

**PROOF**

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**STATE OF IOWA**

**House Journal**

**MONDAY, APRIL 19, 2004**

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## JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 19, 2004

The House met pursuant to adjournment at 10:04 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Robert Osterhaus, state representative from Jackson County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Friday, April 16, 2004 was approved.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Klemme of Plymouth, on request of Gipp of Winneshiek; Smith of Marshall, until his arrival, on request of Murphy of Dubuque.

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

The House resumed session at 11:28 a.m., Paulsen of Linn in the chair.

Heaton of Henry asked and received unanimous consent that [House File 2390](#) be deferred and that the bill retain its place on the calendar.

### SENATE AMENDMENT CONSIDERED

Upmeyer of Hancock called up for consideration [House File 2555](#), a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation with report of committee recommending passage, previously deferred and found on pages 1412-

1418 of the House Journal, was taken up for consideration. (Senate amendment [H-8561](#) pending)

Thomas of Clayton offered the following amendment [H-8575](#), to the Senate amendment [H-8561](#), filed by him and moved its adoption:

[H-8575](#)

1 Amend the Senate amendment, [H-8561](#), to House File  
 2 2555, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. By inserting after line 4 the following:  
 5 "\_\_\_\_. Page 4, by inserting after line 2 the  
 6 following:  
 7 "Sec.\_\_\_\_. NEW SECTION. 139A.13A ISOLATION OR  
 8 QUARANTINE – EMPLOYMENT PROTECTION.  
 9 1. An employer shall not discharge an employee, or  
 10 take action to reduce an employee's wages or benefits  
 11 for actual time worked, due to the compliance of an  
 12 employee with a quarantine or isolation order issued  
 13 by the department or a local board.  
 14 2. An employer who violates this section commits a  
 15 simple misdemeanor.  
 16 3. An employee whose employer violates this  
 17 section shall also be entitled to recover damages from  
 18 the employer including, but not limited to, actual  
 19 damages, court costs, and reasonable attorney fees.  
 20 The employee may also petition the court for  
 21 imposition of a cease and desist order against the  
 22 person's employer and for reinstatement to the  
 23 person's previous position of employment."

Amendment [H-8575](#) lost.

Ford of Polk offered the following amendment [H-8585](#), to the Senate amendment [H-8561](#), filed by him and moved its adoption:

[H-8585](#)

1 Amend the Senate amendment, H-8561, to House File  
 2 2555, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, line 4, by inserting after the figure  
 5 "2" the following: ", and inserting the following:  
 6 "Sec.\_\_\_\_. NEW SECTION. 135.105D VOLUNTARY LEAD  
 7 HAZARD REMEDIATION – CENTRAL REGISTRY.  
 8 1. The department shall adopt rules, pursuant to  
 9 chapter 17A, to develop and administer a central  
 10 registry of target housing or child-occupied

11 facilities constructed prior to 1978 that meet lead  
 12 hazard remediation standards. The department shall  
 13 establish by rule fees in amounts sufficient to defray  
 14 the costs of administering the central registry. Fees  
 15 received shall be considered repayment receipts as  
 16 defined in section 8.2. The department shall consider  
 17 providing internet access to the registry.  
 18 2. For purposes of this section, "child-occupied  
 19 facility" and "target housing" shall mean the same as  
 20 defined in departmental rules."

Roll call was requested by Ford of Polk and Mascher of Johnson.

Rule 75 was invoked.

On the question "Shall amendment [H-8585](#) be adopted?" ([H.F. 2555](#))

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Greiner	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kuhn	Lensing	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Osterhaus
Petersen	Quirk	Reasoner	Shomshor
Shoultz	Stevens	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

The nays were, 50:

Alons	Arnold	Boal	Boddicker
Boggess	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Hahn	Hanson	Heaton
Hoffman	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Kramer
Kurtenbach	Lalk	Lukan	Manternach
Olson, S.	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdike	Paulsen, Presiding		

Absent or not voting, 3:

Baudler                      Klemme                      Smith

Amendment [H-8585](#) lost.

On motion by Upmeyer of Hancock the House concurred in the Senate amendment [H-8561](#).

Upmeyer of Hancock 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. 2555](#))

The ayes were, 92:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Stevens	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wildurdyke	Winckler	Wise	Paulsen, Presiding

The nays were, 5:

Fallon                      Ford                      Hunter                      Jacoby  
Taylor, T.

Absent or not voting, 3:

Baudler                      Klemme                      Smith

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

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2555](#) be immediately messaged to the Senate.

#### CONSIDERATION OF BILLS Ways and Means Calendar

[Senate File 2303](#), a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Kramer 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. 2303](#))

The ayes were, 77:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Gaskill	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lukan	Maddox
Manternach	Mertz	Murphy	Olson, D.
Olson, S.	Osterhaus	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Smith	Stevens	Struyk	Swaim
Thomas	Tjepkes	Tymeson	Upmeyer

Van Engelenhoven Wendt Paulsen, Presiding	Van Fossen, J.K. Whitaker	Van Fossen, J.R. Whitead	Watts Wilderdyke
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The nays were, 21:

Cohoon	Connors	Fallon	Ford
Frevert	Greimann	Heddens	Hunter
Jacoby	Lensing	Lykam	Mascher
McCarthy	Miller	Oldson	Petersen
Shoultz	Taylor, D.	Taylor, T.	Winckler
Wise			

Absent or not voting, 2:

Baudler	Klemme
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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

Gipp of Winneshiek asked and received unanimous consent that [Senate File 2303](#) be immediately messaged to the Senate.

Speaker Rants in the chair at 12:51 p.m.

Gipp of Winneshiek called up for consideration the motion to reconsider [Senate File 2298](#), filed on April 12, 2004, and moved to reconsider the vote by which [Senate File 2298](#), a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions, passed the House and was placed on its last reading on April 12, 2004.

A non-record roll call was requested.

The ayes were 72, nays none.

The motion prevailed and the House reconsidered [Senate File 2298](#).

The House stood at ease at 12:57 p.m., until the fall of the gavel.

The House resumed session at 1:36 p.m., Speaker Rants in the chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

Boal of Polk asked and received unanimous consent to reconsider the vote by which amendment [H-8500](#), (found on pages 1286-1292 of the House Journal) was adopted by the House on April 15, 2004.

Boal of Polk offered the following amendment [H-8637](#), to amendment [H-8500](#), filed by her, Mascher of Johnson, Roberts of Carroll and Winckler of Scott, from the floor and moved its adoption:

#### [H-8637](#)

1 Amend the amendment, [H-8500](#), to [Senate File 2298](#),  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. By striking page 1, line 5, through page 6,  
5 line 39, and inserting the following:  
6 "Sec. \_\_\_\_ NEW SECTION. 280A.1 IOWA LEARNING  
7 TECHNOLOGY INITIATIVE.  
8 1. INITIATIVE. The Iowa learning technology  
9 initiative is created to provide training and learning  
10 opportunities to public and accredited nonpublic  
11 school students in grade seven and their  
12 administrators and teachers.  
13 2. PILOT PROGRAM. The Iowa learning technology  
14 commission created in section 280A.2 shall develop and  
15 administer the Iowa learning technology initiative,  
16 which shall include a pilot program. Upon the receipt  
17 or pledge of sufficient moneys, as determined by the  
18 commission, for deposit in the Iowa learning  
19 technology fund created in section 280A.4, the pilot  
20 program shall be implemented. A school district or  
21 accredited nonpublic school may submit an application  
22 to participate in the pilot program to the commission  
23 no later than sixty days following receipt or pledge  
24 of moneys into the Iowa learning technology fund. The  
25 application shall include a written statement that  
26 indicates a dedicated willingness to participate.  
27 School districts or accredited nonpublic schools  
28 chosen to participate in the pilot program shall have  
29 demonstrated to the commission administrative



30 leadership, teacher willingness to participate, and  
31 community support, and shall represent geographically  
32 distinct rural, urban, and suburban areas of the  
33 state. The commission shall notify applicants of  
34 approval or disapproval of applications no later than  
35 seventy-five days after the application deadline.

