for school
15 improvement technology block grants to accredited
16 nonpublic schools, and the remainder shall be
17 allocated for school improvement technology block
18 grants to public schools."
19 5. Page 23, by inserting after line 24 the
20 following:
21 "2A. DEPARTMENT OF EDUCATION
22 For school improvement technology block grants to
23 accredited nonpublic schools, notwithstanding section
24 8.57A, subsection 3:
25 \$ 1,150,000"
26 6. Page 24, by striking lines 1 through 4.
27 7. By renumbering, redesignating, and correcting
28 internal references as necessary.

MURPHY of Dubuque
WISE of Lee

H-8496

1 Amend House File 2614 as follows:
2 1. Page 7, by striking lines 15 through 28.
3 2. By renumbering as necessary.

CORMACK of Webster

H-8497

1 Amend House File 2614 as follows:
2 1. Page 5, by inserting after line 12 the
3 following:
4 "3A. DEPARTMENT OF EDUCATION
5 For allocation to the public broadcasting division
6 for costs of installation of digital television at
7 Iowa public television facilities, notwithstanding
8 section 12E.12, subsection 1, paragraph "b",
9 subparagraph (1):
10 \$ 1,000,000"
11 2. Page 7, by striking lines 2 through 8.
12 3. Page 10, line 9, by striking the figure
13 "1,000,000" and inserting the following: "1,100,000".

- 14 4. Page 10, line 31, by striking the figure
- 15 "500,000" and inserting the following: "581,400".
- 16 5. By renumbering, redesignating, and correcting
- 17 internal references as necessary.

RAECKER of Polk
 CORMACK of Webster

H-8499

- 1 Amend House File 2614 as follows:
- 2 1. Page 5, by inserting after line 12 the
- 3 following:
- 4 "3A. DEPARTMENT OF EDUCATION
- 5 For allocation to the public broadcasting division
- 6 for costs of installation of digital television at
- 7 Iowa public television facilities, notwithstanding
- 8 section 12E.12, subsection 1, paragraph "b",
- 9 subparagraph (1):
- 10\$ 2,500,000"
- 11 2. By renumbering as necessary.

LENSING of Johnson
 STEVENS of Dickinson

H-8501

- 1 Amend House File 2614 as follows:
- 2 1. Page 16, line 28, by inserting after the word
- 3 "year." the following: "The department of education
- 4 shall also explore the availability of federal funding
- 5 for technology in education to determine whether
- 6 federal moneys may be obtained by the state for
- 7 distribution to school districts. The department
- 8 shall make every reasonable effort to obtain any
- 9 federal funding available for those purposes and shall
- 10 submit its conclusions in a report to the chairpersons
- 11 and ranking members of the senate and house standing
- 12 committees on education and the joint appropriations
- 13 subcommittee on education by December 15, 2002."

MASCHER of Johnson
 BRUNKHORST of Bremer
 WINCKLER of Scott

H-8506

- 1 Amend House File 2614 as follows:
- 2 1. Page 18, by inserting after line 21 the
- 3 following:
- 4 "Sec. __. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
- 5 COMMISSION.

6 1. There is appropriated from the rebuild Iowa
7 infrastructure fund to the Iowa telecommunications and
8 technology commission for the fiscal period beginning
9 July 1, 2002, and ending June 30, 2005, the following
10 amounts, or so much thereof as is necessary, to be
11 used for the purpose designated, notwithstanding
12 section 8.57, subsection 5, paragraph "c":

13 For conversion of the Iowa communications network
14 to asynchronous transfer mode technology:

15 FY 2002-2003	\$ 1,770,600
16 FY 2003-2004	\$ 1,770,600
17 FY 2004-2005	\$ 1,770,600

18 2. REVERSION. Notwithstanding section 8.33,
19 moneys appropriated in this section shall not revert
20 at the close of the fiscal year for which they were
21 appropriated, but shall remain available for the
22 purposes designated until the close of the fiscal year
23 that begins July 1, 2006, or until the project for
24 which the appropriation was made is completed,
25 whichever is earlier."

26 2. By renumbering, redesignating, and correcting
27 internal references as necessary.

STEVENS of Dickinson
LENSING of Johnson

H-8507

1 Amend the amendment, H-8498, to House File 2614, as
2 follows:

3 1. Page 1, by inserting after line 46 the
4 following:

5 ""DIVISION ____
6 USE TAX APPROPRIATION
7 Sec.____. DEPARTMENT OF PUBLIC SAFETY – USE TAX
8 APPROPRIATION. There is appropriated from use tax
9 receipts collected pursuant to sections 423.7 and
10 423.7A prior to their deposit in the road use tax fund
11 pursuant to section 423.24, to the department of
12 public safety use tax clearing fund that is
13 established in the state treasury, for use of the
14 department of public safety for the fiscal year
15 beginning July 1, 2002, and ending June 30, 2003, the
16 following amounts, or so much thereof as is necessary,
17 to be allocated as follows:

18 1. For the operations, salaries, support,
19 maintenance and miscellaneous purposes in the
20 department of public safety:

21 a. For the department's administrative functions,
22 including the criminal justice information system:
23 \$ 2,462,881
24 b. For the division of criminal investigation and

25 bureau of identification, including the state's
 26 contribution to the peace officers' retirement,
 27 accident, and disability system provided in chapter
 28 97A in the amount of 17 percent of the salaries for
 29 which the funds are appropriated, and to meet federal
 30 matching requirements:
 31 \$ 12,620,790
 32 Riverboat enforcement costs shall be billed in
 33 accordance with section 99F.10, subsection 4. The
 34 costs shall be based upon the total costs for the
 35 fiscal year.
 36 The department of public safety, with the approval
 37 of the department of management, may employ no more
 38 than two special agents and four gaming enforcement
 39 officers for each additional riverboat regulated after
 40 July 1, 2002, and one special agent for each racing
 41 facility which becomes operational during the fiscal
 42 year which begins July 1, 2002.
 43 2. For the division of narcotics enforcement for
 44 undercover purchases:
 45 \$ 129,804
 46 3. For the division of capitol police, including
 47 the state's contribution to the peace officers'
 48 retirement, accident, and disability system provided
 49 in chapter 97A in the amount of 17 percent of the
 50 salaries for which the funds are appropriated:

Page 2

1 \$ 1,298,828
 2 4. For the division of the Iowa state patrol of
 3 the department of public safety, for salaries,
 4 support, maintenance, workers' compensation costs, and
 5 miscellaneous purposes, including the state's
 6 contribution to the peace officers' retirement,
 7 accident, and disability system provided in chapter
 8 97A in the amount of 17 percent of the salaries for
 9 which the funds are appropriated:
 10 \$ 37,489,890
 11 5. For deposit in the public safety law
 12 enforcement sick-leave benefit fund established under
 13 section 80.42, for all departmental employees eligible
 14 to receive benefits for accrued sick leave under the
 15 collective bargaining agreement:
 16 \$ 285,258
 17 6. For the state fire marshal's office, for fire
 18 protection services as provided through the state fire
 19 service and emergency response council as created in
 20 the department:
 21 \$ 599,110
 22 7. For costs associated with the training and
 23 equipment needs of volunteer fire fighters:

24 \$ 570,091
 25 Notwithstanding section 8.33, moneys appropriated
 26 in this subsection that remain unobligated or
 27 unexpended at the close of the fiscal year shall not
 28 revert but shall remain available for expenditure only
 29 for the purpose designated in this subsection until
 30 the close of the succeeding fiscal year.
 31 8. Notwithstanding section 12C.7, subsection 2,
 32 interest or earnings on moneys in the department of
 33 public safety use tax clearing fund shall be credited
 34 to the road use tax fund.
 35 Notwithstanding section 8.33, moneys appropriated
 36 in subsections 1 through 6 that remain unobligated or
 37 unencumbered at the close of the fiscal year shall not
 38 revert to the department of public safety use tax
 39 clearing fund, but shall be deposited in the road use
 40 tax fund."

MILLAGE of Scott

H-8510

1 Amend House File 2614 as follows:

2 1. Page 5, by striking lines 9 through 12 and
3 inserting the following:

4 "The moneys appropriated in this paragraph "b"
5 shall comprise no more than 15 percent of the total
6 costs of construction of, and purchasing equipment
7 for, the facility.

8 3A. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
9 COMMISSION

10 For conversion of the Iowa communications network
11 to asynchronous transfer mode technology:

12 FY 2002-2003	\$ 4,581,400
13 FY 2003-2004	\$ 0
14 FY 2004-2005	\$ 0
15 FY 2005-2006	\$ 0

16 The appropriation in this subsection is contingent
17 upon certification of the Iowa communications network
18 by the federal government as a defense security
19 network test bed. The Iowa telecommunications and
20 technology commission shall notify the Code editor and
21 the department upon such certification."

22 2. Page 7, by striking lines 2 through 8.

23 3. Page 7, by striking lines 15 through 28.

24 4. By renumbering, redesignating, and correcting
25 internal references as necessary.

ALONS of Sioux
TYMESON of Madison
LENSING of Johnson

STEVENS of Dickinson
CORMACK of Webster

H-8513

1 Amend the amendment, H-8498, to House File 2614 as
2 follows:

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

5 "___ Page 1, by inserting before line 2 the
6 following:

7 "USE TAX REVENUES

8 Section 1. DEPARTMENT OF EDUCATION – USE TAX
9 APPROPRIATIONS. There is appropriated from use tax
10 receipts collected pursuant to sections 423.7 and
11 423.7A prior to their deposit in the road use tax fund
12 pursuant to section 423.24, to the department of
13 education for the fiscal year beginning July 1, 2002,
14 and ending June 30, 2003, the following amounts, or so
15 much thereof as is necessary, to be used for the
16 purposes designated:

- 17 1. For purposes, as provided in law, of the
18 student achievement and teacher quality program
19 established pursuant to chapter 284:
20 \$ 33,250,000
- 21 2. For phase III of the educational excellence
22 program:
23 \$ 12,750,000
- 24 3. For school improvement technology block grants,
25 in lieu of the appropriation in section 256D.5,
26 subsection 2:
27 \$ 10,000,000

28 The moneys appropriated in this lettered paragraph
29 shall be distributed on a per pupil basis to school
30 districts, notwithstanding section 256D.6. The moneys
31 appropriated in this lettered paragraph shall be
32 allocated to school districts in the proportion that
33 the basic enrollment of a district bears to the sum of
34 the basic enrollments of all school districts in the
35 state for the budget year. For purposes of this
36 lettered paragraph, "school district" means a school
37 district, the Iowa braille and sight saving school,
38 the state school for the deaf, the Price laboratory
39 school at the university of northern Iowa, and the
40 institutions under the control of the department of
41 human services as provided in section 218.1,
42 subsections 1 through 3, 5, 7, and 8.

43 4. For additional general state financial aid,
44 including general financial aid to merged areas in
45 lieu of personal property tax replacement payments, to
46 merged areas as defined in section 260C.2, for
47 vocational education programs in accordance with
48 chapters 258 and 260C, which shall be allocated to the
49 merged areas in the same proportions as moneys
50 appropriated and allocated for the same purpose in

Page 2

1 2002 Iowa Acts, Senate File 2326, if enacted:
 2 \$ 4,000,000
 3 DIVISION ____"
 4 2. Page 2, by inserting before line 22, the
 5 following:
 6 "____. Title page, line 3, by inserting after the
 7 words "infrastructure fund," the following: "use tax
 8 revenues,",""

WISE of Lee

H-8516

1 Amend the amendment, H-8493, to House File 2614 as
 2 follows:
 3 1. Page 1, by striking line 8 and inserting the
 4 following:
 5 "FY 2002-2003 \$ 4,580,000
 6 FY 2003-2004 \$ 0
 7 FY 2004-2005 \$ 0
 8 FY 2005-2006 \$ 0"

MURPHY of Dubuque

H-8517

1 Amend House File 2614 as follows:
 2 1. Page 5, by inserting after line 12 the
 3 following:
 4 "3A. DEPARTMENT OF EDUCATION
 5 For allocation to the public broadcasting division
 6 for costs of installation of digital television at
 7 Iowa public television facilities, notwithstanding
 8 section 12E.12, subsection 1, paragraph "b",
 9 subparagraph (1):
 10 FY 2002-2003 \$ 2,500,000
 11 FY 2003-2004 \$ 0
 12 FY 2004-2005 \$ 0
 13 FY 2005-2006 \$ 0"
 14 2. By renumbering as necessary.

STEVENS of Dickinson
LENSING of Johnson

H-8525

1 Amend the amendment, H-8498, to House File 2614, as
 2 follows:
 3 1. Page 1, by inserting after line 46 the
 4 following:

5 ""DIVISION ____
6 USE TAX APPROPRIATION
7 Sec. ____ DEPARTMENT OF PUBLIC SAFETY – USE TAX
8 APPROPRIATION. There is appropriated from use tax
9 receipts collected pursuant to sections 423.7 and
10 423.7A prior to their deposit in the road use tax fund
11 pursuant to section 423.24, to the department of
12 public safety use tax clearing fund that is
13 established in the state treasury, for use of the
14 department of public safety for the fiscal year
15 beginning July 1, 2002, and ending June 30, 2003, the
16 following amount, or so much thereof as is necessary,
17 to be allocated as follows:
18 For the division of the Iowa state patrol of the
19 department of public safety, for salaries, support,
20 maintenance, workers' compensation costs, and
21 miscellaneous purposes, including the state's
22 contribution to the peace officers' retirement,
23 accident, and disability system provided in chapter
24 97A in the amount of 17 percent of the salaries for
25 which the funds are appropriated:
26 \$ 37,489,890
27 Notwithstanding section 8.33, moneys appropriated
28 in this section that remain unobligated or
29 unencumbered at the close of the fiscal year shall not
30 revert to the department of public safety use tax
31 clearing fund, but shall be deposited in the road use
32 tax fund."

WISE of Lee

H-8526

1 Amend House File 2614 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 ""DIVISION ____
5 DEPARTMENT OF TRANSPORTATION – BONDING
6 Section 1. NEW SECTION. 16.178 ROAD USE TAX
7 REVENUE BONDS.
8 1. The authority is authorized to issue bonds, in
9 an amount equal to the use tax receipts collected
10 pursuant to sections 423.7 and 423.7A during the
11 fiscal year beginning July 1, 2002, which are not
12 deposited in the road use tax fund, but are
13 appropriated by the Seventy-ninth general assembly
14 during the 2002 session, for the purposes for which
15 the road use tax fund may be used. Bonds may be
16 issued in order to fund purposes for which the road
17 use tax fund may be used, the payment of interest on
18 the bonds, the establishment of reserves to secure the
19 bonds, the costs of issuance of the bonds, and other

20 expenditures incident to or necessary or convenient to
21 carry out the bond issue. The bonds are investment
22 securities and negotiable instruments within the
23 meaning of and for the purposes of the uniform
24 commercial code.

25 2. The state department of transportation is
26 authorized to pledge an amount in the road use tax
27 fund equal to the amount of use tax receipts collected
28 pursuant to sections 423.7 and 423.7A that are
29 deposited in the road use tax fund pursuant to section
30 423.24, as security for the payment of the principal
31 of, premium, if any, and interest on the bonds. Bonds
32 issued under this section are payable solely and only
33 out of the use tax receipts, all of which may be
34 deposited with trustees or depositories in accordance
35 with bond or security documents, and are not an
36 indebtedness of this state or the authority, or a
37 charge against the general credit or general fund of
38 the state or the authority, and the state shall not be
39 liable for the bonds except from the use tax receipts.
40 Bonds issued under this section shall contain a
41 statement that the bonds do not constitute an
42 indebtedness of the state or the authority.

43 3. The proceeds of bonds issued by the authority
44 and not required for immediate disbursement may be
45 deposited with a trustee or depository as provided in
46 the bond documents and invested in any investment
47 approved by the authority and specified in the trust
48 indenture, resolution, or other instrument pursuant to
49 which the bonds are issued without regard to any
50 limitation otherwise provided by law.

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1 4. The bonds shall be:

2 a. In a form, issued in denominations, executed in
3 a manner, and payable over terms and with rights of
4 redemption, and be subject to such other terms and
5 conditions as prescribed in the trust indenture,
6 resolution, or other instrument authorizing their
7 issuance.

8 b. Negotiable instruments under the laws of the
9 state and may be sold at prices, at public or private
10 sale, and in a manner, as prescribed by the authority.
11 Chapters 73A, 74, 74A, and 75 do not apply to the sale
12 or issuance of the bonds.

13 c. Subject to the terms, conditions, and covenants
14 providing for the payment of the principal, redemption
15 premiums, if any, interest, and other terms,
16 conditions, covenants, and protective provisions
17 safeguarding payment, not inconsistent with this
18 chapter and as determined by the trust indenture,

19 resolution, or other instrument authorizing their
 20 issuance.
 21 5. The bonds are securities in which public
 22 officers and bodies of this state, political
 23 subdivisions of this state, insurance companies and
 24 associations and other persons carrying on an
 25 insurance business, banks, trust companies, savings
 26 associations, savings and loan associations, and
 27 investment companies, administrators, guardians,
 28 executors, trustees, and other fiduciaries, and other
 29 persons authorized to invest in bonds or other
 30 obligations of the state, may properly and legally
 31 invest funds, including capital, in their control or
 32 belonging to them.
 33 6. Bonds must be authorized by a trust indenture,
 34 resolution, or other instrument of the authority.
 35 However, a trust indenture, resolution, or other
 36 instrument authorizing the issuance of bonds may
 37 delegate to an officer of the issuer the power to
 38 negotiate and fix the details of an issue of bonds.
 39 7. Neither the resolution or trust agreement, nor
 40 any other instrument by which a pledge is created is
 41 required to be recorded or filed under the uniform
 42 commercial code to be valid, binding, or effective.
 43 8. Bonds issued under this section are declared to
 44 be issued for an essential public and governmental
 45 purpose and all bonds issued under this section shall
 46 be exempt from taxation by the state of Iowa and the
 47 interest on the bonds shall be exempt from the state
 48 income tax and the state inheritance and estate tax.
 49 9. The authority shall cooperate with the state
 50 department of transportation in the implementation of

Page 3

1 this section."
 2 2. Title page, line 3, by inserting after the
 3 words "first fund," the following: "providing for the
 4 issuance of road use tax revenue bonds,".
 5 3. By renumbering, redesignating, and correcting
 6 internal references as necessary.

SHOULTZ of Black Hawk

H-8533

1 Amend House Resolution 124 as follows:
 2 1. Page 1, line 9, by striking the word
 3 "National" and inserting the following: "Iowa
 4 Division II".

O'BRIEN of Boone

H-8534

1 Amend Senate File 2326, as passed by the Senate, as
2 follows:

3 1. Page 61, by inserting after line 22, the
4 following:

5 "Funds appropriated in this lettered paragraph
6 shall not be used for the purposes of human cloning as
7 defined in section 707B.3. However, this prohibition
8 shall not be interpreted to prohibit the use of these
9 funds for areas of scientific research not
10 specifically prohibited as provided in section 707B.4,
11 subsection 2."

12 2. Page 66, by inserting after line 13, the
13 following:

14 "Funds appropriated in this lettered paragraph
15 shall not be used for the purposes of human cloning as
16 defined in section 707B.3. However, this prohibition
17 shall not be interpreted to prohibit the use of these
18 funds for areas of scientific research not
19 specifically prohibited as provided in section 707B.4,
20 subsection 2."

21 3. Page 67, by inserting after line 22, the
22 following:

23 "Funds appropriated in this lettered paragraph
24 shall not be used for the purposes of human cloning as
25 defined in section 707B.3. However, this prohibition
26 shall not be interpreted to prohibit the use of these
27 funds for areas of scientific research not
28 specifically prohibited as provided in section 707B.4,
29 subsection 2."

30 4. Page 176, by inserting after line 11, the
31 following:

32 "DIVISION X

33 Sec. . NEW SECTION. 707B.1 TITLE.

34 This chapter shall be known and may be cited as the
35 "Human Cloning Prohibition Act".

36 Sec. . NEW SECTION. 707B.2 PURPOSE.

37 It is the purpose of this chapter to prohibit human
38 cloning for any purpose, whether for reproductive
39 cloning or therapeutic cloning.

40 Sec. . NEW SECTION. 707B.3 DEFINITIONS.

41 As used in this chapter, unless the context
42 otherwise requires:

43 1. "Destructive research" means medical,
44 scientific, or laboratory research, or other kinds of
45 investigation that destroy or injure the subject of
46 the research. "Research" means a systematic
47 investigation, including research development,
48 testing, and evaluation, designed to develop or
49 contribute to generalizable knowledge. "Destructive
50 research" does not include in vitro fertilization and

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1 accompanying embryo transfer to a woman's body or any
2 diagnostic test that may assist in the future care of
3 the woman.

4 2. "Fetus" means a living organism of the species
5 homo sapiens from eight weeks' development until
6 complete expulsion or extraction from a woman's body,
7 or until removal from an artificial womb or other
8 similar environment designed to nurture the
9 development of such organism.

10 3. "Human cloning" means human asexual
11 reproduction, accomplished by introducing the genetic
12 material of a human somatic cell into a fertilized or
13 unfertilized oocyte whose nucleus has been removed or
14 inactivated, to produce a living organism with a human
15 or predominantly human genetic constitution.

16 4. "Human embryo" means a living organism of the
17 species homo sapiens from the single-celled stage to
18 eight weeks' development.

19 5. "Human somatic cell" means a cell having a
20 complete set of chromosomes obtained from a living or
21 deceased human organism of the species homo sapiens at
22 any stage of development.

23 6. "Oocyte" means the unfertilized human ovum.

24 Sec. __. NEW SECTION. 707B.4 HUMAN CLONING –
25 PROHIBITIONS – EXCEPTIONS – PENALTY.

26 1. A person shall not intentionally or knowingly
27 do any of the following:

28 a. Perform or attempt to perform human cloning.

29 b. Participate in performing or in an attempt to
30 perform human cloning.

31 c. Transfer or receive a cloned human embryo for
32 any purpose.

33 d. Transfer or receive, in whole or in part, any
34 oocyte, human embryo, fetus, or human somatic cell,
35 for the purpose of human cloning.

36 e. Conduct destructive research on a cloned human
37 embryo.

38 2. This section shall not restrict areas of
39 scientific research not specifically prohibited,
40 including in vitro fertilization; the administration
41 of fertility-enhancing drugs; or research in the use
42 of nuclear transfer or other cloning techniques to
43 produce molecules, deoxyribonucleic acid, tissues,
44 organs, plants, animals other than humans, or cells
45 other than human embryos.

46 3. a. A person who violates subsection 1,

47 paragraph "a" or "b", is guilty of a class "C" felony.

48 b. A person who violates subsection 1, paragraph
49 "c", "d", or "e" is guilty of an aggravated

50 misdemeanor.

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1 4. A person who violates this section in a manner
 2 that results in a pecuniary gain to the person is
 3 subject to a civil penalty in an amount that is twice
 4 the amount of the gross gain.

5 5. A person who violates this section and who is
 6 licensed pursuant to chapter 148, 150, or 150A is
 7 subject to revocation of the person's license.

8 6. A violation of this section is grounds for
 9 denial of an application for, denial of renewal of, or
 10 revocation of any license, permit, certification, or
 11 any other form of permission required to practice or
 12 engage in any trade, occupation, or profession
 13 regulated by the state.

14 Sec. __. NEW SECTION. 707B.5 HUMAN CLONING –
 15 USE OF GENERAL FUND OF THE STATE – PROHIBITION –
 16 CIVIL PENALTY.

17 1. A person shall not use moneys from the general
 18 fund of the state for the purposes of human cloning.

19 2. This section shall not prohibit the use of
 20 moneys from the general fund of the state for areas of
 21 scientific research not specifically prohibited as
 22 provided in section 707B.4, subsection 2.

23 3. A person who violates this section is subject
 24 to a civil penalty in the amount of the expenditure of
 25 moneys from the general fund of the state used in
 26 violation of this section."

27 5. Title page, line 3, by inserting after the
 28 word "dates" the following: "and providing
 29 penalties".

TREMMELE of Wapello
 MERTZ of Kossuth
 ALONS of Sioux
 DE BOEF of Mahaska

H-8540

1 Amend the amendment, H-8488, to the Senate
 2 amendment, H-8464, to House File 678, as passed by the
 3 House, as follows:

4 1. Page 1, lines 13 and 14, by striking the words
 5 "in cases where the parents do not agree to joint
 6 physical care".

BODDICKER of Cedar

H-8542

1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "DIVISION I
6 SALE OF CERTAIN FARMLAND"

7 2. Page 2, by striking lines 22 and 23, and
8 inserting the following:

9 "DIVISION II
10 STATE LAND MANAGEMENT AND PLANNING
11 Sec. . NEW SECTION. 6C.1 TITLE.

12 This chapter shall be known and may be cited as the
13 "Land Management Planning Act".

14 Sec. . NEW SECTION. 6C.2 LAND DEVELOPMENT AND
15 USE – STATE POLICY ESTABLISHED.

16 It is the policy of this state to provide for the
17 sound and orderly development and use of land and to
18 provide for the protection and preservation of the
19 private and public interest in the land, water, and
20 related resources of this state for the public health,
21 safety, morals, and general welfare of present and
22 future generations. It is further the policy of this
23 state to preserve the use of prime agricultural land
24 for agricultural production and to preserve natural,
25 cultural, and historical areas while striking a
26 balance between legitimate public purposes and private
27 property rights.

28 Sec. . NEW SECTION. 6C.3 DEFINITIONS.

29 1. "Agricultural land" means agricultural land as
30 that term is defined in section 9H.1.

31 2. "Board" means the land management planning
32 board established in section 6C.5.

33 3. "Department" means the department of economic
34 development.

35 4. "Public agency" means an agency as defined in
36 section 17A.2, a county, a city, or other political
37 subdivision, including but not limited to a principal
38 department as provided in section 7E.5, a school
39 corporation organized under chapter 273 or 274, a
40 community college as provided in chapter 260C, or a
41 township as provided in chapter 359.

42 5. "Strategic development plan" means a plan
43 adopted by a county and the cities within the county
44 and approved by the land management planning board as
45 provided in chapter 366.

46 Sec. . NEW SECTION. 6C.5 LAND MANAGEMENT
47 PLANNING BOARD.

48 1. A land management planning board is established
49 as the state's principal agency overseeing land
50 management planning by cities and counties. The board

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1 shall oversee the administration of this chapter, and
2 chapters 366 and 368, monitor the effectiveness of
3 public agencies in carrying out the policy of this
4 state as established in section 6C.2, and study
5 methods to successfully implement the policy.

6 2. The board shall be composed of the following
7 members:

8 a. One member appointed from a city with a
9 population of more than forty-five thousand, according
10 to the most recent certified federal census.

11 b. One member appointed from a city with a
12 population of forty-five thousand or less, according
13 to the most recent certified federal census.

14 c. One member appointed from a county with a
15 population of more than fifty thousand, according to
16 the most recent certified federal census.

17 d. One member appointed from a county with a
18 population of fifty thousand or less, according to the
19 most recent certified federal census.

20 e. One member appointed to represent the general
21 public.

22 3. The members shall be appointed by the governor
23 subject to confirmation by the senate as provided in
24 section 2.32. The appointments shall be for six-year
25 staggered terms beginning and ending as provided in
26 section 69.19, or for an unexpired term if a vacancy
27 occurs. No member shall serve more than two complete
28 six-year terms.

29 4. The board shall elect a chairperson each year.

30 5. Members of the board, other than a state
31 officer or employee, are entitled to receive a per
32 diem as specified in section 7E.6 for each day spent
33 in performance of duties as members, and shall be
34 reimbursed for all actual and necessary expenses
35 incurred in the performance of duties as members.

36 6. The department shall provide office space and
37 staff assistance, and shall budget funds to cover
38 expenses of the board and of committees established
39 pursuant to chapter 368. The office of attorney
40 general shall provide legal counsel to the board.

41 Sec. . NEW SECTION. 6C.6 POWERS AND DUTIES OF
42 THE BOARD.

43 1. The board shall do all of the following:

44 a. Review strategic development plans submitted
45 for dispute resolution pursuant to section 366.6.

46 b. Review and approve plans submitted for final
47 approval pursuant to section 366.7.

48 c. Approve or disapprove petitions for boundary
49 adjustment as provided in chapter 368.

50 d. Establish policies for administration of the

Page 3

1 land management planning fund created in section 6C.7.
2 e. Adopt rules pursuant to chapter 17A necessary
3 to administer its duties under this chapter and
4 chapters 366 and 368. The rules may include
5 establishing filing fees for applications and
6 petitions submitted to the board pursuant to chapter
7 368.

8 2. The board may adopt forms to be completed and
9 submitted by cities and counties as necessary for the
10 efficient administration of this chapter and chapters
11 366 and 368.

12 Sec. . NEW SECTION. 6C.7 LAND MANAGEMENT
13 PLANNING FUND.

14 1. A land management planning fund is created
15 within the state treasury under the control of the
16 department. Moneys in the fund shall be used
17 exclusively to pay for the costs of administration of
18 this chapter and chapters 366 and 368 by the
19 department.

20 2. The fund shall consist of all of the following:
21 a. Moneys appropriated by the general assembly.
22 b. Moneys available to and obtained or accepted by
23 the department from the federal government or private
24 sources for deposit in the fund.

25 c. Filing fees paid for applications and petitions
26 submitted to the board pursuant to chapter 368.

27 **DIVISION III**

28 **LOCAL GOVERNMENT LAND MANAGEMENT AND PLANNING**

29 Sec. . NEW SECTION. 366.1 DEFINITIONS.

30 1. "Agricultural land" means agricultural land as
31 defined in section 9H.1.

32 2. "Board" means the land management planning
33 board created in section 6C.5.

34 Sec. . NEW SECTION. 366.2 LOCAL STRATEGIC
35 DEVELOPMENT COMMITTEE.

36 1. A local strategic development committee is
37 created within each county whose population is forty
38 thousand or more or whose population is over ten
39 thousand and increased by six percent or more between
40 the 1990 federal decennial census and the 2000 federal
41 decennial census. Members shall be appointed to the
42 committee on or before September 1, 2002. The
43 committee shall be composed of the following members:

44 a. Three members appointed by the county board of
45 supervisors. Two of the three members must be
46 residents of the unincorporated area of the county.

47 b. One member appointed by the city council of
48 each city located in the county.

49 c. One member appointed by the mayor of each of
50 the two cities with the highest population located in

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1 the county.

2 d. An additional member shall be appointed by the
3 mayor of each participating city for every fifty
4 thousand residents in the city.

5 2. A city shall be represented on a committee if
6 any part of the city is located in the county.

7 3. Two or more contiguous counties required to
8 create a strategic development plan may organize as
9 one combined strategic development committee.

10 4. The committee shall hold an organizational
11 meeting no later than ten days after appointment of
12 members. The organizational meeting shall be convened
13 by the chairperson of the county board of supervisors.

14 Sec. __. NEW SECTION. 366.3 STRATEGIC
15 DEVELOPMENT PLAN – GOALS AND OBJECTIVES.

16 1. The local strategic development committee shall
17 create and recommend a strategic development plan for
18 the county.

19 2. The purpose of a strategic development plan is
20 to direct coordinated, efficient, and orderly urban
21 development that will, based on an analysis of present
22 and future needs, best promote the public health,
23 safety, morals, and general welfare. The goals and
24 objectives of a strategic development plan include the
25 following:

26 a. Encouraging a pattern of compact development in
27 strategic development areas.

28 b. Promoting redevelopment of existing urban
29 areas.

30 c. Promoting employment opportunities and the
31 economic health of the county and all cities in the
32 county.

33 d. Providing for a variety of housing choices
34 within strategic development areas and assuring
35 affordable housing for future population growth.

36 e. Identifying and conserving natural resource
37 areas, environmentally sensitive land, and features of
38 significant local, statewide, or regional
39 architectural, cultural, historical, or archaeological
40 interest.

41 f. Preserving land identified by the strategic
42 development committee as prime agricultural land for
43 use in agricultural production.

44 g. Balancing the need for land management
45 regulations with the protection of private property
46 rights.

47 h. Ensuring the efficient use of infrastructure
48 and that adequate municipal services are provided
49 concurrently with development.

50 i. Taking into consideration such other matters

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1 that are related to the coordinated, efficient, and
2 orderly development of the county and all cities in
3 the county.

4 Sec. . NEW SECTION. 366.4 STRATEGIC
5 DEVELOPMENT PLAN – REQUIREMENTS.

6 1. A strategic development plan shall divide the
7 county into strategic development areas where future
8 development would be allowed to occur and strategic
9 preservation areas where development would not be
10 allowed. A strategic development plan shall address
11 transportation, public infrastructure, municipal
12 services, economic development, housing, recreation,
13 natural resources, and land use. A strategic
14 development plan may address hazard mitigation, energy
15 systems, cultural preservation, and other elements
16 appropriate to the area governed by the plan.

17 2. The committee shall conduct a review of
18 existing comprehensive plans governing the county, if
19 applicable, and governing each city located in the
20 county.

21 3. Before the committee drafts a strategic
22 development plan, the committee shall hold a public
23 hearing in order to obtain citizen input on
24 preparation of the strategic development plan. The
25 hearing shall be held no later than thirty days after
26 the committee's organizational meeting. The county
27 auditor shall publish notice of the time, date, place,
28 and purpose of the public hearing in a newspaper of
29 general circulation in the county. The notice must be
30 published not less than ten days but no more than
31 twenty days before the hearing. The notice shall
32 include a description of the general duties of the
33 strategic development committee and the cities and
34 counties represented on the strategic development
35 committee.

36 4. A strategic development plan shall include
37 documents describing and depicting the corporate
38 limits of each city in the county and the boundaries
39 of each strategic development area and each strategic
40 preservation area.

41 5. a. In establishing a strategic development
42 area, the plan shall do all of the following:

43 (1) Identify territory that a reasonable and
44 prudent person would project as the likely site of
45 commercial, industrial, or residential growth over the
46 next twenty years based on historical experience,
47 economic trends, population growth patterns,
48 topographical characteristics, and any professional
49 planning, engineering, and economic studies that are
50 available. The city shall report population growth

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1 projections for the city based upon federal census
2 data.

3 (2) Identify agricultural land which has a corn
4 suitability rating of sixty or higher, according to
5 information released by Iowa state university to the
6 department of revenue and finance for assessment and
7 taxation of agricultural land. Agricultural land with
8 a corn suitability rating of sixty or higher shall not
9 be included in a strategic development area unless the
10 local strategic development committee makes a showing
11 that the land is necessary for the orderly development
12 of the strategic development area.

13 b. In establishing a strategic preservation area,
14 the plan shall identify territory to be preserved for
15 the next twenty years for agricultural purposes,
16 forests, recreational areas, wildlife management
17 areas, cultural areas, historical areas, or other
18 areas planned for preservation.

19 6. When designating that part of a strategic
20 development area contiguous to a city, the committee
21 shall identify, and give consideration to, the amount
22 of territory within the current incorporated
23 boundaries of the city that is vacant or undeveloped
24 land.

25 7. The committee shall utilize planning resources
26 that are available within the county, including city
27 and county planning commissions, zoning
28 administrators, and a council of governments
29 established pursuant to chapter 28H. The committee is
30 also encouraged to utilize the services of a joint
31 planning commission established pursuant to chapter
32 28I and colleges and universities in the state.

33 Sec. NEW SECTION. 366.5 LOCAL GOVERNMENT
34 RATIFICATION OF STRATEGIC DEVELOPMENT PLAN.

35 1. Before the committee submits the plan
36 recommended for ratification, the committee shall hold
37 at least one public hearing on the proposed
38 recommended strategic development plan. The county
39 auditor shall publish notice of the time, place, and
40 purpose of the public hearing in a newspaper of
41 general circulation in the county. The notice must be
42 published at least ten days but no more than twenty
43 days before the hearing.

44 2. Not later than January 1, 2004, the committee
45 shall submit the recommended strategic development
46 plan to the county board of supervisors and the city
47 council of each city in the county.

48 a. Not later than sixty days after receiving the
49 recommended strategic development plan, the county
50 board of supervisors and each city council shall by

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1 resolution either ratify or reject the recommended
2 strategic development plan. A city or county that
3 fails to timely act on the resolution shall be deemed
4 to have ratified the recommended strategic development
5 plan on the last day of the sixty-day period. If the
6 strategic development plan is ratified, the committee
7 shall submit the plan to the land management planning
8 board for approval.

9 b. If the county board of supervisors or a city
10 council rejects the recommended strategic development
11 plan submitted by the committee, the county or city
12 shall submit its objections to the plan along with the
13 notice of rejection. After receiving objections to
14 the plan, the committee may recommend a revised
15 strategic development plan no later than sixty days
16 after the recommended plan is rejected or may resubmit
17 the original plan. Before the committee submits the
18 revised plan recommended for ratification, the
19 committee shall hold at least one public hearing on
20 the revised plan in the manner provided in subsection
21 1. The committee shall submit any revised strategic
22 development plan, or resubmit the original plan, to
23 the county board of supervisors and the city council
24 of each city in the county for ratification.

25 Not later than sixty days after receiving a revised
26 strategic development plan or resubmitted original
27 plan, the county board of supervisors and each city
28 council shall either ratify or reject the plan in the
29 same manner as provided in paragraph "a". A city or
30 county that fails to timely act on a resolution shall
31 be deemed to have ratified the plan on the last day of
32 the sixty-day period.

33 Sec. __. NEW SECTION. 366.6 DISPUTE RESOLUTION.

34 1. If a recommended strategic development plan and
35 a revised strategic development plan are rejected
36 pursuant to section 366.5, subsection 2, paragraph
37 "b", the committee shall submit each of the rejected
38 plans to the board for resolution of the matter within
39 ten days of rejection of the revised plan. The board
40 shall review the strategic development plans submitted
41 by the committee and may adopt such amendments to a
42 plan necessary for its approval by the board.

43 2. Not later than October 1, 2004, the board shall
44 have approved strategic development plans submitted to
45 the board for dispute resolution. Such approval is
46 deemed to satisfy the approval requirement of section
47 366.7.

48 Sec. __. NEW SECTION. 366.7 PLAN SUBMITTED TO
49 BOARD FOR FINAL APPROVAL.

50 A strategic development plan ratified pursuant to

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1 section 366.5 shall be submitted to the board for
2 approval within ten days of ratification of the plan.
3 If the board determines that a plan conforms with the
4 requirements of this chapter, the board shall approve
5 the plan. If the board determines that a plan does
6 not so conform, the board shall adopt such amendments
7 to the plan necessary for its approval by the board.
8 The board shall have approved all plans by January 1,
9 2005.

10 Sec. . NEW SECTION. 366.8 RECORDING OF
11 STRATEGIC DEVELOPMENT PLAN.

12 After the board has approved a strategic
13 development plan, the board shall retain a copy of the
14 plan on file and shall forward a copy to the county
15 auditor who shall record the plan in the office of
16 county recorder no later than five days after
17 receiving the plan from the board.

18 Sec. . NEW SECTION. 366.9 DURATION OF PLANS
19 – REVIEW AND AMENDMENT.

20 After a strategic development plan has been
21 recorded with the county recorder, the plan shall
22 remain in effect for not less than five years absent a
23 showing of extraordinary circumstances necessitating a
24 change in the plan. After expiration of the five-year
25 period, the county or a city in the county may propose
26 an amendment to the strategic development plan or may
27 propose a review of the plan by filing notice with the
28 county board of supervisors for the county and the
29 city council of each city in the county. Upon receipt
30 of such notice by the county and each city, the county
31 board of supervisors shall promptly reconvene the
32 local strategic planning committee. The burden of
33 proving the reasonableness of a proposed amendment to
34 the plan shall be upon the party proposing the
35 amendment. The procedures for amending the strategic
36 development plan shall be the same as the procedures
37 set forth in this chapter for creating the original
38 strategic development plan.

39 Sec. . NEW SECTION. 366.10 JUDICIAL REVIEW.

40 1. The county, a city in the county, a resident of
41 the county, or an owner of real property located in
42 the county may seek judicial review of a decision of
43 the board relating to the strategic development plan
44 presented to the board for its approval. The judicial
45 review provisions of this section and chapter 17A
46 shall be the exclusive means by which a person or
47 party who is aggrieved or adversely affected by action
48 of the board may seek judicial review of the action of
49 the board or of a local government.

50 2. A petition for judicial review must be filed

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1 within sixty days after the strategic development plan
2 is recorded with the county recorder. In accordance
3 with the Iowa rules of civil procedure pertaining to
4 service of process, copies of the petition shall be
5 served upon the board.

6 3. The court's review is limited to questions
7 relating to jurisdiction, regularity of proceedings,
8 and whether the action of the board is, by a
9 preponderance of the evidence, arbitrary,
10 unreasonable, or without substantial supporting
11 evidence. The court may nullify an action of the
12 board and return the plan with appropriate directions
13 to the board.

14 4. The filing of a petition for judicial review
15 does not stay the effectiveness of the strategic
16 development plan or recognition of strategic
17 development areas and strategic preservation areas
18 identified in the plan. However, the court may order
19 a stay upon appropriate terms if it is shown to the
20 satisfaction of the court that any party or the public
21 at large is likely to suffer significant injury if a
22 stay is not granted. If more than one petition for
23 judicial review regarding a single board action is
24 filed, all such petitions shall be consolidated and
25 tried as a single civil action.

26 5. The following portions of section 17A.19 are
27 not applicable to this chapter:

28 a. The portion of subsection 2 relating to where
29 proceedings for judicial review shall be instituted.

30 b. Subsection 5.

31 c. Subsection 8.

32 d. Subsections 10 through 12.

33 Sec. __. NEW SECTION. 366.11 LOCAL
34 IMPLEMENTATION.

35 1. A city or county governed by a strategic
36 development plan shall not adopt ordinances regulating
37 land development and management within its territory
38 that are inconsistent with the strategic development
39 plan governing the territory.

40 2. A county that has approved a strategic
41 development plan pursuant to this chapter, and any
42 city in such county, shall use the strategic
43 development plan as the basis for the comprehensive
44 plan required pursuant to section 335.5 or 414.3 if
45 the county or city has adopted a zoning ordinance.
46 The county and each city shall amend its comprehensive
47 plan to conform to the strategic development plan.
48 After a strategic development plan is approved, all
49 land use decisions made by the governing body of each
50 city and county and the city's or county's planning

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1 commission shall be consistent with the strategic
2 development plan.

3 3. A city or county is under no obligation to
4 provide municipal services for development that does
5 not conform to the applicable strategic development
6 plan.

7 Sec. __. NEW SECTION. 366.12 COUNTY AND CITY
8 ZONING DISCRETIONARY.

9 This chapter shall not be construed as imposing a
10 requirement on a county or city to adopt a zoning
11 ordinance pursuant to chapter 335 or 414.

12 Sec. __. NEW SECTION. 414.32 REGULATORY
13 INCENTIVES.

14 Cities may provide regulatory incentives, including
15 expedited permitting and waiver of permit fees, for
16 new development, expansion of existing development,
17 and redevelopment within all or part of the
18 incorporated boundaries of the city in areas
19 containing undeveloped or underdeveloped land or
20 buildings that are substandard, dilapidated, vacant,
21 abandoned, or functionally obsolete.

22 DIVISION IV
23 CITY DEVELOPMENT

24 Sec. __. Section 368.1, subsection 3, Code 2001,
25 is amended to read as follows:

26 3. "Board" means the city development land
27 management planning board established in section ~~368.9~~
28 6C.5.

29 Sec. __. NEW SECTION. 368.5A ANNEXATION
30 PROHIBITED – STRATEGIC PRESERVATION AREAS.

31 Beginning January 1, 2005, for territory located in
32 a county governed by a strategic development plan,
33 only territory contained in a strategic development
34 area may be annexed. The city council or land
35 management planning board shall not approve any
36 application or petition that seeks to annex territory
37 contained in a strategic preservation area. However,
38 a city may annex territory in a strategic preservation
39 area if the city intends to retain the area's
40 designation as a strategic preservation area and if
41 the annexation is a voluntary annexation applied for
42 pursuant to section 368.7.

43 Sec. __. Section 368.7A, subsection 1, Code 2001,
44 is amended to read as follows:

45 1. The board of supervisors of each affected
46 county shall notify the city development land
47 management planning board of the existence of that
48 portion of any secondary road which extends to the
49 center line but has not become part of the city by
50 annexation and has a common boundary with a city. The

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1 notification shall include a legal description and a
 2 map identifying the location of the secondary road.
 3 The ~~city development land management planning~~ board
 4 shall provide notice and an opportunity to be heard to
 5 each city in or next to which the secondary road is
 6 located. The ~~city development land management~~
 7 ~~planning~~ board shall certify that the notification is
 8 correct and declare the road, or portion of the road
 9 extending to the center line, annexed to the city as
 10 of the date of certification. This section is not
 11 intended to interfere with or modify existing chapter
 12 28E agreements on jurisdictional transfer of roads, or
 13 continuing negotiations between jurisdictions.
 14 Sec. ___. Section 368.11, Code Supplement 2001, is
 15 amended by adding the following new unnumbered
 16 paragraph before unnumbered paragraph 3:
 17 NEW UNNUMBERED PARAGRAPH. Plans required by this
 18 section to be filed with a petition shall include
 19 specific information pertaining to estimated costs of
 20 implementing the plan, the time frame involved in
 21 implementing the plan, and any other specific
 22 information related to implementing the plan.
 23 Sec. ___. Section 368.11, Code Supplement 2001, is
 24 amended by adding the following new subsection:
 25 NEW SUBSECTION. 14. A statement describing how
 26 the boundary adjustment will conform to the strategic
 27 development plan governing the territory, if
 28 applicable.
 29 Sec. ___. Sections 368.9 and 368.10, Code 2001,
 30 are repealed.

DIVISION V

CORRESPONDING AMENDMENTS

31
 32
 33 Sec. ___. Section 15.108, subsection 3, paragraph
 34 a, subparagraph (2), Code Supplement 2001, is amended
 35 to read as follows:
 36 (2) Provide office space and staff assistance to
 37 the ~~city development land management planning~~ board as
 38 provided in section ~~368.9 6C.5~~.
 39 Sec. ___. Section 331.304, subsection 7, Code
 40 2001, is amended to read as follows:
 41 7. The board may file a petition with the ~~city~~
 42 ~~development land management planning~~ board as provided
 43 in section 368.11.
 44 Sec. ___. Section 331.321, subsection 1, paragraph
 45 t, Code Supplement 2001, is amended to read as
 46 follows:
 47 t. Local representatives to serve with the ~~city~~
 48 ~~development land management planning~~ board as provided
 49 in section 368.14.
 50 Sec. ___. Section 384.38, subsection 2, Code 2001,

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1 is amended to read as follows:

2 2. Upon petition as provided in section 384.41,
3 subsection 1, a city may assess to private property
4 affected by public improvements within three miles of
5 the city's boundaries the cost of construction and
6 repair of public improvements within that area. The
7 right-of-way of a railway company shall not be
8 assessed unless the company joins as a petitioner for
9 said such improvements. In the petition the property
10 owners shall waive the limitation provided in section
11 384.62 that an assessment may not exceed twenty-five
12 percent of the value of the lot. The petition shall
13 contain a statement that the owners agree to pay the
14 city an amount equal to five percent of the cost of
15 the improvements, to cover administrative expenses
16 incurred by the city. This amount may be added to the
17 cost of the improvements. Before the council shall
18 adopt the resolution of necessity, the preliminary
19 resolution, preliminary plans and specifications,
20 plat, schedule, and estimate of cost must be submitted
21 to, and receive written approval from, the board of
22 supervisors of any county which contains part of the
23 property, and the city development land management
24 planning board established in section ~~368.9~~ 6C.5.

25 Sec. __. LAND MANAGEMENT PLANNING BOARD
26 TRANSITION. Terms of current city development board
27 members shall continue until their expiration.

28 Sec. __. IMPLEMENTATION OF ACT. Section 25B.2,
29 subsection 3, shall not apply to this Act.

30 Sec. __. EFFECTIVE DATES.

31 1. Division I of this Act, being deemed of
32 immediate importance, takes effect upon enactment.

33 2. The sections of this Act enacting Code section
34 368.5A and amending Code section 368.11 take effect
35 January 1, 2005.

36 3. The remainder of this Act takes effect May 1,
37 2002."

38 3. Title page, by striking lines 1 through 4, and
39 inserting the following: "An Act relating to land use
40 by providing for the sale of certain farmland by Iowa
41 state university of science and technology, providing
42 for the appropriation and use of proceeds from the
43 sale, providing a method for state and local land
44 management and planning, and providing effective
45 dates."

46 4. By renumbering as necessary.

H-8549

1 Amend the amendment, H-8502, to Senate File 2286,
2 as amended, passed, and reprinted by the Senate, as
3 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".

HATCH of Polk

H-8550

1 Amend the amendment, H-8335, to Senate File 2144,
2 as passed by the Senate, as follows:
3 1. Page 1, line 29, by striking the word "thirty"
4 and inserting the following: "ninety".

CHIODO of Polk

H-8556

1 Amend the amendment, H-8335, to Senate File 2144,
2 as passed by the Senate, as follows:
3 1. Page 1, lines 31 and 32, by striking the words
4 "such a revocation" and inserting the following: "a
5 temporary restricted license".

CHIODO of Polk

H-8557

1 Amend Senate File 2326, as passed by the Senate, as
2 follows:
3 1. Page 96, line 4, by striking the figure
4 "35,288,782" and inserting the following:
5 "36,178,782".
6 2. Page 105, line 25, by striking the figure
7 "9,958,412" and inserting the following:
8 "13,658,412".
9 3. Page 109, line 9, by striking the figure
10 "6,414,788" and inserting the following: "6,526,570".
11 4. Page 110, line 4, by striking the figure
12 "100,351,905" and inserting the following:
13 "101,228,905".
14 5. Page 116, line 32, by striking the figure
15 "13,034,755" and inserting the following:
16 "13,437,892".

- 17 6. Page 116, line 33, by striking the figure
 18 "227.65" and inserting the following: "232.65".
- 19 7. Page 117, line 3, by striking the figure
 20 "7,407,087" and inserting the following: "7,636,142".
- 21 8. Page 117, line 9, by striking the figure
 22 "16,924,466" and inserting the following:
 23 "17,512,336".
- 24 9. Page 125, line 28, by striking the figure
 25 "52,356,098" and inserting the following:
 26 "52,623,098".
- 27 10. Page 130, by striking lines 4 through 16.
- 28 11. Page 130, by inserting after line 32, the
 29 following:
 30 "cc. For the fiscal year beginning July 1, 2002,
 31 reimbursement for hospital crossover payments shall be
 32 the lesser of the following:
 33 (1) The medical assistance program allowed cost
 34 amount minus the federal Medicare payment amount.
 35 (2) The federal Medicare coinsurance and
 36 deductible amounts."
- 37 12. Page 136, by inserting after line 6, the
 38 following:
 39 "Sec. NEW SECTION. 249A.20B NURSING
 40 FACILITY CROSSOVER PAYMENTS.
 41 Beginning July 1, 2002, reimbursement under the
 42 medical assistance program for nursing facility
 43 crossover payments shall be the lesser of the
 44 following:
 45 1. The cost amount allowed under the medical
 46 assistance program minus the federal Medicare payment.
 47 2. The federal Medicare coinsurance and deductible
 48 amounts.
 49 Sec. NEW SECTION. 249A.21 INTERMEDIATE CARE
 50 FACILITIES FOR PERSONS WITH MENTAL RETARDATION –

Page 2

- 1 ASSESSMENT.
- 2 1. The department may assess intermediate care
 3 facilities for persons with mental retardation, as
 4 defined in section 135C.1, that are not operated by
 5 the state, a fee in an amount not to exceed six
 6 percent of the total annual revenue of the facility
 7 for the preceding fiscal year.
- 8 2. The assessment shall be paid to the department
 9 in equal monthly amounts on or before the fifteenth
 10 day of each month. The department may deduct the
 11 monthly amount from medical assistance payments to a
 12 facility described in subsection 1. The amount
 13 deducted from payments shall not exceed the total
 14 amount of the assessments due.
- 15 3. Revenue from the assessments shall be credited

16 to the state medical assistance appropriation. This
 17 revenue may be used only for services for which
 18 federal financial participation under the medical
 19 assistance program is available to match state funds.
 20 4. If federal financial participation to match the
 21 assessments made under subsection 1 becomes
 22 unavailable under federal law, the department shall
 23 terminate the imposing of the assessments beginning on
 24 the date that the federal statutory, regulatory, or
 25 interpretive change takes effect.
 26 5. The department of human services may procure a
 27 sole source contract to implement the provisions of
 28 this section."
 29 13. Page 142, by inserting after line 20, the
 30 following:
 31 "____. The section in this division of this Act
 32 relating to the assessment on intermediate care
 33 facilities for persons with mental retardation."
 34 14. By renumbering as necessary.

SMITH of Marshall
 FOEGE of Linn
 ATTEBERRY of Delaware

OSTERHAUS of Jackson
 REEDER of Fayette

H-8558

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. By renumbering as necessary.

MASCHER of Johnson

H-8559

1 Amend Senate File 2305, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 24 the
 4 following:
 5 "Sec. 100. Section 422.7, Code Supplement 2001, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 38. Subtract, to the extent not
 8 otherwise excluded, the amount of withdrawals from

9 tax-deferred savings accounts made during the tax year
10 if the taxpayer or taxpayer's spouse is a member of
11 the Iowa national guard or reserve forces of the
12 United States who is ordered to active state service
13 or federal service or duty. In addition, a penalty
14 for such withdrawals shall not be assessed by the
15 state."

16 2. Page 10, by inserting after line 31, the
17 following:

18 "Sec.____. APPLICABILITY DATE. Section 100 of
19 this Act applies retroactively to January 1, 2002, for
20 tax years beginning on or after that date."

21 3. Title page, line 4, by inserting after the
22 word "fuel" the following: "and including a
23 retroactive applicability date provision".

WARNSTADT of Woodbury

H-8563

1 Amend the House amendment, H-8318, to Senate File
2 2144, as passed by the Senate, as follows:

3 1. Page 1, line 6, by striking the figure "2004"
4 and inserting the following: "2003".

CHIODO of Polk

H-8566

1 Amend House File 729 as follows:

2 1. Page 1, by striking lines 1 through 22.

3 2. By striking page 1, line 27, through page 2,
4 line 7, and inserting the following: "execute a new
5 loan agreement with an eligible borrower."

6 3. Page 2, line 8, by striking the words "NEW
7 PROGRAMS" and inserting the following: "LEGISLATIVE
8 INTENT".

9 4. Page 2, line 9, by striking the words "any
10 new" and inserting the following: "the current".

11 5. Page 2, by striking lines 10 and 11 and
12 inserting the following: "repealed."

13 6. Page 2, by striking lines 20 through 29 and
14 inserting the following:

15 "Sec.____. REPORT TO GENERAL ASSEMBLY. Within
16 sixty days after receiving notice from the treasurer
17 of state of a determination by the treasurer of state
18 that the balance of outstanding loans under all of the
19 linked investment loan programs is less than seventy
20 million dollars, the department of economic
21 development shall submit a report to the general
22 assembly evaluating the current linked investment loan
23 programs.

24 Sec.____. EFFECTIVE DATE. This Act, being deemed
 25 of immediate importance, takes effect upon enactment."
 26 7. By renumbering as necessary.

Committee on Appropriations

H-8567

1 Amend Senate File 2144, as passed by the Senate, as
 2 follows:

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

5 "Sec.____. Section 321J.2, subsection 2, paragraph
 6 a, subparagraphs (1) through (4), Code 2001, are
 7 amended to read as follows:

8 (1) Imprisonment in the county jail for ~~not less~~
 9 ~~than forty-eight hours up to seventy-two hours~~, to be
 10 served as ordered by the court, less credit for any
 11 time the person was confined in a jail or detention
 12 facility following arrest. However, the court, in
 13 ordering service of the sentence and in its
 14 discretion, may accommodate the defendant's work
 15 schedule.

16 (2) Assessment of a fine of up to one thousand
 17 five hundred dollars. ~~However, in the discretion of~~
 18 ~~the court, if no personal or property injury has~~
 19 ~~resulted from the defendant's actions, the court may~~
 20 ~~waive up to five hundred dollars of the fine when the~~
 21 ~~defendant presents to the court at the end of the~~
 22 ~~minimum period of ineligibility, a temporary~~
 23 ~~restricted license issued pursuant to 321J.20. As an~~
 24 alternative to a portion or all of the fine, the court
 25 may order the person to perform unpaid community
 26 service.