36 3. PUBLIC-PRIVATE PARTNERSHIP.

37 a. The Iowa learning technology commission shall,  
38 in consultation with the department of education and  
39 the department of administrative services, develop and  
40 issue no later than forty-five days after the receipt  
41 or pledge of moneys into the Iowa learning technology  
42 fund, a request for proposals for one or more private  
43 providers who shall partner with the state to  
44 implement the pilot program phase of the initiative.  
45 No later than forty-five days after the issuance of  
46 the request for proposals, the commission shall select  
47 finalists from among the proposals submitted. No  
48 later than forty-five days after the selection of  
49 finalists, the commission shall select one or more  
50 private providers.

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1 b. One or more private providers shall be selected  
2 by the commission through a request for proposals  
3 process for a total solutions learning technology  
4 package that includes, but is not limited to,  
5 hardware, software, professional development, and  
6 service and support, which shall be managed by a  
7 single point of contact responsible for the overall  
8 implementation. The proposal selected by the  
9 commission shall achieve significant efficiencies and  
10 economies of scale, be interoperable with existing  
11 technologies, and be consistent with the state's  
12 economic development and education policies. In  
13 selecting a private provider, the commission shall  
14 consider all of the following with respect to the  
15 private provider:

16 (1) Experience in the development and successful  
17 implementation of large-scale, school-based wireless  
18 and other learning technology projects, and the  
19 technical ability to deliver a total solutions package  
20 of learning technology for elementary and secondary  
21 students and teachers.

22 (2) Demonstrated financial capability and long-  
23 term stability to partner with the state over the term  
24 of the private provider contract.

25 (3) Expertise, experience, and capabilities in  
26 education practice and evaluation methods.

27 c. The commission shall conduct, in cooperation  
28 with the attorney general, contract negotiations to

29 establish a public-private partnership on behalf of  
30 the commission and enter into a contract negotiated  
31 with one or more private providers to establish a  
32 four-year learning technology pilot program to provide  
33 a wireless laptop computer to each student, teacher,  
34 and relevant administrator in a participating school  
35 and implement the use of software, on-line courses,  
36 and other appropriate learning technologies that have  
37 been shown to improve academic achievement and  
38 specified progress measures. The term of the contract  
39 shall include the deployment of computers to students  
40 and teachers in participating school districts and  
41 accredited nonpublic schools in accordance with  
42 subsection 2.  
43 4. EVALUATION. To measure the effectiveness of  
44 the pilot program established pursuant to subsection  
45 2, the Iowa learning technology commission shall, at a  
46 minimum, establish standards and methods of measuring  
47 progress in the areas of increased student engagement,  
48 decreased disciplinary problems, increased use of  
49 computers for writing, analysis, and research,  
50 movement toward student-centered classrooms, increased

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1 parental involvement, and increases in standardized  
2 test scores. The commission shall work cooperatively  
3 with the department of education and the state board  
4 of regents in establishing an evaluation process  
5 pursuant to this subsection.  
6 Sec. \_\_\_\_ NEW SECTION. 280A.2 COMMISSION –  
7 MEMBERS.  
8 1. COMMISSION CREATED. An Iowa learning  
9 technology commission is created to establish the  
10 policies and determine the necessary budget for  
11 implementation of the Iowa learning technology  
12 initiative.  
13 2. MEMBERS. The commission shall initially be  
14 appointed no later than July 1, 2004, and shall  
15 consist of eighteen members appointed as follows:  
16 a. Nine voting members who shall be members of the  
17 general public and shall be appointed as follows:  
18 (1) Two members shall be appointed by the  
19 governor.  
20 (2) Two members shall be appointed by the  
21 president of the senate.  
22 (3) One member shall be appointed by the minority  
23 leader of the senate.  
24 (4) Two members shall be appointed by the speaker  
25 of the house of representatives.  
26 (5) One member shall be appointed by the minority  
27 leader of the house of representatives.

28 (6) One member who is a member of the state board  
29 of education shall be appointed by the chairperson of  
30 the state board.

31 b. Nine ex officio, nonvoting members who shall be  
32 appointed as follows:

33 (1) One member representing public postsecondary  
34 education institutions who is employed by a public  
35 postsecondary education institution shall be appointed  
36 by the governor.

37 (2) Three members representing three different  
38 school districts shall be appointed by the governor as  
39 follows:

40 (a) One member shall be a teacher employed by a  
41 school district or area education agency who is  
42 appointed from a list of three names submitted by a  
43 certified employee organization representing teachers  
44 licensed under chapter 272.

45 (b) One member shall be an administrator employed  
46 by a school district who is appointed from a list of  
47 three names submitted by a statewide organization  
48 representing administrators licensed under chapter  
49 272.

50 (c) One member shall be a member of a board of

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1 directors of a school district who is appointed by a  
2 statewide organization representing school boards.

3 (3) One member representing area education  
4 agencies shall be appointed by the governor from a  
5 list of three names submitted by area education agency  
6 administrators.

7 (4) One member who is a member of the senate shall  
8 be appointed by the president of the senate.

9 (5) One member who is a member of the senate shall  
10 be appointed by the minority leader of the senate.

11 (6) One member who is a member of the house of  
12 representatives shall be appointed by the speaker of  
13 the house of representatives.

14 (7) One member who is a member of the house of  
15 representatives shall be appointed by the minority  
16 leader of the house.

17 3. EXPERIENCE AND SPECIAL KNOWLEDGE. In  
18 appointing members to the commission, proper  
19 consideration shall be given to persons with  
20 experience or special knowledge in one or more of the  
21 following areas: education, business, economic  
22 development, technology, and finance.

23 4. BALANCE. Commission members shall be appointed  
24 in compliance with sections 69.16 and 69.16A.  
25 Appointments of public members shall be made to  
26 provide broad representation of the various

27 geographical areas of the state insofar as possible.  
28 5. CHAIRPERSONS. The commission shall elect a  
29 chairperson and a vice chairperson annually from among  
30 the voting members of the commission. A member shall  
31 not serve as a chairperson or vice chairperson for  
32 more than three consecutive years.  
33 6. MEETINGS. The commission shall meet at least  
34 three times each year.  
35 7. QUORUM. A majority of the voting members  
36 constitutes a quorum for the transaction of any  
37 official business.  
38 8. TERMS OF MEMBERS. The members shall be  
39 appointed to three-year staggered terms and the terms  
40 shall commence and end as provided by section 69.19.  
41 If a vacancy occurs, a successor shall be appointed to  
42 serve the unexpired term. A successor shall be  
43 appointed in the same manner and subject to the same  
44 qualifications as the original appointment to serve  
45 the unexpired term.  
46 9. EXPENSES. Members of the commission are  
47 entitled to receive reimbursement for actual expenses  
48 incurred while engaged in the performance of official  
49 duties from the Iowa learning technology fund created  
50 in section 280A.4, except that legislators' expenses

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1 shall be paid from funds appropriated by section 2.12.  
2 Sec. \_\_. NEW SECTION. 280A.3 COMMISSION PLAN –  
3 GUIDING PRINCIPLES.  
4 1. The Iowa learning technology commission created  
5 in section 280A.2 shall develop a learning technology  
6 plan to achieve the goal of preparing students for an  
7 economy that is increasingly dependent on technology  
8 and innovation. The commission shall examine the use  
9 of technology in Iowa's and the nation's elementary  
10 and secondary classrooms.  
11 2. The plan developed by the commission shall  
12 include, but not be limited to, the following:  
13 a. The costs and benefits of each component of the  
14 plan.  
15 b. The professional development needed to  
16 integrate learning technology into classroom  
17 technology.  
18 c. Strategies for implementation of the plan,  
19 including, at a minimum, phasing in the plan over a  
20 term of years.  
21 d. Strategies that coordinate the learning  
22 technology in kindergarten through grade twelve with  
23 the initiatives and resources of the department of  
24 education, Iowa communications network, area education  
25 agencies, higher education institutions providing

26 approved practitioner preparation programs, and other  
27 accredited postsecondary institutions in the state.

28 e. Procedures for data tracking and assessment of  
29 the progress in implementing the goals of the  
30 initiative and the plan.

31 f. Strategies to establish a public-private  
32 partnership between state government and a private  
33 sector business having relevant knowledge and  
34 experience.

35 3. The plan shall be consistent with the following  
36 guiding principles:

37 a. The plan shall promote equal opportunity for  
38 and provide meaningful access to wireless and other  
39 learning technology resources for all Iowa students  
40 regardless of geographic location or economic means.

41 b. The plan shall support student achievement  
42 through the integration of learning technologies that  
43 are content-focused and that add value to existing  
44 instructional methods.

45 c. The plan shall provide for the future  
46 sustainability of learning technology resources by  
47 adapting to future educational needs and technological  
48 changes.

49 d. The plan shall provide professional development  
50 and training programs for administrators, teachers and

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1 other educators in the use and integration of learning  
2 technology tools in curriculum development,  
3 instructional methods, and student assessment systems.

4 e. The plan shall foster economic development  
5 across all regions of the state and the preparation of  
6 students for an economy that embraces technology and  
7 innovation.

8 4. The plan shall be submitted to the general  
9 assembly on or before December 15, 2004.

10 Sec. \_\_\_\_ NEW SECTION. 280A.4 FUND.

11 1. An Iowa learning technology fund is created in  
12 the state treasury. The fund shall consist of moneys  
13 including, but not limited to, moneys in the form of a  
14 devise, gift, bequest, donation, federal or other  
15 grant, reimbursement, repayment, judgment, transfer,  
16 payment, or appropriation from any source intended to  
17 be used for the purposes of the fund.

18 2. Moneys in the fund are appropriated to the Iowa  
19 learning technology commission created in section  
20 280A.2 for purposes of an Iowa learning technology  
21 initiative created pursuant to section 280A.1. Moneys  
22 in the fund shall not be subject to appropriation for  
23 any other purpose by the general assembly. However,  
24 moneys in the fund may be used for necessary audit

25 services, legal expenses, investment management fees  
26 and services, and general administrative expenses  
27 related to the management and administration of the  
28 Iowa learning technology initiative.

29 3. Moneys in the fund are not subject to section  
30 8.33. Notwithstanding section 12C.7, subsection 2,  
31 interest or earnings on moneys deposited in the fund  
32 shall be credited to the fund.

33 4. The fund shall be administered by the  
34 commission, which shall make expenditures from the  
35 fund consistent with the purposes of the initiative  
36 without further appropriation. The fund shall be  
37 administered in a manner that provides for the  
38 financially sustainable support, use, and integration  
39 of learning technology in Iowa schools through a  
40 public-private partnership. Expenditures from the  
41 fund shall be made consistent with the purposes of the  
42 Iowa learning technology initiative to ensure one-to-  
43 one access to and ubiquitous use of fully configured  
44 laptop computers in grade seven in public and  
45 accredited nonpublic school classrooms located  
46 initially in a number of school districts and  
47 accredited nonpublic schools in Iowa as determined by  
48 the Iowa learning technology commission.

49 Sec.\_\_\_\_. NEW SECTION. 280A.5 REPEAL.

50 This chapter is repealed effective July 1, 2009."

Amendment [H-8637](#) was adopted.

On motion by Boal of Polk amendment [H-8500](#), as amended, was adopted.

Heaton of Henry offered the following amendment [H-8640](#) filed by him from the floor and moved its adoption:

[H-8640](#)

1 Amend [Senate File 2298](#), as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 12, line 13, by striking the figure  
4 "1,752,780" and inserting the following: "1,952,780".

5 2. Page 19, by inserting after line 22 the  
6 following:

7 "Sec.\_\_\_\_. Section 10A.104, subsection 2, Code  
8 Supplement 2003, is amended to read as follows:

9 2. Appoint the administrators of the divisions  
10 within the department and all other personnel deemed  
11 necessary for the administration of this chapter,  
12 except the state public defender, assistant state  
13 public defenders, administrator of the racing and

14 gaming commission, and members of the employment  
 15 appeal board, ~~and administrator of the child advocacy~~  
 16 ~~board created in section 237.16.~~ All persons  
 17 appointed and employed in the department are covered  
 18 by the provisions of chapter 8A, subchapter IV, but  
 19 persons not appointed by the director are exempt from  
 20 the merit system provisions of chapter 8A, subchapter  
 21 IV.  
 22 Sec. \_\_\_\_ Section 237.18, subsection 5, Code  
 23 Supplement 2003, is amended to read as follows:  
 24 5. Employ appropriate staff, except for the state  
 25 board administrator, in accordance with available  
 26 funding. The board shall coordinate with the  
 27 department of inspections and appeals regarding  
 28 administrative functions of the board."  
 29 3. By renumbering as necessary.

Roll call was requested by Mascher of Johnson and T. Taylor of Linn.

On the question "Shall amendment [H-8640](#) be adopted?" ([S.F. 2298](#))

The ayes were, 97:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Elgin
Fallon	Foega	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.

Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 1:

Eichhorn

Absent or not voting, 2:

Baudler                      Klemme

Amendment [H-8640](#) was adopted.

Dix of Butler offered the following amendment [H-8639](#) filed by him from the floor and moved its adoption:

[H-8639](#)

- 1 Amend [Senate File 2298](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 18, by inserting after line 6 the
- 4 following:
- 5 "\_\_\_\_. PROPERTY TAX IMPLEMENTATION COMMITTEE
- 6 To administer the property tax implementation
- 7 committee and to purchase data deemed necessary by the
- 8 committee:
- 9 ..... \$ 50,000"

Amendment [H-8639](#) was adopted.

Dolecheck of Ringgold offered the following amendment [H-8638](#) filed by him from the floor and moved its adoption:

[H-8638](#)

- 1 Amend [Senate File 2298](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 48, by striking line 32 and inserting the
- 4 following:
- 5 "..... \$ 45,283,894"
- 6 2. Page 48, by inserting after line 32 the
- 7 following:
- 8 "\_\_\_\_. JOBS FOR AMERICA'S GRADUATES
- 9 For school districts to provide direct services to
- 10 the most at-risk senior high school students enrolled
- 11 in school districts through direct intervention by a
- 12 jobs for America's graduates specialist:



13 ..... \$ 400,000"  
 14 3. Page 48, by inserting before line 33 the  
 15 following:  
 16 "\_\_\_\_. CLOSING THE ACHIEVEMENT GAP GRANTS  
 17 For competitive grants to be awarded in no more  
 18 than four school districts:  
 19 ..... \$ 500,000  
 20 a. The department shall establish a competitive  
 21 grant program that supports school district efforts to  
 22 address the achievement gap. Priority shall be given  
 23 to school districts using research-based strategies  
 24 that have the highest probability of improving student  
 25 achievement. A grant in the amount of \$125,000 shall  
 26 be awarded no later than October 1, 2004, to a school  
 27 district in each of the following size school  
 28 districts:  
 29 (1) A school district with an enrollment of 1199  
 30 or less.  
 31 (2) A school district with an enrollment of more  
 32 than 1199, but not more than 4749.  
 33 (3) A school district with an enrollment of more  
 34 than 4749.  
 35 (4) A school district with any enrollment.  
 36 b. Grant moneys may be used by recipient school  
 37 districts for purposes including, but not limited to,  
 38 assigning highly skilled teachers to high-need  
 39 students and highly skilled administrators to high-  
 40 need buildings, maintaining a commitment to cultural  
 41 competency training, sustaining high expectations for  
 42 all children, and creating partnerships between  
 43 schools, communities, and businesses."  
 44 4. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment [H-8638](#) be adopted?" (S.F. [2298](#))

The ayes were, 98:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman

Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdye	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Baudler                      Klemme

Amendment [H-8638](#) was adopted.