27 (3) Revocation of the person's driver's license
 28 pursuant to ~~section 321J.4, subsection 1, section~~
 29 ~~321J.9, or section 321J.12, which includes a minimum~~
 30 ~~revocation period of one hundred eighty days,~~
 31 ~~including a minimum period of ineligibility for a~~
 32 ~~temporary restricted license of thirty days, and may~~
 33 ~~involve a revocation period of one year for a~~
 34 mandatory period of ninety days, with no period of
 35 ineligibility for a temporary restricted license.

36 (4) Assignment to substance abuse evaluation and
 37 treatment, a course for drinking drivers, and, if
 38 available and appropriate, a reality education
 39 substance abuse prevention program pursuant to
 40 subsection 3.

41 Sec.____. Section 321J.2, Code 2001, is amended by
 42 adding the following new subsection:

43 NEW SUBSECTION. 2A. Notwithstanding subsection 2,
 44 paragraph "a", or any other provision of this chapter

45 to the contrary, a person who violates subsection 1,
46 paragraph "b", whose alcohol concentration established
47 by the results of an analysis of a specimen of the
48 person's blood, breath, or urine withdrawn in
49 accordance with this chapter is .15 or more, commits a
50 serious misdemeanor for the first offense punishable

Page 2

1 by all of the following:

2 a. Imprisonment in the county jail of not less
3 than forty-eight hours, to be served as ordered by the
4 court, less credit for any time the person was
5 confined in a jail or detention facility following
6 arrest. However, the court, in ordering service of
7 the sentence and in its discretion, may accommodate
8 the defendant's work schedule.

9 b. Assessment of a fine of not less than one
10 thousand dollars nor more than one thousand five
11 hundred dollars. However, in the discretion of the
12 court, if no personal or property injury has resulted
13 from the defendant's actions, the court may waive up
14 to five hundred dollars of the fine when the defendant
15 presents to the court at the end of the minimum period
16 of ineligibility, a temporary restricted license
17 issued pursuant to section 321J.20. As an alternative
18 to a portion or all of the fine, the court may order
19 the person to perform unpaid community service.

20 c. Revocation of the person's driver's license
21 pursuant to section 321J.4, subsection 1, section
22 321J.9, or section 321J.12, which includes a minimum
23 revocation period of one hundred eighty days,
24 including a minimum period of ineligibility for a
25 temporary restricted license of thirty days, and may
26 involve a revocation period of one year.

27 d. Assignment to substance abuse evaluation and
28 treatment, a course for drinking drivers, and, if
29 available and appropriate, a reality education
30 substance abuse prevention program pursuant to
31 subsection 3.

32 e. This subsection is repealed June 30, 2003.

33 Sec. 100. Section 321J.2, Code 2001, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 2B. Notwithstanding subsection 2,
36 paragraph "a", or any other provision of this chapter
37 to the contrary, a person who violates subsection 1,
38 paragraph "b", whose alcohol concentration established
39 by the results of an analysis of a specimen of the
40 person's blood, breath, or urine withdrawn in
41 accordance with this chapter is .10 or more, commits a
42 serious misdemeanor for the first offense, punishable
43 by all of the following:

44 a. Imprisonment in the county jail of not less
45 than forty-eight hours, to be served as ordered by the
46 court, less credit for any time the person was
47 confined in a jail or detention facility following
48 arrest. However, the court, in ordering service of
49 the sentence and in its discretion, may accommodate
50 the defendant's work schedule.

Page 3

1 b. Assessment of a fine of not less than one
2 thousand dollars nor more than one thousand five
3 hundred dollars. However, in the discretion of the
4 court, if no personal or property injury has resulted
5 from the defendant's actions, the court may waive up
6 to five hundred dollars of the fine when the defendant
7 presents to the court at the end of the minimum period
8 of ineligibility, a temporary restricted license
9 issued pursuant to section 321J.20. As an alternative
10 to a portion or all of the fine, the court may order
11 the person to perform unpaid community service.

12 c. Revocation of the person's driver's license
13 pursuant to section 321J.4, subsection 4, section
14 321J.9, or section 321J.12, which includes a minimum
15 revocation period of one hundred eighty days,
16 including a minimum period of ineligibility for a
17 temporary restricted license of thirty days, and may
18 involve a revocation period of one year.

19 d. Assignment to substance abuse evaluation and
20 treatment, a course for drinking drivers, and, if
21 available and appropriate, a reality education
22 substance abuse prevention program pursuant to
23 subsection 3.

24 Sec. ___. Section 321J.2, subsection 3, paragraph
25 a, unnumbered paragraph 1, Code 2001, is amended to
26 read as follows:

27 Notwithstanding the provisions of sections 901.5
28 and 907.3, the court shall not defer judgment or
29 sentencing, or suspend execution of any mandatory
30 minimum sentence of incarceration applicable to the
31 defendant under subsection 2 or 2A, and shall not
32 suspend execution of any other part of a sentence not
33 involving incarceration imposed pursuant to subsection
34 2 or 2A, if any of the following apply:

35 Sec. ___. Section 321J.2, subsection 3, paragraphs
36 b and c, Code 2001, are amended to read as follows:

37 b. All Except for persons convicted of a first
38 offense pursuant to subsection 2, paragraph "a",
39 persons convicted of an offense under subsection 2
40 shall be ordered, at the person's expense, to undergo,
41 prior to sentencing, a substance abuse evaluation.

42 c. Where the program is available and is

43 appropriate for the convicted person, a person
44 convicted of an offense under subsection 2 shall be
45 ordered to participate in a reality education
46 substance abuse prevention program as provided in
47 section 321J.24. This paragraph shall not apply to a
48 person convicted of a first offense pursuant to
49 section 2, paragraph "a".
50 Sec. ___. Section 321J.3, subsection 1, paragraph

Page 4

1 a, Code 2001, is amended to read as follows:
2 a. In addition to orders issued pursuant to
3 section 321J.2, subsection 3, and section 321J.17, the
4 court shall order any defendant convicted under
5 section 321J.2 to follow the recommendations proposed
6 in the substance abuse evaluation for appropriate
7 substance abuse treatment for the defendant. Court-
8 ordered substance abuse treatment is subject to the
9 periodic reporting requirements of section 125.86.
10 This paragraph shall not apply to a defendant
11 convicted of a first offense pursuant to section
12 321J.2, subsection 2, paragraph "a".
13 Sec. ___. Section 321J.4, subsection 1, Code 2001,
14 is amended to read as follows:
15 1. If Except as provided in section 321J.2,
16 subsection 2, paragraph "a", subparagraph (3), if a
17 defendant is convicted of a violation of section
18 321J.2 and the defendant's driver's license or
19 nonresident operating privilege has not been revoked
20 under section 321J.9 or 321J.12 for the occurrence
21 from which the arrest arose, the department shall
22 revoke the defendant's driver's license or nonresident
23 operating privilege for one hundred eighty days if the
24 defendant has had no previous conviction or revocation
25 under this chapter. The defendant shall not be
26 eligible for any temporary restricted license for at
27 least thirty days after the effective date of the
28 revocation if a test was obtained, and for at least
29 ninety days if a test was refused. If the defendant
30 is under the age of twenty-one, the defendant shall
31 not be eligible for a temporary restricted license for
32 at least sixty days after the effective date of
33 revocation.
34 Sec. ___. Section 321J.4B, subsection 5, paragraph
35 d, Code 2001, is amended to read as follows:
36 d. The period of impoundment or immobilization of
37 a motor vehicle under this section shall be the period
38 of license revocation imposed upon the person
39 convicted of the offense or one hundred eighty days,
40 whichever period is longer. However, for violations
41 described in section 321J.2, subsection 2, paragraph

42 "a", the period of impoundment or immobilization of a
43 motor vehicle shall be the mandatory ninety-day period
44 of license revocation. The impoundment or
45 immobilization period shall commence on the day that
46 the vehicle is first impounded or immobilized."
47 2. Page 1, by inserting after line 10 the
48 following:
49 "Sec. ___. Section 321J.12, subsection 1,
50 paragraph a, Code Supplement 2001, is amended to read

Page 5

1 as follows:

2 a. One hundred eighty days if the person has had
3 no revocation under this chapter, except as provided
4 in section 321J.2, subsection 2, paragraph "a",
5 subparagraph (3)."

6 3. Page 1, by inserting after line 25 the
7 following:

8 "Sec. ___. Section 321J.17, subsection 2, Code
9 2001, is amended by adding the following new
10 unnumbered paragraph:
11 NEW UNNUMBERED PARAGRAPH. This subsection shall
12 not apply to a person convicted of a first offense
13 pursuant to section 321J.2, subsection 2, paragraph
14 "a".

15 Sec. ___. Section 321J.24, subsection 2, Code
16 2001, is amended to read as follows:

17 2. A reality education substance abuse prevention
18 program is established in those judicial districts
19 where the chief judge of the judicial district
20 authorizes participation in the program. Upon a
21 conviction or adjudication for a violation of section
22 321J.2, or the entry of a deferred judgment concerning
23 a violation of section 321J.2, the court or juvenile
24 court may order participation in the reality education
25 substance abuse prevention program as a term and
26 condition of probation or disposition in addition to
27 any other term or condition of probation or
28 disposition required or authorized by law. The court
29 or juvenile court shall require the defendant or
30 delinquent child to abstain from consuming any
31 controlled substance, alcoholic liquor, wine, or beer
32 while participating in the program. This subsection
33 shall not apply to a conviction or adjudication
34 pursuant to section 321J.2, subsection 2, paragraph
35 "a"."

36 4. Page 1, by inserting after line 27 the
37 following:

38 "Sec. ___. FUTURE EFFECTIVE DATE. Section 100 of
39 this Act shall take effect July 1, 2003."

40 5. Title page, line 1, by striking the words

- 41 "providing for a .08 blood alcohol concentration limit
- 42 for" and inserting the following: "relating to".
- 43 6. Title page, line 2, by inserting after the
- 44 word "offenses" the following: ", and providing an
- 45 effective date".
- 46 7. By renumbering as necessary.

HORBACH of Tama	KETTERING of Sac
DOTZLER of Black Hawk	CHIODO of Polk
BRUNKHORST of Bremer	HEATON of Henry
HANSEN of Pottawattamie	TYRRELL of Iowa
ELGIN of Linn	MERTZ of Kossuth

H-8568

- 1 Amend Senate File 2106, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 27 and
- 4 inserting the following:
- 5 "6. a. For filing an application for the license
- 6 to marry, thirty-five dollars, which includes payment
- 7 for one certified copy of the original certificate of
- 8 marriage, to be issued following filing of the
- 9 original certificate of marriage, four dollars of
- 10 which shall be retained by the county pursuant to
- 11 subsection 5. ~~For~~
- 12 b. Unless a license becomes valid in accordance
- 13 with section 595.4, subsection 3, paragraph "a", for
- 14 issuing an application for an order of the district
- 15 court authorizing the validation of a license to marry
- 16 before the expiration of ~~three~~ twenty-one days from
- 17 the date of issuance of the license, five dollars.
- 18 The district court shall authorize the early
- 19 validation of a marriage license without the payment
- 20 of any fees imposed in this subsection upon showing
- 21 that the applicant is unable to pay the fees."
- 22 2. Page 2, line 15, by inserting after the figure
- 23 "154B" the following: "or a person who holds a
- 24 license or certificate from another state whose
- 25 requirements are substantially equivalent to those of
- 26 chapter 154B".
- 27 3. Page 2, line 17, by inserting after the figure
- 28 "154C" the following: "or a person who holds a
- 29 license or certificate from another state whose
- 30 requirements are substantially equivalent to those of
- 31 chapter 154C".
- 32 4. Page 2, line 19, by inserting after the figure
- 33 "154D" the following: "or a person who holds a
- 34 license or certificate from another state whose
- 35 requirements are substantially equivalent to those of
- 36 chapter 154D".
- 37 5. Page 2, by striking lines 20 through 23.

38 6. Page 3, line 28, by striking the word "thirty"
 39 and inserting the following: "twenty-one".
 40 7. Page 3, line 32, by striking the word "thirty"
 41 and inserting the following: "twenty-one".
 42 8. Page 4, line 12, by striking the word "thirty"
 43 and inserting the following: "twenty-one".
 44 9. Page 4, line 16, by striking the word "thirty"
 45 and inserting the following: "twenty-one".
 46 10. Page 4, by inserting after line 23, the
 47 following:
 48 "Sec. __. EMERGENCY OR EXTRAORDINARY CIRCUMSTANCES
 49 – JANUARY 1 THROUGH JUNE 30, 2003. During the period
 50 beginning January 1, 2003, and ending June 30, 2003,

Page 2

1 in determining whether emergency or extraordinary
 2 circumstances exist with regard to a party that
 3 applies for validation of a license to marry prior to
 4 expiration of twenty-one days in the case of emergency
 5 or extraordinary circumstances pursuant to section
 6 595.4, subsection 4, as amended in this Act, a judge
 7 shall consider the amendment of section 595.4,
 8 subsection 4, as amended in this Act, to constitute
 9 emergency or extraordinary circumstances and shall
 10 grant the order authorizing the validation of the
 11 license to marry prior to the expiration of twenty-one
 12 days.
 13 Sec. __. EFFECTIVE DATE. This Act takes effect
 14 January 1, 2003."
 15 11. Title page, line 2, by inserting after the
 16 word "fees" the following: "and providing an
 17 effective date".

BRUNKHORST of Bremer
 WARNSTADT of Woodbury

H-8572

1 Amend Senate File 2144, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 3, by striking the figure ".08"
 4 and inserting the following: ".02".
 5 2. Page 1, by striking lines 8 through 10 and
 6 inserting the following: "and it indicated an alcohol
 7 concentration of .02 or more ~~but less than .10~~ and the
 8 person is under the age of twenty-one".
 9 3. Page 1, by striking lines 20 and 21 and
 10 inserting the following: "concentration as defined in
 11 section 321J.1 of .02 or more ~~but less than .10~~, the
 12 department shall revoke the person's".

13 4. Title page, line 1, by striking the figure
14 ".08" and inserting the following: ".02".

CHIODO of Polk

H-8575

1 Amend House File 2622 as follows:

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

4 "Section. 1. NEW SECTION. 298B.1 SCHOOL DISTRICT
5 SALES TAX FUND.

6 1. A school district sales tax fund is created as
7 a separate and distinct fund in the state treasury
8 under the control of the department of revenue and
9 finance. Moneys in the fund include revenues credited
10 to the fund pursuant to section 422.69, subsection 2,
11 appropriations made to the fund, and other moneys
12 deposited into the fund. The moneys credited in a
13 fiscal year to the fund shall be distributed as
14 follows:

15 a. (1) A school district located in whole or in
16 part in a county that voted on and approved prior to
17 March 31, 2002, the local sales and services tax for
18 school infrastructure purposes under chapter 422E
19 shall receive an amount equal to its guaranteed school
20 infrastructure amount as calculated under subsection 2
21 if the board of directors notifies the director of
22 revenue and finance that the school district wants to
23 receive its guaranteed school infrastructure amount.
24 The notification shall be provided by July 1, 2003.
25 If notification is not received by July 1, 2003, the
26 school district shall receive moneys pursuant to
27 paragraph "b". Nothing in this chapter shall prevent
28 a school district from using its guaranteed school
29 infrastructure amount to pay principal and interest on
30 obligations issued pursuant to section 422E.4.

31 (2) A school district receiving moneys pursuant to
32 subparagraph (1) shall cease to receive its guaranteed
33 school infrastructure amount and shall receive moneys
34 pursuant to paragraph "b" starting with the calendar
35 quarter immediately following the calendar quarter in
36 which occurs the end of the original ten-year period
37 or the date listed on the original ballot proposition,
38 whichever is the earlier, as provided in chapter 422E.
39 However, a school district receiving moneys pursuant
40 to subparagraph (1) may elect at anytime to receive
41 moneys pursuant to paragraph "b" by providing
42 notification to receive moneys pursuant to paragraph
43 "b" to the director of revenue and finance and the
44 director of the department of management by the middle
45 of the fifth month preceding the calendar quarter for

46 which the election will apply. Once a school district
47 makes this election it is irrevocable.

48 b. (1) Moneys remaining after computations made
49 pursuant to paragraph "a" shall be distributed to
50 school districts not receiving moneys under paragraph

Page 2

1 "a" on a per student basis calculated by the director
2 of revenue and finance by dividing the moneys
3 available during the previous calendar quarter by the
4 combined actual enrollment for all school districts
5 receiving distributions under this paragraph.

6 (2) The combined actual enrollment for school
7 districts, for purposes of subparagraph (1), shall be
8 calculated by adding together the actual enrollment
9 for each school district receiving distributions under
10 subparagraph (1) as determined by the department of
11 management based on the actual enrollment figures
12 reported by October 1 to the department of management
13 by the department of education pursuant to section
14 257.6, subsection 1. The combined actual enrollment
15 count shall be forwarded to the director of revenue
16 and finance by January 1, annually, for purposes of
17 supplying estimated tax payment figures and making tax
18 payments pursuant to subsection 3 for the following
19 four calendar quarters.

20 2. a. For purposes of distributions under
21 subsection 1, paragraph "a", the school district's
22 guaranteed school infrastructure amount shall be
23 calculated according to the following formula:

24 The district's guaranteed school infrastructure
25 amount equals the product of the county guaranteed
26 school infrastructure amount times the district's
27 county actual enrollment divided by the county
28 combined actual enrollment.

29 b. For purposes of the formula in paragraph "a":

30 (1) "Base year" means the fiscal year beginning
31 July 1, 2001.

32 (2) "Base year county taxable sales percentage"
33 means the percentage that the taxable sales in the
34 county during the base year is of the total state
35 taxable sales during the base year.

36 (3) "County combined actual enrollment" means the
37 actual enrollment figures determined by the department
38 of management for the county based on the actual
39 enrollment figures reported by October 1 to the
40 department of management by the department of
41 education pursuant to section 257.6, subsection 1.

42 (4) "County guaranteed school infrastructure
43 amount" means an amount equal to the product of the
44 county's chapter 422E proportionate share times the

45 amount deposited in the school district sales tax fund
46 for the current quarter times the current quarter
47 county taxable sales percentage divided by the base
48 year county taxable sales percentage.
49 (5) "County's chapter 422E proportionate share"
50 means the percentage that the annualized revenues

Page 3

1 received or which would have been received in the
2 county under chapter 422E for the base year is of one-
3 fifth of the total state sales tax revenues collected
4 for deposit into the general fund of the state for the
5 base year.

6 (6) "Current quarter" means the calendar quarter
7 for which distributions under this section are being
8 made.

9 (7) "Current quarter county taxable sales
10 percentage" means the percentage that the taxable
11 sales in the county during the current quarter is of
12 the total state taxable sales during the current
13 quarter.

14 (8) "District's county actual enrollment" means
15 the actual enrollment of the school district that
16 attends school in the county for which the county
17 combined actual enrollment is determined.

18 (9) "Taxable sales" means sales subject to the
19 state sales and services tax under chapter 422,
20 division IV.

21 3. a. The director of revenue and finance by
22 April 10 preceding each fiscal year shall send to each
23 school district an estimate of the amount of tax
24 moneys each school district will receive for the year
25 and for each quarter of the year. At the end of each
26 quarter, the director may revise the estimates for the
27 year and remaining quarters.

28 b. The director shall remit ninety-five percent of
29 the estimated tax receipts collected during the
30 previous calendar quarter for the school district to
31 the school district on or before the end of the
32 following calendar quarter. The first distributions
33 shall be made on or before July 1, 2003, of the
34 estimated tax receipts collected during the calendar
35 quarter beginning January 1, 2003, and ending March
36 31, 2003.

37 c. The director shall remit a final payment of the
38 remainder of tax moneys due for the fiscal year before
39 November 10 of the next fiscal year. If an
40 overpayment has resulted during the previous fiscal
41 year, the November payment shall be adjusted to
42 reflect any overpayment.

43 d. If the distributions are to school districts

44 described in subsection 1, paragraph "a", the payments
45 to these school districts shall be made on a monthly
46 basis beginning with the first distribution to be made
47 in February 2003.

48 4. The department of revenue and finance has
49 rulemaking authority for purposes of carrying out the
50 provisions of this section.

Page 4

1 Sec. 104. NEW SECTION. 298B.2 USE OF SCHOOL
2 DISTRICT SALES TAX FUND MONEYS.

3 1. a. A school district receiving moneys from the
4 school district sales tax fund under section 298B.1,
5 subsection 1, paragraph "a", shall use the moneys as
6 provided on the original ballot proposition pursuant
7 to chapter 422E, for the payment of principal and
8 interest on general obligation bonds issued pursuant
9 to chapter 296, or section 298.20 or loan agreements
10 under section 297.36, for payments made pursuant to
11 real property lease or lease-purchase agreements, or
12 for payment of principal and interest on bonds issued
13 under section 298B.3 or 422E.4.

14 b. If a school district that qualifies to receive
15 a guaranteed school infrastructure amount under
16 section 298B.1, subsection 1, paragraph "a", elects to
17 receive moneys under section 298B.1, subsection 1,
18 paragraph "b", the school district shall use the
19 moneys received, in an amount equal to its guaranteed
20 school infrastructure amount, for the purposes
21 provided in paragraph "a" of this subsection until the
22 fiscal year immediately following the fiscal year in
23 which occurs the end of the original ten-year period
24 or the date listed on the original ballot proposition,
25 whichever is the earlier, as provided in chapter 422E,
26 at which time all moneys received shall be used as
27 provided in subsection 2.

28 2. a. Moneys received by a school district from
29 the school district sales tax fund under section
30 298B.1, subsection 1, paragraph "b", except to the
31 extent provided in subsection 1, paragraph "b", of the
32 section, shall be spent for property tax relief or
33 infrastructure purposes according to an infrastructure
34 plan developed by the board of directors. The
35 infrastructure plan may apply to more than one fiscal
36 year, but shall be reviewed periodically by the board
37 of directors. Prior to adoption of the plan, the
38 board of directors shall hold a public hearing on the
39 question of approval of the proposed plan. The board
40 shall set forth its proposal and shall publish the
41 notice of the time and place of a public hearing on
42 the proposed plan. Notice of the time and place of

43 the public hearing shall be published not less than
44 ten nor more than twenty days before the public
45 hearing in a newspaper which is a newspaper of general
46 circulation in the school district. At the hearing,
47 or no later than thirty days after the date of the
48 hearing, the board shall take action to adopt the
49 proposed plan.
50 b. If the board adopts the plan, the board shall

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1 direct the county commissioner of elections to submit
2 the question of the approval or disapproval of the
3 infrastructure plan to the registered voters of the
4 school district at the next following regular school
5 election or a special election. If a majority of
6 those voting on the question favor the plan of the
7 board, the moneys received shall be used according to
8 the plan beginning with the first fiscal year
9 following that election until a change in the plan is
10 approved at a subsequent election by a majority of
11 those voting on the question. If a majority of those
12 voting on the question at the election does not favor
13 the plan of the board, the district shall use the
14 moneys received as provided in paragraph "c" for the
15 fiscal year.

16 If a plan is not approved at an election, the
17 question of the approval of the plan or any part of
18 that plan shall not be submitted to the registered
19 voters sooner than six months from the date the plan
20 or part of the plan was previously submitted.

21 c. If the infrastructure plan is not approved at
22 an election as provided in paragraph "b", or if a plan
23 is not approved by the board, moneys received by a
24 school district or moneys in excess of those needed
25 for infrastructure purposes according to an approved
26 plan shall be used for the fiscal year to reduce the
27 following levies including income surtax, if any, in
28 the order determined by the board:

29 (1) Bond levies under sections 298.18 and 298.18A
30 and all other debt levies until the moneys received or
31 the levies are reduced to zero.

32 (2) The regular physical plant and equipment levy
33 under section 298.2, until the moneys received or the
34 levy is reduced to zero.

35 (3) The voter-approved physical plant and
36 equipment levy and income surtax, if any, under
37 section 298.2, until the moneys received or the levy
38 and income surtax, if any, is reduced to zero.

39 (4) The district management levy under section
40 298.4, until the moneys received or the levy is
41 reduced to zero.

42 (5) The cash reserve levy under section 298.10,
43 until the moneys received or the levy is reduced to
44 zero.

45 (6) The budget adjustment levy under section
46 257.14, until the moneys received or the levy is
47 reduced to zero.

48 (7) The playground and equipment levy under
49 section 300.2, until the moneys received or the levy
50 is reduced to zero.

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1 d. For purposes of this subsection,
2 "infrastructure purposes" means those purposes for
3 which a school district is authorized to contract
4 indebtedness and issue general obligation bonds under
5 chapter 296 or to expend tax revenues under section
6 298.3, the payment of principal and interest on
7 general obligation bonds issued under chapter 296 or
8 section 298.20 or loan agreements under section
9 297.36, payments made pursuant to a real property
10 lease or lease-purchase agreement, or the payment of
11 principal and interest on bonds issued under section
12 298.3 or 422E.4.

13 e. Notwithstanding any other provision in this
14 subsection, moneys received by a school district from
15 the school district sales tax fund under section
16 298B.1, subsection 1, paragraph "b", during the fiscal
17 year beginning July 1, 2002, shall be dedicated for
18 property tax relief by reducing the levies specified
19 in paragraph "c" for taxes payable in the fiscal year
20 beginning July 1, 2003. However, if an infrastructure
21 plan is approved at an election by the required
22 majority of those voting prior to April 15, 2003, any
23 amount of such dedicated moneys may be used for the
24 purposes specified under the plan.

25 Sec. 105. NEW SECTION. 298B.3 BONDING.

26 A school district receiving moneys pursuant to
27 section 298B.1, subsection 1, paragraph "a", or a
28 school district receiving moneys pursuant to section
29 298B.1, subsection 1, paragraph "b", which has
30 approved by election the use of the moneys for
31 infrastructure purposes, may anticipate the amount of
32 moneys to be received pursuant to section 298B.1 as
33 provided in this section.

34 The board of directors of a school district may
35 issue negotiable, interest-bearing school bonds,
36 without an additional election, and utilize tax
37 receipts derived from the school district sales tax
38 fund for principal and interest repayment. Proceeds
39 of the bonds issued pursuant to this section shall be
40 utilized solely for infrastructure purposes as defined

41 in section 298B.2, subsection 2.
 42 Bonds issued under this section may be sold at
 43 public sale as provided in chapter 75. Notice shall
 44 be given and a hearing shall be held as provided in
 45 section 73A.12. Bonds may bear dates, bear interest
 46 at rates not exceeding that permitted by chapter 74A,
 47 mature in one or more installments, be in either
 48 coupon or registered form, carry registration and
 49 conversion privileges, be payable as to principal and
 50 interest at times and places, be subject to terms of

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1 redemption prior to maturity with or without premium,
 2 and be in one or more denominations, all as provided
 3 by the resolution of the board of directors
 4 authorizing their issuance. However, the maximum
 5 period during which principal on the bonds is payable
 6 shall not exceed the length of time the infrastructure
 7 plan is valid. The resolution may also prescribe
 8 additional provisions, terms, conditions, and
 9 covenants which the board of directors deems
 10 advisable, including provisions for creating and
 11 maintaining reserve funds, the issuance of additional
 12 bonds ranking on a parity with such bonds and
 13 additional bonds junior and subordinate to such bonds,
 14 and that such bonds shall rank on a parity with or be
 15 junior and subordinate to any bonds which may be then
 16 outstanding. Bonds may be issued to refund
 17 outstanding and previously issued bonds under this
 18 section. Bonds are a contract between the school
 19 district and holders, and the resolution issuing the
 20 bonds and pledging tax revenues to be received from
 21 the school district sales tax fund to the payment of
 22 principal and interest on the bonds is a part of the
 23 contract. Bonds issued pursuant to this section shall
 24 not constitute indebtedness within the meaning of any
 25 constitutional or statutory debt limitation or
 26 restriction, and shall not be subject to any other law
 27 relating to the authorization, issuance, or sale of
 28 bonds.

29 A school district may enter into a chapter 28E
 30 agreement with another school district or other public
 31 entity. The school district shall only expend its
 32 designated portion of tax revenues to be received from
 33 the school district sales tax fund.

34 Sec. 106. NEW SECTION. 298B.4 REPEAL.

35 This chapter is repealed July 1, 2022, for fiscal
 36 years beginning on or after that date."

37 2. Page 11, by inserting after line 14 the
 38 following:

39 "Sec. 107. Section 422.43, subsections 1, 2, 4, 5,

40 6, 7, 10, and 12, Code Supplement 2001, are amended to
41 read as follows:

42 1. There is imposed a tax of ~~five~~ six percent upon
43 the gross receipts from all sales of tangible personal
44 property, consisting of goods, wares, or merchandise,
45 except as otherwise provided in this division, sold at
46 retail in the state to consumers or users; a like rate
47 of tax upon the gross receipts from the sales,
48 furnishing, or service of gas, electricity, water,
49 heat, pay television service, and communication
50 service, including the gross receipts from such sales

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1 by any municipal corporation or joint water utility
2 furnishing gas, electricity, water, heat, pay
3 television service, and communication service to the
4 public in its proprietary capacity, except as
5 otherwise provided in this division, when sold at
6 retail in the state to consumers or users; a like rate
7 of tax upon the gross receipts from all sales of
8 tickets or admissions to places of amusement, fairs,
9 and athletic events except those of elementary and
10 secondary educational institutions; a like rate of tax
11 on the gross receipts from an entry fee or like charge
12 imposed solely for the privilege of participating in
13 an activity at a place of amusement, fair, or athletic
14 event unless the gross receipts from the sales of
15 tickets or admissions charges for observing the same
16 activity are taxable under this division; and a like
17 rate of tax upon that part of private club membership
18 fees or charges paid for the privilege of
19 participating in any athletic sports provided club
20 members.

21 2. There is imposed a tax of ~~five~~ six percent upon
22 the gross receipts derived from the operation of all
23 forms of amusement devices and games of skill, games
24 of chance, raffles, and bingo games as defined in
25 chapter 99B, operated or conducted within the state,
26 the tax to be collected from the operator in the same
27 manner as for the collection of taxes upon the gross
28 receipts of tickets or admission as provided in this
29 section. The tax shall also be imposed upon the gross
30 receipts derived from the sale of lottery tickets or
31 shares pursuant to chapter 99E. The tax on the
32 lottery tickets or shares shall be included in the
33 sales price and distributed to the general fund as
34 provided in section 99E.10.

35 4. There is imposed a tax of ~~five~~ six percent upon
36 the gross receipts from the sales of engraving,
37 photography, retouching, printing, and binding
38 services. For the purpose of this division, the sales

39 of engraving, photography, retouching, printing, and
40 binding services are sales of tangible property.

41 5. There is imposed a tax of ~~five~~ six percent upon
42 the gross receipts from the sales of vulcanizing,
43 recapping, and retreading services. For the purpose
44 of this division, the sales of vulcanizing, recapping,
45 and retreading services are sales of tangible
46 property.

47 6. There is imposed a tax of ~~five~~ six percent upon
48 the gross receipts from the sales of optional service
49 or warranty contracts, except residential service
50 contracts regulated under chapter 523C, which provide

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1 for the furnishing of labor and materials and require
2 the furnishing of any taxable service enumerated under
3 this section. The gross receipts are subject to tax
4 even if some of the services furnished are not
5 enumerated under this section. For the purpose of
6 this division, the sale of an optional service or
7 warranty contract, other than a residential service
8 contract regulated under chapter 523C, is a sale of
9 tangible personal property. Additional sales,
10 services, or use taxes shall not be levied on
11 services, parts, or labor provided under optional
12 service or warranty contracts which are subject to tax
13 under this section.

14 If the optional service or warranty contract is a
15 computer software maintenance or support service
16 contract and there is no separately stated fee for the
17 taxable personal property or for the nontaxable
18 service, the tax of ~~five~~ six percent imposed by this
19 subsection shall be imposed on fifty percent of the
20 gross receipts from the sale of such contract. If the
21 contract provides for technical support services only,
22 no tax shall be imposed under this subsection. The
23 provisions of this subsection also apply to the tax
24 imposed by chapter 423.

25 7. There is imposed a tax of ~~five~~ six percent upon
26 the gross receipts from the renting of rooms,
27 apartments, or sleeping quarters in a hotel, motel,
28 inn, public lodging house, rooming house, manufactured
29 or mobile home which is tangible personal property, or
30 tourist court, or in any place where sleeping
31 accommodations are furnished to transient guests for
32 rent, whether with or without meals. "Renting" and
33 "rent" include any kind of direct or indirect charge
34 for such rooms, apartments, or sleeping quarters, or
35 their use. For the purposes of this division, such
36 renting is regarded as a sale of tangible personal
37 property at retail. However, this tax does not apply

38 to the gross receipts from the renting of a room,
39 apartment, or sleeping quarters while rented by the
40 same person for a period of more than thirty-one
41 consecutive days.

42 10. There is imposed a tax of ~~five~~ six percent
43 upon the gross receipts from the rendering,
44 furnishing, or performing of services as defined in
45 section 422.42.

46 12. A tax of ~~five~~ six percent is imposed upon the
47 gross receipts from the sales of prepaid telephone
48 calling cards and prepaid authorization numbers. For
49 the purpose of this division, the sales of prepaid
50 telephone calling cards and prepaid authorization

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1 numbers are sales of tangible personal property.

2 Sec. 108. Section 422.43, subsection 13, paragraph
3 a, unnumbered paragraph 1, Code Supplement 2001, is
4 amended to read as follows:

5 A tax of ~~five~~ six percent is imposed upon the gross
6 receipts from the sales, furnishing, or service of
7 solid waste collection and disposal service.

8 Sec. 109. Section 422.43, subsections 16 and 17,
9 Code Supplement 2001, are amended to read as follows:

10 16. a. A tax of ~~five~~ six percent is imposed upon
11 the gross receipts from sales of bundled services
12 contracts. For purposes of this subsection, a
13 "bundled services contract" means an agreement
14 providing for a retailer's performance of services,
15 one or more of which is a taxable service enumerated
16 in this section and one or more of which is not, in
17 return for a consumer's or user's single payment for
18 the performance of the services, with no separate
19 statement to the consumer or user of what portion of
20 that payment is attributable to any one service which
21 is a part of the contract.

22 b. For purposes of the administration of the tax
23 on bundled services contracts, the director may enter
24 into agreements of limited duration with individual
25 retailers, groups of retailers, or organizations
26 representing retailers of bundled services contracts.
27 Such an agreement shall impose the tax rate only upon
28 that portion of the gross receipts from a bundled
29 services contract which is attributable to taxable
30 services provided under the contract.

31 17. A tax of ~~five~~ six percent is imposed upon the
32 gross receipts from any mobile telecommunication
33 service which this state is allowed to tax by the
34 provisions of the federal Mobile Telecommunications
35 Sourcing Act, Pub. L. No. 106-252, 4 U.S.C. § 116 et
36 seq. For purposes of this subsection, taxes on mobile

37 telecommunications service, as defined under the
38 federal Mobile Telecommunications Sourcing Act, that
39 are deemed to be provided by the customer's home
40 service provider shall be paid to the taxing
41 jurisdiction whose territorial limits encompass the
42 customer's place of primary use, regardless of where
43 the mobile telecommunication service originates,
44 terminates, or passes through and shall in all other
45 respects be taxed in conformity with the federal
46 Mobile Telecommunications Sourcing Act. All other
47 provisions of the federal Mobile Telecommunications
48 Sourcing Act are adopted by the state of Iowa and
49 incorporated into this subsection by reference. With
50 respect to mobile telecommunications service under the

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1 federal Mobile Telecommunications Sourcing Act the
2 director shall, if requested, enter into agreements
3 consistent with the provisions of the federal Act.

4 Sec. 110. Section 422.43, Code Supplement 2001, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 18. The sales tax rate of six
7 percent is reduced to five percent on July 1, 2022."

8 3. Page 11, by inserting after line 21 the
9 following:

10 "Sec. 111. Section 422.47, Code Supplement 2001,
11 is amended by adding the following new subsection:

12 NEW SUBSECTION. 2. Construction contractors may
13 make application to the department for a refund of the
14 additional one percent tax paid under this division by
15 reason of the increase in the tax from five to six
16 percent for taxes paid on goods, wares, or merchandise
17 under the following conditions:

18 a. The goods, wares, or merchandise are
19 incorporated into an improvement to real estate in
20 fulfillment of a written contract fully executed prior
21 to January 1, 2003. The refund shall not apply to
22 equipment transferred in fulfillment of a mixed
23 construction contract.

24 b. The contractor has paid to the department or to
25 a retailer the full six percent tax.

26 c. The claim is filed on forms provided by the
27 department and is filed within one year of the date
28 the tax is paid.

29 A contractor who makes an erroneous application for
30 refund shall be liable for payment of the excess
31 refund paid plus interest at the rate in effect under
32 section 421.7. In addition, a contractor who
33 willfully makes a false application for refund is
34 guilty of a simple misdemeanor and is liable for a
35 penalty equal to fifty percent of the excess refund

36 claimed. Excess refunds, penalties, and interest due
 37 under this subsection may be enforced and collected in
 38 the same manner as the tax imposed by this division."

39 4. Page 12, by inserting after line 22 the
 40 following:

41 "Sec. 112. Section 422.69, subsection 2, Code
 42 2001, is amended to read as follows:

43 2. a. Unless Except as provided in paragraph "
 44 or as otherwise provided, the fees, taxes, interest,
 45 and penalties collected under this chapter shall be
 46 credited to the general fund.

47 b. One-sixth of the fees, taxes, interest, and
 48 penalties collected pursuant to division IV shall be
 49 credited to the school district sales tax fund created
 50 in section 298B.1. This paragraph is repealed July 1,

Page 12

1 2022."

2 5. By striking page 12, line 32 through page 13,
 3 line 5 and inserting the following:

4 "Sec. 113. Section 422E.1, Code 2001, is amended
 5 by adding the following new subsection:

6 NEW SUBSECTION. 4. a. This chapter does not
 7 apply to any county after the effective date of this
 8 section of this Act, except to the extent provided in
 9 paragraph "b". Any election on the imposition of the
 10 local sales and services tax scheduled to be held on
 11 or after the effective date of this section of this
 12 Act shall not be held.

13 b. A county that has voted on and approved prior
 14 to March 31, 2002, a local sales and services tax for
 15 school infrastructure purposes shall impose the tax
 16 until December 31, 2002. However, the increase in the
 17 state sales and services tax under chapter 422,
 18 division IV, from five percent on January 1, 2003, to
 19 six percent shall replace the county's local sales and
 20 services tax for school infrastructure purposes and to
 21 this extent the local sales and services tax for
 22 school infrastructure purposes is repealed."

23 6. Page 20, by inserting after line 2 the
 24 following:

25 "Sec. 114. APPLICABILITY. This section applies in
 26 regard to the increase in the state sales tax from
 27 five to six percent. The six percent rate applies to
 28 all sales of taxable personal property, consisting of
 29 goods, wares, or merchandise if delivery occurs on or
 30 after January 1, 2003. The six percent rate applies
 31 to the gross receipts from the sale, furnishing, or
 32 service of gas, electricity, water, heat, pay
 33 television service, and communication service if the
 34 date of billing the customer is on or after January 1,

35 2003. In the case of a service contract entered into
 36 prior to January 1, 2003, which contract calls for
 37 periodic payments, the six percent rate applies to
 38 those payments made or due on or after January 1,
 39 2003. This periodic payment applies, but is not
 40 limited to, tickets or admissions, private club
 41 membership fees, sources of amusement, equipment
 42 rental, dry cleaning, reducing salons, dance schools,
 43 and all other services subject to tax, except the
 44 aforementioned utility services which are subject to a
 45 special transitional rule. Unlike periodic payments
 46 under service contracts, installment sales of goods,
 47 wares, and merchandise are subject to the full amount
 48 of sales or use tax when the sales contract is entered
 49 into."

50 7. Page 20, by inserting after line 19 the

Page 13

1 following:

2 " ____ . Sections 1, 104, and 113 of this Act,
 3 enacting sections 298B.1 and 298B.2 and section
 4 422E.1, subsection 4, being deemed of immediate
 5 importance, take effect upon enactment.
 6 ____ . Sections 107, 108, 109, 111, and 112 of this
 7 Act, amending section 422.43, increasing the sales
 8 tax, and sections 422.47 and 422.69, take effect
 9 January 1, 2003."

10 8. Title page, line 5, by inserting after the
 11 word "taxes," the following: "increasing state sales
 12 tax revenues to be used by school districts for
 13 property tax relief and infrastructure purposes if
 14 approved by the vote of the electorate, providing a
 15 penalty,".

RICHARDSON of Warren

H-8579

1 Amend Senate File 2326, as passed by the Senate, as
 2 follows:

3 1. Page 71, by inserting after line 8, the
 4 following:

5 "Sec. ____ . Section 260C.24, Code 2001, is amended
 6 to read as follows:

7 260C.24 DISTRIBUTION AND PAYMENT OF
 8 APPROPRIATIONS.

9 1. If the amount of moneys appropriated by the
 10 general assembly from the general fund of the state to
 11 the department of education for community colleges for
 12 general state financial aid exceeds the amount
 13 appropriated in the prior fiscal year, the department

14 of education shall cause the excess to be distributed
 15 to each community college based on each community
 16 college's proportional share of the total full-time
 17 equivalent enrollment.

18 2. Payment of appropriations for distribution
 19 under this chapter, or of appropriations made in lieu
 20 of such appropriations, shall be made by the
 21 department of revenue and finance in monthly
 22 installments due on or about the fifteenth of each
 23 month of a budget year, and installments shall be as
 24 nearly equal as possible, as determined by the
 25 department of revenue and finance, taking into
 26 consideration the relative budget and cash position of
 27 the state resources."

28 2. By renumbering as necessary.

HANSEN of Pottawattamie

H-8584

1 Amend House File 2618 as follows:

2 1. Page 2, by inserting before line 16, the
 3 following:

4 "Sec. __. NEW SECTION. 100.4A REPORT OF BURN
 5 INJURIES.

6 In every case where a person receives a second or
 7 third degree burn to five percent or more of the
 8 person's body as a whole, a burn to the upper
 9 respiratory tract or occurring laryngeal edema due to
 10 the inhalation of super-heated air, or any burn injury
 11 or wound which is likely to result in death, the burn
 12 injury or wound shall be reported to the state fire
 13 marshal's office. The report to the state fire
 14 marshal's office shall be made by the attending
 15 physician."

16 2. By renumbering as necessary.

SHEY of Linn
 DOTZLER of Black Hawk
 SIEVERS of Scott

KREIMAN of Davis
 CONNORS of Polk

H-8587

1 Amend Senate File 2144, as passed by the Senate, as
 2 follows:

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

5 "Sec. __. Section 321J.2, subsection 2, Code
 6 2001, is amended by adding the following new
 7 unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Except in cases where
 9 the court orders a defendant to a substance abuse

10 treatment program, a defendant sentenced pursuant to
 11 subsection 2, paragraph "a", shall not be subject to
 12 supervised probation. The judicial district
 13 department of correctional services shall be
 14 reimbursed for administrative costs, including
 15 pretrial evaluation fees involved in substance abuse
 16 evaluations conducted by the judicial district
 17 department of correctional services."
 18 2. By renumbering, redesignating, and correcting
 19 internal references as necessary.

KETTERING of Sac

H-8588

1 Amend Senate File 2310, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 13 and 14 and
 4 inserting the following: "provided by the county
 5 board of supervisors, and shall be exclusive".
 6 2. Page 2, by striking line 16.
 7 3. Page 2, line 17, by striking the word
 8 "species," and inserting the following: ", and shall
 9 be".
 10 4. Page 3, line 1, by striking the words "the
 11 ground" and inserting the following: "~~the ground a~~
 12 permanent grass".
 13 5. Page 3, by striking lines 14 and 15 and
 14 inserting the following: "county board of
 15 supervisors, and shall be exclusive of primary".
 16 6. Page 3, lines 25 and 26, by striking the words
 17 "~~and the ground cover requirement~~".
 18 7. Page 3, line 28, by striking the words "~~the~~
 19 property" and inserting the following: "land
 20 designated for use as a wildlife habitat".
 21 8. Page 3, line 30, by striking the words "~~as it~~
 22 relates to the ground cover".

SIEVERS of Scott
 FINCH of Polk

FALLON of Polk
 FREVERT of Palo Alto

H-8591

1 Amend Senate File 2324, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, by inserting after line 15 the
 4 following:
 5 "Sec. . **NEW SECTION. 72.7 PUBLIC WORKS**
 6 **PROJECTS – COMPETITIVE BIDDING REQUIREMENTS.**
 7 Prior to awarding a contract to perform work on a
 8 public works project pursuant to a competitive bidding

9 procedure, which contract authorizes the expenditure
 10 of twenty-five thousand dollars or more in public
 11 funds, a public owner as defined in section 72.6 shall
 12 consider, in determining whether a bidder is
 13 responsible, the bidder's record of reliability and
 14 timely completion of past projects, the qualifications
 15 of the bidder and its employer and subcontractors to
 16 properly perform the type of work required by the
 17 contract, and the past experience of the bidder and
 18 its subcontractors on projects of the same or similar
 19 nature. In addition, for a bid to be considered a
 20 responsible bid, the bidder and its subcontractors
 21 shall possess a documented record of reliability and
 22 timely completion of past projects of the same or
 23 similar scope of work and a sufficient number of
 24 qualified and trained employees to properly perform
 25 the type and nature of work required under the
 26 contract. Proof of a sufficient number of qualified
 27 and trained employees shall not be required if the
 28 bidder and its subcontractors can establish its
 29 payment of the prevailing wage for the work to be
 30 performed as determined by the department of workforce
 31 development based upon wage determinations established
 32 by the United States department of labor for similar
 33 work pursuant to 29 C.F.R. § 1.5 and 29 C.F.R. §
 34 1.6(b)."

35 2. Title page, line 2, by inserting after the
 36 word "projects" the following: "and providing for
 37 certain competitive bidding procedures for public
 38 owners".

39 3. By renumbering, redesignating, and correcting
 40 internal references as necessary.

T. TAYLOR of Linn

H-8592

1 Amend Senate File 2324, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 27, by inserting after the word
 4 "owner" the following: "or with proceeds from a local
 5 option sales and services tax for school
 6 infrastructure purposes imposed pursuant to chapter
 7 422E".

BRUNKHORST of Bremer

H-8593

1 Amend Senate File 2324, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 30 the

4 following:

5 "f. Evaluate the benefits and potential cost
6 savings of utilizing and entering into a project labor
7 agreement on the public works project."

DOTZLER of Black Hawk

H-8594

1 Amend Senate File 2324, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 5, by inserting after the word
4 "project." the following: "A construction manager
5 shall be permitted to enter into a project labor
6 agreement on any public works project."

DOTZLER of Black Hawk

H-8596

1 Amend Senate File 2324, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 5 through 7 and
4 inserting the following:
5 "a. "Construction management services" means
6 advisory services contracted by a public owner in the
7 planning, design, or construction phases of a public
8 works project regarding cost control,
9 constructibility, scheduling, project management, or
10 construction."

11 2. Page 1, line 28, by inserting after the word
12 "district" the following: ", an electric utility
13 subject to the provisions of section 476.1A, or a gas
14 or electric rate-regulated public utility as defined
15 in section 476.1,".

16 3. Page 2, by striking lines 3 through 5 and
17 inserting the following: "construction manager in any
18 phase of a public works project."

19 4. Page 2, line 12 by striking the words "solicit
20 a proposed" and inserting the following: "seek
21 proposals for".

22 5. Page 2, line 13, by striking the word
23 "contract".

24 6. Page 3, by striking lines 5 through 13 and
25 inserting the following: "project shall provide that
26 the construction manager shall:"

27 7. Page 4, line 15, by inserting after the word
28 "owner." the following: "This section does not limit
29 the ability of a school corporation to hire
30 consultants."

31 8. Page 5, line 18, by inserting after the word
32 "utilities," the following: "Iowa association of

33 school boards, Iowa state association of counties,
34 Iowa league of cities,"
35 9. By renumbering as necessary.

Committee on Commerce and Regulation

H-8598

1 Amend Senate File 2324, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 30 the
4 following:
5 "___ . Perform construction management services for
6 the public owner for a fixed fee as set forth in the
7 construction management services contract with the
8 public owner. The fixed fee shall not be based on the
9 total cost of the public works project or established
10 as a percentage of the total cost of the public works
11 project."

WISE of Lee

H-8600

1 Amend Senate File 2324, 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. STUDY COMMITTEE. The legislative
6 council is requested to request representatives of
7 organizations, including but not limited to state and
8 local government public agencies, the associated
9 builders and contractors of Iowa, the master builders
10 of Iowa, and organizations representing construction
11 managers, general contractors, architects, and
12 engineers, and representatives of other public and
13 private agencies having an interest in the provision
14 of construction management services and bidding
15 procedures, to organize for the purpose of studying
16 proposed and current laws relating to bidding,
17 contracts, construction responsibilities, and
18 construction management proposals and principles. The
19 legislative council may request the private study
20 committee to provide periodic reports to the
21 legislative council regarding the progress of the
22 study committee. The legislative council may appoint
23 a committee composed of legislators to review the work
24 of the study committee or may refer the report of the
25 study committee to the standing committee on commerce
26 of the senate and the standing committee on commerce
27 and regulation of the house of representatives by
28 January 1, 2003."

29 2. Title page, by striking lines 1 and 2 and
 30 inserting the following: "An Act providing that the
 31 legislative council shall initiate and oversee a study
 32 of contract management services and bidding
 33 procedures."

REYNOLDS of Van Buren

H-8601

1 Amend Senate File 2324, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, by inserting after line 15 the
 4 following:
 5 "8. ALTERNATIVE PROCESS. This section does not
 6 apply to institutions governed under chapter 262,
 7 public airports, rural water districts incorporated
 8 and organized pursuant to chapter 357A, or municipal
 9 utilities established pursuant to chapter 388 that
 10 have adopted an alternative process for solicitation,
 11 selection, and awarding of a contract to a
 12 construction manager."

REYNOLDS of Van Buren

H-8602

1 Amend Senate File 2324, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 30 the
 4 following:
 5 "___ Provide construction management services for
 6 a fixed fee as provided in the construction management
 7 services contract. The construction manager shall
 8 include the amount of the fixed fee in the proposal
 9 submitted to the public owner pursuant to this
 10 section. The proposed fixed fee is subject to
 11 negotiations between the construction manager and the
 12 public owner prior to entering into the construction
 13 management services contract. A fee charged for
 14 construction management services shall not be based on
 15 the total cost of the public works project or based on
 16 a percentage of the total cost of the public works
 17 project."
 18 2. By renumbering as necessary.

REYNOLDS of Van Buren

H-8603

1 Amend Senate File 2324, as amended, passed, and
 2 reprinted by the Senate as follows:

3 1. Page 1, line 28, by striking the words "or
 4 levee" and inserting the following: ", levee, or
 5 rural water".

REYNOLDS of Van Buren

H-8604

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 2, by striking line 25.
 5 2. By renumbering as necessary.

ELGIN of Linn
 GIPP of Winneshiek
 RAECKER of Polk

H-8605

1 Amend Senate File 2318, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 10 through 15 and
 4 inserting the following:
 5 "b. For the 2003 calendar year:
 6 (1) One and three-fourths percent if the company
 7 or association is described as any of the following:
 8 (a) It is taxed under section 432.2.
 9 (b) Its policies and contracts provide for third-
 10 party payments or prepayments of health or medical
 11 expenses which include coverage benefits for treatment
 12 for neurobiological disorders and underlying co-
 13 morbidity as provided in section 514C.21 and it meets
 14 the requirements of subparagraph subdivision (d), (e),
 15 or (f).
 16 (c) Its commercial domicile is not in Iowa.
 17 (d) Its commercial domicile is in Iowa and its
 18 total premiums received in the previous calendar year
 19 are less than ten million dollars and in the case of a
 20 health insurance company or association it meets the
 21 requirements of subparagraph subdivision (b).
 22 (e) Its commercial domicile is in Iowa, its total
 23 premiums received in the previous calendar year are at
 24 least ten million dollars but not more than one
 25 hundred million dollars, and it has purchased equity
 26 interests in the Iowa fund of funds created pursuant
 27 to section 15E.225 through the end of the previous
 28 calendar year of at least five hundred thousand
 29 dollars and in the case of a health insurance company
 30 or association it meets the requirements of
 31 subparagraph subdivision (b).
 32 (f) Its commercial domicile is in Iowa, its total

33 premiums received in the previous calendar year are
 34 more than one hundred million dollars, and it has
 35 purchased equity interests in the Iowa fund of funds
 36 through the end of the previous calendar year of at
 37 least one million dollars and in the case of a health
 38 insurance company or association it meets the
 39 requirements of subparagraph subdivision (b).

40 (2) Two percent if the company or association does
 41 not meet any of the descriptions in subparagraph (1).

42 c. For the 2004 calendar year:

43 (1) One and one-half percent if the company or
 44 association is described as any of the following:

45 (a) It is taxed under section 432.2.

46 (b) Its policies and contracts provide for third-
 47 party payments or prepayments of health or medical
 48 expenses which include coverage benefits for treatment
 49 for neurobiological disorders and underlying co-
 50 morbidity as provided in section 514C.21 and it meets

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1 the requirements of subparagraph subdivision (d), (e),
 2 or (f).

3 (c) Its commercial domicile is not in Iowa.

4 (d) Its commercial domicile is in Iowa and its
 5 total premiums received in the previous calendar year
 6 are less than ten million dollars and in the case of a
 7 health insurance company or association it meets the
 8 requirements of subparagraph subdivision (b).

9 (e) Its commercial domicile is in Iowa, its total
 10 premiums received in the previous calendar year are at
 11 least ten million dollars but not more than one
 12 hundred million dollars, and it has purchased equity
 13 interests in the Iowa fund of funds through the end of
 14 the previous calendar year of at least one million
 15 dollars and in the case of a health insurance company
 16 or association it meets the requirements of
 17 subparagraph subdivision (b).

18 (f) Its commercial domicile is in Iowa, its total
 19 premiums received in the previous calendar year are
 20 more than one hundred million dollars, and it has
 21 purchased equity interests in the Iowa fund of funds
 22 through the end of the previous calendar year of at
 23 least two million dollars and in the case of a health
 24 insurance company or association it meets the
 25 requirements of subparagraph subdivision (b).

26 (2) Two percent if the company or association does
 27 not meet any of the descriptions in subparagraph (1).

28 d. For the 2005 calendar year:

29 (1) One and one-fourth percent if the company or
 30 association is described as any of the following:

31 (a) It is taxed under section 432.2.

32 (b) Its policies and contracts provide for third-
33 party payments or prepayments of health or medical
34 expenses which include coverage benefits for treatment
35 for neurobiological disorders and underlying co-
36 morbidity as provided in section 514C.21 and it meets
37 the requirements of subparagraph subdivision (d), (e),
38 or (f).

39 (c) Its commercial domicile is not in Iowa.

40 (d) Its commercial domicile is in Iowa and its
41 total premiums received in the previous calendar year
42 are less than ten million dollars and in the case of a
43 health insurance company or association it meets the
44 requirements of subparagraph subdivision (b).

45 (e) Its commercial domicile is in Iowa, its total
46 premiums received in the previous calendar year are at
47 least ten million dollars but not more than one
48 hundred million dollars, and it has purchased equity
49 interests in the Iowa fund of funds through the end of
50 the previous calendar year of at least one million

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1 five hundred thousand dollars and in the case of a
2 health insurance company or association it meets the
3 requirements of subparagraph subdivision (b).

4 (f) Its commercial domicile is in Iowa, its total
5 premiums received in the previous calendar year are
6 more than one hundred million dollars, and it has
7 purchased equity interests in the Iowa fund of funds
8 through the end of the previous calendar year of at
9 least three million dollars and in the case of a
10 health insurance company or association it meets the
11 requirements of subparagraph subdivision (b).

12 (2) Two percent if the company or association does
13 not meet any of the descriptions in subparagraph (1).

14 e. For the 2006 and subsequent calendar years:

15 (1) One percent if the company or association is
16 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 through the end of
 36 the previous calendar year of at least two million
 37 dollars and in the case of a health insurance company
 38 or association it meets the requirements of
 39 subparagraph subdivision (b).

40 (f) Its commercial domicile is in Iowa, its total
 41 premiums received in the previous calendar year are
 42 more than one hundred million dollars, and it has
 43 purchased equity interests in the Iowa fund of funds
 44 through the end of the previous calendar year of at
 45 least four million dollars and in the case of a health
 46 insurance company or association it meets the
 47 requirements of subparagraph subdivision (b).

48 (2) Two percent if the company or association does
 49 not meet any of the descriptions in subparagraph (1)."
 50 2. By striking page 2, line 34 through page 3,

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1 line 4 and inserting the following:

2 "b. For the 2004 calendar year:

3 (1) One and three-fourths percent if the company
 4 or association is described as any of the following:

5 (a) Its commercial domicile is not in Iowa.

6 (b) Its commercial domicile is in Iowa and its
 7 total premiums received in the previous calendar year
 8 are less than ten million dollars.

9 (c) Its commercial domicile is in Iowa, its total
 10 premiums received in the previous calendar year are at
 11 least ten million dollars but not more than one
 12 hundred million dollars, and it has purchased equity
 13 interests in the Iowa fund of funds through the end of
 14 the previous calendar year of at least five hundred
 15 thousand dollars.

16 (d) Its commercial domicile is in Iowa, its total
 17 premiums received in the previous calendar year are
 18 more than one hundred million dollars, and it has
 19 purchased equity interests in the Iowa fund of funds
 20 through the end of the previous calendar year of at
 21 least one million dollars.

22 (2) Two percent if the company or association does
 23 not meet any of the descriptions in subparagraph (1).

24 c. For the 2005 calendar year:

25 (1) One and one-half percent if the company or
 26 association is described as any of the following:

27 (a) Its commercial domicile is not in Iowa.

28 (b) Its commercial domicile is in Iowa and its
 29 total premiums received in the previous calendar year

30 are less than ten million dollars.

31 (c) 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 through the end of
36 the previous calendar year of at least one million
37 dollars.

38 (d) Its commercial domicile is in Iowa, its total
39 premiums received in the previous calendar year are
40 more than one hundred million dollars, and it has
41 purchased equity interests in the Iowa fund of funds
42 through the end of the previous calendar year of at
43 least two million dollars.

44 (2) Two percent if the company or association does
45 not meet any of the descriptions in subparagraph (1).

46 d. For the 2006 calendar year:

47 (1) One and one-fourth percent if the company or
48 association is described as any of the following:

49 (a) Its commercial domicile is not in Iowa.

50 (b) Its commercial domicile is in Iowa and its

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1 total premiums received in the previous calendar year
2 are less than ten million dollars.

3 (c) Its commercial domicile is in Iowa, its total
4 premiums received in the previous calendar year are at
5 least ten million dollars but not more than one
6 hundred million dollars, and it has purchased equity
7 interests in the Iowa fund of funds through the end of
8 the previous calendar year of at least one million
9 five hundred thousand dollars.

10 (d) Its commercial domicile is in Iowa, its total
11 premiums received in the previous calendar year are
12 more than one hundred million dollars, and it has
13 purchased equity interests in the Iowa fund of funds
14 through the end of the previous calendar year of at
15 least three million dollars.

16 (2) Two percent if the company or association does
17 not meet any of the descriptions in subparagraph (1).

18 e. For the 2007 and subsequent calendar years:

19 (1) One percent if the company or association is
20 described as any of the following:

21 (a) Its commercial domicile is not in Iowa.

22 (b) Its commercial domicile is in Iowa and its
23 total premiums received in the previous calendar year
24 are less than ten million dollars.

25 (c) 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 the end of the
30 previous calendar year of at least two million
31 dollars.

32 (d) Its commercial domicile is in Iowa, its total
33 premiums received in the previous calendar year are
34 more than one hundred million dollars, and it has
35 purchased equity interests in the Iowa fund of funds
36 through the end of the previous calendar year of at
37 least four million dollars.

38 (2) Two percent if the company or association does
39 not meet any of the descriptions in subparagraph (1)."

40 3. Page 5, by inserting after line 16 the
41 following:

42 "Sec. ____ NEW SECTION. 514C.21 MANDATED
43 COVERAGE FOR NEUROBIOLOGICAL DISORDERS AND UNDERLYING
44 CO-MORBIDITY.

45 1. For purposes of this section, unless the
46 context otherwise requires:

47 a. "Co-morbidity" means the coexistence of
48 conditions or diagnosable disorders such as
49 neurobiological disorders and substance abuse. For
50 purposes of this section, "substance abuse" means a

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1 pattern of pathological use of alcohol or a drug that
2 causes impairment in social or occupational
3 functioning, or that produces physiological dependency
4 evidenced by physical tolerance or by physical
5 symptoms when the alcohol or drug is withdrawn.

6 b. "Neurobiological disorder" means the following:

7 (1) Schizophrenia and other psychotic disorders.

8 (2) Affective disorders.

9 (3) Anxiety disorders.

10 (4) Pervasive developmental disorders.

11 (5) Attention deficit hyperactivity disorder and
12 related disorders.

13 (6) Disorders identified in childhood and
14 adolescence.

15 The commissioner, by rule, shall identify the
16 neurobiological disorders covered by this definition,
17 consistent with the guidelines provided in the most
18 recent edition of the American psychiatric
19 association's diagnostic and statistical manual of
20 mental disorders, as such definitions may be amended
21 from time to time. The commissioner may adopt the
22 definitions provided in the manual by reference.

23 c. "Rates, terms, and conditions" means any
24 lifetime or annual payment limits, deductibles,
25 copayments, coinsurance, and any other cost-sharing
26 requirements, out-of-pocket limits, visit limitations,
27 and any other financial component of benefits coverage

28 that affects the covered individual.
29 2. a. Notwithstanding the uniformity of treatment
30 requirements of section 514C.6, a policy, contract, or
31 plan providing for third-party payment or prepayment
32 of health or medical expenses shall provide coverage
33 benefits for treatment for neurobiological disorders
34 and underlying co-morbidity based on rates, terms, and
35 conditions that are no more restrictive than the
36 rates, terms, and conditions for coverage benefits
37 provided for other health or medical conditions under
38 the policy, contract, or plan.
39 b. Any restrictions or limitations with respect to
40 rates, terms, and conditions involving deductibles,
41 copayments, coinsurance, and any other cost-sharing
42 requirements shall be cumulative for coverage of
43 treatment for neurobiological disorders and underlying
44 co-morbidity and other health or medical conditions
45 under a policy, contract, or plan. A policy,
46 contract, or plan subject to this section shall not
47 impose an aggregate lifetime or annual limit on
48 treatment for neurobiological disorders and underlying
49 co-morbidity coverage benefits unless the policy,
50 contract, or plan imposes an aggregate lifetime or

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1 annual limit on substantially all health or medical
2 coverage benefits. A policy, contract, or plan
3 subject to this section that imposes an aggregate
4 lifetime or annual limit on substantially all medical
5 and surgical coverage benefits shall not impose an
6 aggregate lifetime or annual limit on treatment for
7 neurobiological disorders and underlying co-morbidity
8 coverage benefits that is less than the aggregate
9 lifetime or annual limit imposed on substantially all
10 health or medical coverage benefits.
11 c. Coverage required under this section shall be
12 for the treatment of neurobiological disorders and
13 underlying co-morbidity, for services provided by a
14 health professional licensed under chapter 147A, 148,
15 150A, 152, 154B, 154C, or 154D, for services provided
16 in a hospital, clinic, office, community mental health
17 center, health care facility, outpatient treatment
18 facility, residential treatment facility, halfway
19 house, or similar facility for the provision of health
20 care services, and for services provided pursuant to
21 the comprehensive program for treatment for substance
22 abuse maintained by the department of public health
23 pursuant to section 125.12 in a hospital licensed
24 under chapter 135B or a facility licensed under
25 chapter 125.
26 3. This section applies to the following classes

27 of third-party payment provider policies, contracts,
 28 or plans delivered, issued for delivery, continued, or
 29 renewed in this state on or after January 1, 2003:
 30 a. Individual or group accident and sickness
 31 insurance providing coverage on an expense-incurred
 32 basis.
 33 b. An individual or group hospital or medical
 34 service contract issued pursuant to chapter 509, 514,
 35 or 514A.
 36 c. A plan established pursuant to chapter 509A for
 37 public employees.
 38 d. An individual or group health maintenance
 39 organization contract regulated under chapter 514B.
 40 e. An individual or group Medicare supplemental
 41 policy, unless coverage pursuant to such policy is
 42 preempted by federal law.
 43 f. Any other entity engaged in the business of
 44 insurance, risk transfer, or risk retention, which is
 45 subject to the jurisdiction of the commissioner.
 46 g. An organized delivery system licensed by the
 47 director of public health.
 48 4. The commissioner shall adopt rules pursuant to
 49 chapter 17A to administer this section."
 50 4. By renumbering, redesignating, and correcting

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1 internal references as necessary.

SHOULTZ of Black Hawk
 OSTERHAUS of Jackson

H-8606

1 Amend Senate File 2324, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by striking lines 19 and 20 and
 4 inserting the following:
 5 "d. Maintain professional liability insurance. A
 6 construction manager involved in the construction
 7 phase of a public works project shall also be".

BRADLEY of Clinton

H-8610

1 Amend Senate File 2324, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 28, by inserting after the word
 4 "district" the following: ", institutions governed
 5 under chapter 262, public airports, rural water
 6 districts incorporated and organized pursuant to

7 chapter 357A, municipal utilities established pursuant
8 to chapter 388,".

CHIODO of Polk

H-8612

1 Amend the amendment, H-8596, to Senate File 2324,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 9, by striking the word
5 "constructibility" and inserting the following: "the
6 feasibility of construction".

REYNOLDS of Van Buren

H-8613

1 Amend House File 2468 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.

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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

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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.

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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 chickens..... 0.010

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

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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

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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

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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:

	For a confinement feeding operation having an animal unit capacity of less than 1,000 animal units	For a confinement feeding operation having an animal unit capacity of 1,000 or more but less than 3,000 animal units	For a confinement feeding operation having an animal unit capacity of 3,000 or more animal units
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26	Type of structure		

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
	less than	1,000 or more	3,000 or
	1,000 animal	but less than	more animal
	units	3,000 animal	units
	units	units	units
22	<u>Type of structure</u>	<u>units</u>	<u>units</u>
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
2 feeding operation 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 ~~455J.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.

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1 2. Any provision referring generally to compliance
 2 with the requirements of this chapter as applied to
 3 animal feeding operations also includes compliance
 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 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,

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1 if constructed, would be part of a small animal
 2 feeding operation.
 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 permit 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

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.

DIVISION II

DIRECTIONS TO CODE EDITOR,

CHANGE THE NAME OF TERMS AND

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.

DIVISION III**RETROACTIVE APPLICABILITY AND EFFECTIVE DATES****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

H-8616

- 1 Amend the amendment, H-8605, to Senate File 2318,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, by striking lines 26 through 47 and
- 5 inserting the following:
- 6 "3. This section applies to any entity providing
- 7 health insurance regulated by the state where the
- 8 premiums tax rate is less than two percent."

SHOULTZ of Black Hawk
OSTERHAUS of Jackson**H-8620**

- 1 Amend House File 2623 as follows:
- 2 1. Page 26, by inserting after line 11 the
- 3 following:
- 4 "Sec. ____ CHILD WELFARE PURCHASE OF SERVICE
- 5 PROVIDERS. For the fiscal year beginning July 1,
- 6 2002, if the department of human services determines
- 7 that a service provided by a child welfare purchase of
- 8 service provider can instead be provided directly by
- 9 the department at a lower cost while maintaining at
- 10 least the same level of quality, the department may
- 11 use child and family services funding for the
- 12 department to directly provide the service."
- 13 2. By renumbering as necessary.

KREIMAN of Davis

H-8623

- 1 Amend House File 2623 as follows:
- 2 1. Page 26, by inserting after line 27 the
- 3 following:
- 4 "Sec. ____ 2002 Iowa Acts, Senate File 2326,
- 5 section 81, subsection 2, paragraph a, unnumbered

6 paragraph 1, if enacted, is amended to read as
7 follows:

8 For salaries, support, maintenance, equipment,
9 miscellaneous purposes, and for not more than the
10 following full-time equivalent positions:

11	\$229,802,807
12	<u>229,787,807</u>
13	FTEs 4,055.62

14 Sec. __. 2002 Iowa Acts, Senate File 2326,
15 section 81, subsection 2, paragraph a, if enacted, is
16 amended by adding the following new unnumbered
17 paragraph:

18 NEW UNNUMBERED PARAGRAPH. The university shall
19 reduce by \$15,000 the amount of funds allocated for
20 fiscal year 2002-2003 to the university theater
21 department and shall not increase tuition fees to
22 recover this amount.

23 Sec. __. 2002 Iowa Acts, Senate File 2326,
24 section 81, subsection 3, paragraph a, unnumbered
25 paragraph 1, if enacted, is amended to read as
26 follows:

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

30	\$181,487,906
31	<u>181,472,906</u>
32	FTEs 3,647.42

33 Sec. __. 2002 Iowa Acts, Senate File 2326,
34 section 81, subsection 3, paragraph a, if enacted, is
35 amended by adding the following new unnumbered
36 paragraph:

37 NEW UNNUMBERED PARAGRAPH. The university shall
38 reduce by \$15,000 the amount of funds allocated for
39 fiscal year 2002-2003 to the university theater
40 department and shall not increase tuition fees to
41 recover this amount.

42 Sec. __. 2002 Iowa Acts, Senate File 2326,
43 section 81, subsection 4, paragraph a, unnumbered
44 paragraph 1, if enacted, is amended to read as
45 follows:

46 For salaries, support, maintenance, equipment,
47 miscellaneous purposes, and for not more than the
48 following full-time equivalent positions:

49	\$ 81,226,925
50	<u>81,211,925</u>

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1	FTEs 1,428.79
2 Sec. __. 2002 Iowa Acts, Senate File 2326, 3 section 81, subsection 4, paragraph a, if enacted, is 4 amended by adding the following new unnumbered	

5 paragraph:

6 **NEW UNNUMBERED PARAGRAPH.** The university shall
7 reduce by \$15,000 the amount of funds allocated for
8 fiscal year 2002-2003 to the university theater
9 department and shall not increase tuition fees to
10 recover this amount."

11 2. Page 27, by inserting after line 9 the
12 following:

13 "Sec.____. 2002 Iowa Acts, Senate File 2326,
14 section 93, subsection 1, unnumbered paragraph 1, if
15 enacted, is amended to read as follows:

16 For salaries, support, maintenance, miscellaneous
17 purposes, including the war orphan educational fund
18 established pursuant to chapter 35, and for not more
19 than the following full-time equivalent positions:

20	\$	196,727
21		<u>241,727</u>
22	FTEs	3.00"

23 3. By renumbering as necessary.

ALONS of Sioux
BRUNKHORST of Bremer
RAECKER of Polk
TYRRELL of Iowa

EICHHORN of Hamilton
BAUDLER of Adair
REKOW of Allamakee

H-8624

1 Amend Senate File 2324, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 27, by inserting after the word
4 "owner." the following: "A public owner shall give
5 preference to a proposal by a construction manager
6 that is a targeted small business as defined in
7 section 15.102."

SHOULTZ of Black Hawk

H-8626

1 Amend House File 2623 as follows:

2 1. Page 31, by inserting after line 33, the
3 following:
4 "Sec.____. **TEACHER COMPENSATION.** There is
5 appropriated from the Iowa economic emergency fund
6 created in section 8.55 to the department of education
7 for the fiscal year beginning July 1, 2002, and ending
8 June 30, 2003, the following amount, or so much
9 thereof as is necessary, to be used for the purposes
10 designated:

11 For purposes of teacher compensation under the
12 student achievement and teacher quality program
13 established pursuant to chapter 284:

14 \$ 32,250,000
 15 Moneys appropriated in this section are declared to
 16 be appropriated for emergency expenditures as required
 17 in section 8.55, subsection 3, paragraph "a".
 18 Funds appropriated in this subsection shall
 19 supplement, not supplant, funds appropriated for the
 20 student achievement and teacher quality program
 21 pursuant to 2002 Iowa Acts, Senate File 2326, section
 22 79, subsection 17, if enacted, and shall be
 23 distributed as provided under section 284.13,
 24 subsection 1, paragraphs "g" and "h".
 25 2. By renumbering as necessary.

WISE of Lee

H-8628

1 Amend House File 2623 as follows:
 2 1. Page 31, by inserting after line 33 the
 3 following:
 4 "Sec.____. TEACHER COMPENSATION. There is
 5 appropriated from the general fund of the state to the
 6 department of education for the fiscal year beginning
 7 July 1, 2002, and ending June 30, 2003, the following
 8 amount, or so much thereof as is necessary, to be used
 9 for the purposes designated:
 10 For purposes of teacher compensation under the
 11 student achievement and teacher quality program
 12 established pursuant to chapter 284:
 13 \$ 32,250,000
 14 Funds appropriated in this subsection shall
 15 supplement, not supplant, funds appropriated for the
 16 student achievement and teacher quality program
 17 pursuant to 2002 Iowa Acts, Senate File 2326, section
 18 79, subsection 17, if enacted, and shall be
 19 distributed as provided under section 284.13,
 20 subsection 1, paragraphs "g" and "h".
 21 2. By renumbering as necessary.

WISE of Lee

H-8629

1 Amend Senate File 2324 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 1, line 3, through page 5,
 4 line 24, and inserting the following:
 5 "The state or an agency of the state may contract
 6 for construction management services for public
 7 improvement projects. Bids shall be received for
 8 proposals for construction management services after
 9 issuance of a request for proposals in the manner

10 provided for by competitive bidding rules adopted by
11 the appropriate state agency pursuant to chapter 17A.
12 The rules shall provide for the definition of
13 necessary terms in a request for proposals and any
14 resulting contract for construction management
15 services, including a definition of "construction
16 manager" and "construction management services" and
17 definitions of such other terms and provisions as
18 deemed necessary. A request for proposals shall
19 include provisions that the state or an agency of the
20 state reserves the right to reject any or all
21 proposals or to issue a new request for proposals,
22 that the construction manager shall obtain
23 professional liability insurance, and that the
24 construction manager shall be paid a fixed fee. A
25 request for proposals shall also define and prohibit
26 conflicts of interest between the construction manager
27 and any contractor that performs any service for the
28 public improvement project or any person that assumes
29 financial responsibility for the work of others on the
30 public improvement project.

31 Sec. 2. Section 73A.2, Code 2001, is amended by
32 adding the following new unnumbered paragraph:
33 NEW UNNUMBERED PARAGRAPH. Before any municipality
34 enters into a contract for construction management
35 services to cost twenty-five thousand dollars or more,
36 the municipality shall comply with the requirements of
37 this section and this chapter relating to public
38 improvements costing twenty-five thousand dollars or
39 more. The provisions of this chapter relating to
40 public improvements, shall, when applicable, apply to
41 a contract for construction management services when
42 the estimated cost of the construction management
43 services is twenty-five thousand dollars or more. The
44 request for proposals for construction management
45 services and any resulting contract shall include
46 descriptions and definitions relating to the
47 construction management services requested and
48 provisions providing that a municipality reserves the
49 right to reject any or all proposals or to issue a new
50 request for proposals, that the construction manager

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1 shall obtain professional liability insurance, and
2 that the construction manager shall be paid a fixed
3 fee. The request for proposals for construction
4 management services shall also define and prohibit
5 conflicts of interest between the construction manager
6 and any contractor that performs any service for the
7 public improvement project or any person that assumes
8 financial responsibility for the work of others

9 performing services on the public improvement project.
10 Sec. 3. NEW SECTION. 384.104 CONSTRUCTION
11 MANAGEMENT SERVICES.
12 If a governing body as defined in section 384.95,
13 subsection 2, makes a determination to engage a
14 construction manager for any public improvement and
15 the total cost for the construction management
16 services will cost twenty-five thousand dollars or
17 more, the governing body may follow the same
18 procedures set forth in sections 384.95 through
19 384.103 for contracts involving public improvements.
20 A request for proposals for construction management
21 services under this section shall include a definition
22 of "construction manager" and "construction management
23 services" and definitions of such other terms as
24 deemed necessary by the governing body. The request
25 for proposals for construction management services
26 shall include provisions that the governing body
27 reserves the right to reject any or all proposals or
28 to issue a new request for proposals, that the
29 construction manager shall obtain professional
30 liability insurance, and that the construction manager
31 shall be paid a fixed fee. The request for proposals
32 for construction management services shall also define
33 and prohibit conflicts of interest between the
34 construction manager and any contractor that performs
35 any service for the public improvement project or any
36 person that assumes financial responsibility for the
37 work of others performing services on the public
38 improvement project.
39 Sec. 4. STUDY COMMITTEE. The legislative council
40 is requested to request representatives of
41 organizations, including but not limited to state and
42 local government entities, public agencies or agents
43 of public agencies, the associated builders and
44 contractors of Iowa, and the master builders of Iowa,
45 and organizations representing construction managers,
46 general contractors, architects, and engineers, and
47 representatives of other public or private agencies
48 having an interest in the provision of construction
49 management services and bidding procedures, to
50 organize for the purpose of studying proposed and

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1 current laws relating to bidding, contracts,
2 construction responsibilities, and contract management
3 proposals and principles. The legislative council may
4 request the private study committee to provide
5 periodic reports to the legislative council regarding
6 the progress of the study committee and the
7 legislative council may communicate with the study

8 committee regarding the progress of the study. The
 9 legislative council may appoint a committee composed
 10 of legislators to review the work of the study
 11 committee or may refer the report of the study
 12 committee to the standing committee on commerce of the
 13 senate and the standing committee on commerce and
 14 regulation of the house of representatives by January
 15 1, 2003."
 16 2. Title page, line 2, by striking the word
 17 "works" and inserting the following: "improvement".
 18 3. By renumbering as necessary.

HATCH of Polk

H-8631

1 Amend Senate File 2324, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 30 the
 4 following:
 5 "____. Ensure that small businesses and targeted
 6 small businesses, as defined in section 15.102, are
 7 hired to perform at least ten percent of the
 8 construction work on a public works project for which
 9 a construction manager provides construction
 10 management services."

SHOULTZ of Black Hawk

H-8633

1 Amend House File 2623 as follows:
 2 1. Page 26, by inserting after line 11 the
 3 following:
 4 "Sec. ____ . EXTENSION SERVICES TO 4-H FEES WAIVED.
 5 The Iowa cooperative extension service in agriculture
 6 and home economics shall waive any fees which it would
 7 otherwise charge during the fiscal year beginning July
 8 1, 2002, for its extension services, for extension
 9 services provided to the 4-H organization and its
 10 clubs, and shall seek voluntary contributions from
 11 individuals to cover the costs of providing extension
 12 services to the 4-H organization and its clubs."

KREIMAN of Davis
 REKOW of Allamakee

H-8634

1 Amend the amendment, H-8592, to Senate File 2324 as
 2 amended, passed, and reprinted by the Senate, as

3 follows:

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

6 "____. Page 4, by inserting after line 15 the
7 following:

8 "Sec. 103. NEW SECTION. 298B.1 SCHOOL DISTRICT
9 SALES TAX FUND.

10 1. A school district sales tax fund is created as
11 a separate and distinct fund in the state treasury
12 under the control of the department of revenue and
13 finance. Moneys in the fund include revenues credited
14 to the fund pursuant to section 422.69, subsection 2,
15 appropriations made to the fund, and other moneys
16 deposited into the fund. The moneys credited in a
17 fiscal year to the fund shall be distributed as
18 follows:

19 a. (1) A school district located in whole or in
20 part in a county that voted on and approved prior to
21 March 31, 2002, the local sales and services tax for
22 school infrastructure purposes under chapter 422E
23 shall receive an amount equal to its guaranteed school
24 infrastructure amount as calculated under subsection 2
25 if the board of directors notifies the director of
26 revenue and finance that the school district wants to
27 receive its guaranteed school infrastructure amount.
28 The notification shall be provided by July 1, 2003.
29 If notification is not received by July 1, 2003, the
30 school district shall receive moneys pursuant to
31 paragraph "b". Nothing in this chapter shall prevent
32 a school district from using its guaranteed school
33 infrastructure amount to pay principal and interest on
34 obligations issued pursuant to section 422E.4.

35 (2) A school district receiving moneys pursuant to
36 subparagraph (1) shall cease to receive its guaranteed
37 school infrastructure amount and shall receive moneys
38 pursuant to paragraph "b" starting with the calendar
39 quarter immediately following the calendar quarter in
40 which occurs the end of the original ten-year period
41 or the date listed on the original ballot proposition,
42 whichever is the earlier, as provided in chapter 422E.
43 However, a school district receiving moneys pursuant
44 to subparagraph (1) may elect at anytime to receive
45 moneys pursuant to paragraph "b" by providing
46 notification to receive moneys pursuant to paragraph
47 "b" to the director of revenue and finance and the
48 director of the department of management by the middle
49 of the fifth month preceding the calendar quarter for
50 which the election will apply. Once a school district

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1 makes this election it is irrevocable.

2 b. (1) Moneys remaining after computations made
3 pursuant to paragraph "a" shall be distributed to
4 school districts not receiving moneys under paragraph
5 "a" on a per student basis calculated by the director
6 of revenue and finance by dividing the moneys
7 available during the previous calendar quarter by the
8 combined actual enrollment for all school districts
9 receiving distributions under this paragraph.

10 (2) The combined actual enrollment for school
11 districts, for purposes of subparagraph (1), shall be
12 calculated by adding together the actual enrollment
13 for each school district receiving distributions under
14 subparagraph (1) as determined by the department of
15 management based on the actual enrollment figures
16 reported by October 1 to the department of management
17 by the department of education pursuant to section
18 257.6, subsection 1. The combined actual enrollment
19 count shall be forwarded to the director of revenue
20 and finance by January 1, annually, for purposes of
21 supplying estimated tax payment figures and making tax
22 payments pursuant to subsection 3 for the following
23 four calendar quarters.

24 2. a. For purposes of distributions under
25 subsection 1, paragraph "a", the school district's
26 guaranteed school infrastructure amount shall be
27 calculated according to the following formula:
28 The district's guaranteed school infrastructure
29 amount equals the product of the county guaranteed
30 school infrastructure amount times the district's
31 county actual enrollment divided by the county
32 combined actual enrollment.

33 b. For purposes of the formula in paragraph "a":

34 (1) "Base year" means the fiscal year beginning
35 July 1, 2001.

36 (2) "Base year county taxable sales percentage"
37 means the percentage that the taxable sales in the
38 county during the base year is of the total state
39 taxable sales during the base year.

40 (3) "County combined actual enrollment" means the
41 actual enrollment figures determined by the department
42 of management for the county based on the actual
43 enrollment figures reported by October 1 to the
44 department of management by the department of
45 education pursuant to section 257.6, subsection 1.

46 (4) "County guaranteed school infrastructure
47 amount" means an amount equal to the product of the
48 county's chapter 422E proportionate share times the
49 amount deposited in the school district sales tax fund
50 for the current quarter times the current quarter

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1 county taxable sales percentage divided by the base
2 year county taxable sales percentage.

3 (5) "County's chapter 422E proportionate share"
4 means the percentage that the annualized revenues
5 received or which would have been received in the
6 county under chapter 422E for the base year is of one-
7 fifth of the total state sales tax revenues collected
8 for deposit into the general fund of the state for the
9 base year.

10 (6) "Current quarter" means the calendar quarter
11 for which distributions under this section are being
12 made.

13 (7) "Current quarter county taxable sales
14 percentage" means the percentage that the taxable
15 sales in the county during the current quarter is of
16 the total state taxable sales during the current
17 quarter.

18 (8) "District's county actual enrollment" means
19 the actual enrollment of the school district that
20 attends school in the county for which the county
21 combined actual enrollment is determined.

22 (9) "Taxable sales" means sales subject to the
23 state sales and services tax under chapter 422,
24 division IV.

25 3. a. The director of revenue and finance by
26 April 10 preceding each fiscal year shall send to each
27 school district an estimate of the amount of tax
28 moneys each school district will receive for the year
29 and for each quarter of the year. At the end of each
30 quarter, the director may revise the estimates for the
31 year and remaining quarters.

32 b. The director shall remit ninety-five percent of
33 the estimated tax receipts collected during the
34 previous calendar quarter for the school district to
35 the school district on or before the end of the
36 following calendar quarter. The first distributions
37 shall be made on or before July 1, 2003, of the
38 estimated tax receipts collected during the calendar
39 quarter beginning January 1, 2003, and ending March
40 31, 2003.

41 c. The director shall remit a final payment of the
42 remainder of tax moneys due for the fiscal year before
43 November 10 of the next fiscal year. If an
44 overpayment has resulted during the previous fiscal
45 year, the November payment shall be adjusted to
46 reflect any overpayment.

47 d. If the distributions are to school districts
48 described in subsection 1, paragraph "a", the payments
49 to these school districts shall be made on a monthly
50 basis beginning with the first distribution to be made

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1 in February 2003.

2 4. The department of revenue and finance has
3 rulemaking authority for purposes of carrying out the
4 provisions of this section.

5 Sec. 104. **NEW SECTION.** 298B.2 USE OF SCHOOL
6 DISTRICT SALES TAX FUND MONEYS.

7 1. a. A school district receiving moneys from the
8 school district sales tax fund under section 298B.1,
9 subsection 1, paragraph "a", shall use the moneys as
10 provided on the original ballot proposition pursuant
11 to chapter 422E, for the payment of principal and
12 interest on general obligation bonds issued pursuant
13 to chapter 296, or section 298.20 or loan agreements
14 under section 297.36, for payments made pursuant to
15 real property lease or lease-purchase agreements, or
16 for payment of principal and interest on bonds issued
17 under section 298B.3 or 422E.4.

18 b. If a school district that qualifies to receive
19 a guaranteed school infrastructure amount under
20 section 298B.1, subsection 1, paragraph "a", elects to
21 receive moneys under section 298B.1, subsection 1,
22 paragraph "b", the school district shall use the
23 moneys received, in an amount equal to its guaranteed
24 school infrastructure amount, for the purposes
25 provided in paragraph "a" of this subsection until the
26 fiscal year immediately following the fiscal year in
27 which occurs the end of the original ten-year period
28 or the date listed on the original ballot proposition,
29 whichever is the earlier, as provided in chapter 422E,
30 at which time all moneys received shall be used as
31 provided in subsection 2.

32 2. a. Moneys received by a school district from
33 the school district sales tax fund under section
34 298B.1, subsection 1, paragraph "b", except to the
35 extent provided in subsection 1, paragraph "b", of the
36 section, shall be spent for property tax relief or
37 infrastructure purposes according to an infrastructure
38 plan developed by the board of directors. The
39 infrastructure plan may apply to more than one fiscal
40 year, but shall be reviewed periodically by the board
41 of directors. Prior to adoption of the plan, the
42 board of directors shall hold a public hearing on the
43 question of approval of the proposed plan. The board
44 shall set forth its proposal and shall publish the
45 notice of the time and place of a public hearing on
46 the proposed plan. Notice of the time and place of
47 the public hearing shall be published not less than
48 ten nor more than twenty days before the public
49 hearing in a newspaper which is a newspaper of general
50 circulation in the school district. At the hearing,

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1 or no later than thirty days after the date of the
2 hearing, the board shall take action to adopt the
3 proposed plan.

4 b. If the board adopts the plan, the board shall
5 direct the county commissioner of elections to submit
6 the question of the approval or disapproval of the
7 infrastructure plan to the registered voters of the
8 school district at the next following regular school
9 election or a special election. If a majority of
10 those voting on the question favor the plan of the
11 board, the moneys received shall be used according to
12 the plan beginning with the first fiscal year
13 following that election until a change in the plan is
14 approved at a subsequent election by a majority of
15 those voting on the question. If a majority of those
16 voting on the question at the election does not favor
17 the plan of the board, the district shall use the
18 moneys received as provided in paragraph "c" for the
19 fiscal year.

20 If a plan is not approved at an election, the
21 question of the approval of the plan or any part of
22 that plan shall not be submitted to the registered
23 voters sooner than six months from the date the plan
24 or part of the plan was previously submitted.

25 c. If the infrastructure plan is not approved at
26 an election as provided in paragraph "b", or if a plan
27 is not approved by the board, moneys received by a
28 school district or moneys in excess of those needed
29 for infrastructure purposes according to an approved
30 plan shall be used for the fiscal year to reduce the
31 following levies including income surtax, if any, in
32 the order determined by the board:

33 (1) Bond levies under sections 298.18 and 298.18A
34 and all other debt levies until the moneys received or
35 the levies are reduced to zero.

36 (2) The regular physical plant and equipment levy
37 under section 298.2, until the moneys received or the
38 levy is reduced to zero.

39 (3) The voter-approved physical plant and
40 equipment levy and income surtax, if any, under
41 section 298.2, until the moneys received or the levy
42 and income surtax, if any, is reduced to zero.

43 (4) The district management levy under section
44 298.4, until the moneys received or the levy is
45 reduced to zero.

46 (5) The cash reserve levy under section 298.10,
47 until the moneys received or the levy is reduced to
48 zero.

49 (6) The budget adjustment levy under section
50 257.14, until the moneys received or the levy is

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1 reduced to zero.

2 (7) The playground and equipment levy under
3 section 300.2, until the moneys received or the levy
4 is reduced to zero.

5 d. For purposes of this subsection,
6 "infrastructure purposes" means those purposes for
7 which a school district is authorized to contract
8 indebtedness and issue general obligation bonds under
9 chapter 296 or to expend tax revenues under section
10 298.3, the payment of principal and interest on
11 general obligation bonds issued under chapter 296 or
12 section 298.20 or loan agreements under section
13 297.36, payments made pursuant to a real property
14 lease or lease-purchase agreement, or the payment of
15 principal and interest on bonds issued under section
16 298.3 or 422E.4.

17 e. Notwithstanding any other provision in this
18 subsection, moneys received by a school district from
19 the school district sales tax fund under section
20 298B.1, subsection 1, paragraph "b", during the fiscal
21 year beginning July 1, 2002, shall be dedicated for
22 property tax relief by reducing the levies specified
23 in paragraph "c" for taxes payable in the fiscal year
24 beginning July 1, 2003. However, if an infrastructure
25 plan is approved at an election by the required
26 majority of those voting prior to April 15, 2003, any
27 amount of such dedicated moneys may be used for the
28 purposes specified under the plan.

29 Sec. 105. NEW SECTION. 298B.3 BONDING.

30 A school district receiving moneys pursuant to
31 section 298B.1, subsection 1, paragraph "a", or a
32 school district receiving moneys pursuant to section
33 298B.1, subsection 1, paragraph "b", which has
34 approved by election the use of the moneys for
35 infrastructure purposes, may anticipate the amount of
36 moneys to be received pursuant to section 298B.1 as
37 provided in this section.

38 The board of directors of a school district may
39 issue negotiable, interest-bearing school bonds,
40 without an additional election, and utilize tax
41 receipts derived from the school district sales tax
42 fund for principal and interest repayment. Proceeds
43 of the bonds issued pursuant to this section shall be
44 utilized solely for infrastructure purposes as defined
45 in section 298B.2, subsection 2.

46 Bonds issued under this section may be sold at
47 public sale as provided in chapter 75. Notice shall
48 be given and a hearing shall be held as provided in
49 section 73A.12. Bonds may bear dates, bear interest
50 at rates not exceeding that permitted by chapter 74A,

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1 mature in one or more installments, be in either
2 coupon or registered form, carry registration and
3 conversion privileges, be payable as to principal and
4 interest at times and places, be subject to terms of
5 redemption prior to maturity with or without premium,
6 and be in one or more denominations, all as provided
7 by the resolution of the board of directors
8 authorizing their issuance. However, the maximum
9 period during which principal on the bonds is payable
10 shall not exceed the length of time the infrastructure
11 plan is valid. The resolution may also prescribe
12 additional provisions, terms, conditions, and
13 covenants which the board of directors deems
14 advisable, including provisions for creating and
15 maintaining reserve funds, the issuance of additional
16 bonds ranking on a parity with such bonds and
17 additional bonds junior and subordinate to such bonds,
18 and that such bonds shall rank on a parity with or be
19 junior and subordinate to any bonds which may be then
20 outstanding. Bonds may be issued to refund
21 outstanding and previously issued bonds under this
22 section. Bonds are a contract between the school
23 district and holders, and the resolution issuing the
24 bonds and pledging tax revenues to be received from
25 the school district sales tax fund to the payment of
26 principal and interest on the bonds is a part of the
27 contract. Bonds issued pursuant to this section shall
28 not constitute indebtedness within the meaning of any
29 constitutional or statutory debt limitation or
30 restriction, and shall not be subject to any other law
31 relating to the authorization, issuance, or sale of
32 bonds.

33 A school district may enter into a chapter 28E
34 agreement with another school district or other public
35 entity. The school district shall only expend its
36 designated portion of tax revenues to be received from
37 the school district sales tax fund.

38 Sec. 106. NEW SECTION. 298B.4 REPEAL.

39 This chapter is repealed July 1, 2022, for fiscal
40 years beginning on or after that date."

41 _____. Page 4, by inserting after line 25 the
42 following:

43 "Sec. 107. Section 422.43, subsections 1, 2, 4, 5,
44 6, 7, 10, and 12, Code Supplement 2001, are amended to
45 read as follows:

46 1. There is imposed a tax of ~~five~~ six percent upon
47 the gross receipts from all sales of tangible personal
48 property, consisting of goods, wares, or merchandise,
49 except as otherwise provided in this division, sold at
50 retail in the state to consumers or users; a like rate

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1 of tax upon the gross receipts from the sales,
2 furnishing, or service of gas, electricity, water,
3 heat, pay television service, and communication
4 service, including the gross receipts from such sales
5 by any municipal corporation or joint water utility
6 furnishing gas, electricity, water, heat, pay
7 television service, and communication service to the
8 public in its proprietary capacity, except as
9 otherwise provided in this division, when sold at
10 retail in the state to consumers or users; a like rate
11 of tax upon the gross receipts from all sales of
12 tickets or admissions to places of amusement, fairs,
13 and athletic events except those of elementary and
14 secondary educational institutions; a like rate of tax
15 on the gross receipts from an entry fee or like charge
16 imposed solely for the privilege of participating in
17 an activity at a place of amusement, fair, or athletic
18 event unless the gross receipts from the sales of
19 tickets or admissions charges for observing the same
20 activity are taxable under this division; and a like
21 rate of tax upon that part of private club membership
22 fees or charges paid for the privilege of
23 participating in any athletic sports provided club
24 members.

25 2. There is imposed a tax of ~~five~~ six percent upon
26 the gross receipts derived from the operation of all
27 forms of amusement devices and games of skill, games
28 of chance, raffles, and bingo games as defined in
29 chapter 99B, operated or conducted within the state,
30 the tax to be collected from the operator in the same
31 manner as for the collection of taxes upon the gross
32 receipts of tickets or admission as provided in this
33 section. The tax shall also be imposed upon the gross
34 receipts derived from the sale of lottery tickets or
35 shares pursuant to chapter 99E. The tax on the
36 lottery tickets or shares shall be included in the
37 sales price and distributed to the general fund as
38 provided in section 99E.10.

39 4. There is imposed a tax of ~~five~~ six percent upon
40 the gross receipts from the sales of engraving,
41 photography, retouching, printing, and binding
42 services. For the purpose of this division, the sales
43 of engraving, photography, retouching, printing, and
44 binding services are sales of tangible property.

45 5. There is imposed a tax of ~~five~~ six percent upon
46 the gross receipts from the sales of vulcanizing,
47 recapping, and retreading services. For the purpose
48 of this division, the sales of vulcanizing, recapping,
49 and retreading services are sales of tangible
50 property.

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1 6. There is imposed a tax of ~~five~~ six percent upon
2 the gross receipts from the sales of optional service
3 or warranty contracts, except residential service
4 contracts regulated under chapter 523C, which provide
5 for the furnishing of labor and materials and require
6 the furnishing of any taxable service enumerated under
7 this section. The gross receipts are subject to tax
8 even if some of the services furnished are not
9 enumerated under this section. For the purpose of
10 this division, the sale of an optional service or
11 warranty contract, other than a residential service
12 contract regulated under chapter 523C, is a sale of
13 tangible personal property. Additional sales,
14 services, or use taxes shall not be levied on
15 services, parts, or labor provided under optional
16 service or warranty contracts which are subject to tax
17 under this section.

18 If the optional service or warranty contract is a
19 computer software maintenance or support service
20 contract and there is no separately stated fee for the
21 taxable personal property or for the nontaxable
22 service, the tax of ~~five~~ six percent imposed by this
23 subsection shall be imposed on fifty percent of the
24 gross receipts from the sale of such contract. If the
25 contract provides for technical support services only,
26 no tax shall be imposed under this subsection. The
27 provisions of this subsection also apply to the tax
28 imposed by chapter 423.

29 7. There is imposed a tax of ~~five~~ six percent upon
30 the gross receipts from the renting of rooms,
31 apartments, or sleeping quarters in a hotel, motel,
32 inn, public lodging house, rooming house, manufactured
33 or mobile home which is tangible personal property, or
34 tourist court, or in any place where sleeping
35 accommodations are furnished to transient guests for
36 rent, whether with or without meals. "Renting" and
37 "rent" include any kind of direct or indirect charge
38 for such rooms, apartments, or sleeping quarters, or
39 their use. For the purposes of this division, such
40 renting is regarded as a sale of tangible personal
41 property at retail. However, this tax does not apply
42 to the gross receipts from the renting of a room,
43 apartment, or sleeping quarters while rented by the
44 same person for a period of more than thirty-one
45 consecutive days.

46 10. There is imposed a tax of ~~five~~ six percent
47 upon the gross receipts from the rendering,
48 furnishing, or performing of services as defined in
49 section 422.42.

50 12. A tax of ~~five~~ six percent is imposed upon the

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1 gross receipts from the sales of prepaid telephone
2 calling cards and prepaid authorization numbers. For
3 the purpose of this division, the sales of prepaid
4 telephone calling cards and prepaid authorization
5 numbers are sales of tangible personal property.
6 Sec. 108. Section 422.43, subsection 13, paragraph
7 a, unnumbered paragraph 1, Code Supplement 2001, is
8 amended to read as follows:

9 A tax of ~~five~~ six percent is imposed upon the gross
10 receipts from the sales, furnishing, or service of
11 solid waste collection and disposal service.

12 Sec. 109. Section 422.43, subsections 16 and 17,
13 Code Supplement 2001, are amended to read as follows:

14 16. a. A tax of ~~five~~ six percent is imposed upon
15 the gross receipts from sales of bundled services
16 contracts. For purposes of this subsection, a
17 "bundled services contract" means an agreement
18 providing for a retailer's performance of services,
19 one or more of which is a taxable service enumerated
20 in this section and one or more of which is not, in
21 return for a consumer's or user's single payment for
22 the performance of the services, with no separate
23 statement to the consumer or user of what portion of
24 that payment is attributable to any one service which
25 is a part of the contract.

26 b. For purposes of the administration of the tax
27 on bundled services contracts, the director may enter
28 into agreements of limited duration with individual
29 retailers, groups of retailers, or organizations
30 representing retailers of bundled services contracts.
31 Such an agreement shall impose the tax rate only upon
32 that portion of the gross receipts from a bundled
33 services contract which is attributable to taxable
34 services provided under the contract.

35 17. A tax of ~~five~~ six percent is imposed upon the
36 gross receipts from any mobile telecommunication
37 service which this state is allowed to tax by the
38 provisions of the federal Mobile Telecommunications
39 Sourcing Act, Pub. L. No. 106-252, 4 U.S.C. § 116 et
40 seq. For purposes of this subsection, taxes on mobile
41 telecommunications service, as defined under the
42 federal Mobile Telecommunications Sourcing Act, that
43 are deemed to be provided by the customer's home
44 service provider shall be paid to the taxing
45 jurisdiction whose territorial limits encompass the
46 customer's place of primary use, regardless of where
47 the mobile telecommunication service originates,
48 terminates, or passes through and shall in all other
49 respects be taxed in conformity with the federal
50 Mobile Telecommunications Sourcing Act. All other

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1 provisions of the federal Mobile Telecommunications
2 Sourcing Act are adopted by the state of Iowa and
3 incorporated into this subsection by reference. With
4 respect to mobile telecommunications service under the
5 federal Mobile Telecommunications Sourcing Act the
6 director shall, if requested, enter into agreements
7 consistent with the provisions of the federal Act.

8 Sec. 110. Section 422.43, Code Supplement 2001, is
9 amended by adding the following new subsection:

10 NEW SUBSECTION. 18. The sales tax rate of six
11 percent is reduced to five percent on July 1, 2022.

12 Sec. 111. Section 422.47, Code Supplement 2001, is
13 amended by adding the following new subsection:

14 NEW SUBSECTION. 2. Construction contractors may
15 make application to the department for a refund of the
16 additional one percent tax paid under this division by
17 reason of the increase in the tax from five to six
18 percent for taxes paid on goods, wares, or merchandise
19 under the following conditions:

20 a. The goods, wares, or merchandise are
21 incorporated into an improvement to real estate in
22 fulfillment of a written contract fully executed prior
23 to January 1, 2003. The refund shall not apply to
24 equipment transferred in fulfillment of a mixed
25 construction contract.

26 b. The contractor has paid to the department or to
27 a retailer the full six percent tax.

28 c. The claim is filed on forms provided by the
29 department and is filed within one year of the date
30 the tax is paid.

31 A contractor who makes an erroneous application for
32 refund shall be liable for payment of the excess
33 refund paid plus interest at the rate in effect under
34 section 421.7. In addition, a contractor who
35 willfully makes a false application for refund is
36 guilty of a simple misdemeanor and is liable for a
37 penalty equal to fifty percent of the excess refund
38 claimed. Excess refunds, penalties, and interest due
39 under this subsection may be enforced and collected in
40 the same manner as the tax imposed by this division.

41 Sec. 112. Section 422.69, subsection 2, Code 2001,
42 is amended to read as follows:

43 2. a. Unless Except as provided in paragraph "b",
44 or as otherwise provided, the fees, taxes, interest,
45 and penalties collected under this chapter shall be
46 credited to the general fund.

47 b. One-sixth of the fees, taxes, interest, and
48 penalties collected pursuant to division IV shall be
49 credited to the school district sales tax fund created
50 in section 298B.1. This paragraph is repealed July 1,

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1 2022.

2 Sec. 113. Section 422E.1, Code 2001, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 4. a. This chapter does not
5 apply to any county after the effective date of this
6 section of this Act, except to the extent provided in
7 paragraph "b". Any election on the imposition of the
8 local sales and services tax scheduled to be held on
9 or after the effective date of this section of this
10 Act shall not be held.

11 b. A county that has voted on and approved prior
12 to March 31, 2002, a local sales and services tax for
13 school infrastructure purposes shall impose the tax
14 until December 31, 2002. However, the increase in the
15 state sales and services tax under chapter 422,
16 division IV, from five percent on January 1, 2003, to
17 six percent shall replace the county's local sales and
18 services tax for school infrastructure purposes and to
19 this extent the local sales and services tax for
20 school infrastructure purposes is repealed.

21 Sec. 114. APPLICABILITY. This section applies in
22 regard to the increase in the state sales tax from
23 five to six percent. The six percent rate applies to
24 all sales of taxable personal property, consisting of
25 goods, wares, or merchandise if delivery occurs on or
26 after January 1, 2003. The six percent rate applies
27 to the gross receipts from the sale, furnishing, or
28 service of gas, electricity, water, heat, pay
29 television service, and communication service if the
30 date of billing the customer is on or after January 1,
31 2003. In the case of a service contract entered into
32 prior to January 1, 2003, which contract calls for
33 periodic payments, the six percent rate applies to
34 those payments made or due on or after January 1,
35 2003. This periodic payment applies, but is not
36 limited to, tickets or admissions, private club
37 membership fees, sources of amusement, equipment
38 rental, dry cleaning, reducing salons, dance schools,
39 and all other services subject to tax, except the
40 aforementioned utility services which are subject to a
41 special transitional rule. Unlike periodic payments
42 under service contracts, installment sales of goods,
43 wares, and merchandise are subject to the full amount
44 of sales or use tax when the sales contract is entered
45 into.

46 Sec. 115. EFFECTIVE DATES.

47 1. Sections 103, 104, and 113 of this Act,
48 enacting sections 298B.1 and 298B.2 and section
49 422E.1, subsection 4, being deemed of immediate
50 importance, take effect upon enactment.

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1 2. Sections 107, 108, 109, 111, and 112 of this
 2 Act, amending section 422.43, increasing the sales
 3 tax, and sections 422.47 and 422.69, take effect
 4 January 1, 2003."
 5 _____. Title page, line 2, by inserting after the
 6 word "projects" the following: "and the use of school
 7 district moneys received from certain state sales tax
 8 revenues for property tax relief and infrastructure
 9 purposes if approved by the vote of the electorate,
 10 providing a penalty, and including effective date
 11 provisions"."

REYNOLDS of Van Buren

H-8635

1 Amend Senate File 2325, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 28, by striking lines 8 through 11 and
 4 inserting the following:
 5 "Sec. _____. Section 135.61, subsection 2, Code
 6 2001, is amended by striking the subsection and
 7 inserting in lieu thereof the following:
 8 2. "Birth center" means a facility, institution,
 9 or place, which is not an ambulatory surgical center
 10 or a hospital or in a hospital, in which births are
 11 planned to occur away from the mother's usual
 12 residence following a normal, uncomplicated, low-risk
 13 pregnancy."
 14 2. By renumbering as necessary.

JENKINS of Black Hawk

H-8637

1 Amend House File 2623 as follows:
 2 1. Page 23, by inserting before line 32 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 Sec. _____. Section 602.6401, subsection 1, Code
 15 2001, is amended by adding the following new

16 paragraph:

17 NEW PARAGRAPH. f. The existence of a city in the
18 county other than the county seat that maintained a
19 magistrate court as of July 1, 2001."

20 2. By renumbering as necessary.

REKOW of Allamakee
BRUNKHORST of Bremer
BOGGESS of Page

H-8638

1 Amend Senate File 2326, as passed by the Senate, as
2 follows:

3 1. Page 166, by inserting after line 12 the
4 following:

5 "Sec. ___. Section 123.3, subsection 12A, Code
6 2001, is amended to read as follows:

7 12A. "Designated security employee" means an
8 agent, contract employee, or employee of a licensee or
9 permittee who ~~is primarily employed for security~~
10 purposes works in a security position in any capacity
11 at a commercial establishment licensed or permitted
12 under this chapter."

13 2. By renumbering as necessary.

FORD of Polk

H-8643

1 Amend House File 2623 as follows:

2 1. Page 13, by inserting after line 10 the
3 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 percent
17 and shall increase by two percent each succeeding
18 calendar year until the rate is thirty-six percent.

19 However, at racetrack enclosures at which the total
20 amount of adjusted gross receipts from gambling games
21 annually is not more than seventy million dollars, the
22 tax rate on the amount of adjusted gross receipts over

23 three million dollars from gambling games is the rate
 24 which was in effect on December 31, 2001. The taxes
 25 imposed by this section shall be paid by the licensee
 26 to the treasurer of state within ten days after the
 27 close of the day when the wagers were made and shall
 28 be distributed as follows:"

29 2. Title page, line 5, by inserting after the
 30 word "appropriations" the following: ", setting of
 31 wagering tax rate,".

OSTERHAUS of Jackson
 JOCHUM of Dubuque
 MURPHY of Dubuque

ATTEBERRY of Delaware
 SCHERRMAN of Dubuque

H-8644

1 Amend House File 2623 as follows:

2 1. Page 9, by inserting after line 28 the
 3 following:

4 "Sec. NEW SECTION. 514C.21 NEUROBIOLOGICAL
 5 DISORDER.

6 1. Notwithstanding the uniformity of treatment
 7 requirements of section 514C.6, a group policy or
 8 contract providing for third-party payment or
 9 prepayment of health or medical expenses issued by a
 10 carrier, as defined in section 513B.2, or by an
 11 organized delivery system authorized under 1993 Iowa
 12 Acts, chapter 158, shall provide coverage benefits for
 13 treatment of a neurobiological disorder if either of
 14 the following is satisfied:

15 a. The policy or contract is issued to an employer
 16 who on at least fifty percent of the employer's
 17 working days during the preceding calendar year
 18 employed more than fifty full-time equivalent
 19 employees. In determining the number of full-time
 20 equivalent employees of an employer, employers who are
 21 affiliated or who are able to file a consolidated tax
 22 return for purposes of state taxation shall be
 23 considered one employer.

24 b. The policy or contract is issued to a small
 25 employer as defined in section 513B.2, and such policy
 26 or contract provides coverage benefits for the
 27 treatment of neurobiological disorder.

28 2. Notwithstanding the uniformity of treatment
 29 requirements of section 514C.6, a plan established
 30 pursuant to chapter 509A for public employees shall
 31 provide coverage benefits for treatment of a
 32 neurobiological disorder.

33 3. For purposes of this section:

34 a. "Neurobiological disorder" means the following:

- 35 (1) Schizophrenia and other psychotic disorders.
 36 (2) Mood disorders.

37 (3) Anxiety disorders.

38 (4) Pervasive developmental disorders and
39 attention deficit.

40 b. "Substance abuse" means a pattern of
41 pathological use of alcohol or a drug that causes
42 impairment in social or occupational functioning, or
43 that produces physiological dependency evidenced by
44 physical tolerance or by physical symptoms when the
45 alcohol or drug is withdrawn.

46 4. The commissioner, by rule, shall define the
47 neurobiological disorders identified in subsection 3.
48 Definitions established by the commissioner shall be
49 consistent with definitions provided in the most
50 recent edition of the American psychiatric

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1 association's diagnostic and statistical manual of
2 mental disorders, as the definitions may be amended
3 from time to time. The commissioner may adopt the
4 definitions provided in such manual by reference.

5 5. This section shall not apply to accident only,
6 specified disease, short-term hospital or medical,
7 hospital confinement indemnity, credit, dental,
8 vision, Medicare supplement, long-term care, basic
9 hospital and medical-surgical expense coverage as
10 defined by the commissioner, disability income
11 insurance coverage, coverage issued as a supplement to
12 liability insurance, workers' compensation or similar
13 insurance, or automobile medical payment insurance, or
14 individual accident and sickness policies issued to
15 individuals or to individual members of a member
16 association.

17 6. A carrier, organized delivery system, or plan
18 established pursuant to chapter 509A may manage the
19 benefits provided through common methods including,
20 but not limited to, providing payment of benefits or
21 providing care and treatment under a capitated payment
22 system, prospective reimbursement rate system,
23 utilization control system, incentive system for the
24 use of least restrictive and least costly levels of
25 care, a preferred provider contract limiting choice of
26 specific providers, or any other system, method, or
27 organization designed to assure services are medically
28 necessary and clinically appropriate.

29 7. a. A group policy or contract or plan covered
30 under this section shall not impose an aggregate
31 annual or lifetime limit on neurobiological disorder
32 coverage benefits unless the policy or contract or
33 plan imposes an aggregate annual or lifetime limit on
34 substantially all medical and surgical coverage
35 benefits.

36 b. A group policy or contract or plan covered
 37 under this section that imposes an aggregate annual or
 38 lifetime limit on substantially all medical and
 39 surgical coverage benefits shall not impose an
 40 aggregate annual or lifetime limit on neurobiological
 41 disorder coverage benefits which is less than the
 42 aggregate annual or lifetime limit imposed on
 43 substantially all medical and surgical coverage
 44 benefits.

45 8. A group policy or contract or plan covered
 46 under this section shall at a minimum allow for thirty
 47 inpatient days and fifty-two outpatient visits
 48 annually. The policy or contract or plan may also
 49 include deductibles, coinsurance, or copayments,
 50 provided the amounts and extent of such deductibles,

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1 coinsurance, or copayments applicable to other medical
 2 or surgical services coverage under the policy or
 3 contract or plan are the same. It is not a violation
 4 of this section if the policy or contract or plan
 5 excludes entirely from coverage benefits for the cost
 6 of providing the following:

7 a. Marital, family, educational, developmental, or
 8 training services.

9 b. Care that is substantially custodial in nature.

10 c. Services and supplies that are not medically
 11 necessary or clinically appropriate.