Tymeson of Madison offered amendment [H-8636](#) filed by her, Dolecheck of Ringgold, Chambers of O'Brien, Dix of Butler, Alons of Sioux, Boal of Polk, Boddicker of Cedar, Boggess of Page, Carroll of Poweshiek, Dennis of Black Hawk, Drake of Pottawattamie, Elgin of Linn, Freeman of Buena Vista, Granzow of Hardin, Greiner of Washington, Hahn of Muscatine, Heaton of Henry, Hoffman of Crawford, Horbach of Tama, Huseman of Cherokee, Hutter of Scott, Jacobs of Polk, Jenkins of Black Hawk, Jones of Mills, Kramer of Polk, Lukan of Dubuque, Maddox of Polk, Manternach of Jones, S. Olson of Clinton, Raecker of Polk, Roberts of Carroll, Schickel of Cerro Gordo, Struyk of Pottawattamie, Tjepkes of Webster, Upmeyer of Hancock, J.R. Van Fossen of Scott and Wilderdye of Harrison from the floor as follows:

[H-8636](#)

- 1 Amend [Senate File 2298](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 179, by inserting after line 19 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 8.22A, subsection 3, Code
- 6 Supplement 2003, is amended to read as follows:
- 7 3. By December 15 of each fiscal year the
- 8 conference shall agree to a revenue estimate for the

9 fiscal year beginning the following July 1. That  
10 estimate shall be used by the governor in the  
11 preparation of the budget message under section 8.22  
12 and by the general assembly in the budget process. If  
13 the conference agrees to a different estimate at a  
14 later meeting which projects a greater amount of  
15 revenue than the initial estimate amount agreed to by  
16 December 15, the governor and the general assembly  
17 shall continue to use the initial estimate amount in  
18 the budget process for that fiscal year. However, if  
19 the conference agrees to a different estimate at a  
20 later meeting which projects a lesser amount of  
21 revenue than the initial estimate amount, the governor  
22 and the general assembly shall use the lesser amount  
23 in the budget process for that fiscal year. As used  
24 in this subsection, "later meeting" means only those  
25 later meetings which are held prior to the conclusion  
26 of the regular session of the general assembly and, if  
27 the general assembly holds an extraordinary session  
28 prior to the commencement of the fiscal year to which  
29 the estimate applies, those later meetings which are  
30 held before or during the extraordinary session.

31 Sec. \_\_\_\_ Section 8.54, subsection 2, Code 2003,  
32 is amended to read as follows:

33 2. There is created a state general fund  
34 expenditure limitation for each fiscal year beginning  
35 on or after July 1, 1993, calculated as provided in  
36 this section. An expenditure limitation shall be used  
37 for the portion of the budget process commencing on  
38 the date the revenue estimating conference agrees to a  
39 revenue estimate for the following fiscal year in  
40 accordance with section 8.22A, subsection 3, and  
41 ending with the governor's final approval or  
42 disapproval of the appropriations bills applicable to  
43 that fiscal year that were passed prior to July 1 of  
44 that fiscal year in a regular or extraordinary  
45 legislative session."

46 2. By striking page 183, line 32 through page  
47 184, line 9, and inserting the following:

48 "Sec \_\_\_\_ Section 257.8, subsection 1, Code  
49 Supplement 2003, is amended to read as follows:

50 1. STATE PERCENT OF GROWTH. ~~The state percent of~~

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1 ~~growth for the budget year beginning July 1, 2003, is~~  
2 ~~two percent.~~ The state percent of growth for the  
3 budget year beginning July 1, 2004, is two percent.  
4 The state percent of growth for the budget year  
5 beginning July 1, 2005, is four percent. The state  
6 percent of growth for each subsequent budget year  
7 shall be established by statute which shall be enacted

8 within thirty days of the submission in ~~the year~~  
 9 ~~preceding~~ the base year of the governor's budget under  
 10 section 8.21. The establishment of the state percent  
 11 of growth for a budget year shall be the only subject  
 12 matter of the bill which enacts the state percent of  
 13 growth for a budget year."  
 14 3. Page 204, by inserting after line 34 the  
 15 following:  
 16 "6. The sections of this division of this Act  
 17 amending sections 822A and 8.54, being deemed of  
 18 immediate importance, take effect upon enactment."

Wendt of Woodbury offered the following amendment [H-8641](#), to amendment [H-8636](#), filed by him from the floor and moved its adoption:

[H-8641](#)

1 Amend the amendment, [H-8636](#), to [Senate File 2298](#),  
 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 49, by inserting after line 18 the  
 7 following:  
 8 "Sec. \_\_\_\_ STUDENT ACHIEVEMENT AND TEACHER QUALITY  
 9 PROGRAM. It is the intent of the general assembly  
 10 that the appropriation for the student achievement and  
 11 teacher quality program established in section 284.1  
 12 for the fiscal year beginning July 1, 2005, shall be  
 13 increased by at least \$44 million over the amount  
 14 appropriated for the program for the fiscal year  
 15 beginning July 1, 2004."  
 16 2. Page 2, lines 8 and 9, by striking the words  
 17 "~~the year preceding~~" and inserting the following:  
 18 "the year preceding".  
 19 3. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment [H-8641](#) be adopted?" ([S.F. 2298](#))

The ayes were, 46:

Bell	Berry	Bukta	Cohon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill

Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 49:

Alons	Arnold	Boal	Boddicker
Boguess	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kramer	Lalk	Lukan	Maddox
Manternach	Olson, S.	Paulsen	Raecker
Rasmussen	Roberts	Sands	Schickel
Struyk	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Mr. Speaker			
Rants			

Absent or not voting, 5:

Baudler	Klemme	Kurtenbach	Rayhons
Tjepkes			

Amendment [H-8641](#) lost.

Tymeson of Madison moved the adoption of amendment [H-8636](#).

Roll call was requested by Murphy of Dubuque and Mascher of Johnson.

On the question "Shall amendment [H-8636](#) be adopted?" ([S.F. 2298](#))

The ayes were, 96:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boguess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Elgin

Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Reasoner	Roberts	Sands
Schickel	Shomshor	Shultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker Rants

The nays were, none.

Absent or not voting, 4:

Baudler	Eichhorn	Klemme	Rayhons
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Amendment [H-8636](#) 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. 2298](#))

The ayes were, 58:

Alons	Arnold	Berry	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Ford
Freeman	Gipp	Granzow	Greiner
Hahn	Hanson	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
McCarthy	Mertz	Miller	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven

Van Fossen, J.K. Wilderdyke	Van Fossen, J.R. Mr. Speaker Rants	Watts	Wendt
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The nays were, 40:

Bell	Bukta	Cphoon	Connors
Dandekar	Davitt	Fallon	Foege
Frevert	Gaskill	Greimann	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	Murphy	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shomshor	Shultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Whitaker	Whitead	Winckler	Wise

Absent or not voting, 2:

Baudler	Klemme
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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

Gipp of Winneshiek asked and received unanimous consent that [Senate File 2298](#) be immediately messaged to the Senate.

#### SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration [House File 2390](#), a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, and providing for retroactive applicability, amended by the Senate amendment [H-8554](#) as follows:

#### [H-8554](#)

1 Amend [House File 2390](#), 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 225C.42, subsection 1, Code  
 6 Supplement 2003, is amended to read as follows:  
 7 1. The department shall conduct ~~an annual~~ a  
 8 periodic evaluation of the family support subsidy  
 9 program and shall submit the evaluation report with  
 10 recommendations to the governor and general assembly

11 ~~by September 30 following the end of the fiscal year.~~

12 Sec.\_\_\_\_. Section 225C.42, subsection 2, paragraph  
13 a, Code Supplement 2003, is amended to read as  
14 follows:

15 a. A statement of the number of children and  
16 families served by the program during the ~~fiscal year~~  
17 ~~period~~ and the number remaining on the waiting list at  
18 the end of the ~~fiscal year period~~.

19 Sec.\_\_\_\_. Section 232.2, subsection 13, Code  
20 Supplement 2003, is amended to read as follows:

21 13. "Department" means the department of human  
22 services and includes the local, county, and ~~regional~~  
23 service area officers of the department.

24 Sec.\_\_\_\_. Section 232.52, subsection 2A, Code  
25 Supplement 2003, is amended to read as follows:

26 2A. Notwithstanding subsection 2, the court shall  
27 not order group foster care placement of the child  
28 which is a charge upon the state if that placement is  
29 not in accordance with the ~~regional service area~~ plan  
30 for group foster care established pursuant to section  
31 232.143 for the departmental ~~region service area~~ in  
32 which the court is located.

33 Sec.\_\_\_\_. Section 232.52, subsection 7, Code  
34 Supplement 2003, is amended to read as follows:

35 7. If the court orders the transfer of the custody  
36 of the child to the department of human services or to  
37 another agency for placement in group foster care, the  
38 department or agency shall make every reasonable  
39 effort to place the child ~~within the state~~, in the  
40 least restrictive, most family-like, and most  
41 appropriate setting available and in close proximity  
42 to the parents' home, consistent with the child's best  
43 interests and special needs, and shall consider the  
44 placement's proximity to the school in which the child  
45 is enrolled at the time of placement.

46 Sec.\_\_\_\_. Section 232.68, subsection 4, Code  
47 Supplement 2003, is amended to read as follows:

48 4. "Department" means the state department of  
49 human services and includes the local, county, and  
50 ~~regional service area~~ offices of the department.

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1 Sec.\_\_\_\_. Section 232.72, subsection 1, Code  
2 Supplement 2003, is amended to read as follows:

3 1. For the purposes of this division, the terms  
4 "department of human services", "department", or  
5 "county attorney" ordinarily refer to the ~~regional~~  
6 service area or local office of the department of  
7 human services or of the county attorney's office  
8 serving the county in which the child's home is  
9 located.



10 Sec. \_\_\_\_ Section 232.102, subsection 1A, Code  
11 Supplement 2003, is amended to read as follows:  
12 1A. The court shall not order group foster care  
13 placement of the child which is a charge upon the  
14 state if that placement is not in accordance with the  
15 ~~regional service area~~ plan for group foster care  
16 established pursuant to section 232.143 for the  
17 departmental ~~region~~ service area in which the court is  
18 located.

19 Sec. \_\_\_\_ Section 232.102, subsection 7, Code  
20 Supplement 2003, is amended to read as follows:  
21 7. In any order transferring custody to the  
22 department or an agency, or in orders pursuant to a  
23 custody order, the court shall specify the nature and  
24 category of disposition which will serve the best  
25 interests of the child, and shall prescribe the means  
26 by which the placement shall be monitored by the  
27 court. If the court orders the transfer of the  
28 custody of the child to the department of human  
29 services or other agency for placement, the department  
30 or agency shall submit a case permanency plan to the  
31 court and shall make every reasonable effort to return  
32 the child to the child's home as quickly as possible  
33 consistent with the best interests of the child. When  
34 the child is not returned to the child's home and if  
35 the child has been previously placed in a licensed  
36 foster care facility, the department or agency shall  
37 consider placing the child in the same licensed foster  
38 care facility. If the court orders the transfer of  
39 custody to a parent who does not have physical care of  
40 the child, other relative, or other suitable person,  
41 the court may direct the department or other agency to  
42 provide services to the child's parent, guardian, or  
43 custodian in order to enable them to resume custody of  
44 the child. If the court orders the transfer of  
45 custody to the department of human services or to  
46 another agency for placement in group foster care, the  
47 department or agency shall make every reasonable  
48 effort to place the child ~~within Iowa~~, in the least  
49 restrictive, most family-like, and most appropriate  
50 setting available, and in close proximity to the

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1 parents' home, consistent with the child's best  
2 interests and special needs, and shall consider the  
3 placement's proximity to the school in which the child  
4 is enrolled at the time of placement.

5 Sec. \_\_\_\_ Section 232.102, Code Supplement 2003,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 13. Unless prohibited by the  
8 court order transferring custody of the child for

9 placement or other court order or the department or  
10 agency that received the custody transfer finds that  
11 allowing the visitation would not be in the child's  
12 best interest, the department or agency may authorize  
13 reasonable visitation with the child by the child's  
14 grandparent, great-grandparent, or other adult  
15 relative who has established a substantial  
16 relationship with the child.

17 Sec. \_\_\_\_ Section 232.117, subsection 4, Code  
18 Supplement 2003, is amended to read as follows:

19 4. The court shall not order group foster care  
20 placement of the child which is a charge upon the  
21 state if that placement is not in accordance with the  
22 ~~regional service area~~ plan for group foster care  
23 established pursuant to section 232.143 for the  
24 departmental ~~region~~ service area in which the court is  
25 located.

26 Sec. \_\_\_\_ Section 232.127, subsection 8, Code  
27 Supplement 2003, is amended to read as follows:

28 8. The court shall not order group foster care  
29 placement of the child which is a charge upon the  
30 state if that placement is not in accordance with the  
31 ~~regional service area~~ plan for group foster care  
32 established pursuant to section 232.143 for the  
33 departmental ~~region~~ service area in which the court is  
34 located.

35 Sec. \_\_\_\_ Section 232.143, Code Supplement 2003,  
36 is amended to read as follows:

37 232.143 ~~REGIONAL SERVICE AREA~~ GROUP FOSTER CARE  
38 BUDGET TARGETS.

39 1. A statewide expenditure target for children in  
40 group foster care placements in a fiscal year, which  
41 placements are a charge upon or are paid for by the  
42 state, shall be established annually in an  
43 appropriation bill by the general assembly. ~~The~~  
44 Representatives of the department and the judicial  
45 branch juvenile court services shall jointly develop a  
46 formula for allocating a portion of the statewide  
47 expenditure target established by the general assembly  
48 to each of the department's ~~regions~~ service areas.  
49 The formula shall be based upon the ~~region's~~ service  
50 area's proportion of the state population of children

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1 and of the statewide usage of group foster care in the  
2 previous five completed fiscal years and upon other  
3 indicators of need. The expenditure amount determined  
4 in accordance with the formula shall be the group  
5 foster care budget target for that ~~region~~ service  
6 area. A ~~region~~ service area may exceed ~~its~~ the  
7 service area's budget target for group foster care by

8 not more than five percent in a fiscal year, provided  
9 the overall funding allocated by the department for  
10 all child welfare services in the region service area  
11 is not exceeded.

12 2. For each of the department's regions service  
13 areas, representatives appointed by the department and  
14 ~~the~~ juvenile court services shall establish a plan for  
15 containing the expenditures for children placed in  
16 group foster care ordered by the court within the  
17 budget target allocated to that region service area  
18 pursuant to subsection 1. The plan shall be  
19 established in a manner so as to ensure the budget  
20 target amount will last the entire fiscal year. The  
21 plan shall include monthly targets and strategies for  
22 developing alternatives to group foster care  
23 placements in order to contain expenditures for child  
24 welfare services within the amount appropriated by the  
25 general assembly for that purpose. Funds for a child  
26 placed in group foster care shall be considered  
27 encumbered for the duration of the child's projected  
28 or actual length of stay, whichever is applicable.  
29 Each ~~regional~~ service area plan shall be established  
30 within sixty days of the date by which the group  
31 foster care budget target for the region service area  
32 is determined. To the extent possible, the department  
33 and ~~the~~ juvenile court services shall coordinate the  
34 planning required under this subsection with planning  
35 for services paid under section 232.141, subsection 4.  
36 The department's ~~regional administrator~~ service area  
37 manager shall communicate regularly, as specified in  
38 the ~~regional~~ service area plan, with the chief  
39 juvenile ~~courts~~ court officers within that ~~region~~  
40 service area concerning the current status of the  
41 ~~regional~~ service area plan's implementation.