12 d. Experimental treatments.

13 9. This section applies to third-party payment
 14 provider policies or contracts and plans established
 15 pursuant to chapter 509A delivered, issued for
 16 delivery, continued, or renewed in this state on or
 17 after January 1, 2003."

18 2. Page 25, by inserting after line 17 the
 19 following:

20 "Sec. __. INSURANCE DIVISION STUDY.

21 1. The insurance division of the department of
 22 commerce shall conduct a study to determine the impact
 23 of providing coverage for substance abuse. The
 24 division shall include in the study all of the
 25 following:

26 a. An estimate of the impact of mandated coverage
 27 for substance abuse treatment on health care coverage
 28 benefit costs.

29 b. Actions taken by the division to ensure that
 30 third-party payors subject to section 514C.21, if
 31 enacted by this Act are in compliance, and that the
 32 quality of and access to treatment for substance abuse
 33 are not compromised by providing for coverage parity
 34 with other coverage benefits provided for other health

35 or medical conditions under third-party payor
 36 contracts or policies.
 37 c. An analysis and comparison of the choices for
 38 treatment of substance abuse with regard to level of
 39 access, choice, and financial burden on the
 40 individual.
 41 d. Identification of any segments of the
 42 population of this state that may be excluded from, or
 43 have limited access to, treatment for substance abuse,
 44 including the number of citizens that may be excluded
 45 from, or have limited access to, treatment under
 46 third-party payor policies or contracts provided by
 47 employers who receive substantial revenue from public
 48 sources.
 49 2. The insurance division shall submit a written
 50 report to the general assembly on or before January

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1 15, 2003."
 2 3. By renumbering as necessary.

GRUNDBERG of Polk

H-8645

1 Amend House File 2623 as follows:
 2 1. Page 26, by inserting after line 27 the
 3 following:
 4 "Sec. __. 2002 Iowa Acts, Senate File 2326,
 5 section 51, if enacted, is amended to read as follows:
 6 SEC. 51. TOURISM OPERATIONS. There is
 7 appropriated from the community attraction and tourism
 8 fund created in section 15F.204 to the department of
 9 economic development for the fiscal year beginning
 10 July 1, 2002, and ending June 30, 2003, the following
 11 amount, or so much thereof as is necessary, to be used
 12 for the purposes designated:
 13 For tourism operations, including salaries,
 14 support, maintenance, and miscellaneous purposes:
 15 \$ 1,200,000
 16 Of the amount appropriated in this section,
 17 \$100,000 shall be used by the Iowa Lewis and Clark
 18 bicentennial commission established in section
 19 15.221."

WARNSTADT of Woodbury

H-8646

1 Amend House File 2623 as follows:

2 1. Page 9, by inserting after line 30 the

3 following:

4 "Sec. . NEW SECTION. 509A.6A NEUROBIOLOGICAL
5 DISORDER AND SUBSTANCE ABUSE COVERAGE FOR STATE
6 EMPLOYEES.

7 1. A state health or medical group insurance plan
8 for state employees shall provide coverage benefits
9 for treatment services for neurobiological disorders
10 and substance abuse that shall be provided on terms
11 and conditions that are no more restrictive than the
12 terms and conditions for coverage benefits provided
13 for other medical conditions under such plan.

14 2. For purposes of this section:

15 a. "Neurobiological disorder" means the following:

16 (1) Schizophrenia and other psychotic disorders.

17 (2) Mood disorders.

18 (3) Anxiety disorders.

19 (4) Pervasive development disorders and attention
20 deficit.

21 b. "State employee" means a person who is a paid
22 employee of the state of Iowa, including a paid
23 employee of the state board of regents.

24 c. "State health or medical group insurance plan"
25 means as defined in section 509A.13A.

26 d. "Substance abuse" means a pattern of
27 pathological use of alcohol or a drug that causes
28 impairment in social or occupational functioning, or
29 that produces physiological dependency evidenced by
30 physical tolerance or by physical symptoms when the
31 alcohol or drug is withdrawn.

32 3. The commissioner, by rule, shall define the
33 neurobiological disorders identified in subsection 2.
34 Definitions established by the commissioner shall be
35 consistent with definitions provided in the most
36 recent edition of the American psychiatric
37 association's diagnostic and statistical manual of
38 mental disorders, as such definitions may be amended
39 from time to time. The commissioner may adopt the
40 definitions provided in such manual by reference.

41 4. This section shall not apply to accident only,
42 specified disease, short-term hospital or medical,
43 hospital confinement indemnity, credit, dental,
44 vision, Medicare supplement, long-term care, basic
45 hospital and medical-surgical expense coverage as
46 defined by the commissioner, disability income
47 insurance coverage, coverage issued as a supplement to
48 liability insurance, workers' compensation or similar
49 insurance, or automobile medical payment insurance, or
50 individual accident and sickness policies issued to

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1 individuals or to individual members of a member
2 association.

3 5. A carrier, organized delivery system, or plan
4 may manage the benefits provided under this section
5 provided through common methods including, but not
6 limited to, providing payment of benefits or providing
7 care and treatment under a capitated payment system,
8 prospective reimbursement rate system, utilization
9 control system, incentive system for the use of least
10 restrictive and least costly levels of care, a
11 preferred provider contract limiting choice of
12 specific providers, or any other system, method, or
13 organization designed to ensure that services are
14 medically necessary and clinically appropriate.

15 6. a. A plan covered under this section shall not
16 impose an aggregate annual or lifetime limit on
17 neurobiological disorder or substance abuse coverage
18 benefits unless the plan imposes an aggregate annual
19 or lifetime limit on substantially all medical and
20 surgical coverage benefits.

21 b. A plan covered under this section that imposes
22 an aggregate annual or lifetime limit on substantially
23 all medical and surgical coverage benefits shall not
24 impose an aggregate annual or lifetime limit on
25 neurobiological disorder or substance abuse coverage
26 benefits which is less than the aggregate annual or
27 lifetime limit imposed on substantially all medical
28 and surgical coverage benefits.

29 7. A plan covered under this section shall at a
30 minimum allow for thirty inpatient days and fifty-two
31 outpatient visits annually. The plan may also include
32 deductibles, coinsurance, or copayments, provided the
33 amounts and extent of such deductibles, coinsurance,
34 or copayments applicable to other medical or surgical
35 services coverage under the plan are the same. It is
36 not a violation of this section if the plan excludes
37 entirely from coverage benefits for the cost of
38 providing the following:

39 a. Marital, family, educational, developmental, or
40 training services.

41 b. Care that is substantially custodial in nature.

42 c. Services and supplies that are not medically
43 necessary or clinically appropriate.

44 d. Experimental treatments.

45 8. This section applies to plans established
46 pursuant to this chapter delivered, issued for
47 delivery, continued, or renewed in this state on or
48 after January 1, 2003."

H-8647

1 Amend House File 2623 as follows:

2 1. Page 1, line 18, by inserting after the word
 3 "fund" the following: "and other moneys transferred
 4 or appropriated to the salary adjustment fund in this
 5 Act".
 6 2. Page 1, line 23, by striking the figure
 7 "\$30,000,000" and inserting the following:
 8 "\$55,000,000".

9 3. Page 4, line 3, by striking the words and
 10 figure ", not to exceed \$18,000,000,".

11 4. Page 4, line 20, by striking the words and
 12 figure ", not to exceed \$2,970,000,".

13 5. Page 6, by inserting after line 10 the
 14 following:
 15 "Sec. __. ECONOMIC EMERGENCY FUND APPROPRIATION.
 16 There is appropriated from the Iowa economic emergency
 17 fund created in section 8.55 to the salary adjustment
 18 fund for the fiscal year beginning July 1, 2002, and
 19 ending June 30, 2003, the following amount:
 20 \$ 12,500,000

21 Moneys appropriated in this section are declared to
 22 be appropriated for emergency expenditures as required
 23 in section 8.55, subsection 3, paragraph "a".

24 Sec. __. UNDERGROUND STORAGE TANK FUND.
 25 Notwithstanding section 455G.3, subsection 1, there is
 26 transferred from the Iowa comprehensive petroleum
 27 underground storage tank fund created in section
 28 455G.3, subsection 1, to the salary adjustment fund
 29 during the fiscal year beginning July 1, 2002, and
 30 ending June 30, 2003, the following amount:
 31 \$ 12,500,000"

MURPHY of Dubuque

H-8651

1 Amend House File 2623 as follows:

2 1. Page 26, by inserting after line 11, the
 3 following:
 4 "Sec. __. MICROSOFT LAWSUIT. The general
 5 assembly believes that the Iowa attorney general's
 6 lawsuit against the Microsoft corporation is not in
 7 the best interest of the state of Iowa and its
 8 citizens, therefore, moneys from the general fund of
 9 the state or any other funds available to the
 10 department of justice shall not be used to pay for or
 11 continue to support a lawsuit against the Microsoft
 12 corporation."

13 2. Page 32, by inserting after line 14 the
 14 following:

15 "Sec.____. EFFECTIVE DATE. The section of this
 16 division of this Act relating to the Microsoft
 17 lawsuit, being deemed of immediate importance, takes
 18 effect upon enactment."

DIX of Butler

H-8652

1 Amend House File 2623 as follows:
 2 1. Page 31, by striking lines 26 through 33.

JOCHUM of Dubuque
 FALLON of Polk

H-8654

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 2, line 3, by striking the word "to".
 5 2. Page 2, by striking lines 4 and 5.

BRUNKHORST of Bremer

H-8655

1 Amend House File 2623, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 13, by inserting after line 22 the
 4 following:
 5 "Section 1. Section 124.401, subsection 1,
 6 paragraph a, subparagraph (2), unnumbered paragraph 1,
 7 Code 2001, is amended to read as follows:
 8 More than five kilograms of a any compound, mixture
 9 ~~or, preparation, or~~ substance containing a detectable
 10 amount of any of the following:
 11 Sec ____ Section 124.401, subsection 1, paragraph
 12 a, subparagraph (2), subparagraph divisions (a), (b),
 13 and (c), Code 2001, are amended by striking the
 14 subparagraph subdivisions.
 15 Sec.____. Section 124.401, subsection 1, paragraph
 16 a, subparagraph (2), subparagraph division (f), Code
 17 2001, is amended to read as follows:
 18 (f) Any compound, mixture, or preparation which
 19 contains any quantity of any of the substances
 20 referred to in ~~subparagraph subdivisions (a) through~~
 21 ~~(e)~~ this subparagraph (2).
 22 Sec.____. Section 124.401, subsection 1, paragraph
 23 a, subparagraph (3), Code 2001, is amended to read as
 24 follows:
 25 (3) More than fifty grams of a any compound.

26 mixture ~~or, preparation, or substance described in~~
27 ~~subparagraph (2) which contains containing a~~
28 ~~detectable amount of~~ cocaine base.
29 Sec. ____ Section 124.401, subsection 1, paragraph
30 a, Code 2001, is amended by adding the following new
31 subparagraph:
32 NEW SUBPARAGRAPH. (3A) More than five hundred
33 grams of any compound, mixture, preparation, or
34 substance containing a detectable amount of any of the
35 following:
36 (a) Coca leaves, except coca leaves and extracts
37 of coca leaves from which cocaine, ecgonine, and
38 derivatives of ecgonine or their salts have been
39 removed.
40 (b) Cocaine, its salts, optical and geometric
41 isomers, and salts of isomers.
42 (c) Ecgonine, its derivatives, their salts,
43 isomers, and salts of isomers.
44 Sec. ____ Section 124.401, subsection 1, paragraph
45 b, subparagraph (2), Code 2001, is amended by striking
46 the subparagraph.
47 Sec. ____ Section 124.401, subsection 1, paragraph
48 b, subparagraph (3), Code 2001, is amended to read as
49 follows:
50 (3) More than five grams but not more than fifty

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1 grams of a any compound, mixture, preparation, or
2 substance described in subparagraph (2) which contains
3 containing a detectable amount of cocaine base.
4 Sec. ____ Section 124.401, subsection 1, paragraph
5 b, Code 2001, is amended by adding the following new
6 subparagraph:
7 NEW SUBPARAGRAPH. (3A) More than fifty grams but
8 not more than five hundred grams of any compound,
9 mixture, preparation, or substance containing a
10 detectable amount of any of the following:
11 (a) Coca leaves, except coca leaves and extracts
12 of coca leaves from which cocaine, ecgonine, and
13 derivatives of ecgonine or their salts have been
14 removed.
15 (b) Cocaine, its salts, optical and geometric
16 isomers, and salts of isomers.
17 (c) Ecgonine, its derivatives, their salts,
18 isomers, and salts of isomers.
19 Sec. ____ Section 124.401, subsection 1, paragraph
20 c, subparagraph (2), Code 2001, is amended by striking
21 the subparagraph.
22 Sec. ____ Section 124.401, subsection 1, paragraph
23 c, subparagraph (3), Code 2001, is amended to read as
24 follows:

25 (3) Five grams or less of a any compound, mixture,
26 preparation, or substance described in subparagraph
27 (2) which contains containing a detectable amount of
28 cocaine base.

29 Sec. ____ Section 124.401, subsection 1, paragraph
30 c, Code 2001, is amended by adding the following new
31 subparagraph:

32 NEW SUBPARAGRAPH. (3A) Fifty grams or less of any
33 compound, mixture, preparation, or substance
34 containing a detectable amount of any of the
35 following:

36 (a) Coca leaves, except coca leaves and extracts
37 of coca leaves from which cocaine, ecgonine, and
38 derivatives of ecgonine or their salts have been
39 removed.

40 (b) Cocaine, its salts, optical and geometric
41 isomers, and salts of isomers.

42 (c) Ecgonine, its derivatives, their salts,
43 isomers, and salts of isomers.

44 Sec. ____ Section 232.22, subsection 1, paragraph
45 e, subparagraph (2), Code Supplement 2001, is amended
46 to read as follows:

47 (2) A mixture or substance containing cocaine, its
48 salts, optical and geometric isomers, and salts of
49 isomers, and if the act was committed by an adult, it
50 would be a violation of section 124.401, subsection 1,

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- 1 paragraph "a", subparagraph ~~(2)~~ (3A), subparagraph
- 2 subdivision (b), paragraph "b", subparagraph ~~(2)~~ (3A),
- 3 subparagraph subdivision (b), or paragraph "c",
- 4 subparagraph ~~(2)~~ (3A), subparagraph subdivision (b)."
- 5 2. By renumbering as necessary.

FORD of Polk

H-8657

1 Amend House File 2623 as follows:

2 1. Page 17, by inserting after line 22 the
3 following:

4 "Sec. ____ Section 257.16, Code 2001, is amended
5 to read as follows:

6 1. There is appropriated each year from the
7 general fund of the state an amount necessary to pay
8 the foundation aid and supplementary aid under section
9 257.4, subsection 2.

10 2. All state aids paid under this chapter, unless
11 otherwise stated, shall be paid in monthly
12 installments beginning on September 15 of a budget
13 year and ending on or about June 15 of the budget year

14 as determined by the department of management, taking
 15 into consideration the relative budget and cash
 16 position of the state resources.

17 3. All moneys received by a school district from
 18 the state under this chapter shall be deposited in the
 19 general fund of the school district, and may be used
 20 for any school general fund purpose.

21 4. Notwithstanding any provision to the contrary,
 22 if the governor orders budget reductions in accordance
 23 with section 8.31, reductions in the appropriations
 24 provided in accordance with this section shall be
 25 distributed on a per pupil basis calculated with the
 26 weighted enrollment determined in accordance with
 27 section 257.6, subsection 5."

28 2. By renumbering as necessary.

GRUNDBERG of Polk

H-8660

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 \$200,000 available shall be used to
 7 fund the forgivable loan portion of the registered
 8 nurse recruitment program as established in 2002 Iowa
 9 Acts, Senate File 2323, section 1, if enacted."

10 2. Page 2, line 3, by striking the word "to".

11 3. Page 2, by striking lines 4 and 5.

MASCHER of Johnson

H-8661

1 Amend House File 2623 as follows:

2 1. Page 18, by inserting after line 27, the
 3 following:

4 "Sec. __. Section 321.182, subsection 1, Code
 5 Supplement 2001, as amended by 2002 Iowa Acts, Senate
 6 File 2192, section 23, is amended to read as follows:

7 1. a. Make application on a form provided by the
 8 department which shall include the applicant's full
 9 name, signature, current mailing address, current
 10 residential address, date of birth, social security
 11 number, and physical description including sex,
 12 height, and eye color. The application may contain
 13 other information the department may require by rule.
 14 Pursuant to procedures established by the department
 15 and for an applicant who is a foreign national
 16 temporarily present in this state, the department may

17 waive the requirement that the application include the
 18 applicant's social security number. The department
 19 shall waive the social security number requirement for
 20 a foreign national's application for a noncommercial
 21 driver's license or a nonoperator's identification
 22 card.

23 b. A licensee shall notify the department when the
 24 licensee's mailing address changes and provide the new
 25 address within thirty days of obtaining the new
 26 address. The application provided by the department
 27 shall include a statement for the applicant to sign
 28 that acknowledges the applicant's knowledge of the
 29 requirement to notify the department of a mailing
 30 address change. The penalty under section 321.482
 31 shall not apply to a licensee's failure to notify the
 32 department of such an address change."

33 2. By renumbering, redesignating, and correcting
 34 internal references as necessary.

HUSER of Polk

H-8663

1 Amend House File 2623 as follows:

2 1. Page 9, by striking lines 8 through 28 and
 3 inserting the following:

4 "Sec. 100. 2002 Iowa Acts, Senate File 2304,
 5 section 25, is amended by striking the section and
 6 inserting in lieu thereof the following:

7 SEC. 25. EXECUTIVE BRANCH COMPENSATION FUNDING FY
 8 2001-2002. There is appropriated from the Iowa
 9 economic emergency fund created in section 8.55 to the
 10 department of management for the fiscal year beginning
 11 July 1, 2001, and ending June 30, 2002, the amount, or
 12 so much thereof as is necessary, to be used for the
 13 purpose designated:

14 For providing funding to executive branch
 15 departments and agencies as necessary to eliminate the
 16 need for employee furloughs, layoffs, or other cost
 17 reductions to comply with the requirements of 2002
 18 Iowa Acts, Senate File 2304, section 25, as originally
 19 enacted:

20\$ 11,702,872

21 Moneys appropriated in this section are not subject
 22 to transfer under section 8.39 and shall only be used
 23 for the designated purpose. Moneys appropriated in
 24 this section that remain unexpended or unobligated for
 25 the purpose designated at the close of the fiscal year
 26 shall revert as provided in section 8.33."

27 2. Page 9, by inserting after line 34 the
 28 following:

29 "Sec.____. EFFECTIVE DATE. Section 100 of this

30 division of this Act, relating to executive branch
31 compensation funding, being deemed of immediate
32 importance, takes effect upon enactment."
33 3. By renumbering as necessary.

JOCHUM of Dubuque

H-8665

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 inserting after line 2 the
5 following:
6 "____. Page 3, line 20, by striking the figure
7 "5,000,000" and inserting the following:
8 "9,345,394"."
9 2. Page 1, by inserting after line 42 the
10 following:
11 "____. Page 9, line 18, by striking the figure
12 "9,000,000" and inserting the following:
13 "12,345,394"."

MASCHER of Johnson

H-8668

1 Amend the amendment, H-8644, to House File 2623 as
2 follows:
3 1. By striking page 1, line 4, through page 4,
4 line 1, and inserting the following:
5 ""Sec.____. **NEW SECTION. 514C.21 MANDATED**
6 **COVERAGE FOR NEUROBIOLOGICAL DISORDERS AND UNDERLYING**
7 **CO-MORBIDITY.**
8 1. For purposes of this section, unless the
9 context otherwise requires:
10 a. "Co-morbidity" means the coexistence of
11 conditions or diagnosable disorders such as
12 neurobiological disorders and substance abuse. For
13 purposes of this section, "substance abuse" means a
14 pattern of pathological use of alcohol or a drug that
15 causes impairment in social or occupational
16 functioning, or that produces physiological dependency
17 evidenced by physical tolerance or by physical
18 symptoms when the alcohol or drug is withdrawn.
19 b. "Neurobiological disorder" means the following:
20 (1) Schizophrenia and other psychotic disorders.
21 (2) Affective disorders.
22 (3) Anxiety disorders.
23 (4) Pervasive developmental disorders.
24 (5) Attention deficit hyperactivity disorder and
25 related disorders.

26 (6) Disorders identified in childhood and
27 adolescence.
28 The commissioner, by rule, shall identify the
29 neurobiological disorders covered by this definition,
30 consistent with the guidelines provided in the most
31 recent edition of the American psychiatric
32 association's diagnostic and statistical manual of
33 mental disorders, as such definitions may be amended
34 from time to time. The commissioner may adopt the
35 definitions provided in the manual by reference.
36 c. "Rates, terms, and conditions" means any
37 lifetime or annual payment limits, deductibles,
38 copayments, coinsurance, and any other cost-sharing
39 requirements, out-of-pocket limits, visit limitations,
40 and any other financial component of benefits coverage
41 that affects the covered individual.
42 2. a. Notwithstanding the uniformity of treatment
43 requirements of section 514C.6, a policy, contract, or
44 plan providing for third-party payment or prepayment
45 of health or medical expenses shall provide coverage
46 benefits for treatment for neurobiological disorders
47 and underlying co-morbidity based on rates, terms, and
48 conditions that are no more restrictive than the
49 rates, terms, and conditions for coverage benefits
50 provided for other health or medical conditions under

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1 the policy, contract, or plan.
2 b. Any restrictions or limitations with respect to
3 rates, terms, and conditions involving deductibles,
4 copayments, coinsurance, and any other cost-sharing
5 requirements shall be cumulative for coverage of
6 treatment for neurobiological disorders and underlying
7 co-morbidity and other health or medical conditions
8 under a policy, contract, or plan. A policy,
9 contract, or plan subject to this section shall not
10 impose an aggregate lifetime or annual limit on
11 treatment for neurobiological disorders and underlying
12 co-morbidity coverage benefits unless the policy,
13 contract, or plan imposes an aggregate lifetime or
14 annual limit on substantially all health or medical
15 coverage benefits. A policy, contract, or plan
16 subject to this section that imposes an aggregate
17 lifetime or annual limit on substantially all medical
18 and surgical coverage benefits shall not impose an
19 aggregate lifetime or annual limit on treatment for
20 neurobiological disorders and underlying co-morbidity
21 coverage benefits that is less than the aggregate
22 lifetime or annual limit imposed on substantially all
23 health or medical coverage benefits.
24 c. Coverage required under this section shall be

25 for the treatment of neurobiological disorders and
 26 underlying co-morbidity, for services provided by a
 27 health professional licensed under chapter 147A, 148,
 28 150A, 152, 154B, 154C, or 154D, for services provided
 29 in a hospital, clinic, office, community mental health
 30 center, health care facility, outpatient treatment
 31 facility, residential treatment facility, halfway
 32 house, or similar facility for the provision of health
 33 care services, and for services provided pursuant to
 34 the comprehensive program for treatment for substance
 35 abuse maintained by the department of public health
 36 pursuant to section 125.12 in a hospital licensed
 37 under chapter 135B or a facility licensed under
 38 chapter 125.

39 3. This section applies to the following classes
 40 of third-party payment provider policies, contracts,
 41 or plans delivered, issued for delivery, continued, or
 42 renewed in this state on or after January 1, 2003:

43 a. Individual or group accident and sickness
 44 insurance providing coverage on an expense-incurred
 45 basis.

46 b. An individual or group hospital or medical
 47 service contract issued pursuant to chapter 509, 514,
 48 or 514A.

49 c. A plan established pursuant to chapter 509A for
 50 public employees.

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1 d. An individual or group health maintenance
 2 organization contract regulated under chapter 514B.

3 e. An individual or group Medicare supplemental
 4 policy, unless coverage pursuant to such policy is
 5 preempted by federal law.

6 f. Any other entity engaged in the business of
 7 insurance, risk transfer, or risk retention, which is
 8 subject to the jurisdiction of the commissioner.

9 g. An organized delivery system licensed by the
 10 director of public health.

11 4. The commissioner shall adopt rules pursuant to
 12 chapter 17A to administer this section.

13 Sec. __. INSURANCE DIVISION STUDY IN CONJUNCTION
 14 WITH STATE AUDITOR.

15 1. The insurance division of the department of
 16 commerce, in conjunction with the state auditor, shall
 17 conduct a study of the cost of providing
 18 neurobiological disorder coverage benefits in Iowa.

19 2. The study shall assess at least all of the
 20 following:

21 a. Identification of the costs attributed to
 22 treatment of neurobiological disorders, and to
 23 underlying co-morbidity.

- 24 b. An estimate of the impact of mandated coverage
 25 on health care coverage benefit costs and
 26 availability.
- 27 c. Actions taken by the division to ensure that
 28 third-party payors subject to this Act are in
 29 compliance.
- 30 d. Identification of any segments of the
 31 population of this state that may be excluded from, or
 32 have limited access to, treatment, including the
 33 number of citizens that may be excluded from, or have
 34 limited access to, treatment under third-party payor
 35 policies or contracts provided by employers who
 36 receive substantial revenue from public sources.
- 37 3. The insurance division shall submit a written
 38 report to the general assembly on or before January
 39 30, 2005.
- 40 Sec. ___. DEPARTMENT OF PUBLIC HEALTH STUDY.
- 41 1. The department of public health shall conduct a
 42 two-year study of the mental health delivery system in
 43 Iowa, beginning July 1, 2002.
- 44 2. The study shall include participation by at
 45 least all of the following:
- 46 a. Representatives of professional health care
 47 groups licensed under chapters 147A, 148, 150A, 152,
 48 154B, 154C, and 154D.
- 49 b. Representatives of associations or other groups
 50 representing hospitals, clinics, community mental

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- 1 health centers, community corrections and prison
 2 corrections, health care facilities, outpatient
 3 treatment facilities, and any other facility offering
 4 mental health services.
- 5 c. County supervisors, representatives from the
 6 department of human services, judges, mental health
 7 advocates, and other state or county officials
 8 involved in the provision of mental health services.
- 9 d. Consumers, family members, and patients.
- 10 3. The participants in the study shall assess the
 11 relevant issues facing the mental health delivery
 12 system in Iowa, and shall prepare a report with
 13 recommendations for presentation to the general
 14 assembly no later than November 1, 2004."'
- 15 2. By renumbering, redesignating, and correcting
 16 internal references as necessary.

JOCHUM of Dubuque
 BUKTA of Clinton
 LARKIN of Lee
 WITT of Black Hawk
 FREVERT of Palo Alto

MYERS of Johnson
 COHOON of Des Moines
 D. TAYLOR of Linn
 GREIMANN of Story
 REYNOLDS of Van Buren

HATCH of Polk
 KUHNS of FLOYD
 MASCHER of Johnson
 LENSING of Johnson
 SMITH of Marshall
 PETERSEN of Polk
 REEDER of Fayette
 SCHERRMAN of Dubuque
 OSTERHAUS of Jackson
 CONNORS of Polk
 KREIMAN of Davis
 MAY of Worth
 O'BRIEN of Boone
 TREMMEL of Wapello

DOTZLER of Black Hawk
 STEVENS of Dickinson
 WINCKLER of Scott
 FORD of Polk
 FOEGE of Linn
 WISE of Lee
 MURPHY of Dubuque
 ATTEBERRY of Delaware
 SCHRADER of Marion
 SENG of Scott
 BELL of Jasper
 SHOULTZ of Black Hawk
 FALLON of Polk

H-8670

1 Amend House File 2623, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 13, by inserting after line 22 the
 4 following:
 5 "Sec. __. Section 124.401, subsection 1,
 6 paragraph a, subparagraph (2), unnumbered paragraph 1,
 7 Code 2001, is amended to read as follows:
 8 More than five kilograms of a any compound, mixture
 9 ~~or, preparation, or~~ substance containing a detectable
 10 amount of any of the following:
 11 Sec. __. Section 124.401, subsection 1, paragraph
 12 a, subparagraph (2), subparagraph divisions (a), (b),
 13 and (c), Code 2001, are amended by striking the
 14 subparagraph subdivisions.
 15 Sec. __. Section 124.401, subsection 1, paragraph
 16 a, subparagraph (2), subparagraph division (f), Code
 17 2001, is amended to read as follows:
 18 (f) Any compound, mixture, or preparation which
 19 contains any quantity of any of the substances
 20 referred to in ~~subparagraph subdivisions (a) through~~
 21 ~~(e)~~ this subparagraph (2).
 22 Sec. __. Section 124.401, subsection 1, paragraph
 23 a, subparagraph (2), Code 2001, is amended by adding
 24 the following new subparagraph subdivision:
 25 NEW SUBPARAGRAPH SUBDIVISION. (g) 3,4-
 26 methylenedioxymethamphetamine (MDMA), its salts,
 27 isomers, or salts of isomers.
 28 Sec. __. Section 124.401, subsection 1, paragraph
 29 a, subparagraph (3), Code 2001, is amended to read as
 30 follows:
 31 (3) More than fifty grams of a any compound,
 32 mixture ~~or, preparation, or~~ substance ~~described in~~
 33 ~~subparagraph (2) which contains~~ containing a
 34 detectable amount of cocaine base.
 35 Sec. __. Section 124.401, subsection 1, paragraph

36 a, Code 2001, is amended by adding the following new
37 subparagraph:
38 NEW SUBPARAGRAPH. (3A) More than five hundred
39 grams of any compound, mixture, preparation, or
40 substance containing a detectable amount of any of the
41 following:
42 (a) Coca leaves, except coca leaves and extracts
43 of coca leaves from which cocaine, ecgonine, and
44 derivatives of ecgonine or their salts have been
45 removed.
46 (b) Cocaine, its salts, optical and geometric
47 isomers, and salts of isomers.
48 (c) Ecgonine, its derivatives, their salts,
49 isomers, and salts of isomers.
50 Sec. __. Section 124.401, subsection 1, paragraph

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1 b, subparagraph (2), Code 2001, is amended by striking
2 the subparagraph.
3 Sec. __. Section 124.401, subsection 1, paragraph
4 b, subparagraph (3), Code 2001, is amended to read as
5 follows:
6 (3) More than five grams but not more than fifty
7 grams of a any compound, mixture, preparation, or
8 substance described in subparagraph (2) which contains
9 containing a detectable amount of cocaine base.
10 Sec. __. Section 124.401, subsection 1, paragraph
11 b, Code 2001, is amended by adding the following new
12 subparagraph:
13 NEW SUBPARAGRAPH. (3A) More than fifty grams but
14 not more than five hundred grams of any compound,
15 mixture, preparation, or substance containing a
16 detectable amount of any of the following:
17 (a) Coca leaves, except coca leaves and extracts
18 of coca leaves from which cocaine, ecgonine, and
19 derivatives of ecgonine or their salts have been
20 removed.
21 (b) Cocaine, its salts, optical and geometric
22 isomers, and salts of isomers.
23 (c) Ecgonine, its derivatives, their salts,
24 isomers, and salts of isomers.
25 Sec. __. Section 124.401, subsection 1, paragraph
26 b, Code 2001, is amended by adding the following new
27 subparagraph:
28 NEW SUBPARAGRAPH. (9) More than ten grams but not
29 more than five kilograms of 3,4-
30 methylenedioxymethamphetamine (MDMA), its salts,
31 isomers, or salts of isomers, or any compound, mixture
32 or preparation which contains any quantity of
33 detectable amount of MDMA, its salts, isomers, or
34 salts of isomers.

35 Sec. ____ Section 124.401, subsection 1, paragraph
36 c, subparagraph (2), Code 2001, is amended by striking
37 the subparagraph.

38 Sec. ____ Section 124.401, subsection 1, paragraph
39 c, subparagraph (3), Code 2001, is amended to read as
40 follows:

41 (3) Five grams or less of a any compound, mixture,
42 preparation, or substance ~~described in subparagraph~~
43 ~~(2) which contains~~ containing a detectable amount of
44 cocaine base.

45 Sec. ____ Section 124.401, subsection 1, paragraph
46 c, Code 2001, is amended by adding the following new
47 subparagraph:

48 NEW SUBPARAGRAPH. (3A) Fifty grams or less of any
49 compound, mixture, preparation, or substance
50 containing a detectable amount of any of the

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1 following:

2 (a) Coca leaves, except coca leaves and extracts
3 of coca leaves from which cocaine, ecgonine, and
4 derivatives of ecgonine or their salts have been
5 removed.

6 (b) Cocaine, its salts, optical and geometric
7 isomers, and salts of isomers.

8 (c) Ecgonine, its derivatives, their salts,
9 isomers, and salts of isomers.

10 Sec. ____ Section 124.401, subsection 1, paragraph
11 c, Code 2001, is amended by adding the following new
12 subparagraph:

13 NEW SUBPARAGRAPH. (7A) Ten grams or less of 3,4-
14 methylenedioxymethamphetamine (MDMA), its salts,
15 isomers, or salts of isomers, or any compound, mixture
16 or preparation which contains any quantity of
17 detectable amount of MDMA, its salts, isomers, or
18 salts of isomers.

19 Sec. ____ Section 124.401, subsection 4,
20 unnumbered paragraph 1, Code 2001, is amended to read
21 as follows:

22 A person who possesses any product containing any
23 of the following commits a class "D" felony, if the
24 person possesses with the intent ~~to use the product~~
25 that the product be used to manufacture any controlled
26 substance:

27 Sec. ____ Section 124.401A, Code 2001, is amended
28 to read as follows:

29 124.401A ENHANCED PENALTY FOR MANUFACTURE OR
30 DISTRIBUTION TO PERSONS ON CERTAIN REAL PROPERTY.

31 In addition to any other penalties provided in this
32 chapter, a person who is eighteen years of age or
33 older who unlawfully manufactures with intent to

34 distribute, distributes, or possesses with intent to
 35 distribute a substance or counterfeit substance listed
 36 in schedule I, II, or III, or a simulated controlled
 37 substance represented to be a controlled substance
 38 classified in schedule I, II, or III, to another
 39 person who is eighteen years of age or older in or on,
 40 or within one thousand feet of the real property
 41 comprising a public or private elementary or secondary
 42 school, public park, public swimming pool, public
 43 recreation center, or on a marked school bus, may be
 44 sentenced up to an additional term of confinement of
 45 five years.
 46 Sec.____. Section 124.409, subsection 1, Code
 47 2001, is amended by striking the subsection.
 48 Sec.____. Section 232.22, subsection 1, paragraph
 49 e, subparagraph (2), Code Supplement 2001, is amended
 50 to read as follows:

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1 (2) A mixture or substance containing cocaine, its
 2 salts, optical and geometric isomers, and salts of
 3 isomers, and if the act was committed by an adult, it
 4 would be a violation of section 124.401, subsection 1,
 5 paragraph "a", subparagraph ~~(2)~~ (3A), subparagraph
 6 subdivision (b), paragraph "b", subparagraph ~~(2)~~ (3A),
 7 subparagraph subdivision (b), or paragraph "c",
 8 subparagraph ~~(2)~~ (3A), subparagraph subdivision (b)."

9 2. Page 18, by inserting after line 27 the
 10 following:

11 "Sec.____. Section 321J.2, subsection 3, paragraph
 12 a, subparagraph (3), Code 2001, is amended by striking
 13 the subparagraph."

14 3. Page 20, by inserting after line 29 the
 15 following:

16 "Sec.____. Section 462A.14, subsection 3,
 17 paragraph a, subparagraph (3), Code 2001, is amended
 18 by striking the subparagraph."

19 4. Page 24, by inserting after line 15 the
 20 following:

21 Sec.____. Section 622.53, Code 2001, is amended to
 22 read as follows:

23 622.53 JUDICIAL RECORD – STATE OR FEDERAL COURTS.

24 A judicial record of this state, including the
 25 filed certified shorthand notes of the official court
 26 reporter as transcribed or a court of the United
 27 States may be proved by the production of the
 28 original, or a copy of it certified by the clerk or
 29 person having the legal custody of it, authenticated
 30 by the custodian's seal of office, if there is a seal.
 31 ~~That~~ A judicial record of another state may be proved
 32 by the attestation of the clerk and the seal of the

33 court annexed, if there is a seal, ~~together with a~~
 34 ~~certificate of a judge, chief justice, or presiding~~
 35 ~~magistrate that the attestation is in due form of law.~~

36 Sec. __. Section 711.3, Code 2001, is amended to
 37 read as follows:

38 711.3 ROBBERY IN THE SECOND DEGREE.

39 All robbery which is not robbery in the first
 40 degree is robbery in the second degree, ~~except as~~
 41 ~~provided in section 711.3A.~~ Robbery in the second
 42 degree is a class "C" felony.

43 Sec. __. NEW SECTION. 711.3A ROBBERY IN THE
 44 THIRD DEGREE.

45 A person commits robbery in the third degree when,
 46 while perpetrating a robbery, the person does not do
 47 any of the following: cause injury, attempt to cause
 48 injury, threaten to cause injury or to commit a
 49 forcible felony, purposefully put another in fear of
 50 injury, possess a firearm or dangerous weapon, commit

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1 a theft of cash or an item with a value greater than
 2 fifty dollars, or commit a robbery of a financial
 3 institution as defined in section 12C.1. Robbery in
 4 the third degree is a class "D" felony.

5 Sec. __. Section 713.6A, subsection 2, Code
 6 Supplement 2001, is amended to read as follows:

7 2. Burglary in the third degree involving a
 8 burglary of an unoccupied motor vehicle or motor truck
 9 as defined in section 321.1, or a vessel defined in
 10 section 462A.2, is an aggravated misdemeanor for a
 11 first offense. ~~A second or subsequent~~ If the person
 12 has a prior conviction under this section chapter, the
 13 offense is punishable under subsection 1.

14 Sec. __. Section 713.6B, subsection 2, Code
 15 Supplement 2001, is amended to read as follows:

16 2. Attempted burglary in the third degree
 17 involving an attempted burglary of an unoccupied motor
 18 vehicle or motor truck as defined in section 321.1, or
 19 a vessel defined in section 462A.2, is a serious
 20 misdemeanor for a first offense. ~~A second or~~
 21 ~~subsequent~~ If the person has a prior conviction under
 22 this section chapter, the offense is punishable under
 23 subsection 1.

24 Sec. __. Section 901.5, Code 2001, is amended by
 25 adding the following new subsection:

26 NEW SUBSECTION. 13. In addition to any sentence
 27 or other penalty imposed against the defendant, the
 28 court shall sentence the defendant to an additional
 29 term of years if required under section 902.13.

30 Sec. __. NEW SECTION. 901.11 DEFERRED JUDGMENTS
 31 – PREVIOUS OFFENSES FOR PURPOSES OF ENHANCEMENT.

32 In determining if an offense is a second or
 33 subsequent offense for purposes of sentencing, the
 34 following shall apply:

35 1. A deferred judgment entered pursuant to section
 36 907.3 for the same offense shall be counted as a
 37 previous offense.

38 2. A conviction, deferred judgment, or the
 39 equivalent of a deferred judgment for a violation in
 40 any other state under a statute substantially
 41 corresponding to the offense shall be counted as a
 42 previous offense. The courts shall judicially notice
 43 the statutes of other states which define offenses
 44 substantially equivalent to those defined in the Code
 45 and can therefore be considered corresponding
 46 statutes.

47 3. Each previous offense for which conviction or
 48 deferral of judgment was entered prior to the date of
 49 the violation charged shall be considered and counted
 50 as a separate previous offense.

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1 Sec. ___. Section 902.3A, subsection 1, unnumbered
 2 paragraph 1, Code Supplement 2001, is amended to read
 3 as follows:

4 Notwithstanding section 902.3, when a conviction
 5 for a class "D" felony or a class "C" felony under
 6 section 124.401, subsection 1, paragraph "e", is
 7 entered against a person, the court, at its
 8 discretion, in imposing a sentence of confinement
 9 pursuant to section 901.5, may commit the person into
 10 the custody of the director of the Iowa department of
 11 corrections for a determinate term of less than the
 12 maximum length of the sentence prescribed by section
 13 902.9, ~~subsection 5, if mitigating circumstances exist~~
 14 ~~and those circumstances are stated specifically on the~~
 15 ~~record.~~

16 Sec. ___. Section 902.3A, subsection 1, paragraph
 17 e, Code Supplement 2001, is amended to read as
 18 follows:

19 e. This section does not apply to an offense
 20 classified as a forcible felony, a felony under
 21 section 321J.2, felonies in chapters 707, 708, and
 22 709, ~~a person sentenced as a habitual offender,~~
 23 ~~felonies listed in section 901A.1, or felonies listed~~
 24 ~~in section 902.12 or 902.13, or a felony committed by~~
 25 ~~a person on parole or work release, or while in the~~
 26 ~~custody of the director of the department of~~
 27 ~~corrections.~~

28 Sec. ___. Section 902.3A, subsection 3, Code
 29 Supplement 2001, is amended by striking the
 30 subsection.

31 Sec.____. Section 902.11, unnumbered paragraph 1,
 32 Code 2001, is amended to read as follows:

33 A person serving a sentence for conviction of a
 34 felony, other than a forcible felony under section
 35 902.12 or ~~902.13~~, who has a criminal record of one or
 36 more prior convictions for a forcible felony or a
 37 crime of a similar gravity in this or any other state,
 38 shall be denied parole or work release unless the
 39 person has served at least one-half of the maximum
 40 term of the defendant's sentence. However, the
 41 mandatory sentence provided for by this section does
 42 not apply if either of the following apply:

43 Sec.____. Section 902.12, subsection 5, unnumbered
 44 paragraph 1, Code 2001, is amended to read as follows:

45 5. Robbery in the first ~~or second~~ degree in
 46 violation of section 711.2 ~~or 711.3~~.

47 Sec.____. NEW SECTION. 902.13 MINIMUM SENTENCE
 48 – ROBBERY SECOND.

49 1. Except as otherwise provided in section 903A.2,
 50 a person serving a sentence for conviction of robbery

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1 in the second degree shall serve one hundred percent
 2 of the maximum term of the person's sentence and shall
 3 not be released on parole or work release.

4 2. The person shall also be sentenced to an
 5 additional term of three years. The board of parole
 6 shall determine whether the person should be released
 7 on parole or placed in a work release program. When a
 8 person commences service of the additional term of
 9 years, the person shall initially be released by the
 10 board of parole subject to the terms and conditions
 11 set out in chapter 906. Violations of the terms and
 12 conditions of release shall be subject to the
 13 procedures set out in chapter 905 or 908 or rules
 14 adopted under those chapters. The sentence of an
 15 additional term of years shall be consecutive to the
 16 original term of confinement.

17 Sec.____. Section 903A.2, subsection 1, paragraph
 18 a, Code 2001, is amended to read as follows:

19 a. Category "A" sentences are those sentences
 20 which are not subject to a maximum accumulation of
 21 earned time of ~~fifteen percent of the total sentence~~
 22 ~~of confinement~~ under section 902.12 or 902.13. To the
 23 extent provided in subsection 5, category "A"
 24 sentences also include life sentences imposed under
 25 section 902.1. An inmate of an institution under the
 26 control of the department of corrections who is
 27 serving a category "A" sentence is eligible for a
 28 reduction of sentence equal to one and two-tenths days
 29 for each day the inmate demonstrates good conduct and

30 satisfactorily participates in any program or
31 placement status identified by the director to earn
32 the reduction. The programs include but are not
33 limited to the following:

34 Sec.____. Section 903A.2, subsection 1, Code 2001,
35 is amended by adding the following new paragraph:
36 NEW PARAGRAPH. c. Category "C" sentences are
37 those sentences which are subject to a maximum
38 accumulation of earned time of thirty percent of the
39 total sentence of confinement under section 902.13.
40 An inmate of an institution under the control of the
41 department of corrections who is serving a category
42 "C" sentence is eligible for a reduction of sentence
43 equal to three-sevenths of a day for each day of good
44 conduct by the inmate.

45 Sec.____. Section 903A.7, Code 2001, is amended to
46 read as follows:

47 903A.7 SEPARATE SENTENCES.

48 Consecutive multiple sentences that are within the
49 same category under section 903A.2 shall be construed
50 as one continuous sentence for purposes of calculating

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1 reductions of sentence for earned time. If a person
2 is sentenced to serve sentences of both multiple
3 categories, category "B" sentences shall be served
4 before category "C" and category "A" sentences are
5 served, and category "C" sentences shall be served
6 before category "A" sentences are served, and earned
7 time accrued against the category "B" sentences shall
8 not be used to reduce the category "C" or category "A"
9 sentences, and earned time accrued against category
10 "C" sentences shall not be used to reduce category "A"
11 or category "B" sentences. If an inmate serving a
12 category "A" sentence is sentenced to serve a category
13 "B" sentence or a category "C" sentence, the category
14 "A" sentence shall be interrupted, and no further
15 earned time shall accrue against that sentence until
16 the category "B" sentence is completed. If an inmate
17 -serving a category "C" sentence is sentenced to serve
18 a category "B" sentence, the category "C" sentence
19 shall be interrupted, and no further earned time shall
20 accrue against that sentence until the category "B"
21 sentence is completed.

22 Sec.____. Section 906.15, unnumbered paragraph 1,
23 Code 2001, is amended to read as follows:

24 Unless sooner discharged, a person released on
25 parole shall be discharged when the person's term of
26 parole equals the period of imprisonment specified in
27 the person's sentence, less all time served in
28 confinement. Discharge from parole may be granted

29 prior to such time, when an early discharge is
 30 appropriate. The board shall periodically review all
 31 paroles, and when the board determines that any person
 32 on parole is able and willing to fulfill the
 33 obligations of a law-abiding citizen without further
 34 supervision, the board shall discharge the person from
 35 parole. A parole officer shall periodically review
 36 all paroles assigned to the parole officer, and when
 37 the parole officer determines that any person assigned
 38 to the officer is able and willing to fulfill the
 39 obligations of a law-abiding citizen without further
 40 supervision, the officer may discharge the person from
 41 parole after notification and approval of the district
 42 director and notification of the board of parole. In
 43 any event, discharge from parole shall terminate the
 44 person's sentence. However, if a person has been
 45 sentenced to an additional term of years under section
 46 902.13, the person shall not be discharged from the
 47 term until the additional term of years has been
 48 served. However, a person convicted of a violation of
 49 section 709.3, 709.4 or 709.8 committed on or with a
 50 child shall not be discharged from parole until the

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1 person's term of parole equals the period of
 2 imprisonment specified in the person's sentence, less
 3 all time served in confinement.

4 Sec.____. Section 907.3, subsection 1, paragraph
 5 c, Code 2001, is amended to read as follows:

6 c. Prior to the commission of the offense the
 7 defendant had been granted a deferred judgment or
 8 similar relief, ~~two or more times~~ anywhere in the
 9 United States.

10 Sec.____. Section 907.3, subsection 1, paragraph

11 d, Code 2001, is amended by striking the paragraph.

12 Sec.____. Section 907.3, subsection 1, paragraph
 13 g, subparagraph (3), Code 2001, is amended by striking
 14 the subparagraph."

15 5. By renumbering as necessary.

TREMMELE of Wapello

H-8671

1 Amend House File 2623 as follows:

2 1. Page 17, by inserting after line 16 the
 3 following:

4 "Sec.____. Section 256.7, subsection 21,
 5 unnumbered paragraph 1, Code Supplement 2001, is
 6 amended to read as follows:

7 Develop and adopt rules by July 1, 1999,

8 incorporating accountability for student achievement
9 into the standards and accreditation process described
10 in section 256.11. The rules shall provide for all of
11 the following:

12 Sec. __. Section 256.7, subsection 21, Code
13 Supplement 2001, is amended by adding the following
14 new paragraphs:

15 NEW PARAGRAPH. d. A requirement that all school
16 districts and accredited nonpublic schools that
17 administer the Iowa test of basic skills or the Iowa
18 test of educational development annually report to the
19 department and the local community the results of the
20 test, including the number of students taking the
21 test; and the number of students exempted from taking
22 the tests and the reasons, in general, the students
23 received exemptions.

24 NEW PARAGRAPH. e. Beginning October 1, 2004, a
25 requirement that school districts and accredited
26 nonpublic schools submit to the department key data
27 area information in accordance with the definitions
28 adopted pursuant to subsection 25, annually as a
29 component of the comprehensive school improvement plan
30 required pursuant to this subsection. The
31 department's purpose of collecting the data from these
32 key areas is to provide the greatest possible insight
33 into the needs and condition of the state's students.

34 Sec. __. Section 256.7, Code Supplement 2001, is
35 amended by adding the following new subsection:

36 NEW SUBSECTION. 25. On or by June 30, 2003, adopt
37 rules specifying clear, accurate, and unambiguous
38 definitions for key data areas, including but not
39 limited to drop-out and graduation rates, expulsion
40 and suspension. A public hearing shall be held in
41 each congressional district prior to the adoption of
42 rules by the state board pursuant to this subsection.

43 Sec. __. Section 256.9, Code Supplement 2001, is
44 amended by adding the following new subsection:

45 NEW SUBSECTION. 51. Establish by June 30, 2003,
46 to the maximum degree possible, procedures for
47 cooperation with area education agencies, community
48 colleges, the department of human services and its
49 districts, and judicial districts, to promote
50 continuity in the delivery of services to students and

Page 2

1 their families."

2 2. By renumbering as necessary.

H-8672

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, line 33, by inserting after the word
5 "value-based" the following: ", culturally specific".

FORD of Polk

H-8673

1 Amend the Senate amendment, H-8669, to House File
2 2339, as passed by the House, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "___ . Page 1, by striking lines 9 through 18 and
6 inserting the following:
7 "2. If the judgment or order appealed from is for
8 money, such bond shall not exceed one hundred million
9 dollars.""
10 2. By renumbering as necessary.

HATCH of Polk

H-8674

1 Amend the Senate amendment, H-8669, to House File
2 2339, as passed by the House, as follows:
3 1. Page 1, by inserting after line 2, the
4 following:
5 "___ . Page 1, by striking lines 9 through 18.
6 ___ . Page 1, line 19, by striking the figure "3."
7 and inserting the following: "2.""

KREIMAN of Davis

H-8675

1 Amend the Senate amendment, H-8669, to House File
2 2339, as passed by the House, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "___ . Page 1, by striking lines 14 through 18 and
6 inserting the following:
7 "b. One hundred percent of the amount of the money
8 judgment if the money judgment is in excess of one
9 million dollars, up to and including one hundred
10 million dollars.
11 c. One hundred million dollars, if the amount of
12 the money judgment is in excess of one hundred million

13 dollars."

14 2. By renumbering as necessary.

KREIMAN of Davis

H-8676

1 Amend the Senate amendment, H-8669, to House File
2 2339, as passed by the House, as follows:

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

5 " ___. Page 1, by striking lines 9 through 18.

6 ___. Page 1, line 19, by striking the figure "3"

7 and inserting the following: "2."

8 2. Page 1, by inserting after line 4, the
9 following:

10 " ___. Page 1, by inserting after line 23 the
11 following:

12 Sec. ___. STUDY. The supreme court shall conduct
13 a study on the feasibility and impact of placing
14 reasonable limits on appeal bonds in civil actions for
15 money damages. The study shall include, but not be
16 limited to, an analysis of the constitutionality of
17 such limits, as well as a review of states that have
18 enacted similar legislation. The supreme court shall
19 submit a report of the study's recommendations to the
20 general assembly by December 1, 2002."

21 3. By renumbering as necessary.

KREIMAN of Davis

H-8691

1 Amend Senate File 2293, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 13, the
4 following:

5 "Sec. 100. Section 441.21, Code Supplement 2001,
6 is amended by adding the following new subsection:
7 **NEW SUBSECTION.** 13. Beginning with valuations
8 established on or after January 1, 2003, confinement
9 feeding operation structures, as defined in section
10 455B.161, which are required to be issued a
11 construction permit pursuant to section 455B.200A, and
12 the land containing the structures, shall be valued as
13 commercial property and shall be assessed at the same
14 percentage of actual value as is all other commercial
15 property."

16 2. Page 68, by inserting after line 23, the
17 following:

18 "Sec. ___. **APPLICABILITY.** Section 100 of this
19 Act, enacting section 441.21, subsection 13, applies

- 20 to assessment years beginning on or after January 1,
21 2003."
22 3. Title page, line 1, by inserting after the
23 word "for" the following: "tax assessments and".
24 4. By renumbering as necessary.

SHOULTZ of Black Hawk

H-8692

- 1 Amend Senate File 2293, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 64, by inserting after line 3, the
4 following:
5 "Sec.____. Section 657.11, Code 2001, is
6 repealed."
7 2. By renumbering as necessary.

KREIMAN of Davis

H-8693

- 1 Amend Senate File 2293, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 38, by inserting after line 13 the
4 following:
5 "Criteria valuing community impacts shall account
6 for animal agriculture's relationship to economic and
7 social conditions existing in the county, and must
8 include factors that refer to the effect on
9 neighboring property values."

KREIMAN of Davis

RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-ninth General Assembly,
2002 Session, not otherwise printed in the House Journal.

1 House Concurrent Resolution 105
2 By Siegrist, Rants, and Myers
3 A concurrent resolution designating January 30, 2002,
4 as Iowa Insurance Day.
5 *Whereas*, the Iowa insurance industry, through its employees
6 and agents, has made a historic contribution to the economic
7 growth and strength of our state and nation; and
8 *Whereas*, all Iowans benefit from the financial protections
9 offered by the Iowa insurance industry through the provision of
10 mechanisms to insure the health, life, property, and retirement
11 income of Iowans; and
12 *Whereas*, two hundred fifty-seven insurance companies are
13 headquartered in Iowa; and
14 *Whereas*, more than 40,000 Iowans work in Iowa's insurance
15 industry, with over 27,000 agents and brokers representing the
16 insurance industry in every county in the state; and
17 *Whereas*, the yearly insurance industry payroll for its Iowa
18 employees exceeds \$1.5 billion, 5 percent of the total payroll
19 for all Iowa employees; and
20 *Whereas*, Iowa's insurance industry currently accounts for 4
21 percent of the gross state product, at over \$3.1 billion; *Now*
22 *Therefore*,
23 *Be It Resolved By The House Of Representatives, The Senate*
24 *Concurring*, That the Iowa General Assembly designates the day of
25 January 30, 2002, as Iowa Insurance Day and invites the citizens
26 of Iowa to discover and honor the important economic
27 contributions made by the Iowa insurance industry.

HCR 105 filed January 24, 2002; House adopted January 29, 2002;
Senate adopted January 30, 2002.

2 House Concurrent Resolution 110
3 By Larson
4
5 A concurrent resolution to recognize February 6,
6 2002, as Ronald Reagan Day in the State of Iowa.
7 *Whereas*, President Ronald Wilson Reagan, a man of
8 humble background, worked throughout his life serving
9 freedom and advancing the public good, having been
10 employed as an entertainer, union leader, corporate
11 spokesman, Governor of California, and President of
12 the United States; and
13 *Whereas*, Ronald Reagan began his career by
14 broadcasting radio announcements and advertisements at
15 radio station WOC in Davenport, Iowa, in 1932,
16 becoming the sports announcer at WHO radio in Des

17 Moines when the stations merged, until 1937, when he
18 traveled to California to cover baseball spring
19 training, and was signed by Warner Brothers to appear
20 in motion pictures; and

21 *Whereas*, Ronald Reagan served with honor and
22 distinction for two terms as the fortieth President of
23 the United States of America, the second term of which
24 he earned the confidence of sixty percent of the
25 electorate and was victorious in forty-nine of the
26 fifty states in the general election, a record
27 unsurpassed in the history of American presidential
28 elections; and

29 *Whereas*, in 1981, when Ronald Reagan was
30 inaugurated President, he inherited a disillusioned

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1 nation shackled by rampant inflation and high
2 unemployment; and

3 *Whereas*, during Mr. Reagan's presidency, he worked
4 in a bipartisan manner to enact his bold agenda of
5 restoring accountability and common sense to
6 government which led to an unprecedented economic
7 expansion and opportunity for millions of Americans;
8 and

9 *Whereas*, Mr. Reagan's commitment to an active
10 social policy agenda for the nation's children helped
11 lower crime and drug use in the nation's communities
12 and neighborhoods; and

13 *Whereas*, President Reagan's commitment to the armed
14 forces contributed to the restoration of pride in
15 America, her values and those cherished by the free
16 world, and prepared America's armed forces to win the
17 Gulf War; and

18 *Whereas*, President Reagan's vision of "peace
19 through strength" led to the end of the Cold War and
20 the ultimate demise of the Soviet Union, guaranteeing
21 basic human rights for millions of people; and

22 *Whereas*, on February 6, 2002, Ronald Reagan will
23 have reached the age of ninety-one years; *Now*
24 *Therefore*,

25 *Be It Resolved By The House Of Representatives, The*
26 *Senate Concurring*, That the General Assembly of the
27 State of Iowa hereby recognizes February 6, 2002, as
28 Ronald Reagan Day.

HCR 110 filed February 5, 2002; House adopted February 6, 2002.

1 House Concurrent Resolution 112

2 By Heaton

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 House Of Representatives, The*
6 *Senate Concurring*, That the General Assembly of the
7 State of Iowa recognizes Dr. William Campbell and, on
8 behalf of the people of Iowa, expresses grateful

9 appreciation to Dr. Campbell for his many years of
10 public service, particularly his efforts involving
11 persons with developmental disabilities who have been
12 served through the State Resource Center at Glenwood;
13 and

14 *Be It Further Resolved*, That the Chief Clerk of the
15 House of Representatives shall produce an official
16 copy of this resolution for presentation to Dr.
17 William Campbell.

HCR 112 filed February 13, 2002; House adopted March 27, 2002.

1 House Concurrent Resolution 122

2 By Wilderdyke

3 A concurrent resolution requesting the Supreme Court

4 to implement a review and development of options to
 5 improve performance of guardian ad litem duties.
 6 *Whereas*, guardians ad litem have an important role
 7 in protecting the best interest of a child in need of
 8 assistance, a child involved in a delinquency
 9 proceeding, or a child involved in another proceeding
 10 under the juvenile justice code; and
 11 *Whereas*, it has been suggested that the delivery of
 12 guardian ad litem services can be improved; *Now*
 13 *Therefore*,
 14 *Be It Resolved By The House Of Representatives, The*
 15 *Senate Concurring*, That the Supreme Court is requested
 16 to direct the Iowa Court Improvement Project to review
 17 and develop options to improve performance of guardian
 18 ad litem duties; and
 19 *Be It Further Resolved*, That the review should
 20 consider other appropriate entities that may perform
 21 the duties of a guardian ad litem and examine the
 22 benefits and limitations of the particular options and
 23 entities considered and identify any associated costs;
 24 and
 25 *Be It Further Resolved*, That as part of considering
 26 other appropriate entities, the improvement project
 27 should also examine the satisfaction of children,
 28 parents, foster parents, and others with the Court
 29 Appointed Special Advocate Program volunteers serving
 30 as guardians ad litem in Buena Vista, Cherokee,

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1 Monona, Plymouth, and Woodbury counties; and
 2 *Be It Further Resolved*, That other options
 3 considered in the review should include raising
 4 guardian ad litem payment amounts and enforcing the
 5 fulfillment of the legal responsibilities of guardians
 6 ad litem by creating consequences for guardians ad
 7 litem who do not fulfill the responsibilities; and
 8 *Be It Further Resolved*, That the project's report,
 9 including findings and recommendations, should be
 10 reported to the Supreme Court, the Governor, and the
 11 General Assembly on or before December 16, 2002.

HCR 122 filed March 20, 2002; House adopted March 27, 2002;
 Senate adopted April 12, 2002.

1 House Concurrent Resolution 123
 2 By Jacobs, Foege, Heaton, Johnson, and Osterhaus
 3 A concurrent resolution requesting the governor
 4 to appoint a blue ribbon committee to make
 5 recommendations regarding the child welfare,
 6 child mental health, and juvenile justice systems

7 in the state of Iowa.

8 *Whereas*, it is in the best interest of the state of
9 Iowa to help all children in the state become
10 productive adults; and

11 *Whereas*, the number of juvenile court petitions in
12 the state of Iowa is at an all-time high and the
13 number of confirmed child abuse cases in the state of
14 Iowa is also at an all-time high; and

15 *Whereas*, Iowa's child welfare, child mental health,
16 and juvenile justice systems are in a state of crisis
17 where they are unable to provide quality care and
18 services to Iowa's at-risk youth; and

19 *Whereas*, Iowa's current child welfare, child mental
20 health, and juvenile justice systems are in dire need
21 of reorganization; and

22 *Whereas*, the state of Iowa needs to determine the
23 results it desires in caring for abused, neglected,
24 and delinquent children in the state; and

25 *Whereas*, the state of Iowa must develop a system to
26 obtain the desired results for abused, neglected, and
27 delinquent children in the state; *Now Therefore*,

28 *Be It Resolved By The House Of Representatives, The*
29 *Senate Concurring*, That the governor is requested to
30 establish a blue ribbon committee, for the 2002

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1 legislative interim, to study child welfare, child
2 mental health, and juvenile justice issues in Iowa.
3 The committee shall propose what results Iowa wants
4 for troubled and troubling children and their families
5 in Iowa; recommend a system to achieve these results;
6 propose an easily understood methodology to measure
7 and evaluate these results; review the long-term cost
8 effectiveness of developing outcome measurements;
9 recommend a streamlined system with increased
10 flexibility for the provision of services to children;
11 suggest ways to alleviate administrative barriers to
12 the provision of quality services to children and to
13 blend categorical funding; suggest ways to increase
14 partnership with and to recognize and strengthen the
15 roles of the state and its community-based partners;
16 make proposals to increase the development of
17 innovative services to children; propose ways to
18 provide for community involvement and for stronger
19 guarantees of community, family, and public safety;
20 recommend necessary resources to achieve the desired
21 results; propose ways to eliminate existing and
22 ongoing competition for funding between providers of
23 prevention and treatment services to children; and
24 develop a strategy to balance salaries and funding of
25 the child welfare, child mental health, and juvenile

26 justice systems in the state. The governor is further
27 requested to appoint persons to the blue ribbon
28 committee including board and staff members of public
29 and private agencies involved with child welfare,
30 child mental health, and juvenile justice services,

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1 members of the general assembly, representatives of
2 the department of human services, community members,
3 and consumers of child welfare, child mental health,
4 and juvenile justice services. The blue ribbon
5 committee is requested to submit a report of its
6 findings and recommendations, including proposed
7 legislation, if any, to the governor and to the
8 legislative oversight committee of the legislative
9 council on or before November 1, 2003.

HCR 123 filed April 4, 2002; House adopted April 10, 2002; Senate
adopted April 12, 2002.

1 House Resolution 103
2 By Warnstadt, Rants, Ford, Raecker, Hatch, Petersen,
3 Dotzler, Fallon, Witt, Mascher, Jenkins, Shoultz,
4 Lensing, Hansen, Hoversten, Chiodo, Jacobs,
5 and Klemme
6 A resolution honoring Goodwill Industries
7 International in its centennial year.
8 *Whereas*, Goodwill Industries International, Inc.
9 turns 100 years old in 2002; and
10 *Whereas*, Goodwill Industries International is the
11 world's largest private sector employer of people with
12 disabilities and has served more than 5 million people
13 in its first 100 years; and
14 *Whereas*, Goodwill member organizations help
15 individuals succeed in the workplace and in life by
16 providing job training, job placement, and support for
17 people with physical, financial, and educational
18 challenges; and
19 *Whereas*, five autonomous Goodwills serve the State
20 of Iowa, with services provided in all quadrants of
21 the state, including Sioux City, Waterloo, Des Moines,
22 Council Bluffs, and Iowa City; and
23 *Whereas*, the five Goodwills serving Iowa make a
24 significant contribution in the reduction, reuse, and
25 recycling of goods by diverting millions of pounds of
26 household goods from Iowa landfills each year; and
27 *Whereas*, the founder of Goodwill Industries
28 International, Dr. Edgar J. Helms, had Iowa roots,
29 having arrived in Iowa by covered wagon in 1865,
30 spending his youth on a farm near East Lake Okoboji,

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1 working on newspapers in Spirit Lake, Peterson, and
 2 Sioux Rapids, and receiving his college degree from
 3 Cornell College in Mount Vernon; and
 4 *Whereas*, the vision of Goodwill Industries is more
 5 than 100 years old, but the concept and practice
 6 remains relevant today, with 180 member organizations
 7 in the United States, Canada, and the Pacific Basin,
 8 and another 45 associate member organizations located
 9 in 34 countries; and
 10 *Whereas*, Goodwill Industries has changed and
 11 adapted today to meet the needs of society; the three
 12 concepts of Goodwill as envisioned by Dr. Helms –
 13 Community, Independence, Dignity – remain constant
 14 and are embodied in the provision of work which
 15 enables individuals to contribute and participate in
 16 the economic and social vitality of the community,
 17 which gives the satisfaction and freedom of self-
 18 support, and which fosters self-esteem and the pride
 19 of accomplishment; and
 20 *Whereas*, the Council of Iowa Goodwill Industries
 21 served more than 4,000 men, women, and children in
 22 2001; *Now Therefore*,
 23 *Be It Resolved, By The House Of Representatives*,
 24 That Dr. Edgar J. Helms be regarded as an Iowa
 25 treasure, whose leadership and vision gave birth to
 26 Goodwill Industries International, Inc., and to the
 27 establishment of five member Goodwills serving the
 28 State of Iowa, thereby creating opportunities for and
 29 helping thousands of Iowans toward brighter futures;
 30 and

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1 *Be It Further Resolved*, That the House of
 2 Representatives extends its thanks and congratulations
 3 to Goodwill Industries International, Inc. and the
 4 five Goodwills that serve the State of Iowa as they
 5 celebrate their centennial year in 2002; and
 6 *Be It Further Resolved*, That the Chief Clerk of the
 7 House of Representatives prepare an official copy of
 8 this Resolution to be presented to Goodwill Industries
 9 International, Inc. and the five Goodwills that serve
 10 the State of Iowa.

HR 103 filed January 29, 2002; House adopted February 6, 2002.

1 House Resolution 104
 2 By Rekow
 3 A 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 House Of Representatives,
 30 That the House of Representatives honor Coach Lowell

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1 Lyngaas for his extraordinary achievement in creating
 2 and sustaining Race America, for the challenge he has
 3 extended to young Iowans to better themselves both
 4 physically and mentally, to broaden their horizons
 5 both spiritually and geographically, and to develop
 6 into tomorrow's leaders; and
 7 *Be It Further Resolved*, That, upon adoption, the
 8 Chief Clerk of the House of Representatives shall
 9 prepare a copy of this Resolution for presentation to
 10 Coach Lowell Lyngaas and his Race America runners.

HR 104 filed January 29, 2002; House adopted February 4, 2002.

1 House Resolution 105
 2 By Smith, Alons, Klemme, Reynolds, Dotzler,
 3 Tremmel, Larkin, May, Shoultz, Winckler, Witt,
 4 Garman, Cohoon, Schrader, Warnstadt, Teig,
 5 Frevert, Mascher, Horbach, Kuhn, Brunkhorst,
 6 Osterhaus, Fallon, Sievers, Foege, Johnson,
 7 Boddicker, Myers, Huseman, Atteberry, Scherrman,
 8 Ford, Bell, Quirk, D. Taylor, Hatch, Murphy,
 9 and Seng
 10 A 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 announced his imminent retirement; 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 House Of Representatives*,

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1 That the House of Representatives pay tribute to
2 Commandant Jack Dack for his devoted service to the
3 Iowa Veterans Home, to the military, and to the State
4 of Iowa; and
5 *Be It Further Resolved*, That the House of
6 Representatives extends its appreciation to Commandant
7 Dack for his many years of devoted service and wishes
8 him the very best in his retirement years; and
9 *Be It Further Resolved*, That an official copy of
10 this Resolution be prepared and presented to
11 Commandant Dack.

HR 105 filed January 29, 2002; House adopted March 7, 2002.

1 House Resolution 107
2 By Grundberg and Foege
3 A resolution honoring and commemorating the one
4 hundred fiftieth anniversary of Wartburg College.
5 *Whereas*, Wartburg College was originally founded in
6 1852 in Saginaw, Michigan, to establish a teacher-
7 training school for German immigrants in the United
8 States; and
9 *Whereas*, the college settled permanently in
10 Waverly, Iowa, in 1935; and
11 *Whereas*, Wartburg College is a nationally
12 recognized four-year liberal arts college of the
13 Evangelical Lutheran Church in America; and
14 *Whereas*, students currently come to Wartburg
15 College from 26 states and 32 countries; and

16 *Whereas*, Wartburg College is recognized by U.S.
17 News & World Report as one of only 42 comprehensive
18 colleges that are among "great schools at great
19 prices"; and
20 *Whereas*, Wartburg College is ranked as one of the
21 top 100 comprehensive colleges in the midwest in the
22 2002 edition of America's Best Colleges, published by
23 U.S. News & World Report; and
24 *Whereas*, Wartburg College is the only comprehensive
25 college in Iowa recognized for having graduation rates
26 above 70 percent in the 2002 edition of America's Best
27 Colleges, published by U.S. News & World Report; and
28 *Whereas*, the State of Iowa takes great pride in the
29 expertise, resources, and opportunities provided by
30 Wartburg College; *Now Therefore*,

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1 *Be It Resolved By The House Of Representatives*,
2 That the House of Representatives recognize Wartburg
3 College for its contributions to the state in general
4 and its students in particular, and extend
5 congratulations to Wartburg College on 150 years of
6 dedicated service; and
7 *Be It Further Resolved*, That an official copy of
8 this Resolution be prepared and presented to the
9 President of Wartburg College and representatives of
10 the student body.

HR 107 filed February 7, 2002; House adopted March 20, 2002.

1 House Resolution 108
2 By Brauns
3 A 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 House Of Representatives*,
6 That the House of Representatives honor Iowa State
7 Fair Secretary Marion Lucas for his exemplary
8 achievements in propelling the Iowa State Fair to even
9 greater national prominence, preserving the Fair for
10 future generations, and revitalizing the historical
11 fairgrounds as a source of pride for all Iowans; and

12 *Be It Further Resolved*, That the House of
13 Representatives pay tribute to Secretary Lucas for his
14 devoted service to the Iowa State Fair, county fairs,
15 the fair industry, and the State of Iowa; and

16 *Be It Further Resolved*, That the House of
17 Representatives extend its appreciation to Secretary
18 Lucas and his wife, Fran, for their dedication, and
19 wish them the very best in 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.

HR 108 filed February 12, 2002; House adopted February 13, 2002.

1 House Resolution 110
2 By Smith, Alons, Arnold, Atteberry, Bell, Boggess,
3 Bradley, Broers, Bukta, Chiodo, Cohoon, Connors,
4 Cormack, Dolecheck, Dotzler, Drake, Eichhorn,
5 Fallon, Finch, Foege, Ford, Frevert, Garman,
6 Greimann, Grundberg, Hahn, Hatch, Heaton, Hoffman,
7 Horbach, Hoversten, Huser, Jenkins, Jochum, Johnson,
8 Kettering, Kreiman, Kuhn, Larkin, Lensing, Mascher,
9 May, Mertz, Metcalf, Millage, Murphy, Myers,
10 Osterhaus, Petersen, Quirk, Raecker, Rayhons,
11 Reeder, Rekow, Reynolds, Richardson, Roberts,
12 Scherrman, Schrader, Seng, Shoultz, Siegrist,
13 Sievers, Stevens, Sukup, D. Taylor, T. Taylor, Teig,
14 Tremmel, Tymeson, Tyrrell Van Engelenhoven,
15 Wilderdyke, Winckler, Wise, and Witt

16 A resolution recognizing the centennial of 4-H clubs.
 17 *Whereas*, 4-H is celebrating its 100th anniversary
 18 as one of the United States' finest youth development
 19 organizations; and
 20 *Whereas*, 4-H clubs exist in every one of Iowa's 99
 21 counties and in almost every one of the nation's 3,067
 22 counties; and
 23 *Whereas*, 4-H clubs have provided Iowa boys and
 24 girls with educational and leadership opportunities
 25 through the fundamental principle of "learning by
 26 doing" since the early 1900s; and
 27 *Whereas*, the idea for the 4-H club emblem, a four-
 28 leaf clover, was born in Clarion, Iowa, and came to
 29 symbolize a four-square education of educational,
 30 fellowship, physical, and moral development; and

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1 *Whereas*, the 4-H motto is "To make the best
 2 better"; and
 3 *Whereas*, 4-H clubs today offer youth opportunities
 4 in communications, leadership and career development,
 5 livestock, home improvement, and computer technology
 6 in rural and urban areas throughout the world; and
 7 *Whereas*, the State of Iowa takes great pride in the
 8 many accomplishments of 4-H clubs and their members
 9 and leaders in the state; *Now Therefore*,
 10 *Be It Resolved By The House Of Representatives*,
 11 That the House of Representatives gratefully
 12 acknowledges the contributions of 4-H to the state in
 13 general and to the youth of the state in particular,
 14 and extends congratulations to 4-H on its centennial;
 15 and
 16 *Be It Further Resolved*, That an official copy of
 17 this Resolution be prepared and presented to the State
 18 4-H Council.

HR 110 filed February 27, 2002; House adopted March 26, 2002.

1 House Resolution 114
 2 By Smith, Tyrrell, Alons, Arnold, Atteberry, Baudler,
 3 Bell, Boal, Boddicker, Boggess, Bradley, Brauns,
 4 Broers, Brunkhorst, Bukta, Carroll, Chiodo, Cohoon,
 5 Cormack, De Boef, Dix, Dolecheck, Dotzler, Drake,
 6 Eddie, Eichhorn, Elgin, Fallon, Finch, Foege, Ford,
 7 Frevert, Garman, Gipp, Greimann, Grundberg, Hahn,
 8 Hansen, Hatch, Heaton, Hoffman, Horbach, Hoversten,
 9 Huseman, Huser, Jacobs, Jenkins, Jochum, Johnson,
 10 Jones, Kettering, Klemme, Kreiman, Kuhn, Larkin,
 11 Larson, Lensing, Manternach, Mascher, May, Mertz,
 12 Metcalf, Millage, Murphy, Myers, O'Brien, Osterhaus,
 13 Petersen, Quirk, Raecker, Rants, Rayhons, Reeder,

14 Rekow, Reynolds, Richardson, Roberts, Scherrman,
15 Schrader, Seng, Shey, Shoultz, Siegrist, Sievers,
16 Stevens, Sukup, D. Taylor, T. Taylor, Tremmel,
17 Tymeson, Van Engelenhoven, Van Fossen, Warnstadt,
18 Weidman, Wilderdyke, Winckler, Wise, and Witt
19 A resolution honoring Representative John H. Connors
20 for his thirty years of legislative service.
21 *Whereas*, Representative John H. Connors has
22 completed 30 continuous years of service as a member
23 of the Iowa House of Representatives, and has served
24 as a leader or committee chairman for 24 of those 30
25 years, having served as Speaker Pro Tempore for the
26 Seventieth, Seventy-first, Seventy-second, Seventy-
27 third, and Seventy-fourth General Assemblies, as an
28 Assistant Minority Leader for the Sixty-ninth,
29 Seventy-fifth, Seventy-sixth, Seventy-seventh, and
30 Seventy-eighth General Assemblies; and as Chairman of

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1 the Committee on Labor and Industrial Relations for
2 the Sixty-sixth and Sixty-seventh General Assemblies;
3 and
4 *Whereas*, Representative Connors has honorably
5 served as the Chairman of the Midwestern Legislative
6 Conference of the Council of State Governments in both
7 1987 and 1994; as National Chairman of the Council of
8 State Governments in 1992; and as a long-time member
9 of the National Governing Board and Midwestern and
10 National Executive Committees of the Council of State
11 Governments; and
12 *Whereas*, Representative Connors has served as
13 President of the Pioneer Lawmakers Association of Iowa
14 which honors long-serving, past and present members of
15 the Iowa General Assembly and other important persons
16 involved in the legislative process; and
17 *Whereas*, Representative Connors, in his service in
18 the Iowa General Assembly and his Council of State
19 Governments service, has diligently and unselfishly
20 given of his time, talents, and efforts to further the
21 interests of the State of Iowa and to provide
22 beneficial programs for the citizens of Iowa; and
23 *Whereas*, his service to the State of Iowa has been
24 enabled and enhanced by the loyal and loving support
25 of his wife, Marge; and
26 *Whereas*, it is proper that Representative Connors
27 be honored for his many years of service to the State
28 of Iowa; *Now Therefore*,
29 *Be It Resolved By The House Of Representatives*,
30 That the House of Representatives pay tribute to

Page 3

1 Representative John H. Connors and express its
 2 gratitude to him for his 30 years of devoted service
 3 to the House of Representatives; and
 4 *Be It Further Resolved*, That the Chief Clerk of the
 5 House of Representatives be directed to present to
 6 Representative Connors an official copy of this
 7 Resolution as a symbol of the House of
 8 Representatives' appreciation for his many years of
 9 dedicated service to the Iowa General Assembly.

HR 114 filed March 21, 2002; House adopted April 8, 2002.

1 House Resolution 116
 2 By Foege, Elgin, Larson, Manternach, Shey,
 3 D. Taylor, and T. Taylor
 4 A resolution honoring Jennifer Erbe for being named
 5 Iowa Teacher of the Year for 2002.
 6 *Whereas*, Ms. Jennifer Erbe graduated with highest
 7 honors and received a bachelor of arts degree in
 8 Elementary Education from the University of Northern
 9 Iowa; and
 10 *Whereas*, Since graduating from the University of
 11 Northern Iowa, Ms. Erbe has taught at the first-grade
 12 level and currently teaches at the third-grade level
 13 at Starry Elementary School in Marion; and
 14 *Whereas*, only seven years into her teaching career,
 15 Ms. Erbe has distinguished herself with her innovative
 16 methods in teaching science to young children; and
 17 *Whereas*, Ms. Erbe recently trained fellow teachers
 18 to facilitate Kids Doing Science activities; trained
 19 24 fellow teachers in 1997 to use the computer, e-
 20 mail, and the Internet for classroom instruction;
 21 collaborated with a group of science teachers from
 22 school districts throughout the local area education
 23 agency to improve student learning in science; and
 24 acted as a cooperating teacher with the Mount Mercy
 25 College and Coe College practitioner preparation
 26 programs; and
 27 *Whereas*, Ms. Erbe has achieved National Board for
 28 Professional Teaching Standards certification, is a
 29 recipient of the Marion Independent School District
 30 School Board Salute, the Rockwell-Collins Outstanding

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1 Educator Honorable Mention, the Greater Cedar Rapids
 2 Foundation Grant, and the US West Teacher Technology
 3 Grant; and
 4 *Whereas*, Governor Thomas Vilsack honored Ms. Erbe
 5 as Iowa's 2002 Teacher of the Year at an awards

6 ceremony in Des Moines on Wednesday, March 20, 2002;
7 and
8 *Whereas*, as Iowa's Teacher of the Year, Ms. Erbe is
9 granted a one-year sabbatical to visit schools and to
10 speak to community groups as Iowa's Ambassador for
11 Education during the 2002-2003 school year and will
12 use that time on efforts aimed at retaining young
13 teachers, creating better science programs for
14 students in kindergarten through third grade, and on
15 improving parent-teacher communication through the
16 Internet; *Now Therefore*,
17 *Be It Resolved By The House*, That the House honors
18 Ms. Jennifer Erbe of Starry Elementary School in
19 Marion for her exemplary work in education, her
20 leadership abilities, her efforts and achievements in
21 teaching Iowa students to enjoy and understand
22 science, and for her outstanding accomplishment in
23 being named the Iowa Teacher of the Year for 2002.
24 *Be It Further Resolved*, That an official copy of
25 this Resolution be prepared for presentation to Ms.
26 Jennifer Erbe.

HR 116 filed from the floor; House adopted March 27, 2002.

1 House Resolution 117
2 By Atteberry and Scherrman
3 A resolution recognizing Mr. Joe Stepanek and Mr.
4 Brandon Trapp for their acts of heroism.
5 *Whereas*, on October 27, 2001, Mr. Joe Stepanek and
6 Mr. Brandon Trapp, both residents of Manchester, Iowa,
7 were witnesses to a horrific accident in which two
8 vehicles collided head-on, resulting in one of the
9 vehicles rolling into a ditch and its engine bursting
10 into flames; and
11 *Whereas*, Mr. Stepanek and Mr. Trapp came to the
12 rescue of the rolled vehicle's passengers despite the
13 great danger presented by the burning engine and the
14 likelihood it would ignite the vehicle's gas tank; and
15 *Whereas*, Mr. Stepanek's and Mr. Trapp's efforts
16 involved freeing two passengers from the burning
17 vehicle and then returning to rescue a third
18 passenger; and
19 *Whereas*, both gentlemen succeeded in freeing the
20 third passenger by using a pocketknife to cut through
21 her seat belt only minutes before the gas tank
22 exploded, destroying the vehicle; and
23 *Whereas*, without Mr. Stepanek's and Mr. Trapp's
24 efforts, three individuals might have perished as a
25 result of the vehicles' collision and the ensuing
26 fire; *Now Therefore*,
27 *Be It Resolved By The House Of Representatives*,
28 That the House of Representatives hereby recognizes

29 and honors Mr. Joe Stepanek and Mr. Brandon Trapp for
30 their steely calm, tremendous bravery, and selfless

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1 acts of heroism in the face of extreme danger during
2 the events of October 27, 2001.
3 *Be It Further Resolved*, That an official copy of
4 this Resolution be prepared for presentation to Mr.
5 Joe Stepanek and Mr. Brandon Trapp.

HR 117 filed March 27, 2002; House adopted April 4, 2002.

1 House Resolution 121
2 By Raecker, Jacobs, Ford, and Eichhorn
3 A resolution honoring the Drake University Women's
4 Basketball Team and Coach Lisa Stone.
5 *Whereas*, the citizens of Iowa are gratified and
6 proud that the Drake University Bulldogs Women's
7 Basketball Team advanced to the Sweet Sixteen third
8 round of the NCAA Tournament; and
9 *Whereas*, this year marked the first time since 1982
10 that the Drake Women's Basketball Team advanced to the
11 Sweet Sixteen in the NCAA Tournament; and
12 *Whereas*, this was the Drake Women's Basketball
13 Team's third consecutive appearance and ninth trip to
14 the NCAA Tournament; and
15 *Whereas*, the seventh-seeded Drake Women's
16 Basketball Team posted victories over tenth-seeded
17 Syracuse in the first round and second-seeded Baylor
18 in the second round of the NCAA Tournament; and
19 *Whereas*, the Drake Women's Basketball Team finished
20 its season with a 15-3 Missouri Valley Conference
21 record and an overall record of 25-8, marking the
22 sixth time the Bulldogs have scored 25 wins in a
23 season; and
24 *Whereas*, Carla Bennett and Stephanie Schmitz were
25 selected to the Missouri Valley Conference First Team
26 All-Conference, Jayme Anderson was named Missouri
27 Valley Conference Newcomer of the Year, and Carla
28 Bennett was named to the Missouri Valley Conference
29 All-Defensive Team; and
30 *Whereas*, seniors Jayme Anderson and Erin Richards,

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1 and junior Carla Bennett were named to the Missouri
2 Valley Conference Scholar-Athlete Women's Basketball
3 Team; and
4 *Whereas*, senior Jayme Anderson was one of only five
5 players named to the 2002 Verizon CoSida Academic All-
6 District VII University Division Women's Basketball

7 second team; and
 8 *Whereas*, the Drake University Women's Basketball
 9 Team has had seven Academic All-Americans in women's
 10 basketball since 1982; *Now Therefore*,
 11 *Be It Resolved By The House Of Representatives*,
 12 That the House of Representatives congratulates the
 13 Drake University Women's Basketball Team, Coach Lisa
 14 Stone, and the coaching staff on another successful
 15 season and thanks them for representing Drake
 16 University and the State of Iowa with their
 17 outstanding performances throughout the year and at
 18 the NCAA Tournament.
 19 *Be It Further Resolved*, That, upon adoption, the
 20 Chief Clerk of the House of Representatives shall
 21 prepare a copy of this Resolution for presentation to
 22 Coach Lisa Stone and the Drake University Women's
 23 Basketball Team.

HR 121 filed April 2, 2002; House adopted April 3, 2002.

1 House Resolution 122
 2 By Foege, Shey, Larson, Heaton, Horbach, Lensing,
 3 D. Taylor, Boddicker, Myers, Masher, T. Taylor,
 4 Elgin, Brauns, De Boef, Manternach, and Tyrrell
 5 A resolution honoring the Kirkwood Community College
 6 Women's Basketball Team.
 7 *Whereas*, the fans of the Kirkwood Community College
 8 Eagles and the citizens of Iowa are greatly pleased
 9 that the Kirkwood Women's Basketball Team had a
 10 spectacular regular season leading to its capture of
 11 the National Junior College Athletic Association
 12 (NJCAA) Region XI Basketball Championship; and
 13 *Whereas*, the Kirkwood Women's Basketball Team made
 14 its fans and all Iowans proud by also advancing to and
 15 winning the NJCAA Division II National Championship on
 16 March 23, 2002; and
 17 *Whereas*, the Kirkwood Community College Women's
 18 Basketball Team proved its strength and resiliency by
 19 consistently overcoming point deficits, solid offense,
 20 and tough defensive play throughout its regular season
 21 and the national tournament; and
 22 *Whereas*, individual athletes on the team have been
 23 honored by being named NJCAA National Tournament Most
 24 Valuable Player as well as being named to the All-
 25 Tournament Team, All-Region Team, and All-Region
 26 Second Team, and have received Honorable Mention for
 27 the All-Region Team; and
 28 *Whereas*, the national tournament crown is the
 29 second for Eagles Head Coach Kim Muhl, who was also
 30 awarded his second NJCAA Division II National Coach of

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1 the Year award; *Now Therefore,*
 2 *Be It Resolved By The House Of Representatives,*
 3 That the House of Representatives congratulates Coach
 4 Kim Muhl and the Kirkwood Community College Women's
 5 Basketball Team on their successful season and thanks
 6 them for the honor and excitement they brought to the
 7 State of Iowa.
 8 *Be It Further Resolved,* That upon passage, the
 9 Chief Clerk of the House shall cause an enrolled copy
 10 of this Resolution to be prepared for presentation to
 11 Coach Kim Muhl and the Kirkwood Community College
 12 Women's Basketball Team.

HR 122 filed from the floor; House adopted April 2, 2002.

1 House Resolution 123
 2 By Greimann, Finch, Murphy, Frevert, Witt, Stevens,
 3 Larkin, Myers, Jenkins, Bradley, Shoultz, Atteberry,
 4 Scherrman, Kreiman, Smith, Bukta, Reeder, Connors,
 5 Kuhn, D. Taylor, Dotzler, Mertz, Cohoon, Sievers,
 6 Winckler, Lensing, De Boef, Huseman, Kettering,
 7 Drake, Roberts, and Brauns
 8 A resolution honoring Cael Sanderson on his athletic
 9 achievements as a wrestler.
 10 *Whereas,* Iowa State wrestler Cael Sanderson is the
 11 nation's most accomplished collegiate wrestler; and
 12 *Whereas,* Cael Sanderson is a senior and has an Iowa
 13 State career record of 159 wins and no losses; and
 14 *Whereas,* Cael Sanderson is the nation's top-ranked
 15 wrestler at 197 pounds; and
 16 *Whereas,* Cael Sanderson is the first college
 17 wrestler ever to win the NCAA Tournament's outstanding
 18 wrestler award four times; and
 19 *Whereas,* Cael Sanderson is a three-time Dan Hodge
 20 Award recipient; and
 21 *Whereas,* Cael Sanderson is a two-time Academic All-
 22 American; and
 23 *Whereas,* Cael Sanderson elected not to compete at
 24 the 2001 World Championships to concentrate on Iowa
 25 State team and individual collegiate goals; and
 26 *Whereas,* Cael Sanderson competed at the NCAA
 27 championships with the Iowa State Wrestling Team in
 28 Albany, New York, on March 23, 2002, and completed his
 29 fourth consecutive undefeated collegiate wrestling
 30 season with a fourth NCAA championship; and

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1 *Whereas,* Cael Sanderson is the first collegiate
 2 wrestler ever to win four individual NCAA titles

3 without a loss; and

4 *Whereas*, Cael Sanderson has provided Iowa State
5 wrestling fans, the State of Iowa, and the nation with
6 four years of excitement and inspiration; *Now*

7 *Therefore*,

8 *Be It Resolved By The House Of Representatives*,

9 That the House of Representatives recognizes and
10 extends its congratulations to Cael Sanderson for his
11 outstanding and unparalleled athletic achievements at
12 Iowa State and thanks him for his contributions to
13 Iowa State wrestling and athletics.

14 *Be It Further Resolved*, That the House of
15 Representatives wishes Cael Sanderson continued
16 success in all of his future endeavors.

17 *Be It Further Resolved*, That, upon adoption, the
18 Chief Clerk of the House of Representatives shall
19 prepare official copies of this Resolution for
20 presentation to Cael Sanderson and to Iowa State
21 University.

HR 123 filed April 2, 2002; House adopted April 10, 2002.

1 House Resolution 127

2 By Hansen

3 A resolution congratulating the 2001 University of
4 Northern Iowa Baseball Team.

5 *Whereas*, Iowans are pleased and proud of the 2001
6 University of Northern Iowa Baseball Team for winning
7 the Missouri Valley Conference Tournament; and
8 *Whereas*, the University of Northern Iowa Baseball
9 Team set a school record for team wins in a season
10 with 35 victories; and

11 *Whereas*, the University of Northern Iowa Baseball
12 Team made its first NCAA regional appearance as a
13 Division I institution; and

14 *Whereas*, the University of Northern Iowa Baseball
15 Team led the Missouri Valley Conference in hitting
16 with a .333 average; and

17 *Whereas*, the University of Northern Iowa Baseball
18 Team ranked tenth in the nation in hitting; and

19 *Whereas*, the University of Northern Iowa Baseball
20 Team broke eight team and individual season records;
21 and

22 *Whereas*, six players from the University of
23 Northern Iowa Baseball Team were named to the All-
24 Missouri Valley Conference Team, including Ryan
25 Brunner as Player of the Year and Nic Ungs as Pitcher
26 of the Year; and

27 *Whereas*, Ryan Brunner was a first-team All-American
28 and Nic Ungs was a second-team All-American; and

29 *Whereas*, three members of the team were named to
30 all-region and academic all-district teams; and

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1 *Whereas*, three members of the team were drafted and
2 signed professional baseball contracts, including Ryan
3 Brunner with the Boston Red Sox, Nic Ungs with the
4 Florida Marlins, and Aaron McEachran with the Toronto
5 Blue Jays; and
6 *Whereas*, the hard work and superlative efforts of
7 the University of Northern Iowa Baseball Team and
8 Coach Rick Heller are a source of pride for all
9 Iowans; *Now Therefore*,
10 *Be It Resolved By The House Of Representatives*,
11 That the House of Representatives congratulates the
12 University of Northern Iowa Baseball Team and their
13 coach on the great success of their 2001 baseball
14 season and wishes them the best of luck during their
15 upcoming 2002 baseball season.

HR 127 filed April 4, 2002; House adopted April 10, 2002.

1 House Resolution 128
2 By Alons, Kettering, Rayhons, Van Engelenhoven,
3 Johnson, Klemme, and Baudler
4 A resolution requesting the enactment of a federal tax
5 credit to offset the potential fiscal impact of new
6 federal regulations pertaining to manure control
7 structures.
8 *Whereas*, agriculture traditionally has been the
9 foundation of this nation's economic prosperity,
10 providing the basis for a system of production
11 unmatched in the world for its abundant and efficient
12 production of food, feed grains, and animal products,
13 and contributing billions of dollars in revenue each
14 year to the nation's economy from export sales; and
15 *Whereas*, the health of the agricultural economy
16 depends in great part on the scope of federal
17 regulation of all aspects of agriculture and
18 agricultural markets; and
19 *Whereas*, the possible imposition of regulations
20 promulgated by the United States Environmental
21 Protection Agency requiring animal feeding operations
22 to install new manure control structures or undertake
23 other new manure control practices would have a direct
24 effect on the ongoing viability of the animal products
25 market; and
26 *Whereas*, the fiscal impact of the possible
27 imposition may be partially offset by a federal tax
28 credit for those individuals or businesses charged
29 with meeting any new federal manure control
30 regulations; *Now Therefore*,

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1 *Be It Resolved By The House Of Representatives,*
 2 That the House of Representatives requests that a
 3 federal tax credit be enacted in the event that the
 4 United States Environmental Protection Agency imposes
 5 new regulations requiring the installation of new
 6 manure control structures or the undertaking of other
 7 new manure control practices; and
 8 *Be It Further Resolved,* That a copy of this
 9 Resolution be sent by the Chief Clerk of the House of
 10 Representatives to the President of the United States,
 11 the President of the Senate of the United States, the
 12 Speaker of the House of Representatives of the United
 13 States, the United States Secretary of Agriculture,
 14 the United States Secretary of the Treasury, the
 15 Chairperson of the United States Senate Committee on
 16 Agriculture, Nutrition, and Forestry, the Chairperson
 17 of the United States House of Representatives
 18 Committee on Agriculture, the Chairperson of the
 19 United States Senate Committee on Finance, the
 20 Chairperson of the United States House of
 21 Representatives Committee on Ways and Means, and
 22 members of Iowa's congressional delegation.

HR 128 filed April 4, 2002; House adopted April 11, 2002.

1 House Resolution 129
 2 By Grundberg, Petersen, Metcalf, Witt, Shey, Myers,
 3 Greimann, Mascher, and Murphy
 4 A 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 House Of Representatives,*
 14 That the House of Representatives congratulates
 15 Elizabeth Bastiaans, Tony Cyr, Brandon Day, Alison
 16 Lentz, Claudia Lutz, Patrick Swieskowski, Emily Trump,
 17 Elizabeth Zeitler, and Michael Zhu on their
 18 achievement of the highest possible score of 1,600 on
 19 the Scholastic Assessment Test and wishes them every
 20 success in all of their future endeavors.
 21 *Be It Further Resolved,* That, upon adoption, the
 22 Chief Clerk of the House of Representatives shall
 23 prepare a copy of this Resolution for presentation to
 24 Elizabeth Bastiaans, Tony Cyr, Brandon Day, Alison
 25 Lentz, Claudia Lutz, Patrick Swieskowski, Emily Trump,
 26 Elizabeth Zeitler, and Michael Zhu.

HR 129 filed from the floor; House adopted April 8, 2002.

1 House Resolution 130
 2 By Siegrist, Rants, and Myers
 3 A resolution honoring Virginia Rowen upon her
 4 retirement and recognizing her many contributions
 5 to the House of Representatives and the General
 6 Assembly.
 7 *Whereas,* Virginia Rowen is retiring this year after
 8 serving the House of Representatives and the General
 9 Assembly for 26 years; and
 10 *Whereas,* Virginia Rowen began her career with the
 11 House of Representatives as a Supply Clerk in 1976,
 12 then worked as a Member's Secretary beginning in 1977,
 13 and became Supervisor of Secretaries in 1983; and
 14 *Whereas,* as Supervisor of Secretaries, Virginia
 15 Rowen taught countless employees of the House of
 16 Representatives the old Mapper Computer System which
 17 was the only system available in the 1980s; and
 18 *Whereas,* Virginia Rowen helped create the popular
 19 Tilde Awards Banquet for the secretaries and staff
 20 that was held each spring just before adjournment, and
 21 was the first recipient of the annual Tilde Award; and
 22 *Whereas,* Virginia Rowen became a computer trainer
 23 as well as continuing as Supervisor of Secretaries for
 24 the House of Representatives in 1989 and joined the
 25 Legislative Computer Support Bureau as a Computer
 26 System Analyst in 1993; and
 27 *Whereas,* Virginia Rowen's computer expertise was
 28 matched only by her patience and professionalism in
 29 assisting legislative staff with any and all computer
 30 needs; and

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1 *Whereas,* Virginia Rowen was not only a teacher but

2 also a counselor to many secretaries and
3 representatives and she was always available to help
4 with any problem at her desk in the hallway behind the
5 chamber of the House of Representatives; and
6 *Whereas*, Virginia Rowen is also the loving wife of
7 Donald Rowen, the devoted mother of five children, and
8 the proud grandmother of eight grandchildren; *Now*
9 *Therefore*,
10 *Be It Resolved By The House Of Representatives*,
11 That the House of Representatives honors Virginia
12 Rowen for her many years of service to the House of
13 Representatives, to the General Assembly, and to the
14 citizens of Iowa; and
15 *Be It Further Resolved*, That the House of
16 Representatives bids Virginia Rowen a fond farewell
17 and wishes her the very best in the years ahead; and
18 *Be It Further Resolved*, That an official copy of
19 this Resolution be prepared and presented to Virginia
20 Rowen.

HR 130 filed April 8, 2002; House adopted April 10, 2002.

1 House Resolution 131
2 By O'Brien
3 A 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 House Of Representatives,*
 3 That the House of Representatives congratulates Coach
 4 Orv Salmon and the Des Moines Area Community College
 5 Men's Basketball Team on their successful season and
 6 thanks them for the honor and excitement they brought
 7 to the State of Iowa.
 8 *Be It Further Resolved,* That upon passage, the
 9 Chief Clerk of the House of Representatives shall
 10 cause an official copy of this Resolution to be
 11 prepared for presentation to Coach Orv Salmon and the
 12 Des Moines Area Community College Men's Basketball
 13 Team.

HR 131 filed April 9, 2002; House adopted April 11, 2002.

1 House Resolution 132
 2 By Sievers
 3 A 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 House Of Representatives*,
 6 That the Iowa House of Representatives requests Iowa's
 7 elected representatives in the United States Congress
 8 to support, work to pass, and vote for the permanent
 9 repeal of the death tax.
 10 *Be It Further Resolved*, That copies of this
 11 Resolution be sent to the members of Iowa's
 12 congressional delegation.

HR 132 filed April 9, 2002; House adopted April 10, 2002.

1 House Resolution 134
 2 By Siegrist, Rants, and Myers
 3 A 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 House of
 16 Representatives should recognize Diane's extraordinary
 17 and long-term public service, her unsurpassed devotion
 18 to the legislature as an institution, her inspiring
 19 leadership in the Legislative Service Bureau's
 20 fulfillment of its nonpartisan drafting and staffing
 21 missions, and her determined attention to the
 22 lawmaking functions of the General Assembly; *Now*
 23 *Therefore*,
 24 *Be It Resolved By The House Of Representatives*,

25 That the House of Representatives pay tribute to Diane
26 E. Bolender, Director of the Legislative Service
27 Bureau, for her extraordinary and inspiring
28 accomplishments as the leader and manager of the
29 General Assembly's nonpartisan drafting and staffing
30 agency, and for her devoted service over nearly 35

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1 years to the General Assembly and the citizens of this
2 state, and, upon her retirement, wish her the very
3 best in the years ahead; and
4 *Be It Further Resolved*, That the Chief Clerk of the
5 House of Representatives prepare an official copy of
6 this Resolution for presentation to Diane E.
7 Bolender.

HR 134 filed April 9, 2002; House adopted April 12, 2002.

1 House Resolution 135
2 By Siegrist, Rants, and Myers
3 A 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 House of
7 Representatives should recognize Thane's long-term
8 public service, his hard work, his dedication to the
9 nonpartisan drafting and staffing missions of the
10 Legislative Service Bureau, and his attention to the
11 lawmaking functions of the General Assembly; *Now*
12 *Therefore*,
13 *Be It Resolved By The House Of Representatives*,
14 That the House of Representatives pay tribute to Thane
15 R. Johnson, Senior Research Analyst of the Legislative
16 Service Bureau, for his extraordinary accomplishments
17 as a bill drafter and committee staffer, and for his
18 devoted service to the General Assembly and the
19 citizens of this state, and, upon his retirement, wish
20 him the very best in the years ahead; and
21 *Be It Further Resolved*, That the Chief Clerk of the
22 House of Representatives prepare an official copy of
23 this Resolution for presentation to Thane R. Johnson.

HR 135 filed April 9, 2002; House adopted April 12, 2002.

1 House Resolution 137
2 By Hansen, Jenkins, Shoultz, and Witt
3 A resolution congratulating the University of Northern
4 Iowa Panthers Women's Volleyball Team.
5 *Whereas*, the University of Northern Iowa Panthers
6 Women's Volleyball Team was the 2001 Missouri Valley
7 regular season champion, a fourth consecutive season
8 title with an overall record of 31-2; and
9 *Whereas*, the University of Northern Iowa Panthers
10 Women's Volleyball Team was also 2001 Missouri Valley
11 Conference Tournament Champion and advanced to the
12 Sweet 16 in the NCAA Division I Tournament before
13 losing to top-rated Long Beach State; and
14 *Whereas*, the Panthers were the Lobo Invitational
15 Tournament Champion (New Mexico) and Badger
16 Invitational Tournament Champion (Wisconsin) and have
17 been invited to the prestigious State Farm Women's
18 Volleyball Classic in August 2002, to compete against
19 Stanford, Pepperdine, and Minnesota; and
20 *Whereas*, Panther Coach Bobbi Petersen was named
21 2001 Central Region Coach of the Year in her first
22 full season as head coach; and
23 *Whereas*, various Panther players received athletic
24 honors, with one player selected as the Missouri

25 Valley Conference Player of the Year, two players
 26 selected as All-Central Region Players, three players
 27 selected as Missouri Valley Conference Scholar
 28 Athletes of the Week, four players selected as
 29 Missouri Valley Conference Scholar-Athletes of the
 30 Year, four players selected to the First Team All-

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1 Missouri Valley Conference, one player selected to the
 2 Missouri Valley Conference All-Newcomer Team, and
 3 three players selected to the Missouri Valley
 4 Conference All-Tournament Team; and
 5 *Whereas*, the Panthers achieved the following All-
 6 Match Statistics (Rank among 10 Conference Teams):
 7 first in hitting percentage, assist average, kill
 8 average, and ace average, and second in block average,
 9 and fifth in dig average; *Now Therefore*,
 10 *Be It Resolved By The House Of Representatives*,
 11 That the House of Representatives congratulates the
 12 University of Northern Iowa Panthers Women's
 13 Volleyball Team, Head Coach Bobbi Petersen, and the
 14 coaching staff on their successful season, thanks them
 15 for the honor and excitement they brought to the State
 16 of Iowa, and wishes them the very best in the future.
 17 *Be It Further Resolved*, That, upon adoption, the
 18 Chief Clerk of the House of Representatives shall
 19 prepare a copy of this Resolution for presentation to
 20 Coach Bobbi Petersen and the University of Northern
 21 Iowa Panthers Women's Volleyball Team.

HR 137 filed from the floor; House adopted April 10, 2002.

1 House Resolution 138
 2 By Jenkins and Witt
 3 A resolution recognizing and congratulating the City
 4 of Cedar Falls for receiving the Great American Main
 5 Street Award from the National Trust for Historic
 6 Preservation.
 7 *Whereas*, community leaders in the City of Cedar
 8 Falls have endeavored over a fifteen-year period to
 9 resuscitate the downtown business district of Cedar
 10 Falls; and
 11 *Whereas*, through the participation in the Iowa Main
 12 Street Program, scores of buildings in downtown Cedar
 13 Falls have been renovated over the past decade,
 14 including storefront shops, restaurants, and a nearly
 15 century-old downtown theater; and
 16 *Whereas*, downtown Cedar Falls has been dramatically
 17 transformed into a vibrant center of retail and
 18 entertainment activity with nearly 100 percent
 19 occupancy of commercial buildings and shops; and

20 *Whereas*, the City of Cedar Falls has recently
 21 received national recognition for its downtown
 22 renovation efforts through a Great American Main
 23 Street Award presented by the National Trust for
 24 Historic Preservation; and
 25 *Whereas*, the National Trust for Historic
 26 Preservation presented only five Great American Main
 27 Street Awards to cities nationwide for the year 2002;
 28 *Now Therefore*,
 29 *Be It Resolved By The House Of Representatives*,
 30 That the City of Cedar Falls is recognized for its

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1 extraordinary efforts to renovate the downtown area
 2 and is congratulated for receiving the Great American
 3 Main Street Award; and
 4 *Be It Further Resolved*, That an official copy of
 5 this Resolution shall be presented to the Cedar Falls
 6 City Council, Cedar Falls Community Main Street, the
 7 Cedar Falls Main Street Development Corporation, Cedar
 8 Falls Utilities, the President of the University of
 9 Northern Iowa, the Cedar Falls Community Theater, and
 10 the Cedar Falls Chamber of Commerce and Economic
 11 Development Corporation.

HR 138 filed April 10, 2002; House adopted April 11, 2002.

1 House Resolution 140
 2 By Manternach
 3 A 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 House Of Representatives*,
 14 That the Secretary of Agriculture establish a task
 15 force to complete a thorough review of Iowa's public
 16 policy related to value-added agriculture,
 17 opportunities for producers to access financing,
 18 opportunities for producers to access processing and
 19 value-added markets for their products, the impact of
 20 the structure of Iowa agriculture on future economic
 21 growth and the long-term ability of the independent
 22 livestock producer to play a viable economic role in
 23 Iowa's agricultural 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.

HR 140 filed April 11, 2002; House adopted April 12, 2002.

SUPPLEMENT TO HOUSE JOURNAL**BILLS APPROVED, VETOED, OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills passed by the 2002 Regular Session of the Seventy-ninth General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 582 – 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. Approved 4-26-02.
- H.F. 678 – Relating to child custody and visitation including the requirement of a settlement conference or mediation when a custody arrangement is disputed, and providing an effective date. Vetoed 5-9-02. See Governor's Veto Message.
- H.F. 2191 – Relating to notarial acts by judicial officers. Approved 5-2-02.
- H.F. 2192 – Relating to the establishment of a task force to develop an interstate prescription drug purchasing cooperative. Approved 5-11-02.
- H.F. 2339 – Relating to the filing of a supersedeas bond. Vetoed 5-9-02. See Governor's Veto Message.
- H.F. 2378 – Relating to the enterprise zone program and providing effective and retroactive applicability dates. Approved 5-2-02.
- H.F. 2416 – Relating to mental health and developmental disability services requirements and providing an effective date. Approved 4-22-02.
- H.F. 2430 – Providing for the mental health and developmental disabilities commission to assume the duties of the state-county management committee and providing new rulemaking authority associated with those duties and including an applicability provision. Approved 5-2-02.
- H.F. 2447 – Relating to the operation and regulation of personal watercraft, and to watercraft safety courses and certificates, and subjecting violators to a penalty. Approved 4-26-02.
- H.F. 2472 – 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. Approved 4-26-02.
- H.F. 2497 – Relating to charges imposed on unclaimed gift certificates. Approved 4-1-02.

- H.F. 2509 – Regarding business corporations, and providing an effective date. Approved 5-7-02.
- H.F. 2515 – Relating to the duties and operation of the department of education and school boards and providing an effective date. Approved 4-30-02.
- H.F. 2532 – Relating to public retirement systems and providing effective and retroactive applicability dates. Approved 4-26-02.
- H.F. 2549 – 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. Approved 5-6-02.
- H.F. 2554 – 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. Approved 4-22-02.
- H.F. 2565 – Requiring contract disclosure statements for certain residential real estate installment contracts, providing for a penalty, and providing an applicability date. Approved 4-26-02.
- H.F. 2584 – Relating to assessment of certain vineyards for purposes of property taxation and providing a retroactive applicability date. Approved 5-6-02.
- H.F. 2585 – Relating to a sales and use tax exemption for sales of certain mementos and other objects by the legislative service bureau and its legislative information office and 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. Approved 4-22-02.
- H.F. 2586 – Allowing a tax credit for equity investments in venture capital funds and including an effective and retroactive applicability date provision. Approved 5-8-02.
- H.F. 2591 – Relating to an increase in the resident hunting license fee and establishing a pheasant and quail restoration program and making an appropriation. Approved 4-30-02.
- H.F. 2592 – Relating to deferment of taxable income for start-up businesses and providing an effective and retroactive applicability date. Approved 4-22-02.
- H.F. 2612 – 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 and including an effective date. Vetoed 5-10-02. See Governor's Veto Message.

- H.F. 2613 – 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 effective dates and providing for retroactive applicability. Approved 5-10-02.
- H.F. 2614 – 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. Approved 5-10-02.
- H.F. 2615 – Relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing effective dates and providing for retroactive applicability. Approved 5-10-02.
- H.F. 2616 – Relating to the time of possession of deer venison, increasing the minimum fine for unlawful taking, possession, injuring, or transporting protected species and game, and subjecting violators to a penalty. Approved 5-2-02.
- H.F. 2617 – Relating to the regulation of milk and milk products, by providing for permits, fees, and penalties, making penalties applicable, and providing an effective date. Approved 5-2-02.
- H.F. 2620 – Regulating farmers markets, providing for fees, making penalties applicable, and providing an effective date. Approved 5-2-02.
- H.F. 2621 – 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. Approved 5-7-02.
- H.F. 2622 – 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, directing a study, and including effective and retroactive applicability date provisions. Approved 5-6-02.
- H.F. 2623 – 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. Approved 5-10-02 with the exception of Sections 17-21, 33, 34 and 35; Section 42; Section 49; Section 52; Sections 57-59; Sections 65-67. See Governor's Item Veto Message.
- S.F. 348 – Relating to the establishment of Iowa charter schools and providing for a conditional effective date. Approved 4-23-02.
- S.F. 503 – Relating to open feedlots, by providing for standards of construction for pollution control structures. Approved 4-30-02.

- 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 4-22-02.
- S.F. 2057 – Relating to the designation of a Dr. Norman E. Borlaug World Food Prize Day. Approved 5-10-02.
- S.F. 2118 – Prohibiting human cloning, and providing penalties. Approved 4-26-02.
- 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 4-22-02.
- 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 5-8-02.
- S.F. 2190 – Concerning workers' compensation. Vetoed 5-9-02. See Governor's Veto Message.
- S.F. 2197 – Prohibiting a registered sex offender from residing near a school or child care facility, and providing a penalty. Approved 5-9-02.
- 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 5-2-02.
- S.F. 2228 – Relating to utilization of school district moneys for physical plant and equipment levy purposes. Approved 4-22-02.
- 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 4-26-02.
- 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 4-26-02.
- S.F. 2268 – Relating to animals other than livestock, including the taking of such animals, providing for their disposition, providing for the reimbursement of dispositional expenses, providing for the protection of animals from injury or torment, and providing penalties. Approved 4-26-02.

- 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 4-22-02.
- 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 4-23-02.
- S.F. 2286 – Relating to the civil commitment of sexually violent predators, and providing an effective date. Approved 4-30-02.
- S.F. 2293 – Relating to animal agriculture, providing for fees, providing for penalties, and including retroactive applicability and effective date provisions. Approved 4-29-02.
- 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 5-6-02.
- 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 5-2-02.
- S.F. 2317 – Relating to the tobacco master settlement agreement, including tobacco product manufacturer compliance, making an appropriation, and providing penalties. Approved 5-10-02 with the exception of Sections 1-9. See Governor's Item Veto Message.
- 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 providing for a study, and including an effective date. Approved 5-9-02.
- S.F. 2320 – Relating to the assessment of court fees by the clerk of district court. Approved 4-23-02.
- 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 of 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 multi-state discussions on the simplification of the sales and use taxes and including an effective date. Approved 5-10-02.

- 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 4-26-02.
- 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 5-10-02.
- S.F. 2326 – Making, reducing, and transferring appropriations, and providing for other properly related matters and including effective dates. Approved 5-10-02 with the exception of Division I, Sections 1-33; Division II, Sections 34-45; Division III, Sections 46-75; Division V, Sections 87-98; Division VI, Section 99-105 and 107-140; Division VII, Sections 141-162; Division VIII, Sections 163-167; Section 79, subsection 15, paragraph 2 and Section 79, subsection 16, paragraph 2. See Governor's Item Veto Message.
- 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 5-9-02.

GOVERNOR'S VETO MESSAGES

May 9, 2002

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

Dear Mr. Secretary:

I hereby transmit House File 678, an Act relating to child custody and visitation including the requirement of a settlement conference or mediation when a custody arrangement is disputed, and providing an effective date. House File 678 would define 'participation in mediation or a settlement conference' to include the receipt of assistance in the completion of a parenting agreement between the parties that specifies the details of visitation. This act would amend Iowa Code §598.7A, which currently requires a court to determine on its own motion, or upon the application of either party to a domestic relations proceeding, whether the parties to the proceeding shall participate in mediation to attempt to resolve differences, without court intervention.