42 3. State payment for group foster care placements  
43 shall be limited to those placements which are in  
44 accordance with the ~~regional~~ service area plans  
45 developed pursuant to subsection 2.

46 Sec. \_\_\_\_ Section 232.188, subsection 4, Code  
47 Supplement 2003, is amended to read as follows:

48 4. In a decategorization agreement, the department  
49 and the county's or group of counties'  
50 decategorization governance board shall agree on all

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1 of the following items: the governance relationship  
2 between the department and the decategorization  
3 governance board; the respective areas of autonomy of  
4 the department and the board; the budgeting structure  
5 for the decategorization; and a method for resolving  
6 disputes between the department and the board. The

7 decategorization agreement shall require the  
8 department and the decategorization governance board  
9 to agree upon a budget within sixty days of the date  
10 by which the regional group foster care budget targets  
11 are determined for departmental service areas under  
12 section 232.143 for the fiscal year to which the  
13 budget applies. The budget may later be modified to  
14 reflect new or changed circumstances.

15 Sec. \_\_\_\_. Section 234.35, subsection 1, paragraph  
16 e, Code Supplement 2003, is amended to read as  
17 follows:

18 e. When a court has entered an order transferring  
19 the legal custody of the child to a foster care  
20 placement pursuant to section 232.52, subsection 2,  
21 paragraph "d", or section 232.102, subsection 1.  
22 However, payment for a group foster care placement  
23 shall be limited to those placements which conform to  
24 a regional service area group foster care plan  
25 established pursuant to section 232.143.

26 Sec. \_\_\_\_. Section 235B.1, subsection 4, paragraph  
27 a, subparagraph (1), Code 2003, is amended to read as  
28 follows:

29 (1) Advise the director of human services ~~and the~~  
30 ~~administrator of the division of child and family~~  
31 ~~services of the department of human services, the~~  
32 director of elder affairs, the director of inspections  
33 and appeals, the director of public health, the  
34 director of the department of corrections, and the  
35 director of human rights regarding dependent adult  
36 abuse."

37 2. By striking page 1, line 3, through page 2,  
38 line 2, and inserting the following:

39 ~~"2. All of the following persons shall report~~  
40 ~~suspected dependent adult abuse to the department:~~

41 ~~a. A social worker.~~

42 ~~b. A certified psychologist.~~

43 ~~e. 2.~~ A person who, in the course of employment,  
44 examines, attends, counsels, or treats a dependent  
45 adult and reasonably believes the dependent adult has  
46 suffered abuse, shall report the suspected dependent  
47 adult abuse to the department including all of the  
48 following:

49 ~~(4)~~ a. A member of the staff of a community  
50 mental health center, a member of the staff of a

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1 hospital, a member of the staff or employee of a  
2 public or private health care facility as defined in  
3 section 135C.1, a member of the staff or employee of  
4 an elder group home as defined in section 231B.1, a  
5 member of the staff or employee of an assisted living

6 program certified under section 231C.3, and a member  
 7 of the staff or employee of an adult day services  
 8 program as defined in section 231D.1.

9 ~~(2)~~ b. A peace officer.

10 ~~(3)~~ c. An in-home homemaker-home health aide.

11 ~~(4)~~ d. An individual employed as an outreach  
 12 person.

13 ~~(5)~~ e. A health practitioner, as defined in  
 14 section 232.68.

15 ~~(6)~~ f. A member of the staff or an employee of a  
 16 supported community living service, sheltered  
 17 workshop, or work activity center.

18 g. A social worker.

19 h. A certified psychologist.

20 ~~d. A person who performs inspections of elder~~  
 21 ~~group homes for the department of inspections and~~  
 22 ~~appeals and a resident advocate committee member~~  
 23 ~~assigned to an elder group home pursuant to chapter~~  
 24 ~~231B.~~

25 3. a. If a staff member or employee is required  
 26 to report pursuant to this section, the person shall  
 27 immediately notify the department and shall also  
 28 immediately notify the person in charge or the  
 29 person's designated agent, ~~and the person in charge or~~  
 30 ~~the designated agent shall make the report by the end~~  
 31 ~~of the next business day.~~

32 b. The employer or supervisor of a person who is  
 33 required to or may make a report pursuant to this  
 34 section shall not apply a policy, work rule, or other  
 35 requirement that interferes with the person making a  
 36 report of dependent adult abuse or that results in the  
 37 failure of another person to make the report."

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

40 "Sec. \_\_\_\_\_. Section 235B.3, Code Supplement 2003,  
 41 is amended by adding the following new subsection:  
 42 NEW SUBSECTION. 3A. An employee of a financial  
 43 institution may report suspected financial  
 44 exploitation of a dependent adult to the department."

45 4. Page 2, by inserting before line 3 the  
 46 following:

47 "Sec. \_\_\_\_\_. Section 237.5A, Code 2003, is amended  
 48 by adding the following new unnumbered paragraph:  
 49 NEW UNNUMBERED PARAGRAPH. A licensee who is unable  
 50 to complete six hours of foster parent training prior

Page 7

1 to annual licensure renewal because the licensee is  
 2 engaged in active duty in the military service shall  
 3 be considered to be in compliance with the training  
 4 requirement for annual licensure renewal."

5 5. By striking page 3, line 27, through page 4,  
6 line 22, and inserting the following:  
7 "Sec. \_\_\_\_ Section 235A.15, subsection 10, if  
8 enacted by 2004 Iowa Acts, [House File 2328](#), section 7,  
9 is amended to read as follows:  
10 10. The information released by the director of  
11 human services or the director's designee pursuant to  
12 a request made under subsection 9 relating to a case  
13 of founded child abuse involving a fatality or near  
14 fatality to a child shall ~~be a summary of~~ **include** all  
15 of the following, unless such information is excepted  
16 from disclosure under subsection 9:  
17 a. Any relevant child abuse ~~report data~~  
18 **information** concerning the child or the child's family  
19 and the department's response and findings ~~concerning~~  
20 ~~the report data, including but not limited to~~  
21 ~~assessment and disposition data.~~  
22 b. ~~Information~~ **A summary of information**, that  
23 would otherwise be confidential under section 217.30,  
24 as to whether or not the child or a member of the  
25 child's family was utilizing social services provided  
26 by the department at the time of the child fatality or  
27 near fatality or within the five-year period preceding  
28 the fatality or near fatality.  
29 c. Any recommendations made by the department to  
30 the county attorney or the juvenile court.  
31 d. If applicable, **a summary of** an evaluation of  
32 the department's responses in the case.  
33 Sec. \_\_\_\_ CHILD DEVELOPMENT HOMES – PROVIDER  
34 QUALIFICATIONS. The department of human services  
35 shall revise the department's standards for child  
36 development home provider qualifications under  
37 category "C" which are applicable at times when more  
38 than one qualified provider must be present. The  
39 revised standards shall provide that one of the  
40 providers required to be present must meet the  
41 provider qualifications for category "C" and allow any  
42 other providers required to be present to meet the  
43 provider qualifications for either category "B" or  
44 "C". Until the revised standards are adopted, a  
45 provider to which the revised standards would be  
46 applicable may request approval from the department  
47 for an exception to policy for the provider to operate  
48 under the revised standards as described in this  
49 section prior to adoption of the revised standards."  
50 6. Title page, by striking lines 2 and 3 and

Page 8

1 inserting the following: "the department of human  
2 services."  
3 7. By renumbering as necessary.