Courts in the fifth, sixth and seventh judicial districts in Iowa have increasingly utilized mediation as a tool to facilitate voluntary settlements in domestic relations actions involving child custody issues. Mediation in these districts have allowed a number of parties to create equitable dissolution decrees, avoid the trauma of litigation, and reduce the hostility that is often associated with marital dissolution or other domestic relations actions involving child custody issues. Under Iowa Code §598.7A, courts in these districts have developed effective mediation programs that reflect the needs of their communities, and provide resources to support program implementation.

Representatives of the judicial branch have expressed some reservations with House File 678. The mandatory mediation programs that exist in Iowa rely on administrative services for coordination and oversight. The judicial branch should be confident that the programs can be adequately funded before a programmatic requirement is imposed. Parties responsible for implementing the mandatory mediation program should also be confident that a pool of qualified mediators will be easily accessible to parties living in all locations across the state in order to ensure that costs associated with mediation remain consistent statewide.

Given the concerns expressed by the judicial branch, and other parties responsible for the bill's implementation, I must conclude that House File 678 has not received the full support of those most integral to the bill's success. Neither the courts nor this office are opposed to the concept of mediation. It has clearly proven to serve as a useful tool in promoting settlement in domestic relations cases. However, in light of the budget challenges that are currently facing Iowa courts, I cannot support this bill until the concerns identified above: namely; administrative costs and the accessibility of qualified mediators throughout the state, have been adequately addressed.

For the reasons stated above, I hereby respectfully disapprove House File 678.

Sincerely,
Thomas J. Vilsack
Governor

May 9, 2002

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

Dear Mr. Secretary:

I hereby transmit House File 2339, an Act relating to the filing of a supersedeas bond, which among other things reduces the supersedeas bond amount that a defendant must post when appealing the order or judgment of a lower court. House File 2339 proposes to replace the existing guidelines governing supersedeas bonds, as outlined by the Iowa Supreme Court, with a reduced three-tier system.

Currently, supersedeas bonds are governed by Iowa R. App. P. 6.7(2), which provides:

If the judgment or order appealed from be for money, the penalty of such bond shall be 125 percent of the amount thereof, including costs, unless, in exceptional cases, the District Court fixes a larger amount; in all other cases, an amount sufficient to save appellee harmless from the consequences of the appeal...

The Supreme Court adopted Iowa R. App. P. 6.7(2) to ensure that parties, who obtained a successful judgment in a lower court, would not be prejudiced by a stay of judgment pending a final ruling on appeal. As in many surrounding states, the Court's supersedeas bond requirement protects the interests of non-appealing parties by requiring any party who seeks to stay the execution of a judgment to demonstrate that all costs, interest lost, and damages resulting from an appeal can be covered.

House File 2339 drastically reduces the level of protection afforded to judgment holders under Iowa law by creating a tiered bonding system that assigns different bonding requirements to different judgment awards. House File 2339 would reduce the amount of bonding required for judgments up to \$1 million from the current level of 125 percent of the judgment amount to 100 percent. For a judgment over \$1 million up to \$100 million, a party requesting a stay of execution would only be required to secure a bond of \$1 million, which would account for just 1 percent of the total amount of a \$100 million judgment, under this bill. For judgments over \$100 million, House File 2339 would require a party to secure bonding in the amount of \$25 million no matter how large the judgment grew.

The formula contained in House File 2339 would provide judgment holders with grossly inadequate security coverage during the pendency of their appeal. This would upset the current balance of rights between judgment holders and those seeking to stay the execution of a judgment on appeal. It could also allow some defendants, acting in

bad faith, to file frivolous appeals, post very little security, and dissipate assets during appeal, which would defeat the whole purpose of requiring a party to secure a supersedeas bond.

The formula contained in House File 2339 would also seem to defy a rational explanation when applied to various scenarios, since it would provide 100 percent coverage for a damage award between \$1 and \$1 million, 1 percent coverage for a \$100 million damage award, and 25 percent coverage for a judgment of \$100,000,001. Such wide disparities in statutory coverage could be characterized as arbitrary in the best possible light and a potential violation of the equal protection clause in the worst.

House File 2339 also contains a provision that expressly exempts the state or any of its political subdivisions from filing a supersedeas bond upon appeal of a lower court order or judgment if the court finds "good cause shown." Historically, courts have not ordered the state of Iowa to post a bond in order to stay the execution of a judgment on appeal. The state continues to maintain the position that it is not required to post a bond, and furthermore, judgment holders are precluded from executing judgments against it. House File 2339 could create more problems than it solves by prompting a court to conclude that the state is required to post a supersedeas bond in order to avoid the execution of a judgment, absent a Supreme Court Order, in the same manner as a private citizen.

For the reasons state above, I hereby respectfully disapprove House File 2339.

Sincerely,
Thomas J. Vilsack
Governor

May 10, 2002

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

Dear Mr. Secretary:

I hereby transmit House File 2612, 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 and including an effective date.

Since the Legislature approved this bill, there has been a dramatic change in the State's revenue projections. On March 7th, 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. As a result, 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.

Business-people and academic experts tell us again and again: the single most important component in attracting growth and investment is the quality of the

workforce. That is our advantage in Iowa. We have a highly educated population. We value learning and knowledge, and our budgets and policies have always reflected that.

I recently proposed a plan that would provide the necessary resources to maintain the progress we have made in education and health care while also providing funding from the tobacco settlement restricted capitals account to ensure highway construction is maintained at the same rate as planned. No road construction projects would be slowed or stopped under this compromise plan. At this time I am unable to approve this bill because it would not allow for an implementation of that plan.

For the above reasons, I respectfully disapprove House File 2612.

Sincerely,
Thomas J. Vilsack
Governor

May 9, 2002

The Honorable Chester Culver
Secretary of State
State Capitol
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 for 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 on 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

GOVERNOR'S ITEM VETO MESSAGES

May 10, 2002

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

Dear Mr. Secretary:

I hereby transmit House File 2623, 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.

This administration has made clear from day one that our top priority for Iowa is education. Over the past four years, our investment in education has paid tremendous dividends in more quality teachers, smaller classes, and better results. We have seen record interest in higher education, record enrollment in our colleges, and record employment in our workforce. House File 2623 makes an important investment in Iowa's K-12 schools by funding the student achievement and teacher quality program. This is a vital investment not only in our young people, but also in the future of our state.

House File 2623 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Section 17. This section would eliminate the requirement that innovation projects produce savings and eliminates the standing appropriation to repay the innovations fund for savings that do not accrue directly to a department. This would reduce the flexibility of the program.

I am unable to approve Sections 18, 19, 20, 21, 33, 34 and 35. This administration has continually supported improvement of customer service to Iowa citizens through the use of information technology and advanced telecommunications services. The use of credit card transactions as a way to pay for certain government services is one example of this commitment to improved customer service. We will continue to support efforts to improve customer service, however, the above referenced sections of this bill relating to the use of credit card transactions, while well intended, would adversely impact these efforts as well as the citizens of Iowa. There is no funding provided to departments to make system changes required to allow the intake of credit card payments. In addition, the language does not allow for the capture of transaction fees associated with credit card processing. A credit card payment system without the proper technology and funding to support it will result in poor system performance and customer dissatisfaction.

I am unable to approve Section 42, which amends Chapter 556.12, subsection 1, relating to notice and publication requirements of unclaimed property, commonly referred to as "The Great Iowa Treasure Hunt". This language is contrary to Section 9 of the Uniform Unclaimed Property Act of 1995, which Chapter 556.12, subsection 1, is based on, and the proposed language would unduly restrict the flexibility of the State

Treasurer in scheduling the workload of personnel available to return property to Iowans.

I am unable to approve Section 49. This section requires the departments of personnel, information technology and general services to identify duplicative job responsibilities throughout state government and report these positions to the oversight committee by September 1, 2002. These determinations on an enterprise-wide basis are already being done.

I am unable to approve Section 52. This section requires the departments of agriculture and natural resources to file a written report on a quarterly basis with the appropriations subcommittee regarding all expenditures of moneys during the quarter and the number of FTE's allocated during the quarter. This information is obtainable by the Legislative Fiscal Bureau from the state's accounting and personnel systems, and no mandate is needed to enable legislators to access it.

I am unable to approve Sections 57 and 59. These sections would eliminate the Scope of Practice Review Committee (SPRC) related to the Department of Public Health. This is the only science-based forum available to work out scope of practice issues between health care professions. Most health care organizations do not support eliminating the SPRC: three-fourths of the Iowa health care providers in a recent survey favored keeping the SPRC process as it is or keeping it with some modifications.

I am unable to approve Section 58. This section would make the appropriation to the division on the Status of African-Americans contingent on the appointment of all nine members to the Commission on the Status of African-Americans. This language raises the prospect that the entire budget for the division would be in jeopardy anytime there is a vacancy on the commission. It is not appropriate to unfairly single out one commission for a different standard, and this is not a precedent we want to set for any commission.

I am unable to approve Section 65. This section limits the costs for riverboat enforcement that can be billed to riverboats, which is an amount less than 100% of costs for riverboat enforcement in fiscal year 2003. If retained, this would act as a cap in future years, which would generate a lower percentage of actual costs in each future fiscal year. The limitation on track gaming creates a situation where there are not sufficient expenditures in track gaming and pari-mutuel to even approach an additional \$420,000. This provision would lead to a reduction in revenue that is not reflected in the Legislature's budget assumptions.

I am unable to approve Sections 66 and 67. Section 66 amends the 2002 Iowa Acts, Senate File 2623, Section 175, subsection 14 pertaining to public transit assistance, by striking the subsection. I have approved the funding of Public Transit Assistance as provided in Senate File 2623, Section 175, subsection 14. Section 67 proposes to reduce the amount appropriated from the general fund of the state to the Department of Transportation for public transit assistance for fiscal year 2002, by \$1,107,938. These dollars have already been allocated and likely spent by local public transit systems. To seek their repayment would have serious impacts on public transit services.

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 House File 2623 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

May 10, 2002

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

Dear Mr. Secretary:

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.

Section 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 our monetary and substantial [sic]. 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 statue 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 non-compliance 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
L O C A L

Dear Mr. Secretary:

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 7th, 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 intently 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

IN MEMORIAM

House

A memorial adopted by the House of Representatives, 2002 Regular Session of the Seventy-ninth General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

DONALD E. BAKER	November 9, 1930 – June 22, 2001
ERNEST W. GILSON.....	July 25, 1930 – January 14, 2002
LEO B. HANNA	July 18, 1920 – October 8, 2001
DONALD F. HERMANN	July 19, 1921 – September 23, 2001
LEO A. HOEGH.....	March 30, 1908 – July 15, 2000
THOMAS H. MILLER.....	April 11, 1925 – May 25, 2001
ROBERT W. NADEN	May 6, 1921 – March 9, 2002
MYRON B. "MIKE" OXLEY	September 14, 1922 – March 14, 2002
PAUL L. PARKER	April 27, 1921 – September 26, 2001
LEROY H. PETERSEN	April 21, 1915 – October 24, 2001
LOUIS A. PETERSON	March 5, 1909 – June 27, 2001
GEORGE P. RAPSON	March 20, 1903 – August 5, 1996
LESTER SICKELS	June 27, 1909 – March 21, 2001
KEITH L. VETTER	June 17, 1918 – November 14, 2001
PAUL M. WALTER	December 14, 1904 – September 25, 1996

DONALD E. BAKER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Donald E. Baker begs to submit the following Memorial:

Mr. Baker was born November 9, 1930 in Boone, Iowa. He graduated from Boone High School, then attended junior college in Boone. After college he was employed with the Bell Telephone Company where he was the regional manager. Mr. Baker was also an Air Force veteran of the Korean War. Mr. Baker had lived in Ankeny the last 30 years. He was active in civic affairs prior to his retirement.

Mr. Baker, a democrat, served three terms in the House of Representatives from 1965-1970.

Mr. Baker passed away on June 22, 2001. He is survived by his wife Margaret; a daughter, Becky Stenstrom of Des Moines; two sisters, Eve Wiscup of Ankeny and Ruth O'Brien of Junction City, Kansas; and two grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Donald E. Baker, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

MIKE O'BRIEN
GEORGE EICHHORN
JODI TYMESON

Committee

ERNEST W. GILSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Ernest W. Gilson begs to submit the following Memorial:

Ernest Gilson was born July 25, 1930 in Blairsburg, Iowa. He was the son of James and Lulu Mae France Gilson. He attended the University of Iowa before joining the U.S. Air Force and serving in England. After his honorable discharge, he moved to Missouri before moving to Bayard in 1965. He coached football and track and taught social sciences at Bayard High School. He retired from the Panorama School District in 1992. Mr. Gilson was a member of Omar B. Shearer American Legion Post 124.

Mr. Gilson, a democrat, served one term in the House of Representatives from 1977-1978.

Mr. Gilson passed away on January 14, 2002. He is survived by his wife Shirley; a son, Kirby of Urbandale; a daughter, Janel Brush of Jefferson; a brother, Rich of Guthrie Center; and six grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Ernest W. Gilson, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

MIKE O'BRIEN
GEORGE EICHHORN
JODI TYMESON

Committee

LEO B. HANNA

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Leo B. Hanna begs to submit the following Memorial:

Leo Hanna was born July 18, 1920 in Adams County near Corning. He was the son of Warren and Mabel (Albaugh) Hanna. He served in the U.S. Air Force in England during World War II. After his discharge he moved to Des Moines and was employed by the State Employment Office. He married LaVon Wunder in 1948. He moved to Havelock in 1954 and raised registered Hereford cattle. Mr. Hanna was a member of the Hope United Methodist Church, the American Legion and the V.F.W. He belonged to the Flying Farmers of America, having been an avid aviation enthusiast, flying private aircraft for over forty years.

Mr. Hanna, a republican, served two terms in the House of Representatives from 1949-1952.

Mr. Hanna passed away on October 8, 2001. He is survived by his wife LaVon of Havelock; a daughter, Debra Bridenbaug of Aurora, Illinois; a son, Dennis of Laurens; five grandchildren; two brothers, Keith of Claremore, Oklahoma and Robert of Laurens.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Leo B. Hanna, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

EFFIE LEE BOGGESS
CECIL DOLECHECK
DICK WEIDMAN

Committee

DONALD F. HERMANN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Donald F. Hermann begs to submit the following Memorial:

Mr. Hermann was born on July 19, 1921 to Emil and Minnie (Korbitz) Hermann. He married Alida Wolff in Chicago in 1948. He was a graduate in journalism from the University of Illinois. He served in World War II. He worked for Caterpillar, Inc. for 31 years. He was a member of the Lutheran Church, AMVETS, Lions International, and the Bettendorf Chamber of Commerce. In 1990, the Board of Directors of the Iowa Good Roads Association named him Legislator of the Year for his work with road legislation.

Mr. Hermann, a republican, served four terms in the House of Representatives from 1983-1990.

Mr. Hermann passed away on September 23, 2001. He is survived by his wife, Alida of Bettendorf; two daughters, Holly Boesch of Manitowoc, Wisconsin and Carole Chambers of West Des Moines; a son, Mark Hermann of Bettendorf; two sisters, Charlotte Nork of Manitowisch, Wisconsin and Lois Frey of Cedar, Michigan; and seven grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Donald F. Hermann, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAVE MILLAGE
JAMIE VAN FOSSEN
JOE SENG

Committee

LEO A. HOEGH

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Leo A. Hoegh begs to submit the following Memorial:

Leo Hoegh was born on March 30, 1908 on a farm in Audubon County. He received both his undergraduate and law degrees from the University of Iowa. In 1933, he entered a law practice in Chariton, Iowa. He married Mary Louise Foster in 1936.

Mr. Hoegh served in the Army during World War II and rose to the rank of Lieutenant Colonel in the 104th Infantry, Timberwolf Division.

Mr. Hoegh, a republican, served three terms in the House of Representatives from 1937-1942. He was Attorney General from 1953-1954, and then served as Governor from 1955-1957. While in office, he established a statewide program to care for the mentally ill, increased funding for education at all levels and attracted new industries into the state to diversify the predominantly agricultural economy. In 1957, President Dwight Eisenhower appointed Mr. Hoegh to a cabinet-level position as director of the Federal Civil Defense Administration. Later, he was appointed to serve as the director of a newly combined department, the Office of Civil and Defense Mobilization. There, he was responsible for the development of a comprehensive national plan for the safety and security of the country in the event of a nuclear war.

Mr. Hoegh and his family moved to Colorado in 1964, living in Denver and Chipita Park before moving to Colorado Springs in 1993.

Mr. Hoegh passed away on July 15, 2000, at the age of 92. He is survived by his two daughters, Janis Hoegh of Boulder, Colorado and Kristin Hoegh Marsh of Aspen, Colorado, and his granddaughter, Carrie Hoegh Marsh.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Leo Hoegh, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

RICHARD ARNOLD
DAVID SCHRADER
CECIL DOLECHECK

Committee

THOMAS H. MILLER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Thomas H. Miller begs to submit the following Memorial:

Thomas H. Miller was born on April 11, 1925 in Park Rapids, Minnesota. He married Jean Neil in 1947. He had lived in Cherokee most of his life. He was a former owner, editor and publisher of the Cherokee Daily Times. He received the Missouri University School of Journalism Award and was named Master Editor-Publisher by the Iowa Press Association. He was a Navy veteran of World War II, and a member of the Cherokee Industrial Corporation, Rotary, Sanford Museum Association Board, Cherokee Adult Education Program Board, Chamber of Commerce and Cherokee County Fund Board. He also served in the State of Iowa Right to Read Council, State of Iowa Adult Education Council and the Western Iowa Tech Adult Education Council. He was chair of the Iowa Compensation Commission from 1974-1983 and the five county JTPA program from 1983-1984. Mr. Miller received the Silver Beaver, the highest honor accorded by the Boy Scouts for more than 25 years of volunteer work.

Mr. Miller, a republican, served five terms in the House of Representatives from 1985-1994.

Mr. Miller passed away on May 25, 2001 at the age of 76. Survivors include his wife Jean; four daughters, Kathleen Johannsen of Winfred, South Dakota, Deborah Hankens of Cherokee, Michele Jones of Waterloo and Mary Bos of Stillwater, Minnesota; and seven sons, Mark of Sioux Falls, South Dakota, Vince of Bonney Lake, Washington, James and John, both of Madison, Wisconsin, Steve of Lake Zurich, Illinois, Scott of Kingwood, Texas and Paul of Westminster, Maryland; and fourteen grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Thomas H. Miller, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DANIEL HUSEMAN
RALPH KLEMME
STEVE WARNSTADT

Committee

ROBERT W. NADEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Robert W. Naden begs to submit the following Memorial:

Mr. Naden was born May 6, 1921 in Osage, Iowa. He lived in Webster City most of his life. He began his career at Naden and Sons Electric Scoreboard Company and retired as president of Naden Industries. He was a Navy veteran of World War II. Mr. Naden was a former Webster City mayor and city councilman and was a past president and District Lieutenant Governor of Noon Kiwanis and a member of Acacia Masonic Lodge. He served as administrative board chairman, lay leader and a Sunday school teacher at his church.

Mr. Naden, a republican, served five terms in the House of Representatives from 1955-1964, during which he served as Majority Floor Leader and Speaker of the House.

Mr. Naden passed away March 9, 2002. He is survived by his wife, Dorothy; a son, Russell of Webster City; three daughters, Janet Wineland of Ponca, Nebraska, Candace Myers of Englewood, Colorado and Leah Hinderks of Webster City; a sister, Doris Coppola of Des Moines; ten grandchildren and two great-grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Robert W. Naden, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

GEORGE EICHHORN
MICHAEL CORMACK
DOLORES MERTZ

Committee

MYRON B. "MIKE" OXLEY

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Myron B. "Mike" Oxley begs to submit the following Memorial:

Mr. Oxley was born on September 14, 1922 in Marion, Iowa. He was the son of Ralph and Mary Oxley. He owned and operated a grain and livestock farm with his brother. He loved the land that has been in his family for over 160 years, purchased by a land patent in 1838. Mr. Oxley was a 50-year member of Masonic Lodge No. 6 A.F. & A.M. of Marion, was a member of the Linn County Co-op and was the longest serving member of the Linn County Democratic Central Committee, serving from 1960 to 2000. He served on the Ways and Means Committee and fought for property tax relief.

Mr. Oxley, a democrat, served six terms in the House of Representatives from 1965-1966 and 1977-1986.

Mr. Oxley passed away March 14, 2002. He is survived by his wife Jean; two daughters, Janice Di Dominick of Chicago, Illinois and JoAnne Draper of Omaha,

Nebraska; a son, Ralph of Sergeant Bluff; a brother, John Oxley of Marion; and three grandchildren.

Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Myron B. "Mike" Oxley, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

RO FOEGE
TODD TAYLOR
CHARLES LARSON

Committee

PAUL L. PARKER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Paul L. Parker begs to submit the following Memorial:

Mr. Parker was born on April 27, 1921. He was the son of the late Senator Addison and Louise Parker. He graduated from Phillips Exeter Academy in 1939, Dartmouth College in 1943 and the University of Iowa Law College in 1948. Mr. Parker was a Navy officer during World War II. He was married in 1947 to Allegra Willis. He was a member of Phi Kappa Psi and Phi Delta Phi. He was also the recipient of the Distinguished Service Award for community service in Des Moines in 1952. Mr. Parker was executive vice president and chief administrative officer for General Mills after his service in the legislature, retiring in 1986. After retiring, he had served as president of the Minnesota Opera Company and the Minnesota Historical Society and as chairman of the Minneapolis Institute of Arts. He was a former trustee of Simpson College in Indianola and a member of the board of directors of Equitable of Iowa Insurance Company and Burlington Northern Railroad. Mr. Parker had a lifelong passion for politics and was known for saying, "Outside of compound interest, the two-party system is the noblest work of man."

Mr. Parker, a republican, served one term in the House of Representatives from 1953-1954.

Mr. Parker passed away September 26, 2001. He is survived by his wife, Allegra; two sons, Hugh of Greensboro, North Carolina and Paul "Bill" of St. Paul, Minnesota; a daughter, Melissa Lindsay of St. Paul, Minnesota; and five grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Paul L. Parker, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CARMINE BOAL
GERI HUSER
JANET METCALF

Committee

LEROY H. PETERSEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Leroy H. Petersen begs to submit the following Memorial:

Mr. Petersen was born on April 21, 1915 in Wilton Junction, Iowa. He was the son of Henry and Alma Reese Petersen. He graduated from Muscatine High School, attended Augustana College, and received his B.A. degree from Grinnell College in 1937. He married Mary C. Fox of Waukee. Mr. Petersen was a retired farmer and had lived in Muscatine and the Grimes and Waukee areas before moving to Dallas Center. He was a past board member of National Travelers Life Insurance Company, Luther Park Health Care Center in Des Moines and the Waukee School Board. He was a former director of the programming and planning office with the state of Iowa and a member and past president of Dallas County Farm Bureau. Mr. Petersen was a member of the Faith Lutheran Church.

Mr. Petersen, a republican, served three terms in the House of Representatives from 1961-1964 and 1967-1968.

Mr. Petersen passed away October 24, 2001. He is survived by two sons, Richard of Waukee and Warren of Dallas, Texas; four brothers, Ed of Davenport, Henry of Wilton, Ken of Grimes and Wilbert of Williamsburg; and five grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Leroy H. Petersen, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

JODI TYMESON
SCOTT RAECKER
MIKE O'BRIEN

Committee

LOUIS A. PETERSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Louis A. Peterson begs to submit the following Memorial:

Mr. Peterson was born on March 5, 1909 in Lawton, Iowa. He was the son of Herman and Mary H. Peterson. He was a long time Lawton resident and began farming in 1933. He was a member of the Farm Bureau, Lawton Flying Club, Lawton Community Club and Woodbury County Fair Board, where he served as the head of the agricultural department. Mr. Peterson also served as township director, county treasurer, and county president. He was appointed to the County Farm and Home Administration Board and County Compensation Board. He served on the County Extension Board, Lawton School Board, where he was former president. He served on several Condemnation Committees for Iowa Public Service and Appraisal Committees of Farms to settle estates, County Board of Adjustment for County Zoning and Woodbury County Community Action Board. He established the rural Woodbury County Library and served on the County Library Board of Trustees. In 1989, he was recognized by the governor for his years of service and was inducted into the Iowa Volunteer Hall of Fame. He was a member and elder of the Community Presbyterian Church, where he served on various boards.

Mr. Peterson, a republican, served four terms in the House of Representatives from 1961-1964, 1969-1970 and 1973-1974.

Mr. Peterson passed away on June 27, 2001. He is survived by a son, Dale of Lawton; two daughters, Karen Thomsen of Cumberland and Joyce Peterson of Kearney, Nebraska; a brother Clifford of Sioux City; a sister Helen Vermilyea of Sioux City; eight grandchildren and six great-grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Louis A. Peterson, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CHRISTOPHER RANTS
STEVE KETTERING
STEVE WARNSTADT

Committee

GEORGE P. RAPSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable George P. Rapson begs to submit the following Memorial:

George P. Rapson was born on March 20, 1903, the son of John and Johanna (Scheinpflug) Rapson. He had lived in Cherokee since 1935 and owned and operated Rapson Motor Company in Cherokee from 1935 until 1954. He had served on the Cherokee School Board, the Cherokee City Council, and was Cherokee Mayor from 1950 until 1958. Mr. Rapson was a past President of the Cherokee Rotary, past President of the Cherokee Chamber of Commerce, and was former Chairman of the Cherokee Industrial Corporation. In 1972, Mr. Rapson was awarded a plaque for service rendered to his community. He was a member and past master of Speculative Lodge #307 A.F. & A.M., a member of Sioux City Consistory and the Abu-Bekr Shrine Temple in Sioux City.

Mr. Rapson, a republican, served two terms in the House of Representatives from 1959-1962.

Mr. Rapson passed away on August 5, 1996 at the age of 93. Survivors include one son, George A. Rapson of Yorba Linda, California; two grandchildren and five great-grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable George P. Rapson, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DANIEL HUSEMAN
RALPH KLEMME
STEVE WARNSTADT

Committee

LESTER SICKELS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Lester Sickels begs to submit the following Memorial:

Lester Sickels was born on June 27, 1909 near Grand City, Missouri. He lived most of his life in Ringgold County. He was a member of the local school boards for thirteen years before being elected to the county school board for twelve years. He belonged to the Mount Ayr Lions Club, the Odd Fellows Lodge and the Ringgold County Sheriff's Posse.

Mr. Sickels, a republican, served two terms in the House of Representatives from 1959-1962. Following his legislative service, he was appointed to a citizen's advocacy committee, which formed the fifth judicial district Correctional Board in 1979. He served on the board until 1984.

Mr. Sickels passed away on March 21, 2001 at the age of 91. He is survived by two daughters, Jeri Pomi of Fallon, Nevada and Gayle Buckner of Des Moines; a son, Dan Allen Sickels; a brother, Don Sickels of Mount Ayr; one sister, Viona Forst of Des Moines; six grandchildren and ten great-grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Lester Sickels, the State as lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

CECIL DOLECHECK
EFFIE LEE BOGGESS
STEVE RICHARDSON

Committee

KEITH L. VETTER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Keith L. Vetter begs to submit the following Memorial:

Mr. Vetter was born on June 17, 1918 in Muscatine, Iowa. He was the son of Ernest L. and Mary E. Kennedy Vetter. He married Marla Gettert in 1941. He graduated from Nichols (Iowa) High School. He owned and operated Culligan water conditioning companies in several cities. He served active duty for the Civil Air Patrol of Pascagoula, Mississippi. He served on the Republican Central Committee, as a congressional committeeman and finance chairman. He was a member of Iowans for Tax Relief, past president of WEDG, a former member of the Chamber of Commerce, Junior Chamber of Commerce, Rotary, Kiwanis Club and Masonic Lodge, board of trustees for Iowa Wesleyan College, Hawkeye Bank Board of Directors, Ambassadors Club, director and past president of YMCA, past president of Iowa & National Water Quality Conditioning Association International and a member of the Dealer Advisory Council. In 1956, he was selected as outstanding man of the year by the Junior Chamber of Commerce. Mr. Vetter was a member of United Methodist Church and United Methodist Men. He was a lay leader and Sunday school superintendent and served on the mission committee, traveling to Africa in 1959 and Alaska in 1964.

Mr. Vetter, a republican, served two terms in the House of Representatives from 1963-1964 and 1967-1968.

Mr. Vetter passed away November 14, 2001. He is survived by his wife, Marla; two daughters, Joy M. Kracaw of LeClaire and Judy V. McCarthy of Washington; one sister, Venita Harned of West Liberty; one brother, Virgil Vetter of Washington; two stepsisters, Bernie Mueller of Redding, California and Dorothy Mills of Nichols; two stepbrothers, Paul Lowe of Springfield, Missouri and Bob Lowe of Letts; four grandchildren and nine great-grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Keith L. Vetter, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

BETTY DE BOEF
REBECCA REYNOLDS
DAVID HEATON

Committee

PAUL M. WALTER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Paul M. Walter begs to submit the following Memorial:

Paul Walter was born December 14, 1904 near Beaman, Iowa. He was the son of Warren and Iva Shoemaker Walter. He graduated from Beaman High School and Iowa State University. He married Mary Brindle in 1927. Mr. Walter farmed near Conrad and then moved to a farm near Union.

He was a past master of Masonic Lodge, bank director, and former President of Hardin County Farm Bureau. He was a charter member of the Union Kiwanis Club, the Marshalltown Lions Club, and State Farm Bureau Resolutions Committee 1947. Mr. Vetter was active in the American Red Cross and Chester Friends Church.

Mr. Walter, a republican, served eight terms in the House of Representatives from 1949-1964.

Mr. Walter passed away on September 25, 1996 at the age of 91. Survivors include his wife, Mary; two daughters, Darlene Williams of New Providence and Marilyn Stover-Eittreim of Conrad; eight grandchildren and ten great-grandchildren.

Now Therefore, Be It Resolved By The House Of Representatives Of The Seventy-Ninth General Assembly Of Iowa, That in the passing of the Honorable Paul M. Walter, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

STEVE SUKUP
MARK SMITH
BILL DIX

Committee

State of Iowa
2002

JOURNAL OF THE HOUSE

2002
EXTRAORDINARY SESSION
SEVENTY-NINTH
GENERAL ASSEMBLY

Convened April 22, 2002
Adjourned April 22, 2002

THOMAS J. VILSACK, Governor
BRENT SIEGRIST, Speaker of the House
MARY KRAMER, President of the Senate

Published by the
STATE OF IOWA
Des Moines

JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives
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 House was called to order at 9:13 a.m., by the Honorable Brent Siegrist, Speaker of the House.

Prayer was offered by the Honorable Ralph Klemme, state representative from Plymouth County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Iowa State Trooper Dan White of Cedar Rapids.

COMMUNICATION FROM THE GOVERNOR

Pursuant to Article IV, section XI of the Constitution of the State of Iowa, the following communication from Governor Thomas J. Vilsack was presented and read to the House of Representatives:

April 18, 2002

The Honorable Brent Siegrist
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

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 on April 12, 2002; 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 April 22, 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 April 22, 2002 for the purpose which the assembly is convened, namely the matter of approving a fiscal year 2003 state budget that protects Iowa's priorities 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 18th day of April in the year of our Lord two thousand two.

THOMAS J. VILSACK
Governor

Attest:

CHESTER J. CULVER
Secretary of State

ORGANIZATION OF THE HOUSE

Rants of Woodbury moved that all organization 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.

Rants of Woodbury moved that the Chief Clerk of the House be directed to send a written message to the Governor and to the Senate informing them that the House was duly organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate 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 House.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ford of Polk and Kreiman of Davis on request of Myers of Johnson.

The House stood at ease at 9:20 a.m., until the fall of the gavel.

The House resumed session at 11:40 a.m., Speaker Siegrist in the chair.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 125

Rants of Woodbury asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 125** as follows, and moved its adoption.

1 HOUSE CONCURRENT RESOLUTION 125

2 By Siegrist and Myers

3 A concurrent resolution to provide for

4 adjournment sine die.

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE

6 SENATE CONCURRING, That when adjournment is had on
7 Monday, April 22, 2002, it shall be the final
8 adjournment of the 2002 Extraordinary Session of the
9 Seventy-ninth General Assembly.

The motion prevailed and the resolution was adopted.

MESSAGE TO THE GOVERNOR AND TO THE SENATE

Rants of Woodbury moved that the Chief Clerk of the House be directed to send a written message to the Governor and to the Senate informing them that the House of Representative was prepared to adjourn sine die pursuant to House Concurrent Resolution 125.

The motion prevailed.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: The Senate is prepared to adjourn the 2002 Extraordinary Session of the Seventy-ninth General Assembly pursuant to House Concurrent Resolution 125 duly adopted

MICHAEL E. MARSHALL, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of April, 2002: House Files 582, 678, 2191, 2192, 2339, 2430, 2447, 2472, 2515, 2532, 2549, 2565, 2591, 2592, 2612, 2613, 2614, 2615, 2616, 2617, 2620, 2621, 2622 and 2623.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to the House Rule 42, I report that in enrolling bills the following correction was made:

House File 2515

1. Page 7, line 34 – Need a comma after "Code 2001".

MARGARET A. THOMSON
Chief Clerk of the House

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 125, duly adopted, the day of April 22, 2002 having arrived, the Speaker of the House, Brent Siegrist, declared the 2002 Extraordinary Session of the House of Representatives of the Seventy-ninth General Assembly adjourned sine die at 1:58 p.m.

State of Iowa
2002

JOURNAL OF THE HOUSE

2002
SECOND
EXTRAORDINARY SESSION
SEVENTY-NINTH
GENERAL ASSEMBLY

Convened May 28, 2002
Adjourned May 28, 2002

THOMAS J. VILSACK, Governor
BRENT SIEGRIST, Speaker of the House
MARY KRAMER, President of the Senate

Published by the
STATE OF IOWA

Des Moines

JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Supreme Court Chamber, State Capitol
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 a Second Extraordinary Session, the House was called to order at 10:04 a.m., by the Honorable Brent Siegrist, Speaker of the House.

Prayer was offered by the Honorable Ralph Klemme, state representative from Plymouth County.

COMMUNICATION FROM THE GOVERNOR

Pursuant to Article IV, section XI of the Constitution of the State of Iowa, the following communication from Governor Thomas J. Vilsack was presented and read to the House of Representatives:

May 23, 2002

The Honorable Brent Siegrist
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

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 7, 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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 723 Appropriations

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.

H.S.B. 724 Appropriations

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.

H.S.B. 725 Appropriations

Making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions.

ORGANIZATION OF THE HOUSE

Rants of Woodbury moved that all organization 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.

Rants of Woodbury moved that the Chief Clerk of the House be directed to send a written message to the Governor and to the Senate informing them that the House was duly organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story, Raecker of Polk and Teig of Hamilton, on request of Rants of Woodbury.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, pursuant to the May 23, 2002, proclamation of the Governor, duly organized for the second Extraordinary Session of the Seventy-ninth General Assembly and is ready to receive communications from the House.

MICHAEL E. MARSHALL, Secretary

RULE 57 SUSPENDED

Rants of Woodbury asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on appropriations.

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

The House resumed session at 1:26 p.m., Metcalf of Polk in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-two members present, eighteen absent.

Speaker Siegrist in the chair at 1:33 p.m.

INTRODUCTION OF BILLS

House File 2624, by Fallon, a bill for an act restricting the payment of per diem and related expenses to members of the general assembly meeting in special session and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **administration and rules**.

House File 2625, 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 referred to committee on **appropriations**.

House File 2626, 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 referred to committee on **appropriations**.

House File 2627, 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 referred to committee on **appropriations**.

House File 2628, by Huser, an act relating to mandated insurance coverage for physician-recommended mamography for women with a family history of breast cancer and providing an effective date.

Read first time and referred to committee on **commerce and regulations**

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 724), 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.

Fiscal Note is not required.

Recommended **Do Pass** May 28, 2002.

RULES SUSPENDED

Rants of Woodbury asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2626.

CONSIDERATION OF BILLS

Appropriations Calendar

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.

The House stood at ease at 1:42 p.m., until the fall of the gavel.

The House resumed session at 1:50 p.m., Speaker Siegrist in the chair.

Reeder of Fayette offered the following amendment H-8699 filed by Reeder, Bell of Jasper and Wise of Lee from the floor and moved its adoption:

H-8699

- 1 Amend House File 2626 as follows:
- 2 1. Page 4, by inserting after line 22 the
- 3 following:
- 4 "Sec. __. Notwithstanding anything to the
- 5 contrary in chapter 455G, there is appropriated from
- 6 the Iowa comprehensive petroleum underground storage
- 7 tank fund to the state department of transportation
- 8 for the fiscal year beginning July 1, 2002, and ending
- 9 June 30, 2003, the following amounts, or so much
- 10 thereof as is necessary, to be used for the purposes
- 11 designated:

- 12 1. For the operation and maintenance of the
- 13 network of automated weather observation and data
- 14 transfer systems associated with the Iowa aviation
- 15 weather system:
- 16 \$ 110,000
- 17 2. For the runway marking program for public
- 18 airports:
- 19 \$ 100,000
- 20 3. For the windsock program for public airports:
- 21 \$ 12,000
- 22 4. For the aviation improvement program:
- 23 \$ 278,000"
- 24 2. Title page, line 4, by inserting after the
- 25 words "tax fund" the following: ", the Iowa
- 26 comprehensive petroleum underground storage tank
- 27 fund,".
- 28 3. By renumbering as necessary.

Roll call was requested by Wise of Lee and T. Taylor of Linn.

On the question "Shall amendment H-8699 be adopted?" (H.F. 2626)

The ayes were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Cormack	Dotzler
Fallon	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reeder	Reynolds	Richardson
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Rants	Rayhons

Rekow	Roberts	Shey	Sievers
Sukup	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyeke	Mr. Speaker
			Siegrist

Absent or not voting, 4:

Garman	Raecker	Scherrman	Teig
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Amendment H-8699 lost.

Gipp of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2626)

The ayes were, 76:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bradley
Brauns	Broers	Brunkhorst	Bukta
Carroll	Chiodo	Cphoon	Connors
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Foege	Ford	Gipp	Grundberg
Hahn	Hansen	Heaton	Hoffman
Horbach	Hoversten	Huseman	Huser
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Kuhn	Larkin
Larson	Lensing	Manternach	May
Metcalf	Millage	Murphy	Myers
Petersen	Quirk	Rants	Rayhons
Rekow	Roberts	Seng	Shey
Shoultz	Sievers	Smith	Sukup
Taylor, D.	Taylor, T.	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Warnstadt	Weidman
Wilderdyeke	Winckler	Wise	Mr. Speaker
			Siegrist

The nays were, 19:

Atteberry	Cormack	Dotzler	Fallon
Frevert	Greimann	Hatch	Jochum
Kreiman	Mascher	Mertz	O'Brien
Osterhaus	Reeder	Reynolds	Schrader
Stevens	Tremmel	Witt	

Absent or not voting, 5:

Garman
Teig

Raecker

Richardson

Scherrman

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Scherrman of Dubuque on request of Myers of Johnson.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 723), 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.

Fiscal Note is not required.

Recommended **Do Pass** May 28, 2002.

RULES SUSPENDED

Rants of Woodbury asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2625.

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.

Fallon of Polk offered the following amendment H-8701 filed by Fallon, Kreiman of Davis, Reynolds of Van Buren, and Hatch of Polk from the floor, and moved its adoption:

H-8701

- 1 Amend House File 2625 as follows:
- 2 1. By striking page 11, line 29 through page 12,
- 3 line 14.
- 4 2. By renumbering as necessary.

Roll call was requested by Fallon of Polk and Myers of Johnson.

On the question "Shall amendment H-8701 be adopted?" (H.F. 2625)

The ayes were, 43:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Huser	Jochum	Kreiman
Kuhn	Larkin	Lensing	Mascher
May	Mertz	Murphy	Myers
O'Brien	Osterhaus	Petersen	Quirk
Reeder	Reynolds	Richardson	Schrader
Seng	Shoultz	Smith	Stevens
Taylor, D.	Taylor, T.	Tremmel	Warnstadt
Winckler	Wise	Witt	

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Finch
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Jacobs	Jenkins	Johnson
Jones	Kettering	Klemme	Larson
Manternach	Metcalf	Millage	Rants
Rayhons	Rekow	Roberts	Shey
Sievers	Sukup	Tymeson	Tyrrell
Van Engelenhoven	Van Fossen	Weidman	Wilderdyke
Mr. Speaker			
Siegrist			

Absent or not voting, 4:

Garman Raecker Scherrman Teig

Amendment H-8701 lost.

Murphy of Dubuque offered amendment H-8702 filed by him from the floor and requested division as follows:

H-8702

1 Amend House File 2625 as follows:

H-8702A

2 1. By striking page 11, line 29 through page 12,
3 line 14.

H-8702B

4 2. Page 13, line 16, by inserting before the word
5 "in" the following: "by the later of March 15 or
6 thirty days prior to the date a school district budget
7 must be certified in accordance with section 24.17".

H-8702

8 3. By renumbering as necessary.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-8702A filed by him.

Murphy of Dubuque moved the adoption of amendment H-8702B.

Roll call was requested by Mascher of Johnson and Myers of Johnson.

On the question "Shall amendment H-8702B be adopted?" (H.F. 2625)

The ayes were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Finch	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum

Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reeder	Reynolds	Richardson
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 51:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Gipp
Grundberg	Hahn	Heaton	Hoffman
Horbach	Hoversten	Huseman	Jacobs
Jenkins	Johnson	Jones	Kettering
Klemme	Larson	Manternach	Metcalf
Millage	Rants	Rayhons	Rekow
Roberts	Shey	Sievers	Sukup
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Weidman	Wilderdyke	Mr. Speaker	
		Siegrist	

Absent or not voting, 5:

Garman	Hansen	Raecker	Scherrman
Teig			

Amendment H-8702B lost.

Finch of Story offered the following amendment H-8700 filed by her from the floor and moved its adoption:

H-8700

- 1 Amend House File 2625 as follows:
- 2 1. Page 19, by inserting after line 6 the
- 3 following:
- 4 "DIVISION _____
- 5 SICK LEAVE AND VACATION INCENTIVE PROGRAM EXTENSION
- 6 Sec. ____. SICK LEAVE AND VACATION INCENTIVE
- 7 PROGRAM – FISCAL YEAR 2002-2003.
- 8 1. As used in this section, unless the context
- 9 provides otherwise:
- 10 a. "Credited service" means service under the Iowa
- 11 public employees' retirement system, as service is
- 12 defined in section 97B.1A, and membership service
- 13 under the public safety peace officers' retirement,
- 14 accident, and disability system, as defined in section

15 97A.1.

16 b. "Eligible employee" means an employee for
17 which, but for participation in the program, the sum
18 of the number of years of credited service and the
19 employee's age in years as of December 31, 2003,
20 equals or exceeds seventy-five.

21 c. "Employee" means an employee of the executive
22 branch of the state who is not covered by a collective
23 bargaining agreement, including an employee of a
24 judicial district department of correctional services
25 if the district elects to participate in the program,
26 an employee of the state board of regents if the board
27 elects to participate in the program, an employee of
28 the judicial branch if the judicial branch elects to
29 participate in the program, and an employee of the
30 department of justice. However, "employee" does not
31 mean an elected official.

32 d. "Participant" means a person who timely submits
33 an election to participate, and does participate, in
34 the sick leave and vacation incentive program
35 established under this section.

36 e. "Program" means the sick leave and vacation
37 incentive program established under this section.

38 f. "Regular annual salary" means an amount equal
39 to the eligible employee's regular biweekly rate of
40 pay as of the date of separation from employment
41 multiplied by twenty-six.

42 g. "Sick leave and vacation incentive benefit"
43 means an amount equal to the entire value of an
44 eligible employee's accumulated but unused vacation
45 plus the lesser of the entire value of the eligible
46 employee's accumulated and unused sick leave or the
47 employee's regular annual salary.

48 2. To become a participant in the program, an
49 eligible employee shall do all of the following:

50 a. Submit by August 14, 2002, a written

Page 2

1 application, on forms prescribed by the department of
2 personnel, seeking participation in the program.

3 b. Agree to waive any and all rights to receive
4 payments of sick leave balances under section 70A.23
5 and accrued vacation balances in a form other than as
6 provided in this section.

7 c. Agree to waive all rights to file suit against
8 the state of Iowa, including all of its departments,
9 agencies, and other subdivisions, based on state or
10 federal claims arising out of the employment
11 relationship.

12 d. Acknowledge, in writing, that participation in
13 the program waives any right to accept permanent part-

14 time or permanent full-time employment with the state
15 other than as an elected official on or after August
16 15, 2002.

17 e. Agree to separate from employment with the
18 state by August 15, 2002.

19 3. Upon acceptance to participate in the program
20 and separation from employment with the state by
21 August 15, 2002, a participant shall receive a sick
22 leave and vacation incentive benefit. The state shall
23 pay to the participant a portion of the sick leave and
24 vacation incentive benefit each fiscal year for a
25 period of five years commencing with the fiscal year
26 ending June 30, 2003.

27 4. The department of personnel shall administer
28 the program, including the determination of
29 eligibility for participation in the program, and
30 shall adopt administrative rules to administer the
31 program. The department may adopt rules on an
32 emergency basis under section 17A.4, subsection 2, and
33 section 17A.5, subsection 2, paragraph "b", to
34 implement this section and the rules shall be
35 effective immediately upon filing unless a later date
36 is specified in the rules.

37 5. The legislative council shall provide an
38 incentive program for employees of the legislative
39 branch consistent with the program provided in this
40 section for executive branch employees. The
41 legislative council shall collaborate with the
42 department of personnel to establish the program as
43 required under this subsection. The program provided
44 pursuant to this subsection shall establish the same
45 time guidelines and benefit calculations as provided
46 under the program for executive branch employees.

47 Sec. __. EARLY TERMINATION PROGRAMS –
48 MISCELLANEOUS PROVISIONS.

49 1. DEFINITIONS. For purposes of this section,
50 unless the context otherwise requires:

Page 3

1 a. "Early termination participant" means an
2 eligible state employee who participates in an early
3 termination program.

4 b. "Early termination program" means a sick leave
5 and vacation incentive program as established or
6 required in this Act and the similar early termination
7 program established for state employees as established
8 pursuant to a collective bargaining agreement entered
9 into pursuant to chapter 20.

10 2. GROUP INSURANCE ELIGIBILITY. An early
11 termination participant shall be eligible to continue
12 participation in the group plan or under the group

13 contract at the early termination participant's own
14 expense in the same manner as a retired employee
15 pursuant to section 509A.13. In addition, an early
16 termination participant shall be deemed an eligible
17 retired state employee for purposes of eligibility for
18 continuation of group insurance covering spouses as
19 provided in section 509A.13A.

20 3. RELEASE OF RECORDS. Notwithstanding any
21 provision of chapter 22 or section 97B.17 to the
22 contrary, records of the department of personnel
23 maintained for the operation of the Iowa public
24 employees' retirement system may be released to the
25 directors, agents, and employees of the legislative
26 fiscal bureau, the department of revenue and finance,
27 the department of management, and the department of
28 personnel, for the purposes of administering and
29 monitoring an early termination program. A person
30 receiving a record pursuant to this subsection shall
31 maintain the confidentiality of any information
32 otherwise required to be kept confidential and shall
33 be subject to the same penalties as the custodian of
34 the records for the public dissemination of such
35 information. The authority to request a record as
36 provided pursuant to this subsection shall cease June
37 30, 2003.

38 4. REPORTING REQUIREMENTS. The department of
39 personnel, in collaboration with the department of
40 management, shall present a report by October 1, 2002,
41 concerning the operation of early termination programs
42 as provided in this Act. The reports shall be
43 submitted in conjunction with the reports required to
44 be submitted by the department of personnel pursuant
45 to 2001 Iowa Acts, Second Extraordinary Session,
46 chapter 5, section 4. The department shall also
47 submit an annual update concerning early termination
48 programs as provided in this Act by October 1 of each
49 year for four years, commencing October 1, 2003. The
50 reports shall include information concerning the

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1 number of early termination program participants, the
2 cost of the early termination program including any
3 payments made to participants, the number of state
4 employment positions eliminated pursuant to an early
5 termination program, the number of positions vacated
6 by an early termination program participant that have
7 been refilled, and the savings to the state based upon
8 the early termination program.

9 5. SAVINGS. a. For an executive branch position
10 vacated by an early termination participant pursuant
11 to an early termination program, the savings from that

12 termination, as determined by the department of
13 management, shall offset amounts that would otherwise
14 be reduced from the appropriation to the executive
15 branch department or establishment that employed the
16 participant due to the implementation of a furlough
17 program. The moneys saved by the department or
18 establishment due to the termination would then be
19 used by the department or establishment to reduce or
20 end the furlough program as it would otherwise apply
21 to the employees of that department or establishment,
22 to the extent of the savings. If savings in excess of
23 the amounts reduced by the department of management
24 for the applicable executive branch department or
25 establishment are received, and the furlough program
26 for that department or establishment ceases, those
27 moneys shall not revert to the general fund but shall
28 be transferred to the applicable executive branch
29 department or establishment for personnel costs which
30 shall not be expended for personnel costs without
31 prior approval of the department of management.

32 b. For a judicial or legislative branch position
33 vacated by an early termination participant pursuant
34 to an early termination program, the savings from that
35 termination, as determined by the judicial or
36 legislative branch as applicable, shall offset amounts
37 that would otherwise be reduced from the appropriation
38 to the legislative or judicial branch that employed
39 the participant due to the implementation of a
40 furlough program. The moneys saved by the legislative
41 or executive branch due to the termination would then
42 be used by the department or establishment to reduce
43 or end the furlough program as it would otherwise
44 apply to the employees of that branch, to the extent
45 of the savings.

46 6. ACROSS-THE-BOARD WAGE INCREASE DELAY. If an
47 employee organization representing state employees
48 agrees to an across-the-board wage increase delay as
49 provided in this subsection and to participate in an
50 early termination program as provided in this Act,

Page 5

1 then any across-the-board wage increases for employees
2 of the same state employer, who are not covered by a
3 collective bargaining agreement, which would otherwise
4 take effect at the beginning of the pay period in
5 which July 1, 2002, falls, shall be delayed until the
6 pay period in which November 1, 2002, falls."

7 2. By renumbering as necessary.

Amendment H-8700 was adopted.

The House stood at ease at 3:16 p.m., until the fall of the gavel.

The House resumed session at 3:44 p.m., Gipp of Winneshiek in the chair.

Millage of Scott offered the following amendment H-8703 filed by him from the floor and moved its adoption:

H-8703

1 Amend House File 2625 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 12, by inserting after line 16 the
18 following:

19 "Sec. ____ Section 12E.12, subsection 8, if
20 enacted by 2002 Iowa Acts, Second Extraordinary
21 Session, Senate File 2334, section 229, is amended to
22 read as follows:

23 8. With respect to the payment of certain debt
24 service, the debt service to be paid shall be those
25 installments of debt service on bonds selected by the
26 treasurer of state and identified in the authority's
27 tax certificate delivered at the time of the issuance
28 of the bonds issued pursuant to this chapter, or as
29 otherwise selected by the treasurer of state. Once
30 the bonds and the installments of debt service thereon
31 are so selected, that debt service and bonds shall not
32 be paid, or provided to be paid, from any other source
33 including the state or any of its departments or
34 agencies. Provided, however, that if funds are not
35 appropriated to pay debt service on such bonds when
36 due, the issuing agency shall pay such debt service
37 from any available source as provided in the bond
38 covenants for such bonds."

39 3. Page 14, by inserting after line 12 the
40 following:

41 "Sec. ____ Duplicative Positions – Vacant
 42 Positions – Educational Assistance.
 43 1. It is the intent of the general assembly that
 44 in implementing the provisions of 2002 Iowa Acts,
 45 Second Extraordinary Session, Senate File 2334,
 46 section 13, subsection 2, if enacted, the department
 47 of personnel shall focus on duplicative job functions
 48 in the agencies of the executive branch of state
 49 government other than those institutions under the
 50 control of the state board of regents. For the

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1 institutions under the state board of regents, the
 2 state board of regents shall perform the duties
 3 required of the department of personnel and shall
 4 report to the oversight committee of the legislative
 5 council in accordance with 2002 Iowa Acts, Second
 6 Extraordinary Session, Senate File 2334, section 13,
 7 subsection 2.
 8 2. In implementing the requirements of 2002 Iowa
 9 Acts, Second Extraordinary Session, Senate File 2334,
 10 section 214, if enacted, relating to vacant positions,
 11 the department of management shall address table of
 12 organization changes other than those relating to the
 13 institutions under the control of the state board of
 14 regents. Table of organization changes relating to
 15 the institutions under the control of the state board
 16 of regents shall be implemented by the state board of
 17 regents.
 18 3. In implementing the requirements of 2002 Iowa
 19 Acts, Second Extraordinary Session, Senate File 2334,
 20 section 215, if enacted, relating to educational
 21 assistance, the department of management shall ensure
 22 compliance for executive branch agencies other than
 23 those involving the institutions under the control of
 24 the state board of regents. Implementation of a
 25 restriction on subsidy or reimbursement for a class or
 26 other course of study leading to an advanced degree
 27 for an employee of an institution under the control of
 28 the state board of regents shall be as determined by
 29 the state board of regents."
 30 4. Page 15, by inserting after line 23 the
 31 following:
 32 "Sec. ____ 2002 Iowa Acts, Second Extraordinary
 33 Session, Senate File 2334, section 221, if enacted, is
 34 amended to read as follows:
 35 SEC. 221. IMPLEMENTATION OF FURLOUGHS. ~~Furloughs~~
 36 It is the intent of the general assembly that
 37 furloughs implemented pursuant to this division shall
 38 not be implemented in a manner which results in more
 39 than 25 percent of the workforce within an agency

40 division being on furlough at the same time. However,
 41 if implementation of this section would conflict with
 42 existing law or a collective bargaining agreement, the
 43 agency shall take every step possible to minimize the
 44 impact on the agency's customers and the public. The
 45 agency shall work with representatives of affected
 46 businesses to develop a plan for meeting the
 47 businesses' needs during a furlough period and when
 48 other funding reductions are implemented.
 49 Sec. __. 2002 Iowa Acts, House File 2614, section
 50 2, unnumbered paragraph 2, as amended by 2002 Iowa

Page 3

1 Acts, Second Extraordinary Session, Senate File 2334,
 2 section 226, if enacted, is amended to read as
 3 follows:

4 For allocation by the state board of regents to the
 5 state university of Iowa, the Iowa state university of
 6 science and technology, and the university of northern
 7 Iowa to reimburse the institutions for deficiencies in
 8 their operating funds resulting from the pledging of
 9 tuitions, student fees and charges, and institutional
 10 income to finance the cost of providing academic and
 11 administrative buildings and facilities and utility
 12 services at the institutions, notwithstanding section
 13 12E.12, subsection 1, paragraph "b", subparagraph (1):

14 \$ 9,127,635
 15 10,503,733

16 Sec. __. MEDICAL ASSISTANCE REDUCTION. The
 17 appropriation made in 2002 Iowa Acts, Second
 18 Extraordinary Session, Senate File 2334, from the
 19 general fund of the state for medical assistance
 20 reimbursement and associated costs for the fiscal year
 21 beginning July 1, 2002, and ending June 30, 2003, is
 22 reduced by the following amount:

23 \$ 3,700,000"

24 5. Page 15, by striking lines 24 through 27 and
 25 inserting the following:
 26 "Sec. __. EFFECTIVE DATE. This division of this
 27 Act takes effect July 1, 2002, except for the
 28 provision of this division amending 2001 Iowa Acts,
 29 chapter 188, section 13, relating to tourism
 30 operations, which, being deemed of immediate
 31 importance, takes effect upon enactment."

32 6. By renumbering as necessary.

Amendment H-8703 was adopted.

Rants of Woodbury offered the following amendment H-8704 filed by Rants, Myers of Johnson, and Connors of Polk from the floor and moved its adoption:

H-8704

- 1 Amend House File 2625 as follows:
- 2 1. Page 3, by inserting after line 17 the
- 3 following:
- 4 "Sec. __. LEGISLATIVE PER DIEM PAYMENT.
- 5 Notwithstanding section 2.10, subsection 6, for the
- 6 special session that convenes May 28, 2002, the
- 7 members of the general assembly are not entitled to
- 8 and shall not receive the sum of eighty-six dollars
- 9 per day for each day the general assembly is actually
- 10 in special session, but shall receive the same travel
- 11 allowances and expenses as authorized by section 2.10.
- 12 This section is retroactively applicable to May 28,
- 13 2002.
- 14 2. By renumbering as necessary.