Smith of Marshall offered the following amendment [H-8589](#), to the Senate amendment [H-8554](#), filed by him and moved its adoption:

[H-8589](#)

- 1 Amend the Senate amendment, [H-8554](#), to House File
- 2 2390, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 7, by striking lines 33 through 49.
- 5 2. By renumbering as necessary.

Amendment [H-8589](#) lost.

On motion by Heaton of Henry, the House concurred in the Senate amendment [H-8554](#).

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. 2390](#))

The ayes were, 98:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt

Whitaker                      Whitead                      Wilderdyke                      Winckler  
Wise                              Mr. Speaker  
    Rants

The nays were, none.

Absent or not voting, 2:

Baudler                      Klemme

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 File 2390](#) 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 19, 2004, 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 2302](#), a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

#### Ways and Means Calendar

[Senate File 2305](#), a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.



Lukan of Dubuque offered amendment [H-8570](#) filed by the committee on ways and means as follows:

[H-8570](#)

1 Amend [Senate File 2305](#), as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 23, the  
4 following:

5 "Sec.     . NEW SECTION. 135.26 FREE HEALTH  
6 CLINIC FUND.

7 1. A free health clinic fund is created as a  
8 separate and distinct fund in the state treasury under  
9 the control of the department. The fund is composed  
10 of moneys appropriated or available to and obtained or  
11 accepted by the treasurer of state for deposit in the  
12 fund. The fund shall include moneys credited to the  
13 fund as provided in section 422.12F, and moneys in the  
14 form of a devise, gift, bequest, donation, or federal  
15 or other grant intended to be used for the purposes of  
16 the fund.

17 2. Section 8.33 does not apply to moneys in the  
18 fund. Notwithstanding section 12C.7, subsection 2,  
19 interest or earnings on moneys in the fund shall be  
20 credited to the fund.

21 3. Moneys in the fund are appropriated to the  
22 department of public health for the purposes of  
23 providing financial assistance to public and private  
24 organizations for constructing, equipping, or  
25 operating free health clinics in this state.

26 4. The department may make awards of financial  
27 assistance upon approval of an application from a  
28 private or public organization. An applicant shall  
29 submit a plan for use of the funds along with its  
30 application. The department, in conjunction with the  
31 health facilities council, shall establish standards  
32 relating to the application and award process."

33 2. By striking page 3, line 31, through page 4,  
34 line 26, and inserting the following:

35 "Sec. 101. NEW SECTION. 422.12F INCOME TAX  
36 CHECKOFF FOR VOLUNTEER PREPAREDNESS.

37 1. A person who files an individual or a joint  
38 income tax return with the department of revenue under  
39 section 422.13 may designate one dollar or more to  
40 support volunteer fire fighter preparedness and free  
41 health clinics. If the refund due on the return or  
42 the payment remitted with the return is insufficient  
43 to pay the additional amount designated by the  
44 taxpayer to such purposes, the amount designated shall  
45 be reduced to the remaining amount of refund or the  
46 remaining amount remitted with the return. The

47 designation of a contribution support volunteer fire  
48 fighter preparedness and free health clinics under  
49 this section is irrevocable.  
50 2. The director of revenue shall draft the income

Page 2

1 tax form to allow the designation of contributions to  
2 support volunteer fire fighter preparedness and free  
3 health clinics on the tax return. The department of  
4 revenue, on or before January 31, shall certify the  
5 total amount designated on the tax return forms due in  
6 the preceding calendar year and shall report the  
7 amount to the treasurer of state. The treasurer of  
8 state shall credit one-half of the amount to the  
9 volunteer fire fighter preparedness fund created in  
10 section 100B.13 and one-half of the amount to the free  
11 health clinic fund created in section 135.26.  
12 However, before a checkoff pursuant to this section  
13 shall be permitted, all liabilities on the books of  
14 the department of revenue and accounts identified as  
15 owing under section 421.17 and the political  
16 contribution allowed under section 68A.601 shall be  
17 satisfied.  
18 3. The department of revenue shall adopt rules to  
19 administer this section.  
20 4. This section is subject to repeal under section  
21 422.12E."  
22 3. Title page, line 2, by striking the word "for"  
23 and inserting the following: "to support".  
24 4. Title page, line 3, by inserting after the  
25 word "preparedness" the following: "and free health  
26 clinics".

Lensing of Johnson offered the following amendment [H-8635](#), to the committee amendment [H-8570](#), filed by her from the floor and moved its adoption:

[H-8635](#)

1 Amend the amendment, [H-8570](#), to [Senate File 2305](#),  
2 as passed by the Senate, as follows:  
3 1. Page 1, by striking line 3, and inserting the  
4 following:  
5 "\_\_\_\_. By striking page 1, line 24, through page  
6 3, line 30, and inserting the".  
7 2. Page 2, by inserting after line 21, the  
8 following:  
9 "\_\_\_\_. Page 4, by striking lines 27 through 31,  
10 and inserting the following:  
11 "Sec.\_\_\_\_. The section of this Act enacting

12 section 422.12F applies retroactively to".  
13 3. Page 2, by striking lines 24 through 26, and  
14 inserting the following:  
15 "\_\_\_\_. Title page, by striking lines 3 through 6,  
16 and inserting the following: "preparedness and free  
17 health clinics, and including a retroactive  
18 applicability date provision."

Speaker pro tempore Carroll in the chair at 3:08 p.m.

A non-record roll call was requested.

The ayes were 36, nays 49.

Amendment [H-8635](#) lost.

Lukan of Dubuque offered the following amendment [H-8587](#), to the committee amendment [H-8570](#), filed by him and moved its adoption:

[H-8587](#)

1 Amend the amendment, [H-8570](#), to [Senate File 2305](#),  
2 as passed by the Senate, as follows:  
3 1. Page 1, by striking lines 30 and 31, and  
4 inserting the following: "application. The  
5 department shall establish standards".

Amendment [H-8587](#) was adopted.

Lukan of Dubuque offered the following amendment [H-8583](#), to the committee amendment [H-8570](#), filed by him and moved its adoption:

[H-8583](#)

1 Amend the amendment, [H-8570](#), to [Senate File 2305](#),  
2 as passed by the Senate, as follows:  
3 1. Page 1, line 44, by striking the word "to" and  
4 inserting the following: "for".  
5 2. Page 1, line 47, by inserting after the word  
6 "contribution" the following: "to".

Amendment [H-8583](#) was adopted.

Jochum of Dubuque asked and received unanimous consent that amendment [H-8632](#) to the committee amendment [H-8570](#) be withdrawn.

On motion by Lukan of Dubuque, the committee amendment [H-8570](#), as amended, was adopted.