Amendment H-8704 was adopted.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2625)

The ayes were, 58:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Carroll	De Boef	Dix	Dolecheck
Drake	Eddie	Elgin	Finch
Greimann	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Rants	Rayhons	Reeder	Rekow
Roberts	Seng	Shey	Siegrist, Spkr.
Sievers	Smith	Sukup	Tymeson
Tyrrell	Van Engelenhoven	Warnstadt	Weidman
Wilderdyke	Gipp,		
	Presiding		

The nays were, 37:

Bukta	Chiodo	Cohoon	Connors
Cormack	Dotzler	Eichhorn	Fallon
Foege	Ford	Frevert	Hatch
Jochum	Kreiman	Kuhn	Larkin
Lensing	Mascher	May	Mertz
Murphy	Myers	O'Brien	Osterhaus
Petersen	Quirk	Reynolds	Richardson
Schrader	Shoultz	Stevens	Taylor, D.
Taylor, T.	Tremmel	Winckler	Wise
Witt			

Absent or not voting, 5:

Garman	Raecker	Scherrman	Teig
Van Fossen			

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

The House stood at ease at 3:57 p.m., until the fall of the gavel.

The House resumed session at 4:18 p.m., Speaker pro tempore Sukup in the chair.

IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2625** and **2626**.

The House stood at ease at 4:20 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., Speaker pro tempore Sukup in the chair.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 725), an act making, reducing, and transferring appropriations, and providing for other properly related matters, providing penalties, and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** May 28, 2002.

RULES SUSPENDED

Rants of Woodbury asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2627.

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.

Murphy of Dubuque offered the following amendment H-8707 filed by him from the floor and moved its adoption:

H-8707

- 1 Amend House File 2627 as follows:
- 2 1. Page 165, by striking lines 14 through 23.
- 3 2. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Myers of Johnson.

On the question "Shall amendment H-8707 be adopted?" (H.F. 2627)

The ayes were, none:

The nays were, 96:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Bukta	Carroll	Chiodo	Cohoon
Connors	Cormack	De Boef	Dix
Dolecheck	Dotzler	Drake	Eddie
Eichhorn	Elgin	Fallon	Finch
Foege	Ford	Frevert	Gipp
Greimann	Grundberg	Hahn	Hansen

Hatch	Heaton	Hoffman	Horbach
Hoversten	Huseman	Huser	Jacobs
Jenkins	Jochum	Johnson	Jones
Kettering	Klemme	Kreiman	Kuhn
Larkin	Larson	Lensing	Manternach
Mascher	May	Mertz	Metcalf
Millage	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Rants
Rayhons	Reeder	Rekow	Reynolds
Richardson	Roberts	Schrader	Seng
Shey	Shoultz	Siegrist, Spkr.	Sievers
Smith	Stevens	Taylor, D.	Taylor, T.
Tremmel	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Warnstadt	Weidman	Wilderdyke
Winckler	Wise	Witt	Sukup, Presiding

Absent or not voting, 4:

Garman	Raecker	Scherrman	Teig
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Amendment H-8707 lost.

Kreiman of Davis offered the following amendment H-8706 filed by him from the floor and moved its adoption:

H-8706

1 Amend House File 2627 as follows:
 2 1. Page 164, by inserting after line 2 the
 3 following:
 4 "Sec. ____ BUDGET PRACTICES BOARD.
 5 1. A budget practices board shall be established
 6 by the executive council to determine methodologies to
 7 prevent future state general fund budget crises. The
 8 specific duties of the board shall include, but are
 9 not limited to, the following:
 10 a. Determining the causes of the present general
 11 fund budget difficulties.
 12 b. Answering why the revenue estimating conference
 13 was unable to predict the drastic decrease in state
 14 revenues which has occurred.
 15 c. Determining what and whether different
 16 budgeting practices could have prevented the budget
 17 difficulties.
 18 d. Determining what methodologies or changes in
 19 the Iowa statutes need to be enacted in order to
 20 prevent future budget difficulties.
 21 2. The board shall consist of ten members,
 22 appointed as follows:

23 a. Two members by the speaker of the house of
 24 representatives.
 25 b. Two members by the minority leader of the house
 26 of representatives.
 27 c. Two members by the president of the senate.
 28 d. Two members by the minority leader of the
 29 senate.
 30 e. Two members by the governor of which one is a
 31 democrat and one is a republican.
 32 The board shall be gender balanced. The members of
 33 the board shall not receive compensation, except for
 34 necessary and reasonable expenses.
 35 3. The board may meet as often as it deems
 36 necessary to complete its work. The board is
 37 authorized to continue meeting until the end of the
 38 regular legislative session which begins in January
 39 2003, or until such longer time or shorter time as
 40 further authorized in a bill passed by the general
 41 assembly and signed by the governor.
 42 4. The board shall report its findings to the
 43 speaker of the house of representatives, the minority
 44 leader of the house of representatives, the president
 45 of the senate, the minority leader of the senate and
 46 the executive council by January 1, 2003, with its
 47 recommendations. All recommendations receiving at
 48 least fifty percent of the vote of the total members
 49 of the board shall be reported. The board shall have
 50 cochairpersons, one member from each political party,

Page 2

1 who shall be elected upon the vote of the membership
 2 of the board."

Amendment H-8706 lost.

Murphy of Dubuque offered the following amendment H-8708 filed
 by him from the floor and moved its adoption:

H-8708

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, line 27, by striking the figures "2,
20 3," and inserting the following: "3".

21 6. Page 45, by striking lines 28 through 34.

22 7. By striking page 49, line 30 through page 50,
23 line 2.

24 8. Page 50, by striking lines 3 and 4.

25 9. Page 78, line 14, by striking the figure
26 "380,907,073" and inserting the following:
27 "384,907,073".

28 10. Page 87, line 25, by striking the figure
29 "98,144,163" and inserting the following:
30 "100,351,905".

31 11. Page 108, by striking lines 2 through 14.

32 12. Page 120, by inserting after line 22, the
33 following:

34 "Sec.____. Section 249A.9, if enacted by 2002 Iowa
35 Acts, Second Extraordinary Session, House File 2625,
36 is repealed."

37 13. Page 121, by inserting after line 12 the
38 following:

39 "g. The provision repealing section 249A.9, if
40 enacted in 2002 Iowa Acts, Second Extraordinary
41 Session, House File 2625."

42 14. Page 141, line 2, by striking the figure
43 "12,050,565" and inserting the following:
44 "12,618,393".

45 15. Page 142, line 3, by striking the figure
46 "3,392,889" and inserting the following: "3,552,763".

47 16. Page 142, line 31, by striking the figure
48 "37,019,624" and inserting the following:
49 "37,769,240".

50 17. By striking page 150, line 24, through page

Page 2

1 152, line 3.

2 18. Page 152, by striking lines 23 through 32.

3 19. By striking page 156, line 20, through page
4 157, line 5.

5 20. By striking page 158, line 27 through page
6 159, line 4.

7 21. Page 159, by striking lines 26 through 33.

8 22. By striking page 160, line 32 through page
9 161, line 7 and inserting the following: "ending June

10 30, 2003, the following amount, to be allocated as
 11 provided in section 455A.19:
 12 \$ 10,000,000
 13 5,000,000"

14 23. Page 181, by inserting after line 5 the
 15 following:

16 "DIVISION
 17 FUND RESTORATION

18 Sec. ____ Section 455G.3, Code Supplement 2001, is
 19 amended by adding the following new subsections:
 20 NEW SUBSECTION. 7. There is appropriated from the
 21 funds administered by the board to the following funds
 22 for the fiscal year beginning July 1, 2002, and ending
 23 June 30, 2003, the following amounts as specified:

- 24 a. To the rebuild Iowa infrastructure fund:
 25 \$ 9,370,600
- 26 b. To the environment first fund:
 27 \$ 9,500,000
- 28 c. To the general fund of the state:
 29 \$ 17,903,369

30 This subsection is repealed effective July 1, 2004.

31 NEW SUBSECTION. 8. Notwithstanding other
 32 limitations of this chapter, the board may transfer
 33 moneys without limitation between the different
 34 accounts and funds authorized by this chapter as
 35 determined by the board and to fulfill the purposes of
 36 this chapter. This subsection is repealed effective
 37 July 1, 2004.

38 Sec. ____ Section 455G.6, Code 2001, is amended by
 39 adding the following new subsection:
 40 NEW SUBSECTION. 17. Not later than October 31,
 41 2002, the board shall enter into a loss portfolio
 42 transfer agreement, to be implemented not later than
 43 December 31, 2002, with the restructured insurance
 44 board authorized in section 455G.11, subsection 1,
 45 paragraph "c", for the payment of claims for
 46 corrective action associated with releases at sites
 47 which are insured at the time of the transfer by the
 48 restructured insurance board subject to the following
 49 conditions:

- 50 a. The value of the transfer shall be determined

Page 3

1 by mutual agreement of persons representing the board,
 2 the restructured insurance board authorized in section
 3 455G.11, subsection 1, paragraph "c", and a third
 4 party designated and agreed to by the board and the
 5 restructured insurance board. The amount transferred
 6 shall be adequate to address all claim costs for
 7 corrective action, fees, taxes, risk costs incurred by
 8 the transferee, administration expenses associated

9 with the transferred claims, and other costs as
 10 mutually agreed to by the parties.
 11 b. The transfer shall address payments to eligible
 12 claimants as determined by the board prior to the
 13 transfer.
 14 c. The transfer shall coincide with the transfer
 15 of liabilities subject to the following, unless the
 16 parties mutually agree otherwise:
 17 (1) The lesser of twenty-five percent of the
 18 agreed upon value or twenty million dollars, to be
 19 transferred at the time of implementation of the
 20 agreement, but not later than December 31, 2002,
 21 unless another date is mutually agreed to by the
 22 parties.
 23 (2) Fifty percent of the remaining amount to be
 24 transferred by July 1, 2003.
 25 (3) Any remaining amount to be transferred by July
 26 1, 2004.
 27 d. The transferee shall be responsible for all
 28 claim costs for corrective action, fees, and taxes
 29 associated with each claim transferred.
 30 e. Claims for releases at sites that are not
 31 insured by the transferee may be included in the
 32 agreement entered into pursuant to this subsection or
 33 subsequent agreements if agreed to by the board and
 34 the restructured insurance board.
 35 Sec. __. EFFECTIVE DATE. This division of this
 36 Act takes effect July 1, 2002."

Roll call was requested by Murphy of Dubuque and Dotzler of Black Hawk.

On the question "Shall amendment H-8708 be adopted?" (H.F. 2627)

The ayes were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Dotzler	Fallon
Finch	Foege	Ford	Frevert
Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reeder	Reynolds	Richardson
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winckler	Wise	Witt

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	Cormack
De Boef	Dix	Dolecheck	Drake
Eddie	Eichhorn	Elgin	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyeke	Sukup, Presiding

Absent or not voting, 4:

Garman	Raecker	Scherrman	Teig
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Amendment H-8708 lost.

Millage of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2627)

The ayes were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Bradley	Brauns
Broers	Brunkhorst	Carroll	De Boef
Dix	Dolecheck	Drake	Eddie
Eichhorn	Elgin	Finch	Gipp
Grundberg	Hahn	Hansen	Heaton
Hoffman	Horbach	Hoversten	Huseman
Jacobs	Jenkins	Johnson	Jones
Kettering	Klemme	Larson	Manternach
Metcalf	Millage	Rants	Rayhons
Rekow	Roberts	Shey	Siegrist, Spkr.
Sievers	Tymeson	Tyrrell	Van Engelenhoven
Van Fossen	Weidman	Wilderdyeke	Sukup, Presiding

The nays were, 44:

Atteberry	Bell	Bukta	Chiodo
Cohoon	Connors	Cormack	Dotzler
Fallon	Foege	Ford	Frevert

Greimann	Hatch	Huser	Jochum
Kreiman	Kuhn	Larkin	Lensing
Mascher	May	Mertz	Murphy
Myers	O'Brien	Osterhaus	Petersen
Quirk	Reeder	Reynolds	Richardson
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel
Warnstadt	Winkler	Wise	Witt

Absent or not voting, 4:

Garman	Raecker	Scherrman	Teig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2627** be immediately messaged to the Senate.

The House stood at ease at 7:22 p.m., until the fall of the gavel.

The House resumed session at 7:50 p.m., Speaker Siegrist in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Richardson of Warren on request of Huser of Polk.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 28, 2002, amended and passed the following bill in which the concurrence of the House 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.

Also: That the Senate has on May 28, 2002, passed the following bill in which the concurrence of the Senate was asked:

House File 2626, 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.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Millage of Scott called up for consideration **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, amended by the Senate, and moved that the House concur in the following Senate amendment H-8709:

H-8709

- 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".

The motion prevailed and the House concurred in the Senate amendment H-8709.

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

On the question "Shall the bill pass?" (H.F. 2625)

The ayes were, 56:

Alons	Arnold	Atteberry	Baudler
Bell	Boal	Boddicker	Boggess
Bradley	Brauns	Broers	Brunkhorst
Carroll	De Boef	Dix	Dolecheck
Drake	Eddie	Elgin	Finch
Gipp	Grundberg	Hahn	Hansen
Heaton	Hoffman	Horbach	Hoversten
Huseman	Huser	Jacobs	Jenkins
Johnson	Jones	Kettering	Klemme
Larson	Manternach	Metcalf	Millage
Rants	Rayhons	Reeder	Rekow
Roberts	Shey	Sievers	Sukup
Tymeson	Tyrrell	Van Engelenhoven	Van Fossen
Warnstadt	Weidman	Wilderdyke	Mr. Speaker Siegrist

The nays were, 39:

Bukta	Chiodo	Cohoon	Connors
Cormack	Dotzler	Eichhorn	Fallon
Foege	Ford	Frevert	Greimann
Hatch	Jochum	Kreiman	Kuhn
Larkin	Lensing	Mascher	May
Mertz	Murphy	Myers	O'Brien
Osterhaus	Petersen	Quirk	Reynolds
Schrader	Seng	Shoultz	Smith
Stevens	Taylor, D.	Taylor, T.	Tremmel

Winckler

Wise

Witt

Absent or not voting, 5:

Garman
Teig

Raecker

Richardson

Scherrman

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

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House File 2625** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 126

Rants of Woodbury asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 126** as follows, and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 126
- 2 By Siegrist and Myers
- 3 A House concurrent resolution to provide for
- 4 adjournment sine die.
- 5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
- 6 SENATE CONCURRING, That when adjournment is had on
- 7 Tuesday, May 28, 2002, it shall be the final
- 8 adjournment of the 2002 Second Extraordinary Session of the
- 9 Seventy-ninth General Assembly.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Rants of Woodbury asked and received unanimous consent that **House Concurrent Resolution 126** be immediately messaged to the Senate.

MESSAGE TO THE GOVERNOR AND TO THE SENATE

Rants of Woodbury moved that the Chief Clerk of the House be directed to send a written message to the Governor and to the Senate informing them that the House of Representative was prepared to adjourn sine die pursuant to House Concurrent Resolution 126.

The motion prevailed.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 28, 2002, passed the following bill in which the concurrence of the Senate was 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.

Also: That the Senate has on May 28, 2002, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 126, a House Concurrent Resolution to provide for adjournment sine die.

MICHAEL E. MARSHALL, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 28th day of May, 2002: House Files 2625, 2626 and 2627.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

House File 2626

1. Page 5, line 3 – Change "provide" to "provided".

House File 2627

2. Page 158, line 23 – Change "phosphorous" to "phosphorus".

MARGARET THOMSON
Chief Clerk of the House

FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 126, duly adopted, the day of May 28, 2002 having arrived, the Speaker of the House, Brent Siegrist, declared the 2002 Second Extraordinary Session of the House of Representatives of the Seventy-ninth General Assembly adjourned sine die at 7:59 p.m.

SUPPLEMENT TO HOUSE JOURNAL**BILLS APPROVED, VETOED, OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills passed by the 2002 Second Extraordinary Session, May 28, of the Seventy-ninth General Assembly and which action was had subsequent to the date of final adjournment.

H.F. 2626 – 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. Approved 6-4-02.

GOVERNOR'S ITEM VETO MESSAGE

June 4, 2002

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

Dear Secretary Culver:

I hereby transmit House File 2625, 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.

With the Revenue Estimating Conference's recent action to decrease general fund resources available to the state by \$205.5 million in fiscal year 2002, I took responsible action in calling a special session to take the necessary steps to balance the budget. House File 2625 is the result of a plan that I worked with legislators in developing to solve the budget shortfall for the current year. The plan included a series of funding transfers that allow us to continue to provide the priority services of Iowans.

However, the bill has several provisions which I cannot support. I oppose the Republicans' continuous assault on our senior citizens by attempting to raise prescription drug costs on Iowans in need. I have vetoed their attempt to double the co-payments on prescription drugs in the past, and I will do so again. I also cannot support the Republicans' plan to add an unnecessary, burdensome layer of bureaucracy and cost to the delivery of medical assistance. The burdens created for some Iowa families and seniors are simply unacceptable.

House File 2625 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve Division V, Section 34 in its entirety. This provision would increase the cost of prescription drugs for Iowans most in need. This, in effect, is a tax on a group-aged, blind, disabled, children, and caretakers with very little or no income. Additionally, if the individuals do not have the funds, the pharmacist is required to dispense the drug anyway. This requires pharmacists to subsidize the costs and creates an additional reluctance on the part of pharmacists to handle Medicaid patients.

Section 34 would also require additional bureaucracy and associated costs by calling for monthly reporting requirements for those who experience a change in income, mailing address, household composition, or health insurance. In doing so, the legislature would be creating an additional layer of bureaucracy, and an additional layer of cost to process the monthly reports. This new bureaucratic requirement is particularly unnecessary, considering the Department of Human Services already requires Iowans in need who receive medical assistance to report changes in such factors.

I am unable to approve Section 37. This section removes the requirement that the legislature establish the state percent of allowable growth in funding for our local school districts within the first 30 days of legislative session. This provision was developed to ensure the state's commitment to education was made up front and did not get bogged down in last minute budget negotiations and to provide adequate planning time for school districts. Now, more than ever, when education is our state's top priority, we must maintain that commitment to our local schools.

I am unable to approve Section 40, subsection 1. This section requires the departments of personnel to identify duplicative job responsibilities throughout state government and report these positions to the oversight committee. These determinations on an enterprise-wide basis are already being done.

I am unable to approve Section 40, subsection 3. This administration has made every attempt to provide quality educational opportunities for all Iowans. This section denies the opportunity for state workers to access educational assistance. With a shrinking state workforce, it is more important than ever to make sure the remaining professionals have the training and education they need to effectively serve Iowans. I believe this option should be maintained.

I am unable to approve Section 42. This section eliminates state funding to the State Medical Library. The legislature had intended to shift this funding from the medical library to the Department of Cultural Affairs for cultural grants, but the bill failed to complete the transfer. While the republican legislature eliminates the medical library funding, they also establish a task force charged with determining whether to continue the State Medical Library; and if so, where it should be located. The medical library provides essential educational materials and diagnostic and research searches for health professionals and students. Closing this valuable resource for many Iowans is shortsighted and unnecessary.

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 House File 2625 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

June 12, 2002

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

Dear Secretary Culver:

I hereby transmit House File 2627, 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, 2002, and including other appropriations, cooperative tax credits, and effective and retroactive applicability date provisions.

With the revenue estimating conference's recent action to decrease general fund resources available to the state by \$212.5 million in fiscal year 2003, I took responsible action in calling a special session to take the necessary steps to balance the budget. I had offered a reasonable alternative plan that would have protected more of the services provided to Iowans. However, the legislative leaders in the majority party rejected my plan. This left me with two options – sign the bill as passed by the legislature or have no budget in place for new fiscal year that starts in just a few weeks. Clearly, it would be irresponsible to shut down state government. Therefore, I have no alternative but to sign this legislation.

Despite the extraordinary challenge of a national recession, I am pleased that we were successful in our administration's fight to preserve some key priorities of Iowa

families, including improving learning by reducing class sizes and increasing teacher quality, and preserving access to health care for our children and senior citizens. I am also please to restore \$600,000 to the Enrich Iowa Libraries program. A reduction in funding to this important initiative would stifle the progress this administration has made in improving educational opportunities for Iowa's children.

However, this bill has several provisions which I cannot support. I oppose the Republicans' continuous assault on our senior citizens by attempting to raise prescription drug costs on Iowans in need. I have vetoed their attempt to double the copayments on prescription drugs in the past, and I will do so again. The burdens created for some Iowa families and seniors are simply unacceptable.

House File 2627 is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the items designated as Section 3, subsection 7 in its entirety, Section 9, subsection 3 in its entirety, and Section 21, subsection 2 in its entirety. These sections require commerce, racing and gaming, and the lottery to report the Accountable Government Act activities by January 13, 2003. With the reduction of state employees, this would create an unnecessary requirement. Such reports should be completed per the implementation procedures as set forth in Iowa Code Chapter 8E.

I am unable to approve the items designated as Section 5, subsection 5 in its entirety, Section 13, subsection 2 in its entirety, Section 26, subsection 2 in its entirety, and Section 28 in its entirety. These sections require the Departments of General Services, Personnel and Information Technology to identify duplicative situations within state government and report by September 1, 2002. Such activities should be conducted on an enterprise wide basis as set forth in Section 11, subsection 3 of the bill.

I am unable to approve the item designated as Section 26, subsection 1 in its entirety. This item requires the Information Technology Department to notify the Department of Management prior to any fee increases. The Department of Management is then to notify the Legislative Fiscal Bureau. The two departments will work cooperatively to examine such fee or rate increases, without the necessity of this legislative mandate.

I am unable to approve the item designated as a portion of Section 30. This would increase the maximum possible award to an employee for a cost saving idea from \$2,500 to \$25,000. While employee suggestions are encouraged and indeed welcomed, the state's current financial situation precludes such an increase.

I am unable to approve the item designated as Section 49, numbered paragraph 3. Last year the legislature approved and I signed into law the Accountable Government Act. This legislation established a comprehensive, enterprise-wide process for setting program goals and establishing results measurements. This section would create redundancies in goals and results measurements for the Department of Economic Development.

I am unable to approve the items designed as Section 59, paragraph 2b, Section 60, paragraph 2b and Section 61, paragraph 2b. These sections would require any

business or individual receiving benefits from specified regent programs to have a commercially viable service or product. Many of the proposals and ideas brought to these programs have not been developed to a stage of commercialization. To apply this criteria at such an early stage of development would be contradictory to the very services these programs are designed to provide.

I am unable to approve the item designated as Section 64, numbered paragraph 3. The Department of Workforce Development has identified federal funds that can be used to collect labor market information. Monies from the penalty and interest account can and have been used to support services in the workers' compensation and labor divisions of the department. The budget cuts sustained by these divisions could have an adverse impact to the safety of Iowa's citizens and its workforce. The director of the Department of Workforce Development currently has the authority to reassign unused penalty and interest funds. We must maintain that flexibility to reallocate dollars when needed to ensure the safety of Iowans.

I am unable to approve the item designated as Section 72. Expenditure information for the executive branch agencies of state government is currently available to the economic development appropriation subcommittee and the Legislative Fiscal Bureau on a daily basis through the Iowa Financial and Accounting System. The Legislative Fiscal Bureau also has the authority to request expenditure information from regent universities. The reporting requirement in this section would duplicate existing data and place an unneeded requirement on limited staff resources.

I am unable to approve the item designated as Section 73. The Department of Workforce Development has begun a multi-phased project to upgrade the electronic unemployment insurance processing system. This upgrade will address the reporting and transmitting problems identified in this section of the bill. I concur that this problem must be addressed, however, the complexity and magnitude of the needed upgrade cannot be accomplished and implemented by July 1, 2002.

I am unable to approve the item designated as a portion of Section 102, subsection 2d. This language requires new reporting every other month to legislators on net budgeting. This section would require additional staff resources at a time when funding for staff has been severely reduced.

I am unable to approve the item designated as Section 106 in its entirety. Last year the legislature approved and I signed into law the Accountable Government Act. This legislation established a comprehensive, enterprise-wide process for setting program goals and establishing results measurements. This section would create redundancies in goals and results measurements for these departments.

I am unable to approve the item designated as Section 108 in its entirety. This section would repeal the enabling language for the Community Grant Fund and end the program. Although no money is appropriated for the Community Grant Fund in the coming fiscal year, we should maintain the possibility of funding for this program when more resources are available.

I am unable to approve the item designated as portion of Section 111, subsection 6. This language requires the Department of Human Services to consult with the Welfare Reform Council and legislative members prior to implementing rules related to the

Family Investment Program as required by the federal government. This mandated consultation process may unduly delay the rules where federally required.

I am unable to approve the item designated as Section 115, subsection 8 in its entirety. This language continues language from prior years related to the number of beds allowed in a community setting for persons with mental retardation. With the implementation of home and community based waivers, this language is no longer needed.

I am unable to approve the item designated as Section 117, subsection 1 in its entirety. This subsection would require the Department of Human Services to seek input and recommendations from legislative members prior to entering into or extending a managed care contract for mental health and substance abuse services. The process for securing contracts provides that vendors will be evaluated on a specific set of criteria to assure fairness and eliminate potential conflicts of interest. This process includes a period of securing comments without giving the appearance of conflict of interest. Therefore, this section is not necessary.

I am unable to approve the item designated as Section 119, subsection 5 in its entirety. This language requires additional notice to legislators if additional federal childcare funds are received. This section would require additional staff resources when funding for staff has been severely reduced.

I am unable to approve the item designated as Section 120, subsection 1, unnumbered paragraph 2. This item requires the Department of Human Services to submit a plan for relocating males currently at Toledo, a female-only institution. This language has been included in the appropriation bill for the past three years, however, the legislature has failed to fund the proposal. My recommendation in a previous year had included funding for this change, however, the legislature chose to use that funding instead for other programs.

I am unable to approve the item designed as Section 121, subsection 9 in its entirety. This language requires the Department of Human Services and juvenile court officers to develop criteria for intensive tracking and supervision of delinquent youth. These criteria were developed two years ago in response to this language, thus, this language is no longer needed.

I am unable to approve the item designated as Section 121, subsection 18. This directs the Department of Human Services to privatize the administration of foster care and adoption programs. Given the fact that no additional funds were provided for this purpose and staffing has been severely reduced, implementation of this section is not feasible.

I am unable to approve the item designated as a portion of Section 132, subsection 2. This item requires the Department of Human Services to submit proposed legislation to correct Code references related to service areas. This appears to be the realm of the Legislative Fiscal Bureau or Code Editor rather than the Department of Human Services, especially at a time when the department's resources have been severely reduced.

I am unable to approve the items designated as Section 135, subsections 2 and 3 in their entirety. This language provides legislative intent for items already in progress

or that appear to infringe on executive branch management duties. It is preferable that the Department of Human Services be allowed to have flexibility in this area.

I am unable to approve the item designated at 137, subsection 1b(3) in its entirety. The provision would increase the cost of prescription drugs for Iowans most in need. This is an addition financial burden on a group with very little or no income. Additionally, if the individuals do not have the funds, the pharmacist is required to dispense the drug anyway. This could create an additional reluctance on the part of pharmacists to handle Medicaid patients.

I am unable to approve the items designated as Section 138 in their entirety. This section would exempt a currently closed nursing facility in Dows from the Certificate of Need approval process and from meeting current life safety code and physical plant requirements if the facility reopens by July 1, 2004. Allowing this section would put the state at risk for liability in the event of any physical plant or clinical operation problems. Excluding a facility from these requirements could place vulnerable residents at health and safety risks and would set a dangerous precedent.

I am unable to approve the items designated as Section 141 and Section 151, subsection 2c in their entirety. This language directs the department to reduce administrative requirements for the targeted case management waiver. These requirements are needed to obtain federal approval and support documentation for claims for federal funds under the waiver.

I am unable to approve the items designated as Section 142 and Section 151, subsection 2f in their entirety. This provision would require nursing facilities to be certified for Medicaid and Medicare – even if the facility does not take Medicare patients. I have previously directed the Department of Human Services to prepare administrative rules to address dual certification for all applicable nursing facilities, thus requiring certification of a nursing facility for both Medicare and Medicaid when they are, in fact, providing services for clients of each program. This directive avoids unnecessary additional administrative cost for dual certification that would be borne by the state, over 62 nursing facilities, and Iowans who receive nursing home services.

I am unable to approve the language in Section 165, subsection 2, unnumbered paragraph 1. This section would limit the amount of reimbursement in relation to state costs from riverboat and racetrack enforcement costs. Sections 167, 168 and 169 clearly change the reimbursement rate from riverboats and racetracks enforcement costs to 100% of the related expenses.

I am unable to approve Section 199(a). This section would de-appropriate \$600,000 from the FY 2003 Rebuild Iowa Infrastructure fund appropriation for the Enrich Iowa Libraries program. Quality libraries are a key component of the educational infrastructure for Iowa's children. A reduction in funding would stifle the progress this administration has made in improving educational opportunities for Iowa's children.

I am unable to approve Section 215. The administration has made every attempt to provide quality educational opportunities for all Iowans. This section denies state employees the opportunity to access educational assistance. I believe this option should be maintained to further enhance the knowledge and skills of our workforce.

I am unable to approve the designated portion of Section 216. While I understand the need to reduce paper within state government, I feel that there are times when making state information available to the public in paper format is appropriate. An example would be making Iowa tourism brochures available at welcome centers, tourism booths, and other appropriate venues.

I am unable to approve Section 230. This section would increase the available yearly allocation of tax credits for the Accelerated Career Education program (ACE). I recognize that ACE programs allow education and business entities to provide students with valuable education curriculum designed to meet the needs of specific industry sectors. I support the expansion of these programs, however, it should not be accomplished through the elimination of other vital economic development tools. I look forward to working with the legislature to identify opportunities to increase funding for ACE programs in the next legislative session.

I am unable approve Sections 231 and 232. These sections are designed to eliminate the New Jobs Tax Credit for businesses to raise the cap for tax credits for the Accelerated Career Education programs at community colleges. Sections 231 and 232 would eliminate a valuable tool used by communities and developers to encourage business growth and expansion. The elimination of the New Jobs Tax Credit would adversely affect the economic development packages of many communities.

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 House File 2627 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

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(Entries appearing in *italics* occurred during the 2002 Extraordinary Session of the Seventy-Ninth General Assembly convened on April 22, 2002 and adjourned on April 22, 2002)

(Entries appearing in underline occurred during the 2002 Second Extraordinary Session of the Seventy-Ninth General Assembly convened on May 28, 2002 and adjourned on May, 28 2002)

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 Bill Dix—Representative **Butler**-Grundy Counties
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 Chuck Gipp—Representative Allamakee-**Winneshiek** Counties
 (See GIPP, CHUCK—Representative Allamakee-**Winneshiek** Counties, Assistant Majority Leader)
 Libby Jacobs—Representative **Polk** County
 (See JACOBS, LIBBY—Representative **Polk** County, Assistant Majority Leader)
 Russell W. Teig—Representative Franklin-**Hamilton**-Hardin-Wright Counties
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Polly Bukta—Representative **Clinton** County
 (See BUKTA, POLLY—Representative **Clinton** County, Assistant Minority Leader)
 Steve Falck—Representative Buchanan-**Fayette** Counties
 (See FALCK, STEVE—Representative Buchanan-**Fayette** Counties, Assistant Minority Leader)
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 (See HUSER, GERI D.—Representative **Polk** County, Assistant Minority Leader)
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Bills introduced—8, 30, 77, 96, 157, 167, 208, 222, 243, 278, 318, 319, 320, 381, 408, 420, 465, 486

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Resolutions offered—566, 938, 1085, 1137, 1160

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Amendments filed—149, 235, 571, 661, 762, 826, 827, 1137, 1161, 1291, 1326, 1338

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 Presented to the House Ms. Julie Nixon Eisenhower, daughter of former President Nixon and granddaughter of former President Eisenhower—1217
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Amendment filed—235
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EICHHORN, GEORGE—Representative Boone-Calhoun-**Hamilton**-Webster Counties

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Senate File 2133—Representative O'Brien—911
Senate File 2134—Representative Frevert—396
Senate File 2140—Representative O'Brien—929
Senate File 2141—Representative O'Brien—670
Senate File 2145—Representative O'Brien—670
Senate File 2146—Representatives De Boef & Wilderdyke—757
Senate File 2155—Representatives Johnson & Osterhaus—884
Senate File 2155—Representative O'Brien—911
Senate File 2156—Representative Baudler—837
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Senate File 2167—Representatives O'Brien, Reynolds & Roberts—911
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Senate File 2201—Representatives Johnson & Osterhaus—884
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Senate File 2207—Representative O'Brien—670
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Senate File 2210—Representative Osterhaus—884
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Senate File 2212—Representatives Carroll & Chiodo—757
Senate File 2212—Representative Brauns—809
Senate File 2228—Representative Frevert—1157
Senate File 2228—Representative Shey—1286
Senate File 2231—Representatives O'Brien, Reynolds & Roberts—911
Senate File 2258—Representative Raecker—966
Senate File 2259—Representative O'Brien—1525
Senate File 2260—Representative Osterhaus—884
Senate File 2260—Representative O'Brien—911
Senate File 2268—Representative O'Brien—1134
Senate File 2268—Representative Frevert—1157
Senate File 2272—Representative O'Brien—929
Senate File 2277—Representatives Johnson & Osterhaus—884
Senate File 2277—Representative O'Brien—911
Senate File 2278—Representatives O'Brien, Reynolds & Roberts—911
Senate File 2279, H-8412 & H-8416—Representative Frevert—1157
Senate File 2279—Representative Frevert—1157
Senate File 2280—Representative Johnson—1285

Senate File 2288—Representatives O'Brien, Reynolds & Roberts—911
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 Senate File 2315, H-8332—Representatives Roberts & Reynolds—911
 Senate File 2315—Representatives O'Brien, Reynolds & Roberts—911
 Senate Fiel 2316—Representative Van Fossen—1525
 Senate File 2323—Representative Shey—1286
 Senate File 2326—Representatives O'Brien & Scherrman—1321

FALCK, STEVE—Representative Buchanan-**Fayette** Counties, Assistant Minority Leader
 Resignation—1-2

FALLON, ED—Representative **Polk** County
 Amendments filed—81, 484, 485, 549, 567, 627, 762, 813, 914, 969, 1007, 1081, 1147, 1149, 1214, 1232, 1241, 1291, 1325, 1366, 1477
 Amendments offered—81, 501, 818, 1147, 1149, 1241, 1309
 Amendments withdrawn—492, 493, 818, 864, 1081, 1498
 Bills introduced—5, 30, 31, 91, 157, 166, 167, 208, 236, 243, 278, 279, 282, 293, 294, 300, 317, 318, 322, 381, 388, 406, 408, 420
 Committee appointments—17, 19
 Leave of absence—344
 Resolutions offered—199, 566, 933
 Subcommittee assignments—47, 85, 147, 249, 1527

Amendment filed—10

Amendment offered—10

Bill introduced—4

FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

FINCH, BARBARA—Representative **Story** County
 Amendments filed—553, 914, 915, 969, 1325, 1326
 Bills introduced—30, 52, 53, 145, 208, 213, 243, 244, 283, 294, 295, 301, 324, 342, 422
 Committee appointments—18, 19, 1532
 Resolutions offered—199, 566, 933, 938, 1085, 1137, 1160
 Subcommittee assignments—85, 271, 366, 376, 426, 527, 591, 931, 1159, 1527

Amendment filed—12

Amendment offered—12

FOEGE, RO—Representative Johnson-**Linn** Counties
 Amendments filed—484, 485, 549, 679, 680, 855, 914, 1162, 1232, 1249, 1251, 1274, 1366, 1417
 Bills introduced—8, 30, 51, 52, 152, 157, 167, 180, 236, 243, 260, 278, 282, 318, 322, 324, 325, 343, 347, 374, 380, 381, 408, 423, 464, 486, 535
 Committee appointments—18, 54, 1132

Leave of absence—1088
 Petition presented—293
 Presented to the House Jennifer Erbe, Iowa Teacher of the Year for 2002 and Lillian Thatcher—1021
 Resolutions offered—199, 292, 566, 704, 933, 937, 1187, 1290
 Subcommittee assignments—83, 161, 216, 365, 376, 377, 426, 812

FORD, WAYNE—Representative **Polk** County

Amendments filed—316, 549, 586, 679, 680, 704, 762, 796, 886, 915, 1007, 1162, 1232, 1326, 1366, 1370, 1382, 1417, 1418, 1487
 Amendments offered—586, 1048, 1353, 1382, 1485, 1487
 Amendments withdrawn—804, 1217, 1370
 Bills introduced—30, 157, 167, 180, 236, 243, 258, 283, 300, 318, 1061, 1062, 1063, 1064
 Committee appointments—18
 Explanations of vote—158, 1056
 Leave of absence—300, 325, 344, 382, 405, 436, 464, 664, 708
 Resolutions offered—177, 199, 566, 933, 1136, 1160
 Subcommittee assignments—193, 272, 289, 366

Leave of absence—3

FREVERT, MARCELLA R.—Representative Clay-Kossuth-**Palo Alto** Counties

Amendments filed—484, 485, 1137, 1232, 1271, 1325, 1366, 1417
 Amendment offered—1489
 Amendment withdrawn—493
 Bills introduced—8, 30, 31, 77, 96, 165, 167, 208, 212, 227, 236, 243, 258, 282, 318, 322, 325, 388, 421, 439, 464, 486
 Committee appointments—17, 19
 Explanation of vote—396, 1157, 1285
 Leave of absence—325, 535, 1064
 Petitions presented—206, 342
 Presented to the House the “Emmetsburg Little Irish Dancers”—798
 Presented to the House Dan Neville, a member of the Irish Parliament from Kiltannan, Croagh, County Limerick, Ireland—798
 Resolutions offered—199, 566, 933, 1085, 1137, 1160
 Subcommittee assignments—84, 147, 703, 931, 1527

GARMAN, TERESA—Representative Marshall-**Story** Counties

Amendments filed—149, 510, 753, 761, 841, 1406
 Bills introduced—31, 52, 165, 244, 294
 Committee appointments—19, 54
 Leave of absence—405, 763, 1008, 1089, 1122, 1139, 1164, 1192
 Presented to the House a vocal rendition of “Bread and Roses” in celebration of “Write Women Back Into History Month”—682
 Resolutions offered—199, 566, 933, 938
 Subcommittee assignments—47, 71, 85, 192, 193, 203, 249, 250

Leave of absence—4

GENERAL ASSEMBLY—HOUSE—

(See also ADMINISTRATION AND RULES COMMITTEE in the GENERAL INDEX and/or HOUSE CONCURRENT RESOLUTIONS, HOUSE RESOLUTIONS and SENATE CONCURRENT RESOLUTIONS listed in LEGISLATIVE INDEX VOLUME)

Resolutions relating to:

- House Concurrent Resolution 101, Governor Thomas J. Vilsack deliver his condition of the state budget message—3 adopted & msgd. – S.J. – 10 adopted, 11 msgd. – H.J. – 32
- House Concurrent Resolution 102, Chief Justice Louis A. Lavarato deliver his condition of the judicial branch message—3 adopted & msgd. – S.J. – 10, 11 adopted & msgd. – H.J. – 32
- House Concurrent Resolution 104, amend compensation resolution for employees of the 79th G.A.—63, 64 adopted, 65 msgd. – S.J. – 58, (substituted for SCR 103) 59, 60 adopted & msgd., 125 – H.J. – 79
- House Concurrent Resolution 105, designating January 30, 2002 as Iowa Insurance Day—163, 183 adopted, 189 msgd. – S.J. – 138, 141 adopted & msgd. – H.J. – 208
- House Concurrent Resolution 107, honoring Iowa Big Brothers Big Sisters Association during week beginning March 25, 2002—177
- House Concurrent Resolution 110, recognizing February 6, 2002 as Ronald Reagan Day in the state of Iowa—255, 262 adopted, 266 msgd. – S.J. – 201 (substituted for SCR 108), 201 adopted, 208 msgd. – H.J. – 279
- House Concurrent Resolution 113, designate May 1, 2002 as Iowa Right-to-Work Day—378
- House Concurrent Resolution 114, designate May 1, 2002 as Iowa Right-to-Work Day in Iowa—404
- House Concurrent Resolution 115, encourage implementation and support of asset development programs—463
- House Concurrent Resolution 118, suspend joint rule 20 of joint rules for 79th General Assembly to allow for consideration of SF 2304 by 7th week of 2002 regular session—536 substituted, 537 withdrawn
- House Concurrent Resolution 121, designate March 2002 as Iowa Women’s History Month—816, 841
- House Concurrent Resolution 124, provide for adjournment sine & die—1524 adopted & msgd. – S.J. – 1204, 1205 adopted & msgd
- House Resolution 101, amend permanent rules of the House relating to bill and amendment consideration deadlines and recognition to address the chamber—74, 82 adopted
- House Resolution 102, amend the rules governing lobbyists in the House—74, 75
- House Resolution 106, amend permanent rules of the House relating to preservation of order—275
- House Resolution 114, honor Representative John H. Connors for thirty years of legislative service—933, 1194 adopted
- House Resolution 130, honor Virginia Rowen upon her retirement—1214, 1308 adopted
- House Resolution 134, honor Diane E. Bolender upon her retirement as director of Legislative Service Bureau—1291, 1419 adopted
- House Resolution 135, honor Thane R. Johnson upon his retirement from legislative Service Bureau—1291, 1419 adopted
- Senate Concurrent Resolution 101, amending Joint Rule 20 of joint rules of the senate and house—13, 25, 62 adopted & msgd. – H.J. – 79, 89, 250, 291, 359 adopted & msgd. – S.J. – 293

Senate Concurrent Resolution 114, suspending joint rule 20 of joint rules of Senate and House for Seventy-ninth G.A. to allow for consideration of Senate File 2304 by the House during the seventh week of 2002 regular session—421, 422 adopted & msgd. – H.J. – 534, 536 (substituted for HCR 118), 537 adopted 554 msgd. – S.J. – 447

House Concurrent Resolution 125, provide for adjournment sine & die—3, 4 adopted & msgd. – S.J. – 1217 (substituted for SCR 120), 1218 adopted, 1219 msgd.

House Concurrent Resolution 126, provide for adjournment sine & die—32 adopted & msgd. – S.J. – 1252 (substituted for SCR 121), 1253 adopted & msgd. – H.J. – 33

GIFTS—

(See AWARDS AND GIFTS)

GIFF, CHUCK—Representative Allamakee-**Winneshiek** Counties, Assistant Majority Leader

Amendments filed—205, 567, 704, 915, 995, 1161, 1173, 1325, 1326

Amendments offered—623, 787, 1000, 1168, 1172, 1173, 1338

Appointed to the Capitol Planning Commission—21

Bills introduced—7, 151, 213, 244, 261, 262, 294, 381, 568

Bills placed on calendar (as acting Speaker)—452

Bills rereferred to committee (as acting Speaker)—138, 231, 452

Committee appointments—16, 17, 18, 19, 1123

Leave of absence—1

Presentation of visitors (as acting Speaker)—138

Presided at sessions of the House—96, 170, 178, 187, 209, 222, 226, 229, 277, 322,

446, 466, 475, 486, 491, 530, 628, 635, 636, 662, 677, 683, 724, 778, 813, 827, 863,

988, 1075, 1086, 1088, 1192, 1216

Reports—1293-1294

Resolutions offered—933, 1160, 1290

Rulings made (as acting Speaker)—835

Subcommittee assignments—47, 72, 84, 85, 147, 216, 335, 425, 527, 570, 760

Presided at sessions of the House—17

GOVERNOR VILSACK, TOM—

Addressed joint convention—35-44

Bills signed by—467, 506, 573, 588, 657, 813, 837-838, 936, 1086-1087, 1116-1118, 1189-1190, 1209-1210, 1286-1287, 1414-1415, 1525-1526

Committee to notify and escort—2

Communication from—309-310, 589-590, 936-937, 1118-1119, 1415, 1525-1526, 2076-2080

Delivered the condition of the State and Budget Message—35-44

Item veto messages—309-310

Item veto messages after session—2081-2085

Resolution relating to the condition of the State Message and Budget Message, House Concurrent Resolution 101—3 adopted & msgd. – S.J. – 10, 10 adopted, 11 msgd. – H.J. 32

Resolutions relating to:

House Concurrent Resolution 101, Governor Thomas J. Vilsack deliver his condition of the state budget message—3 adopted & msgd. – S.J. – 10 adopted, 11 msgd. – H.J. – 32

House Concurrent Resolution 123, request governor appoint a blue ribbon committee to make recommendations regarding child welfare, child mental health, and juvenile justice systems in state of Iowa—1187, 1303 adopted & msgd. – S.J. – 1082, 1085, 1102, 1167 adopted, 1168 msgd., 1182 – H.J. – 1493

Senate Concurrent Resolution 109, request governor annually designate third week in October as Cultural Awareness Week—230, 247, 692, 810 adopted, 814 msgd. – H.J. – 1009, 1059

Veto messages—589-590, 936-937, 1118-1119, 1415

Veto message after session—2076-2081

Communication from—1-2

Bills signed by—34

Communication from—1-2

Item veto messages after session—34-41

GREIMANN, JANE—Representative **Story** County

Amendments filed—484, 485, 549, 592, 593, 605, 855, 969, 1137, 1232, 1246, 1366, 1417

Amendment offered—988

Amendment withdrawn—493

Appointed to the Hawk-I Board—21

Bills introduced—51, 77, 156, 157, 167, 180, 208, 236, 243, 258, 282, 322, 324, 390, 464, 486, 533

Committee appointments—18, 19, 55

Leave of absence—797, 817

Presented to the House a vocal rendition of “Bread and Roses” in celebration of “Write Women Back Into History Month”—682

Resolutions offered—463, 566, 933, 937, 1085, 1137, 1160, 1290

Subcommittee assignment—85

GRUNDBERG, BETTY—Representative **Polk** County

Amendments filed—149, 177, 361, 435, 553, 573, 585, 592, 697, 704, 841, 850, 886, 989, 1366, 1368, 1371

Amendments offered—361, 585, 615, 697, 850, 957, 989, 1368

Amendments withdrawn—188, 442, 498, 578, 898, 1217, 1366, 1371

Bills introduced—4, 5, 30, 151, 156, 179, 182, 201, 208, 227, 244, 301, 319, 322, 374, 388, 406, 420, 423, 1079

Committee appointments—16, 18

Presented to the House the winners of the “Write Women Back Into History” essay contest—852

Presided at sessions of the House—90

Resolutions offered—292, 566, 816, 933, 938, 1160, 1194

Subcommittee assignments—160, 161, 191, 192, 216, 249, 250, 272, 335, 365, 366, 401, 426, 527, 591

HAHN, JAMES F.—Representative **Muscatine**-Scott Counties

Amendment filed—205

Bills introduced—8, 30, 90, 91, 145, 166, 244, 257, 294, 319, 374

Committee appointments—18, 19, 526

Presented to the House the Honorable Dan Petersen, former member of the House—1167

Presented his secretary Kay Pierce and thanked her for 17 years of service to the House—1167

Resolutions offered—199, 566, 933, 938, 1085, 1160

Subcommittee assignments—272, 312, 673, 930

HANSEN, BRAD L.—Representative **Pottawattamie** County

Amendments filed—841, 886, 933, 1059, 1261, 1292, 1310

Amendments offered—1071, 1310

Amendments withdrawn—1070, 1071, 1261

Appointed to the Medical Assistance Advisory Council—21

Bills introduced—145, 151, 257, 381

Committee appointments—17, 18, 19

Presided at sessions of the House—373, 712, 729, 774, 808, 1026, 1027

Resolutions offered—199, 816, 933, 1085, 1160, 1187, 1305

Ruling made (as acting Speaker)—1032

Subcommittee assignments—85, 161, 173, 290, 400, 626, 931, 1160, 1527

HATCH, JACK—Representative **Polk** County

Amendments filed—316, 484, 485, 762, 914, 1162, 1232, 1291, 1326, 1366, 1371, 1389

Amendment offered—494

Amendments withdrawn—328, 492, 802, 1030, 1043, 1306, 1389

Bills introduced—30, 51, 96, 157, 167, 180, 208, 236, 243, 257, 258, 278, 294, 297, 300, 317, 318, 320, 321, 323, 374, 375, 380, 381, 388, 389, 406, 408, 420, 423, 465, 568

Committee appointments—17, 18

Leave of absence—206

Resolutions offered—199, 566, 933, 938, 1085, 1160

Subcommittee assignments—47, 48, 71, 140, 141, 191, 203, 376, 453, 468, 1212

Amendment filed—10

HEATON, DAVID E.—Representative Des Moines-**Henry**-Washington Counties

Amendments filed—281, 704, 762, 795, 1151, 1292, 1361

Amendments offered—281, 721, 1151, 1361

Bills introduced—5, 6, 30, 91, 96, 179, 201, 208, 244, 294, 295, 296, 342, 374, 375, 380, 381, 388, 422, 487

Committee appointments—17, 19, 526, 1130

Explanations of vote—332, 670, 791, 1057

Leave of absence—628, 763

Requested to be withdrawn as a sponsor of House File 2178—396

Resolutions offered—341, 566, 933, 1160, 1187

Subcommittee assignments—71, 84, 191, 193, 250, 425

HOFFMAN, CLARENCE—Representative **Crawford**-Monona-Woodbury Counties

Amendments filed—567, 627, 915, 969

Amendments offered—303, 925

Amendment withdrawn—1080

Bills introduced—30, 77, 90, 91, 145, 165, 180, 208, 213, 244, 257, 260, 294, 295, 296, 374, 381, 441
 Committee appointments—17, 18, 19, 34
 Explanation of vote—214, 791
 Leave of absence—714
 Resolutions offered—199, 566, 933, 938, 1160
 Subcommittee assignments—147, 193, 271, 400, 453, 673, 1159, 1160, 1527

HORBACH, LANCE—Representative Benton-Black Hawk-**Tama** Counties
 Amendments filed—567, 761, 816, 841, 886, 1085, 1292
 Amendments offered—643, 774, 1020, 1022
 Bills introduced—91, 145, 150, 170, 180, 213, 244, 294, 295, 381
 Committee appointments—17, 18
 Presented to the House members of 132nd Fighter Wing, the 185th Fighter Wing and the 133rd Test Squadron—299
 Presided at sessions of the House—712, 1069, 1141, 1176
 Resolutions offered—177, 199, 566, 933, 1085, 1160
 Subcommittee assignments—47, 141, 289, 290, 660, 793, 812

HOUSE CONCURRED—

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 House File 2190, H-8316—846
 House File 2192, H-8326, as amended—972
 House File 2193, H-8483—1123
 House File 2201, H-8430—1011
 House File 2246, H-8319—879
 House File 2271, H-8058—383
 House File 2339, H-8669—1389
 House File 2344, H-8449—1065
 House File 2365, H-8465—1108
 House File 2378, H-8571—1300
 House File 2416, H-8528—1221
 House File 2430, H-8535, as amended—1224
 House File 2454, H-8379—997
 House File 2467, H-8321—901
 House File 2472, H-8536—1296
 House File 2507, H-8401—922
 House File 2515, H-8681, as amended—1407
 House File 2530, H-8420—1067
 House File 2532, H-8419, as amended—996
 House File 2539, H-8431—1004
 House File 2549, H-8698—1512
 House File 2554, H-8402, as amended—1000

House File 2571, H-8450—1069
 House File 2585, H-8529—1200
 House File 2612, H-8581—1315
 House File 2613, H-8580—1409
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 Senate File 2275, H-8491—1154

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HOUSE REFUSED TO CONCUR—

House File 582, H-1625—1013
 House File 2191, H-8421—1012
 House File 2247, H-8448—1134
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HOVERSTEN, GREG—Representative **Woodbury** County

Amendments filed—1059, 1060, 1147
 Amendment offered—305
 Bills introduced—31, 52, 53, 90, 91, 145, 170, 213, 244, 257, 260, 294, 295, 320, 347, 381
 Committee appointments—17, 18, 19, 1146
 Leave of absence—1483
 Reports—1410-1412
 Resolutions offered—199, 566, 933, 938, 1085, 1160
 Subcommittee assignments—140, 141, 192, 193, 215, 366, 377, 426, 453, 566, 673, 1527

HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—434, 840
 Amendment offered—683
 Appointed—18
 Bills introduced—223, 277, 323, 344, 380, 387, 388, 407, 437, 476, 488, 489, 512, 513, 514, 515, 530, 531, 533, 535
 Recommendations—220-221, 274, 314, 339, 369, 403, 432, 471-472, 480-482, 674-675, 840
 Subcommittee assignments—83, 191, 192, 193, 215, 272, 365, 366, 377, 426, 467, 527, 566, 626, 673, 793, 812

HUSEMAN, DANIEL A.—Representative Buena Vista-**Cherokee**-O'Brien-Plymouth Counties

Bills introduced—91, 145, 179, 244, 294, 295, 296, 374, 381, 421

Committee appointments—17, 18, 19, 1128, 1130
 Presided at sessions of the House—1044
 Resolutions offered—199, 933, 937, 1085, 1137, 1160
 Subcommittee assignments—147, 160, 192, 193, 203, 272, 365, 673

HUSER, GERI D.—Representative **Polk** County, Assistant Minority Leader
 Amendments filed—435, 485, 549, 592, 699, 753, 761, 762, 816, 914, 933, 1059, 1060,
 1232, 1291, 1313, 1371
 Amendments offered—442, 621, 699, 833, 1313
 Amendments withdrawn—262, 833, 1372
 Bills introduced—167, 180, 208, 236, 243, 258, 295, 301, 317, 321, 323, 324, 374, 408,
 420, 436, 464
 Committee appointments—17, 19, 1128
 Leave of absence—206, 1299
 Resolutions offered—566, 933, 938, 1085, 1290
 Subcommittee assignments—47, 215, 249, 289, 312, 335, 454, 526, 626, 931, 1527

Bill introduced—5

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Resolutions relating to:
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 state—29
 House Concurrent Resolution 106—study issues relating to water quality—177
 House Concurrent Resolution 111—review ways to simplify Iowa's income tax
 forms—275
 House Concurrent Resolution 116—authorize comprehensive study of Iowa's
 system of taxation—528
 House Concurrent Resolution 117—authorize the personal privacy issues study
 committee to continue deliberation during 2002 legislative interim—529
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 and claim process relating to health care personnel, health facilities and health
 care services—675

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Representative Steve Falk—1-2

JACOBS, LIBBY—Representative **Polk** County, Assistant Majority Leader

Amendments filed—281, 592
 Amendment offered—392
 Bills introduced—4, 30, 145, 301, 381, 405, 420
 Committee appointments—17, 19
 Explanation of vote—159
 Presented Speaker Siegrist, Majority Leader Rants and Minority Leader Myers
 plaques in appreciation of their dedication and service to the Iowa House of
 Representatives—1514
 Resolutions offered—933, 938, 1085, 1136, 1160, 1187, 1290
 Subcommittee assignments—71, 72, 84, 147, 173, 191, 366, 376, 400, 426, 468, 626,
 812

JENKINS, WILLARD—Representative **Black Hawk** County

Amendments filed—553, 567, 1325, 1326, 1330
 Amendments offered—553, 636, 1320, 1330, 1499
 Amendment withdrawn—1330
 Bills introduced—30, 77, 90, 91, 145, 151, 181, 208, 244, 261, 347, 381
 Committee appointments—17, 18
 Presented to the House Director General Antonio C.S. Chen, the Director-General of
 the Taipei Economic and Cultural Office in Chicago—259
 Presented to the House Minister Counselor Dai Yunlou, First Secretary Wang
 Zhongnan, First Secretary Zhao Baoqing and First Secretary Zhong Chuanshui
 from the People's Republic of China—1163
 Presented to the House the Honorable Peter Stoyanov, President of Bulgaria and the
 Honorable John Roof, mayor of Waterloo—1328
 Resolutions offered—199, 566, 933, 1085, 1137, 1160, 1290, 1325
 Subcommittee assignments—47, 203, 216, 400, 401, 426, 468, 626, 1058, 1212

JOCHUM, PAM—Representative **Dubuque** County, Assistant Minority Leader

Amendments filed—205, 341, 484, 485, 549, 592, 762, 886, 887, 914, 1033, 1147,
 1162, 1214, 1232, 1352, 1366, 1370, 1372, 1375
 Amendments offered—1029, 1048, 1051, 1372, 1375
 Amendments withdrawn—1033, 1034, 1053, 1352, 1366
 Bills introduced—8, 9, 96, 152, 167, 180, 208, 212, 227, 236, 243, 258, 300, 318, 324,
 325, 345, 381, 408, 464, 535
 Committee appointments—17, 18, 19, 1199
 Leave of absence—229, 635, 1139
 Petition presented—530
 Presented to the House a reading regarding women's suffrage in celebration of
 "Write Women Back Into History Month"—682
 Reports—1400-1401
 Resolutions offered—566, 933, 938, 1085, 1160
 Subcommittee assignments—72, 147, 160, 173, 250, 289, 366, 425, 426, 527, 570,
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 Resolutions offered—933, 938, 1160
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Amendments filed—796, 816
 Amendments offered—953, 1017, 1090
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KETTERING, STEVE—Representative Ida-Sac-Woodbury Counties

Amendments filed—276, 529, 567, 627, 704, 841, 886, 969, 1292
 Amendments offered—330, 653, 719
 Bill deferred, retained on calendar (as acting Speaker)—1235
 Bills introduced—52, 78, 90, 145, 180, 213, 244, 257, 294, 318, 374, 381
 Committee appointments—17, 18, 33, 1129
 Presided at sessions of the House—1234
 Resolutions offered—199, 566, 933, 937, 1085, 1137, 1160, 1187

Rulings made (as acting Speaker)—1240, 1245
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KLEMME, RALPH—Representative **Plymouth**-Woodbury Counties

Amendments filed—372, 676, 1417
 Amendments offered—390, 1421
 Bills introduced—52, 77, 90, 144, 145, 165, 244, 257, 294, 381, 421
 Committee appointments—2, 17, 19, 1128, 1130
 Leave of absence—437, 575, 779, 797
 Presided at sessions of the House—522
 Resolutions offered—199, 933, 1085, 1160, 1187, 1527
 Subcommittee assignments—47, 83, 84, 192, 216, 272, 289, 335

KREIMAN, KEITH A.—Representative Appanoose-**Davis**-Monroe-Van Buren Counties

Amendments filed—177, 235, 284, 417, 435, 567, 571, 573, 574, 582, 592, 593, 627,
 661, 704, 887, 915, 969, 1161, 1162, 1232, 1292, 1326, 1366, 1389, 1487
 Amendments offered—186, 578, 687, 1182, 1370
 Amendments withdrawn—493, 781, 789, 790, 1363, 1389, 1487
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 Resolutions offered—199, 566, 933, 1085, 1137, 1160, 1527
 Subcommittee assignments—86, 193, 272, 527, 1527

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Amendments filed—549, 593, 605, 995, 1232, 1366

Amendment withdrawn—605

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Leave of absence—344, 575, 916, 939

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Resolutions offered—199, 566, 933, 938, 1085, 1137, 1160

Subcommittee assignments—72, 83, 84, 85, 147, 173, 215, 250, 271, 278, 931, 1527

LARSON, CHARLES W., JR. (Chuck)—Representative **Linn** County

Amendments filed—762, 1371

Amendment withdrawn—1371

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Presented to the House Cal Eldred, pitcher for the Chicago White Sox and a native of Urbana—889

Presented to the House the Honorable U.S. Congressman Jim Nussle from the 2nd district—1151

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Resolutions offered—255, 933, 938, 1085, 1160

Subcommittee assignments—216, 453, 454, 478, 479, 508, 931, 1527

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Amendments filed—484, 485, 549, 567, 592, 661, 762, 855, 969, 1144, 1161, 1162, 1232, 1246, 1326, 1366, 1417

Amendments offered— 990, 1144

Amendments withdrawn—493, 696, 745, 1168
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“Write Women Back Into History Month”—682
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(See RANTS, CHRISTOPHER C.—Representative **Woodbury** County, Majority
Leader)

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Resolutions offered—933, 1160, 1417
Subcommittee assignments—203, 250, 312, 626, 703

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Committee appointments—17, 18, 19
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“Write Women Back Into History Month”—682
Presented to the House the winners of the “Write Women Back Into History” essay
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MAY, DENNIS—Representative Cerro Gordo-Mitchell-**Worth** Counties

Amendments filed—1137, 1232, 1366

Bills introduced—5, 8, 30, 151, 157, 167, 243, 258, 282, 322, 324, 381, 408, 421, 464

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Resolutions offered—199, 566, 933, 938, 1160

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Amendment offered—1271

Bills introduced—52, 144, 145, 151, 157, 167, 182, 208, 244, 245, 258, 261, 278, 282, 294, 295, 296, 317, 318, 322, 381, 408, 421, 422, 464

Committee appointments—17, 18, 1131

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Presented to the House a vocal rendition of “Bread and Roses” in celebration of “Write Women Back Into History Month”—682

Resolutions offered—199, 566, 933, 937, 1085, 1137, 1160

Subcommittee assignments—71, 84, 160, 203, 289, 673, 793

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METCALF, JANET—Representative **Polk** County

Amendments filed—404, 567, 593, 621, 995, 1060, 1291, 1313

Amendments offered—410, 618, 621, 1312, 1313

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Committee appointments—2, 16, 17, 18, 1123, 1129

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Presided at sessions of the House—894, 1354

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Resolutions offered—566, 933, 1160, 1194

Ruling made (as acting Speaker)—1360

Subcommittee assignments—71, 72, 84, 85, 147, 173, 203, 215, 216, 400, 401, 425, 426, 626

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COMMITTEE

ON—

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MILLAGE, DAVID A.—Representative **Scott** County

Amendments filed—205, 298, 463, 529, 538, 553, 652, 693, 694, 1059, 1060, 1161, 1348, 1354

Amendments offered—210, 307, 538, 650, 651, 652, 653, 693, 694, 1348, 1354

Amendments withdrawn—1173, 1371

Bills introduced—4, 30, 78, 91, 145, 180, 245, 294, 301

Committee appointments—17, 18, 19, 55, 1127, 1199

Explanation of vote—809

Presided at sessions of the House—1068, 1194

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Resolutions offered—566, 933, 938, 1085, 1160

Subcommittee assignments—48, 71, 72, 83, 141, 147, 160, 203, 249, 289, 290, 312, 365, 366, 376, 426, 454, 468, 660, 673, 678, 913

Amendment filed—17

Amendment offered—17

MINORITY LEADER, Richard E. Myers—Representative **Johnson** County

(See MYERS, RICHARD E.—Representative **Johnson** County, Minority Leader)

MOTION TO DEFER—

Senate File 2190—1026

Lost:

Senate File 2190—1027

MOTIONS TO RECONSIDER—

Filed:

House File 583—966
 House File 2217—656
 House File 2246—364
 Senate File 2057—246
 Senate File 2118, H-8451—1082
 Senate File 2326—1285

Prevailed:

House File 583—1066
 House File 2246—442
 House File 2623, H-8664—1371

Motions to reconsider (filed from the floor):

House File 2623, H-8664—1371
 Senate File 429—808

Lost (filed from the floor):

Senate File 429—809

Unanimous Consent:

House File 2246, H-8056—442
 Senate File 165, H-8086—503

Withdrawn:

Senate File 2057—1302
 Senate File 2118, H-8451—1151
 Senate File 2118, H-8451—1229
 Senate File 2326—1506

Final disposition of motions to reconsider— 2014

MURPHY, PATRICK J.—Representative **Dubuque** County

Amendments filed—164, 280, 485, 546, 547, 675, 679, 680, 886, 914, 934, 1161, 1162, 1232, 1253, 1326, 1352, 1366, 1370
 Amendments offered—183, 547, 907, 1026, 1029, 1031, 1043, 1253, 1360, 1366
 Amendments withdrawn—1167, 1352, 1387
 Bills introduced—8, 30, 96, 157, 165, 180, 258, 261, 279, 346, 381, 408, 423, 437, 464
 Committee appointments—17, 18
 Leave of absence—486
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 Subcommittee assignments—192, 193, 376, 454, 467, 626

Amendments filed—11, 22, 24

Amendments offered—11, 22, 24

Amendment withdrawn—11

MYERS, RICHARD E.—Representative **Johnson** County, Minority Leader

Amendments filed—484, 485, 549, 679, 680, 841, 886, 933, 1059, 1162, 1232, 1366
 Amendment withdrawn—501
 Bills introduced—8, 30, 91, 167, 208, 227, 320, 381, 387, 406, 408, 440, 464, 465, 490, 533
 Committee appointments—17, 1532
 Leave of absence—239, 259, 280, 597, 726

Presented a plaque in appreciation of his dedication and service to the Iowa House of Representatives—1514
 Presented to the House the employees of Musco Lighting who provided lighting at the World Trade Center site and the Pentagon after the 9/11 attack—15
 Presided at sessions of the House—293
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Resolution offered—3

Amendment filed—19

Resolution offered—32

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Amendment filed—341
 Amendment offered—412
 Appointed—19
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 Recommendations—198, 340, 434, 461, 473
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O'BRIEN, MICHAEL J.—Representative Boone-Greene Counties

Amendments filed—1187, 1232, 1366
 Amendment withdrawn—493
 Bills introduced—50, 52, 145, 151, 157, 179, 208, 237, 407
 Committee appointments—18, 19, 1125, 1126, 1129
 Explanation of vote—308, 506, 670, 911, 929, 1134, 1321, 1525
 Leave of absence—226, 436, 464, 641, 817, 842, 895, 1089, 1273
 Presided at sessions of the House—1179
 Resolutions offered—933, 937, 1160, 1290
 Ruling made (as acting Speaker)—1183
 Subcommittee assignments—71, 83, 141, 147, 202, 203, 673

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Amendments filed—341, 762, 886, 972, 1007, 1059, 1232, 1249, 1251, 1274, 1309, 1366, 1370

Amendments offered—972, 1043

Amendments withdrawn—1080, 1081, 1370

Bills introduced—7, 8, 30, 96, 157, 167, 180, 207, 212, 236, 243, 258, 282, 318, 324, 345, 381, 389, 408

Committee appointments—17, 19, 1146

Explanation of vote—884

Leave of absence—437, 464, 817, 842

Reports—1410-1412

Resolutions offered—199, 566, 933, 937, 1160, 1187

Subcommittee assignments—84, 250, 400, 673, 1160, 1527

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Amendments filed—484, 485, 549, 592, 704, 762, 816, 855, 926, 934, 1178, 1232, 1366, 1383, 1417

Amendments offered—496, 831, 926, 1076, 1178, 1383

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Bills introduced—8, 30, 157, 167, 236, 243, 244, 259, 260, 261, 301, 420, 422, 465, 486

Committee appointments—17, 18, 19, 34, 1532

Presented to the House a vocal rendition of “Bread and Roses” in celebration of “Write Women Back Into History Month”—682

Resolutions offered—199, 566, 933, 938, 1160, 1194

Subcommittee assignments—47, 85, 312, 336, 366, 425, 454, 626

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Filed—50, 206, 293, 317, 342, 379, 464, 530, 628, 888, 1061, 1216

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- Amendments filed—415, 762, 1214, 1232
- Amendments offered—413, 415, 1235
- Amendment withdrawn—493
- Bills introduced—8, 30, 157, 167, 207, 243, 258, 262, 293, 294, 295, 317, 318, 381, 408, 420, 465

Committee appointments—17, 18, 19
 Leave of absence—920
 Resolutions offered—199, 566, 933, 938, 1160
 Subcommittee assignments—47, 192, 216, 249, 335, 400, 453

QUORUM CALLS—

64, 80, 240, 283, 323, 407, 441, 517, 522, 535, 595, 636, 682, 683, 714, 774, 808, 823,
 853, 889, 894, 917, 957, 987, 1019, 1027, 1069, 1103, 1132, 1141, 1194, 1231, 1276,
 1301, 1303, 1308, 1335, 1341, 1347, 1420

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RAECKER, J. SCOTT—Representative Dallas-**Polk** Counties

Amendments filed—281, 510, 915, 1161, 1325, 1326, 1406
 Amendments offered—556, 1168, 1406
 Amendment withdrawn—1168
 Bills introduced—91, 144, 145, 157, 179, 208, 244, 261, 295, 301, 325, 346, 420
 Committee appointments—17, 18, 1129
 Explanation of vote—757, 966
 Leave of absence—699
 Resolutions offered—199, 566, 933, 1121, 1136, 1160, 1290
 Subcommittee assignments—84, 141, 160, 173, 191, 192, 193, 289, 290, 366, 426,
 468, 626, 703, 760, 1212

Leave of absence—4

RANTS, CHRISTOPHER C.—Representative **Woodbury** County, Majority Leader

Amendment withdrawn—696
 Bills introduced—91, 92, 145, 257, 294, 381, 387
 Committee appointments—17, 1129
 Leave of absence—664
 Presented a plaque in appreciation of his dedication and service to the Iowa House of
 Representatives—1514
 Presented to the House the employees of Musco Lighting who provided lighting to
 the World Trade Center site and the Pentagon after the 9/11 attack—15
 Remarks by—9-11, 1516-1519
 Resolutions offered—163, 199, 933, 1160, 1214, 1291
 Special presentation to House Pages—596, 1420

Amendment filed—19

Amendment offered—19

RAYHONS, HENRY—Representative **Hancock**-Winnebago-Wright Counties

Amendments filed—529, 1085
 Amendments offered—412, 1110, 1111, 1112, 1113
 Amendment withdrawn—1110, 1112
 Bills introduced—5, 30, 91, 145, 165, 180, 244, 257, 294, 295, 296, 322, 324, 389, 535
 Committee appointments—17, 19
 Explanation of vote—657
 Leave of absence—618, 683
 Resolutions offered—199, 566, 933, 1085, 1160, 1187

Subcommittee assignments—47, 83, 85, 160, 289, 335, 426

REEDER, JACKIE—Representative Buchanan-**Fayette** Counties

Amendments filed—484, 485, 549, 886, 1162, 1214, 1232, 1249, 1251, 1274, 1366

Amendment withdrawn—1037

Bills introduced—278, 279, 295, 296, 318, 374, 381, 408, 465

Presented to the House a vocal rendition of “Bread and Roses” in celebration of
“Write Women Back Into History Month”—682

Resolutions offered—566, 933, 937, 1085, 1137, 1160

Subcommittee assignments—191, 527

Took oath of office—169

Amendment filed—6

Amendment offered—6

REGENTS, BOARD OF—

Communications from—22, 145, 159, 214

REKOW, LEIGH—Representative **Allamakee**-Clayton-Fayette Counties

Amendments filed—205, 235, 813, 1187, 1316, 1326

Amendments offered—441, 940, 1206

Amendment withdrawn—1361

Bills introduced—52, 90, 91, 145, 244, 294, 295, 296, 324, 465

Committee appointments—17, 19

Presented to the House Coach Lowell Lyngaas and the Valley High School Race
America Runners—226

Presented to the House wildlife artist Ed M. Lawrence and Ed’s wife Chris from
McGregor—348

Resolutions offered—199, 566, 933, 1085, 1160

Subcommittee assignments—47, 83, 84, 85, 193, 250

REPORTS—

(See COMMUNICATIONS and/or INDIVIDUAL HEADINGS)

RESIGNATIONS—

(See OFFICERS AND EMPLOYEES)

RESOLUTIONS—

(See also LEGISLATIVE INDEX VOLUME)

Filed:

House Concurrent Resolution 103—29

House Concurrent Resolution 105—163

House Concurrent Resolution 106—177

House Concurrent Resolution 107—177

House Concurrent Resolution 108—199

House Concurrent Resolution 109—221

House Concurrent Resolution 110—255

House Concurrent Resolution 111—275

House Concurrent Resolution 112—341

House Concurrent Resolution 113—378

House Concurrent Resolution 114—404

House Concurrent Resolution 115—463

House Concurrent Resolution 116—528
House Concurrent Resolution 117—529
House Concurrent Resolution 119—675
House Concurrent Resolution 120—675
House Concurrent Resolution 121—816
House Concurrent Resolution 122—914
House Concurrent Resolution 123—1187
House Resolution 101—74
House Resolution 102—74
House Resolution 103—199
House Resolution 104—199
House Resolution 105—199
House Resolution 106—275
House Resolution 107—292
House Resolution 108—315
House Resolution 109—372
House Resolution 110—566
House Resolution 111—566
House Resolution 112—704
House Resolution 113—816
House Resolution 114—933
House Resolution 115—937
House Resolution 117—1059
House Resolution 118—1085
House Resolution 119—1085
House Resolution 120—1121
House Resolution 121—1136
House Resolution 123—1137
House Resolution 124—1160
House Resolution 125—1160
House Resolution 126—1160
House Resolution 127—1187
House Resolution 128—1187
House Resolution 130—1214
House Resolution 131—1290
House Resolution 132—1290
House Resolution 133—1290
House Resolution 134—1291
House Resolution 135—1291
House Resolution 136—1291
House Resolution 138—1325
House Resolution 139—1417
House Resolution 140—1417
House Resolution 141—1527
Senate Concurrent Resolution 101—89
Senate Concurrent Resolution 104—224
Senate Concurrent Resolution 107—255
Senate Concurrent Resolution 109—1059
Senate Concurrent Resolution 110—1059
Senate Concurrent Resolution 117—1417

Adopted:

House Concurrent Resolution 101—2

- House Concurrent Resolution 102—3
 - House Concurrent Resolution 104—64
 - House Concurrent Resolution 105—183
 - House Concurrent Resolution 110—262
 - House Concurrent Resolution 112—1025
 - House Concurrent Resolution 122—1010
 - House Concurrent Resolution 123—1303
 - House Concurrent Resolution 124—1524
 - House Resolution 101—82
 - House Resolution 103—259
 - House Resolution 104—226
 - House Resolution 105—664
 - House Resolution 107—888
 - House Resolution 108—321
 - House Resolution 110—970
 - House Resolution 114—1194
 - House Resolution 116—1021
 - House Resolution 117—1164
 - House Resolution 121—1151
 - House Resolution 122—1122
 - House Resolution 123—1303
 - House Resolution 127—1305
 - House Resolution 128—1328
 - House Resolution 130—1308
 - House Resolution 131—1328
 - House Resolution 132—1293
 - House Resolution 134—1419
 - House Resolution 135—1419
 - House Resolution 138—1347
 - House Resolution 140—1419
 - Senate Concurrent Resolution 101—359
 - Senate Concurrent Resolution 104—442
 - Senate Concurrent Resolution 114—537
- Laid over under Rule 25:
- House Concurrent Resolution 103—29
 - House Concurrent Resolution 105—163
 - House Concurrent Resolution 106—177
 - House Concurrent Resolution 107—177
 - House Concurrent Resolution 108—199
 - House Concurrent Resolution 109—221
 - House Concurrent Resolution 110—255
 - House Concurrent Resolution 111—275
 - House Concurrent Resolution 112—341
 - House Concurrent Resolution 113—378
 - House Concurrent Resolution 114—404
 - House Concurrent Resolution 115—463
 - House Concurrent Resolution 116—528
 - House Concurrent Resolution 117—529
 - House Concurrent Resolution 119—675
 - House Concurrent Resolution 120—675
 - House Concurrent Resolution 121—816
 - House Concurrent Resolution 122—914

House Concurrent Resolution 123—1187

House Resolution 103—199

House Resolution 104—199

House Resolution 105—199

House Resolution 107—292

House Resolution 108—315

House Resolution 109—372

House Resolution 110—566

House Resolution 111—566

House Resolution 112—704

House Resolution 113—816

House Resolution 114—933

House Resolution 115—938

House Resolution 117—1059

House Resolution 118—1085

House Resolution 119—1085

House Resolution 120—1121

House Resolution 121—1136

House Resolution 123—1137

House Resolution 124—1160

House Resolution 125—1160

House Resolution 126—1160

House Resolution 127—1187

House Resolution 128—1187

House Resolution 130—1214

House Resolution 131—1290

House Resolution 132—1290

House Resolution 133—1291

House Resolution 134—1291

House Resolution 135—1291

House Resolution 136—1291

House Resolution 138—1325

House Resolution 139—1417

House Resolution 140—1417

House Resolution 141—1527

Senate Concurrent Resolution 104—224

Senate Concurrent Resolution 107—256

Senate Concurrent Resolution 109—1059

Senate Concurrent Resolution 110—1059

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Placed on calendar:

House Resolution 101—74

Referred to committee:

House Resolution 102—74

House Resolution 106—275

Senate Concurrent Resolution 101—89

Substitutions:

Senate Concurrent Resolution 104—441

Senate Concurrent Resolution 114—537

Unanimous consent:

House Concurrent Resolution 101—2

House Concurrent Resolution 102—3

House Concurrent Resolution 104—63
 House Concurrent Resolution 124—1524
 House Resolution 116—1021
 House Resolution 122—1122
 House Resolution 129—1194
 House Resolution 137—1305

Withdrawn:

House Concurrent Resolution 109—452
 House Concurrent Resolution 118—537

Resolutions adopted, not otherwise printed in the journal—2038-2069

Adoption:

House Concurrent Resolution 125—3-4

Unanimous consent:

House Concurrent Resolution 125—3-4

Adoption:

House Concurrent Resolution 126—32

Unanimous consent:

House Concurrent Resolution 126—32

REYNOLDS, REBECCA—Representative Jefferson-**Van Buren**-Wapello Counties

Amendments filed—205, 484, 485, 567, 573, 627, 762, 795, 840, 1179, 1232, 1325,
 1326, 1366, 1477

Amendments offered—1179, 1488

Amendment withdrawn—492

Bills introduced—5, 6, 77, 157, 167, 208, 236, 243, 244, 258, 282, 294, 317, 318, 323,
 324, 374, 381, 389, 408, 465, 486

Committee appointments—18, 19, 1130

Explanation of vote—911, 1083

Leave of absence—842, 939, 970

Presented to the House a vocal rendition of “Bread and Roses” in celebration of
 “Write Women Back Into History Month”—682

Resolutions offered—199, 566, 933, 938, 1085, 1160

Subcommittee assignments—72, 147, 192, 335, 425, 426, 626, 812

Amendment filed—10

RICHARDSON, STEVE—Representative **Warren** County

Amendments filed—143, 177, 567, 592, 661, 679, 969, 1137, 1232, 1279, 1282

Amendments offered—188, 778, 1282

Amendments withdrawn—492, 493, 777, 788, 1279, 1387

Bills introduced—5, 8, 30, 76, 77, 96, 167, 208, 212, 213, 258, 295, 321, 374, 381, 408

Committee appointments—19, 1130

Explanation of vote—159

Leave of absence—407, 797, 1103, 1147

Resolutions offered—199, 566, 933, 938, 1160

Subcommittee assignments—86, 215, 250, 271, 673, 1159, 1527

Leave of absence—29

ROBERTS, ROD—Representative **Carroll**-Greene Counties

Amendments filed—593, 627, 704, 915
 Amendments offered—642, 750
 Bills introduced—52, 53, 90, 91, 145, 244, 294, 295, 296, 381
 Committee appointments—16, 17, 18
 Explanation of vote—911
 Leave of absence—853
 Resolutions offered—199, 566, 933, 938, 1085, 1137, 1160
 Subcommittee assignments—71, 85, 141, 191, 193, 271, 272, 290, 336, 366, 426, 453, 527, 566

RULES INVOKED—

Rule 75 (duty of voting):

House File 2614, H-8519—1172
 House File 2615—1141
 Senate File 165—503
 Senate File 2048—778
 Senate File 2190, H-8300—1020
 Senate File 2190, H-8374—1027
 Senate File 2190, H-8373—1029
 Senate File 2190, H-8395—1032
 Senate File 2293, H-8696—1482
 Senate File 2304, H-8104—548
 Senate File 2304—553
 Senate File 2315, H-8332—856
 Senate File 2326, H-8552—1234
 Senate File 2326, H-8554—1270
 Senate File 2326, H-8553—1272
 Senate File 2326—1276

Rule 76 (conflict of interest):

House File 2152—956
 House File 2378—1301

RULES—MOTIONS TO SUSPEND—

House File 2264, H-8141—579
 House File 2623, H-8639—1353
 House File 2623, H-8683—1379
 Senate File 165, to rerefer to local government—231
 Senate File 2048, H-8222 as amended—776
 Senate File 2190, H-8395—1032
 Senate File 2326, H-8545—1240
 Senate File 2326, H-8544—1245
 Senate File 2326, H-8554—1270
 Senate File 2326, to rerefer to appropriations—1276

Lost:

House File 2264, H-8141—579
 House File 2623, H-8639—1354
 House File 2623, H-8683—1379
 Senate File 165, to rerefer to local government—231
 Senate File 2048, H-8222 as amended—777
 Senate File 2190, H-8395—1033
 Senate File 2326, H-8545—1241
 Senate File 2326, H-8544—1246

Senate File 2326, H-8554—1271

Senate File 2326, to rerefer to appropriations—1276

Rule 31.8 (first reading, commitment and amendment):

House Concurrent Resolution 104, H-8001—64

House Resolution 101, H-8002—81

House File 525, H-8167—582

House File 2078, H-8009—154

House File 2116, H-8020—211

House File 2150, H-8031—242

House File 2516, H-8056—361

House File 2547, H-8274—752

House File 2560, H-8227—693

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Senate File 2192, H-8310—834

Senate File 2277, H-8313—827

Senate File 2304, H-8121—552

Senate File 2315, H-8332—855

RULES—SUSPENDED—

Rule 57 (committee notice and agenda):

Committee meetings scheduled for 1/14/02—16

Committee on ways and means for 4/2/02—1132

Committee on education 4/11/02—1341

Rule 57 (committee notice and agenda):

Committee on appropriations 5/28/02—4

RULES—UNDER PROVISIONS OF & PURSUANT TO—

Pursuant to Rule 31.7 (commitment of bills):

House Resolution 102—75

Rule 42 (certificate of engrossment):

House File 681—1115

House File 2378—1414

House File 2395—670

House File 2395—756

House File 2453—910

House File 2509—1285

Rule 55 (minority recommendation):

Senate File 165—62

Rule 42 (Certificate of engrossment):

House File 2626—33

SCHERRMAN, PAUL—Representative Delaware-Dubuque Counties

Amendments filed—592, 1232, 1366, 1370

Amendment offered—607

Bills introduced—8, 90, 96, 151, 157, 180, 236, 243, 282, 324, 381, 408, 464

Committee appointments—17, 19

Explanation of vote—1321

Leave of absence—916, 939, 1278

Resolutions offered—199, 275, 566, 933, 937, 1059, 1085, 1137, 1160, 1290

Subcommittee assignments—83, 84, 85, 160, 289

SCHRADER, DAVID—Representative **Marion**-Warren Counties

Amendments filed—1232, 1261, 1366, 1477

Amendments offered—1261, 1477

Bills introduced—30, 51, 157, 178, 282, 293, 296, 322, 323, 408, 465

Committee appointments—17, 18, 1127

Leave of absence—714, 1192

Resolutions offered—199, 566, 933, 1160

Subcommittee assignments—147, 203, 335, 400, 455, 456, 673

SEATS—

Assignments of seats in press gallery—157, 158

SECRETARY OF STATE, Chester J. Culver

Certificate of election—168-169

Communications from—168-169

SENG, JOE—Representative **Scott** County

Amendments filed—205, 1232, 1366

Bills introduced—52, 157, 236, 261, 278, 283, 294, 321, 381, 408, 465

Committee appointments—17, 1127

Presided at sessions of the House—1201

Resolutions offered—199, 566, 933, 938, 1160

Subcommittee assignments—71, 193, 290, 400

SEVENTY-NINTH GENERAL ASSEMBLY—

(See GENERAL ASSEMBLY—HOUSE)

SHEY, PATRICK—Representative **Linn** County

Amendments filed—417, 661, 704, 762, 841, 886, 1059, 1060, 1161, 1292

Amendments offered—864, 876, 903, 1017, 1304

Amendments withdrawn—864, 905, 1313

Bills introduced—7, 91, 145, 166, 181, 244, 301, 345, 346, 347, 387, 388, 420, 489, 1086

Committee appointments—17, 18, 19

Explanation of vote—1286, 1322

Leave of absence—237, 939

Presented to the House Coach Ms. Kim Muhl and the Kirkwood Community College Eagles—1122

Presided at sessions of the House—1352

Resolutions offered—199, 933, 938, 1085, 1160, 1194

Rulings made (as acting speaker)—1353

Subcommittee assignments—160, 191, 192, 193, 249, 250, 289, 335, 366, 400, 401, 453, 454, 467, 526, 626, 678, 703, 760, 761, 931, 1159, 1527

SHOULTZ, DON—Representative **Black Hawk** County

Amendments filed—64, 154, 155, 341, 351, 484, 485, 549, 679, 680, 762, 886, 1177, 1232, 1282, 1309, 1317, 1325, 1326, 1366, 1476

Amendments offered—64, 154, 348, 350, 351, 1282, 1317, 1344

Amendments withdrawn—1177, 1309, 1476

Bills introduced—51, 96, 157, 166, 167, 212, 236, 258, 262, 283, 300, 322, 381, 408, 464
 Committee appointments—18, 19
 Explanation of vote—1057
 Petitions presented—464
 Presented to the House Sloan Tyler, athletic director of the Univeristy of Northern Iowa—1305
 Presented to the House the Honorable Bill Bernau, former member of the House—1344
 Resolutions offered—199, 566, 933, 938, 1085, 1137, 1160, 1305
 Subcommittee assignments—192, 193, 566, 1159, 1527

SIEGRIST, BRENT—Representative **Pottawattamie** County, Speaker of the House
 (See SPEAKER OF THE HOUSE—Brent Siegrist, Representative **Pottawattamie** County)

SIEVERS, BRYAN—Representative **Scott** County
 Amendments filed—205, 463, 567, 661, 812, 841, 886, 933, 1059, 1060, 1147, 1205, 1292, 1325
 Amendments offered—520, 961, 1147, 1205
 Bills introduced—30, 91, 145, 236, 244, 294, 295, 296, 301
 Committee appointments—18, 19
 Presided at sessions of the House—1272, 1301
 Resolutions offered—199, 566, 933, 1085, 1137, 1160, 1290
 Subcommittee assignments—85, 86, 147, 161, 193, 203, 215, 249, 250, 272, 335, 527, 673, 930, 931, 1527

SMITH, MARK—Representative **Marshall** County
 Amendments filed—485, 549, 679, 680, 753, 761, 762, 780, 914, 1007, 1143, 1162, 1197, 1214, 1232, 1246, 1249, 1251, 1274, 1359, 1366
 Amendments offered—1028, 1143, 1197, 1249, 1251, 1274, 1359
 Amendments withdrawn—1249, 1274
 Bills introduced—8, 30, 52, 77, 157, 167, 208, 258, 278, 325, 408
 Committee appointments—17, 18, 33, 1131, 1146
 Leave of absence—225, 842
 Presented to the House Commandant Jack Dack of the Iowa Veterans Home, accompanied by several Marshall County residents—664
 Presented to the House the honor guard from Des Moines Fire Department to escort the Honorable John H. Connors, from Polk County to commemorate and honor him for his thirty years of legislative service—1193
 Reports—1101-1102, 1410-1412
 Resolutions offered—199, 528, 566, 933, 937, 1085, 1137, 1160
 Subcommittee assignments—84, 191, 192, 426, 626, 673

SPEAKER OF THE HOUSE—Brent Siegrist, Representative **Pottawattamie** County
 Addressed the House—13-15, 1519-1524
 Bills deferred—563, 697
 Bills deferred, retained on calendar—987, 1125
 Bills introduced—31, 53, 91, 145, 213, 282, 381
 Bills passed on file—563, 693
 Bills referred and rereferred to committees—45, 158, 201, 308, 396, 424, 563, 1301, 1335

Bills signed by—287, 466, 701, 758, 837, 884, 1005, 1057, 1083, 1115, 1135, 1158, 1184, 1189, 1208-1209, 1286, 1322, 1414, 1525
 Committee appointments—16-17, 17, 525-526, 1125-1132
 Final adjournment—1533
 Leave of absence—226, 664, 1164
 Presentation of visitors— 159, 269-270, 701, 791, 966-967, 1057, 1287
 Presented a plaque in appreciation of his dedication and service to the Iowa House of Representatives—1514
 Presented to the House Nobel Peace Prize Laureate Dr. Norman E. Borlaug, Mr. John Ruan, Mr. John Ruan III and Ambassador Kenneth Quinn—237
 Presented to the House Katie Harman, 2002 Miss America—321
 Presented to the House Cael Sanderson, Iowa State wrestler and his coach Dan Gable—1302
 Presided at sessions of the House—1, 3, 21, 30, 33, 44, 62, 64, 76, 78, 79, 144, 150, 152, 155, 165, 171, 180, 181, 187, 201, 206, 210, 236, 257, 259, 280, 283, 287, 299, 300, 317, 325, 342, 344, 379, 382, 405, 406, 407, 436, 437, 464, 502, 503, 511, 524, 535, 537, 550, 553, 568, 575, 576, 578, 594, 595, 596, 681, 682, 690, 706, 713, 714, 735, 778, 797, 842, 919, 939, 956, 970, 987, 1008, 1010, 1047, 1061, 1074, 1103, 1122, 1132, 1192, 1276, 1294, 1301, 1327, 1346, 1419, 1420, 1499, 1501
 Remarks by—13-15
 Resolutions offered—2, 3, 163, 566, 933, 938, 1085, 1160, 1214, 1291, 1524
 Resolutions relating to:
 House Concurrent Resolution 101—Governor Thomas J. Vilsack deliver his condition of the state and budget message—3 adopted & msgd. – S.J. – 10, 10 adopted & msgd. – H.J. – 32
 House Concurrent Resolution 102—Chief Justice Louis A. Lavorato deliver his condition of the judicial branch message—3 adopted & msgd. – S.J. – 10, 11 adopted & msgd. – H.J. – 32
 Rulings made—579, 1111
 Special presentation to House Pages—596, 1420

Bills signed by—4

Final adjournment, 2002 Extraordinary Session of the Seventy-Ninth General Assembly—5

Presided at sessions of the House—1, 3

Resolution offered—3

Bills signed by—33

Final adjournment, 2002 Second Extraordinary Session of the Seventy-Ninth General Assembly—34

Presided at sessions of the House—1, 4, 6, 29

Resolution offered—32

SPEAKER PRO TEMPORE, Steven E. Sukup—Representative **Franklin-Hardin** Counties

(See SUKUP, STEVEN E.—Representative **Franklin-Hardin** Counties, Speaker Pro Tempore)

SPECIAL COMMITTEES—

(See COMMITTEES, SPECIAL)

SPECIAL PRESENTATION—

- Representative Myers and Representative Rants presented a certificate to the employees of Musco Lighting who provided lighting at the World Trade Center site and the Pentagon after the 9/11 attack—15
- Representative Elgin presented to the House, Dick Grodt, and Iowa artist—169
- Representative Rekow presented to the House Coach Lowell Lyngaas and the Valley High School Race America Runners—226
- Speaker Siegrist presented to the House Nobel Peace Prize Laureate Dr. Norman E. Borlaug, Mr. John Ruan, Mr. John Ruan III and Ambassador Kenneth Quinn—237
- Representative Jenkins presented to the House Director General Antonio C.S. Chen, the Director-General of the Taipei Economic and Cultural Office in Chicago—259
- Representative Horbach presented to the House members of the 132nd Fighter Wing, the 185th Fighter Wing and the 133rd Test Squadron—299
- Speaker Siegrist presented to the House Katie Harman, 2002 Miss America—321
- Representative Brauns presented to the House Marion Lucas, Secretary of the Iowa State Fair—321
- Representative Rekow presented to the House wildlife artist Ed M. Lawrence and his wife Chris—348
- Special presentation to House pages—596, 1420
- Representative Smith presented to the House Commandant Jack Dack of the Iowa Veterans Home, accompanied by several Marshall County residents—664
- Representative Jochum, accompanied by several female Representatives of the House, read an explanation of women's suffrage in celebration of "Write Women Back Into History Month"—682
- Representative Fallon performed Irish music before the House convened—798
- Representative Boddicker sang "Danny Boy" before the House convened—798
- Representative Frevert presented to the House the "Emmetsburg Irish Dancers" which performed authentic Irish Dances—798
- Representative Frevert presented to the House Dan Neville, a member of the Irish Parliament from Kiltannan, Croagh, County Limerick, Ireland—798
- Representatives Grundberg and Mascher presented to the House the winners of the "Write Women Back Into History" essay contest—852-853
- Representative Larson presented to the House artist Nadine Hawbaker of Grimes—888
- Representative Larson presented to the House Cal Eldred, pitcher for the Chicago White Sox and a native of Urbana—889
- Representative Foege presented to the House Jennifer Erbe, Iowa Teacher of the Year for 2002 and Lillian Thatcher—1021
- Representative Shey presented to the House Kirkwood Community College Eagles Coach, Ms. Kim Muhl—1122
- Representative Dix presented to the House the Honorable Danny Holmes, former member of the House—1146
- Representative Larson presented to the House the Honorable U.S. Congressman Jim Nussel from the 2nd district—1151
- Curt Carroll played the violin before session—1163
- Representative Connors played the song "If That Ain't Love" for his wife Marge in honor of their fifty-seventh wedding anniversary—1163
- Representative Jenkins presented to the House Minister Dai Yunlou, First Secretary Wang Zhongnan, First Secretary Zhao Baoqing and First Secretary Zhong Chuanshui from the People's Republic of China—1163
- Representative Van Engelenhoven presented to the House Hillary Racker, Queen of the 2002 Pella Tulip Festival and her court—1163

- Representative Atteberry presented to the House Joe Stepanek and Brandon Trapp and their families—1164
- Representative Hahn introduced to the House the Honorable Dan Petersen, former member of the House—1167
- Representative Hahn paid tribute to his clerk, Kay Pierce thanking her for 17 years of service in the House, and introduced her family—1167
- Representative Smith presented to the House the Honorable John H. Connors and thanked him for his 30 years of service to the House—1193
- Representative Grundberg introduced seniors around Iowa that achieved the highest possible score on the Scholastic Achievements, while each of their Representatives in their district gave a brief biography of the students—1194
- Representative Dolecheck presented to the House Ms. Julie Nixon Eisenhower—1217
- Representative Dix presented to the House, the Honorable Darrell Hanson, former member of the House—1232
- Speaker Siegrist presented to the House Cael Sanderson, Iowa State Wrestler and his coach Dan Gable—1302
- Representative Shoultz presented to the House Sloan Tyler athletic director of the University of Northern Iowa—1305
- Representative Stevens presented to the House prior to convening the Okoboji High School Jazz Band—1327
- Representative Jenkins introduced to the House the Honorable Peter Stoyanov, President of Bulgaria and the Honorable John Roof, mayor of Waterloo—1328
- Representative Shoultz presented to the House the Honorable Bill Bernau, former member of the House—1344
- Special Presentation to retiring members—1513-1514

SPONSOR—

Added:

House Resolution 107—Representative Broers, Brunkhorst and Dix—332

Withdrawn:

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STANDING COMMITTEES—17-19

STATE APPEAL BOARD—

(Richard D. Johnson, Chairman)

Claims approved—97-140

Claims disapproved—92-94, 911, 1208

Communications from, stating claims filed with—92-94, 910-911, 1207-1208

STATE GOVERNMENT, COMMITTEE ON—

Amendments filed—341, 404, 529

Amendments offered—392, 556

Appointed—19

Bills introduced—180, 277, 375, 376, 381, 407, 421, 464, 476, 477, 490, 511, 512, 513, 514, 515, 568

Recommendations—177, 198, 275, 340, 371-372, 403, 461, 473, 509-510, 660, 795, 812

Subcommittee assignments—71, 72, 83-84, 85, 147, 173, 202, 203, 215, 216, 366, 425, 426, 467, 570, 626, 760, 812

STATE OF THE STATE AND BUDGET MESSAGE—

Delivered by Governor Thomas Vilsack—35-44

Resolution relating to:

House Concurrent Resolution 101—Governor Thomas Vilsack deliver his state of the budget message—3 adopted & msgd. –S.J. – 10, 10 adopted, 11 msgd. – H.J. – 32

STEVENS, GREG—Representative **Dickinson**-Emmet-Palo Alto Counties

Amendments filed—484, 485, 567, 855, 933, 1137, 1144, 1161, 1162, 1232, 1271, 1326, 1366, 1417

Amendments offered—957, 1174, 1363

Amendments withdrawn—736, 1168, 1174, 1176

Bills introduced—8, 30, 51, 77, 96, 157, 167, 208, 236, 243, 244, 257, 258, 282, 294, 300, 317, 318, 321, 323, 325, 374, 375, 380, 381, 388, 408, 423, 486

Committee appointments—2, 18

Explanation of vote—246

Resolutions offered—199, 566, 933, 938, 1085, 1137

Subcommittee assignments—84, 85, 312, 365, 366, 760

STUDY BILL COMMITTEE ASSIGNMENTS—

Agriculture—49, 87, 148, 162, 174, 194, 313, 401, 428, 429, 457

Appropriations—27, 49, 149, 175, 254, 428, 456, 932, 1058, 1160

Commerce-Regulation—48, 49, 162, 195, 252, 253, 297, 313, 337, 368, 369, 377, 427, 428, 429, 430, 931

Economic Development—94-95

Education—28, 49, 73, 204, 233, 234, 337, 368, 377, 401, 428, 429

Environmental Protection—204, 336, 368

Human Resources—195, 196, 197, 204, 219, 233, 253, 368, 456, 457

Judiciary—48, 73, 87, 148, 149, 162, 194, 195, 196, 197, 251, 252, 253, 297, 337, 338, 369, 377, 402, 428, 429, 430, 457, 469

Labor & Industrial Relations—162, 204, 205, 219, 233, 254, 291, 336

Local Government—48, 49, 142, 148, 175, 233, 234, 274, 337

Natural Resources—219, 337, 456

State Government—141-142, 174, 175, 252, 274, 290, 368, 402, 429, 457

Transportation—28, 29, 73, 74, 219, 338

Ways and Means—27, 28, 142, 253, 591, 627, 660, 703, 931, 932, 1058, 1186, 1212, 1213

Appropriations—3

STUDY BILL SUBCOMMITTEE ASSIGNMENTS—

Assigned—48, 72, 86-87, 141, 147-148, 161, 174, 193-194, 203-204, 216-218, 224, 233, 250-251, 272-273, 290, 312-313, 336, 367-368, 377, 401, 427, 455-456, 468-469, 479, 527, 571, 673-674, 937, 1084, 1186, 1212, 1289

Reassigned—161, 367, 468, 527

STUDY COMMITTEES—

(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

House Concurrent Resolution 103—29
 House Concurrent Resolution 106—177
 House Concurrent Resolution 111—275
 House Concurrent Resolution 116—528
 House Concurrent Resolution 117—529
 House Concurrent Resolution 120—675

SUBCOMMITTEE ASSIGNMENTS—

Assigned—47-48, 71-72, 83-86, 140-141, 147, 160-161, 173, 191-193, 202-203, 215-216, 232, 249-250, 271-272, 289-290, 312, 335-336, 365-366, 376-377, 400-401, 425-427, 453-454, 467-468, 478, 508, 526-527, 566, 570, 591, 626, 660, 673, 678, 703, 760-761, 793, 812, 913, 931, 1058, 1159-1160, 1185, 1212, 1527
 Reassigned—48, 71, 83, 85, 86, 191, 193, 216, 289, 678, 812, 930

SUKUP, STEVEN E.—Representative **Franklin-Hardin** Counties, Speaker Pro Tempore

Amendments filed—571, 582, 1059, 1060
 Amendment offered—582
 Bills deferred, retained on calendar (as acting Speaker)—1074, 1305, 1321, 1387, 1400
 Bills introduced—91, 145, 208, 213, 244, 294, 295, 296, 375, 381, 489
 Bills referred and rereferred to committee (as acting Speaker)—656
 Committee appointments—16, 17, 18, 19, 1131
 Leave of absence—713, 774, 1232
 Presentation of visitors (as acting Speaker)—657, 1415, 1526
 Presided at sessions of the House—50, 54, 153, 239, 280, 359, 496, 503, 517, 534, 535, 549, 648, 844, 916, 1033, 1070, 1147, 1167, 1293, 1303, 1320, 1347, 1367, 1514
 Resolutions offered—566, 933, 938, 1160
 Rulings made (as acting Speaker)—1036, 1370, 1371, 1379, 1385
 Subcommittee assignments—85, 203, 289, 335, 366, 376, 527, 678, 760, 793, 1527

Presided at sessions of the House—21

SUPREME COURT OF IOWA—

(Chief Justice Louis A. LAVORATO)

Communication from—364
 Delivered the Condition of the Judicial Department's Message—57-62
 Resolutions relating to:
 House Concurrent Resolution 102—3 adopted & msgd. – S.J. – 10, 11 adopted & msgd. – H.J. – 32
 House Concurrent Resolution 119—675
 House Concurrent Resolution 122—914, 1010 adopted, 1019 msgd. – S.J. – 827, 858, 1102, 1167 adopted, 1168 msgd. – H.J. – 1492

TAYLOR, DICK—Representative **Linn** County

Amendments filed—485, 549, 1162, 1232, 1366
 Bills introduced—8, 30, 157, 180, 208, 236, 243, 259, 278, 283, 294, 318, 321, 325, 374, 381, 388, 408, 465
 Committee appointments—17, 18, 19
 Resolutions offered—199, 566, 933, 1085, 1137, 1160
 Subcommittee assignments—47, 141, 250, 400, 426, 527, 930, 1527

TAYLOR, TODD—Representative **Linn** County

Amendments filed—484, 485, 549, 679, 680, 834, 886, 887, 914, 1162, 1214, 1232, 1246, 1325

Amendments offered—280, 834, 1030, 1033, 1037, 1044, 1051, 1246

Amendment withdrawn—1050

Bills introduced—157, 167, 180, 236, 278, 294, 323, 381, 408, 439, 464, 514

Committee appointments—17, 18, 19, 1123, 1132

Leave of absence—797

Reports—1293-1294

Resolutions offered—566, 933, 938, 1160, 1290

Subcommittee assignments—71, 72, 85, 141, 173, 193, 216, 271, 290, 312, 468, 570, 760

TEIG, RUSSELL W.—Representative Franklin-**Hamilton**-Hardin-Wright Counties, Assistant Majority Leader

Amendments filed—149, 341, 349, 351

Amendments offered—153, 154, 348, 349

Bills introduced—90, 91, 145, 213, 244, 381, 421, 489

Committee appointments—17, 18, 19

Leave of absence—405, 436, 437, 464, 486, 517

Resolutions offered—199, 566

Subcommittee assignments—86, 147, 203, 290, 427, 1527

Leave of absence—4

TRANSPORTATION, COMMITTEE ON—

Amendments filed—256, 474

Amendment offered—940

Appointed—19

Bills introduced—225, 322, 373, 475, 478, 488

Recommendations—198-199, 221, 235, 255, 291, 340, 372, 462-463, 473-474, 761

Subcommittee assignments—47, 83, 84, 85, 192, 193, 249, 250, 289, 335, 425, 426, 626

TREMMELE, MARK—Representative **Wapello** County

Amendments filed—235, 404, 417, 573, 592, 593, 704, 755, 762, 850, 914, 1188, 1232, 1359, 1366

Amendments offered—268, 417, 581, 617, 805, 806, 850, 1030, 1090

Amendments withdrawn—581, 755, 1241, 1359

Bills introduced—5, 6, 52, 157, 208, 278, 294, 345, 347, 379, 380, 387, 388, 408, 420, 440, 464, 489

Committee appointments—18, 19

Resolutions offered—199, 566, 933, 938

Subcommittee assignments—84, 85, 160, 191, 203, 249, 366, 400, 401, 426, 427, 453, 454, 478, 626, 678, 760, 761

TYMESON, JODI—Representative Dallas-**Madison** Counties

Amendments filed—242, 571, 969, 1137, 1161, 1197, 1291

Amendments offered—242, 302, 688, 1195, 1312

Bills introduced—30, 52, 91, 145, 208, 213, 244, 283, 294, 295, 296, 342, 375, 381, 441, 465, 514

Committee appointments—16, 18, 19, 1125, 1126, 1129, 1532

Petition presented—379
 Presided at sessions of the House—1189
 Resolutions offered—566, 933, 938, 1160
 Subcommittee assignments—85, 86, 147, 191, 192, 216, 271, 272, 366, 508, 626, 760, 812, 931, 1159, 1527

TYRRELL, PHIL—Representative Benton-**Iowa** Counties

Amendments filed—1292, 1326
 Bills introduced—6, 30, 77, 91, 145, 170, 180, 244, 294, 465, 511
 Committee appointments—18, 19
 Leave of absence—682, 708
 Resolutions offered—29, 404, 566, 933, 1160

UNANIMOUS CONSENT—2, 3, 63, 280, 284, 536, 537, 808, 854, 1021, 1022, 1025, 1122, 1139, 1278, 1298, 1301, 1320, 1328, 1387

6, 9, 22

UNFINISHED BUSINESS CALENDAR—

Bills placed on—466, 808, 928, 929

VAN ENGELNHOVEN, JIM—Representative **Mahaska**-Marion Counties

Amendments filed—762, 1085
 Amendments offered—1112, 1113
 Bills introduced—7, 8, 90, 91, 145, 213, 244, 283, 294, 295, 296, 374
 Committee appointments—17, 19
 Presented to the House Hillary Recker, Queen of the 2002 Pella Tulip Festival and her attendants, as well as their families—1164
 Resolutions offered—566, 933, 938, 1160, 1187
 Subcommittee assignments—47, 83, 84, 147, 173, 192, 216, 249

VAN FOSSEN, JAMES—Representative **Scott** County

Amendments filed—149, 205, 752, 753, 761, 762, 1059, 1060, 1281
 Amendments offered—154, 752, 1281
 Bills introduced—30, 91, 145, 244, 295, 296, 441
 Committee appointments—17, 18, 19, 526, 1127
 Explanation of vote—791, 1525
 Presided at sessions of the House—1231
 Resolutions offered—933, 938, 1160
 Subcommittee assignments—400, 454, 626, 673, 1527

VISITORS—

Presentation of— 138, 159, 269-270, 701, 791, 912, 966-967, 1067, 1158, 1287, 1322, 1415, 1526

VOTES—

Non-record—383, 442, 579, 728, 729, 737, 809, 987, 988, 989, 990, 1027, 1029, 1040, 1047, 1066, 1110, 1168, 1176, 1201, 1276, 1294, 1309, 1310, 1313, 1320, 1338, 1379, 1383, 1384, 1406, 1499
 Record—187-188, 447-448, 449-450, 450-451, 495-496, 496, 497-498, 501, 502-503, 548-549, 552, 604-605, 614-615, 736, 776-777, 856-857, 1020-1021, 1025-1026, 1028, 1032-1033, 1036-1037, 1049-1050, 1052-1053, 1073, 1075-1076, 1077-1078,

1141, 1142-1143, 1148-1149, 1172, 1228, 1234-1235, 1240-1241, 1246, 1248, 1250-1251, 1253, 1260-1261, 1270-1271, 1272-1273, 1273-1274, 1275-1276, 1318, 1330-1331, 1339, 1345, 1354, 1365-1366, 1367-1368, 1378-1379, 1482, 1485, 1502
 Quorum call— 34, 55, 64, 80, 240, 283, 323, 407, 441, 517, 522, 535, 595, 636, 682, 683, 714, 774, 808, 823, 853, 889, 894, 917, 957, 987, 1019, 1027, 1069, 1103, 1132, 1141, 1194, 1231, 1276, 1301, 1303, 1308, 1335, 1341, 1347, 1420

Record—7-8, 10-11, 11-12, 22-23, 27-29

Quorum call—4

WARNSTADT, STEVE—Representative **Woodbury** County, Assistant Minority Leader

Amendments filed—205, 235, 242, 485, 549, 627, 796, 813, 840, 886, 914, 933, 1002, 1232, 1280, 1291, 1292, 1325, 1343, 1364
 Amendments offered—242, 498, 859, 1027, 1280, 1340, 1343
 Amendments withdrawn—492, 493, 859, 1002, 1333, 1364
 Bills introduced—6, 8, 30, 52, 150, 151, 167, 182, 207, 222, 244, 258, 283, 295, 301, 323, 324, 325, 345, 347, 374, 375, 381, 388, 408, 465, 489, 635
 Committee appointments—17, 19, 1128, 1129, 1130
 Resolutions offered—199, 372, 675, 933, 938
 Subcommittee assignments—84, 193, 249, 250, 400, 468, 527, 673

WAYS AND MEANS, COMMITTEE ON—

Amendment filed—256
 Amendments offered—302, 303
 Appointed—16, 19
 Bills introduced—78, 79, 157, 296, 301, 662, 698, 706, 920, 1138, 1180, 1195, 1235
 Recommendations—88, 163, 255, 315, 660, 703-704, 932-933, 1136, 1186-1187, 1213-1214, 1290, 1324-1325
 Subcommittee assignments—86, 147, 193, 271, 508, 526, 527, 673, 930, 931, 1159, 1160, 1527

WEIDMAN, DICK—Representative **Cass-Montgomery-Pottawattamie** Counties

Amendments filed—341, 529
 Amendment offered—820
 Bills introduced—91, 145, 244, 294, 295, 374, 381
 Committee appointments—2, 19, 1126
 Leave of absence—239, 664
 Petitions presented—317
 Resolutions offered—199, 933, 938, 1160, 1290
 Subcommittee assignments—47, 83, 84, 85, 141, 160, 173, 193, 250, 312, 335, 425, 426, 454

WILDERDYKE, PAUL—Representative **Harrison-Pottawattamie** Counties

Bills introduced—90, 91, 145, 228, 244, 257, 294, 295, 296, 381
 Committee appointments—18, 55
 Explanation of vote—757
 Resolutions offered—199, 566, 675, 914, 938, 1160
 Subcommittee assignments—83, 160, 173, 192, 249, 271, 272, 290, 365, 626, 673, 678, 812

WINCKLER, CINDY—Representative **Scott** County

Amendments filed—205, 484, 485, 549, 592, 679, 680, 726, 727, 731, 733, 762, 855, 887, 969, 1161, 1162, 1214, 1232, 1366, 1417
 Amendments offered—726, 727, 731, 735, 989, 1023, 1273
 Bills introduced—8, 30, 77, 157, 167, 180, 182, 208, 212, 236, 243, 244, 258, 278, 279, 317, 318, 321, 324, 325, 388, 486
 Committee appointments—18, 19
 Leave of absence—325, 344, 1503
 Presented to the House a vocal rendition of “Bread and Roses” in celebration of “Write Women Back Into History Month”—682
 Resolutions offered—199, 566, 933, 938, 1085, 1137, 1160, 1290
 Subcommittee assignments—335, 508, 527, 673, 931, 1527

WISE, PHILIP—Representative Henry-**Lee** Counties

Amendments filed—205, 221, 484, 549, 566, 573, 592, 605, 704, 855, 915, 1059, 1137, 1161, 1162, 1173, 1214, 1232, 1246, 1279, 1325, 1326, 1366, 1382, 1383, 1417
 Amendments offered—549, 603, 668, 730, 855, 1166, 1170, 1232, 1279, 1364, 1382, 1501
 Amendments withdrawn—726, 1170, 1173, 1174, 1366
 Bills introduced—8, 51, 77, 222, 245, 260, 301, 381, 420, 438, 486
 Committee appointments—17, 18
 Leave of absence—96
 Petition presented—1216
 Resolutions offered—566, 938, 1160
 Subcommittee assignments—47, 84, 160, 216, 250, 272, 290, 335, 366, 400, 401, 426, 453, 626

Amendment filed—6

WITT, WILLIAM G.—Representative **Black Hawk** County

Amendments filed—484, 485, 549, 762, 1232, 1366
 Bills introduced—51, 96, 167, 180, 208, 212, 236, 258, 282, 300, 301, 318, 322, 324, 325, 374, 408, 465
 Committee appointment—18
 Leave of absence—486, 779
 Resolutions offered—199, 566, 933, 1085, 1137, 1160, 1305, 1325
 Subcommittee assignments—191, 192, 272, 527