Boddicker of Cedar offered the following amendment [H-8602](#) filed by him and moved its adoption:

[H-8602](#)

- 1 Amend [Senate File 2305](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, by inserting before line 27, the
- 4 following:
- 5 "Sec. \_\_\_\_ . **NEW SECTION.** 422.21A INDIVIDUAL
- 6 INCOME TAX RETURN FORM – CONTRIBUTION OF MONEY FOR
- 7 EDUCATION.
- 8 The department shall provide on income tax return
- 9 forms for individual and joint filers, in a manner
- 10 that will be noticeable to the taxpayers, a statement
- 11 that the taxpayer may designate a contribution to
- 12 education by increasing the amount of tax owed or
- 13 reducing the amount of refund due with the amount of
- 14 the increase or reduction, as the case may be, to be
- 15 paid to the school district indicated on the tax
- 16 return form. The return form shall provide space for
- 17 the taxpayer to indicate the amount of the
- 18 contribution. If the refund due on the return or the
- 19 payment remitted with the return is insufficient to
- 20 pay the additional amount designated by the taxpayer
- 21 to the school district, the amount designated shall be
- 22 reduced to the remaining amount of refund or the
- 23 remaining amount remitted with the return. An
- 24 increase in the amount of tax owed or a reduction in
- 25 the amount of refund due which is made by a taxpayer
- 26 pursuant to this section shall not be considered a
- 27 tax, for state and federal tax purposes, but shall
- 28 only be considered a contribution. The designation of
- 29 a contribution under this section is irrevocable. The
- 30 director of revenue shall deposit all moneys received
- 31 under this section to the credit of the school
- 32 district indicated on the tax return form of the
- 33 contributing taxpayer."
- 34 2. Page 4, line 31, by striking the words
- 35 "section 422.12F" and inserting the following:
- 36 "sections 422.12F and 422.21A".
- 37 3. Title page, line 1, by striking the word

38 "checkoffs," and inserting the following: "checkoffs  
 39 and contributions,".  
 40 4. Title page, line 5, by inserting after the  
 41 word "checkoffs," the following: "providing for a  
 42 contribution for education,".  
 43 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 57, nays 33.

Amendment [H-8602](#) was adopted.

Lukan of Dubuque 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, 98:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sand	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Baudler                      Klemme

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

[Senate File 2291](#), a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Kramer 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. 2291](#))

The ayes were, 97:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Bogges	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foeg	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Luken
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Carroll,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Baudler                      Klemme                      Tjepkes

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

#### SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration [House File 2577](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date, amended by the Senate amendment [H-8608](#) as follows:

#### [H-8608](#)

1 Amend [House File 2577](#) as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 8, by inserting after line 32, the  
4 following:  
5 "Sec. \_\_\_\_ Section 234.39, subsection 6, if  
6 enacted by 2004 Iowa Acts, [Senate File 2298](#), is  
7 amended by striking the subsection.  
8 Sec. \_\_\_\_ Section 272C.3, subsection 1, paragraph  
9 k, Code Supplement 2003, is amended to read as  
10 follows:  
11 k. Establish a licensee review committee for the  
12 purpose of evaluating and monitoring licensees who are  
13 impaired as a result of alcohol or drug abuse,  
14 dependency, or addiction, or by any mental or physical  
15 disorder or disability, and who self-report the  
16 impairment to the committee, or who are referred by  
17 the board to the committee. Members of the committee  
18 shall receive actual expenses for the performance of  
19 their duties and shall be eligible to receive per diem  
20 compensation pursuant to section 7E.6. The board  
21 shall adopt rules for the establishment and  
22 administration of the committee, including but not  
23 limited to establishment of the criteria for  
24 eligibility for referral to the committee and the  
25 grounds for disciplinary action for noncompliance with  
26 committee decisions. Information in the possession of  
27 the board or the licensee review committee, under this  
28 paragraph, shall be subject to the confidentiality  
29 requirements of section 272C.6. Referral of a  
30 licensee by the board to a licensee review committee

31 shall not relieve the board of any duties of the board  
32 and shall not divest the board of any authority or  
33 jurisdiction otherwise provided. A licensee who  
34 violates section 272C.10 or the rules of the board  
35 while under review by the licensee review committee  
36 shall be referred to the board for appropriate  
37 action."

38 2. Page 9, by inserting after line 18, the  
39 following:

40 "(1A) The Iowa department of public health shall  
41 negotiate a sole source contract with a nonprofit  
42 corporation that mentors through live music and  
43 receives funds through private partnership to  
44 implement this paragraph "b"."

45 3. Page 9, by inserting after line 26, the  
46 following:

47 "Sec. \_\_\_\_ TOBACCO USE PREVENTION AND CONTROL –  
48 BUREAU CHIEF. Notwithstanding any provision directing  
49 the director of public health to employ a division  
50 administrator for the division of tobacco use

Page 2

1 prevention and control, if enacted by 2004 Iowa Acts,  
2 [Senate File 2298](#), the director of public health shall  
3 employ a bureau chief for the division of tobacco use  
4 prevention and control in a full-time-equivalent  
5 position with a salary commensurate with the full-  
6 time-equivalent position."

7 4. By renumbering, relettering, or redesignating  
8 and correcting internal references as necessary.

Heaton of Henry asked and received unanimous consent to  
withdraw amendment [H-8628](#) filed by him and Smith of Marshall on  
April 16, 2004.

Heaton of Henry offered the following amendment [H-8642](#), to the  
Senate amendment [H-8608](#), filed by him and Smith of Marshall from  
the floor and moved its adoption:

[H-8642](#)

1 Amend the Senate amendment, [H-8608](#), to House File  
2 2577, 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 8, by inserting after line 9, the  
7 following:

8 "Sec. \_\_\_\_ . Section 142A.3, subsection 2, Code



9 2003, is amended to read as follows:

10 2. A commission on tobacco use prevention and  
11 control is established to develop policy, provide  
12 direction for the initiative, and perform all other  
13 duties related to the initiative and other tobacco use  
14 prevention and control activities as directed by this  
15 chapter or referred to the commission by the director  
16 of public health.

17 Sec. \_\_\_\_\_. Section 142A.4, Code 2003, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 12A. Represented by the  
20 chairperson of the commission, annually appear before  
21 the joint appropriations subcommittee that makes  
22 recommendations concerning the commission's budget to  
23 report on budget expenditures and division operations  
24 relative to the prior fiscal year and the current  
25 fiscal year.

26 Sec. \_\_\_\_\_. Section 142A.5, subsection 1, paragraph  
27 b, Code Supplement 2003, is amended to read as  
28 follows:

29 b. Employ a separate division administrator ~~who~~  
30 in accordance with the requirements of section 142A.4,  
31 subsection 14, in a full-time equivalent position  
32 whose sole responsibility and duty shall be  
33 ~~responsible for~~ the administration and oversight of  
34 the division. The division administrator shall report  
35 to and shall serve at the pleasure of the director.  
36 The administrator shall be exempt from the merit  
37 system provisions of chapter 8A, subchapter IV.

38 Sec. \_\_\_\_\_. Section 142A.5, subsection 2, Code  
39 Supplement 2003, is amended by adding the following  
40 new paragraph:

41 NEW PARAGRAPH. g. Provide necessary information  
42 to the commission to assist the commission in making  
43 its annual report to the joint appropriations  
44 subcommittee pursuant to section 142A.4, subsection  
45 12A, and in fulfilling other commission duties  
46 pursuant to section 142A.4.""

47 2. By striking page 1, line 45, through page 2,  
48 line 6.

49 3. By renumbering as necessary.

Amendment [H-8642](#) was adopted.

On motion by Heaton of Henry the House concurred in the Senate amendment [H-8608](#), as amended.

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. 2577](#))

The ayes were, 99:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foegen	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Baudler

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that [House File 2577](#) and [Senate File 2291](#) be immediately messaged to the Senate.

MOTION TO RECONSIDER  
[\(Senate File 2305\)](#)

I move to reconsider the vote by which [Senate File 2305](#) and amendment [H-8602](#) passed the House on April 19, 2004.

GIPP of Winneshiek

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 19<sup>th</sup> day of April, 2004: House Files 2401, 2475 and 2541.

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 16, 2004, he approved and transmitted to the Secretary of State the following bills:

[House File 2134](#), an Act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability.

[House File 2208](#), an Act relating to nonsubstantive code corrections and including effective and retroactive applicability date provisions

[House File 2399](#), an Act allowing a modified criminal penalty for certain thefts from different locations within a thirty-day period.

[House File 2419](#), an Act relating to the number of signatures required on nomination petitions for school board elections.

[House File 2476](#), an Act regulating transmissible viruses afflicting poultry, making an appropriation, and providing penalties.

[Senate File 2119](#), an Act relating to obligations secured by collateral required to be pledged by banks to the Treasurer of State in order to secure the deposit of public moneys, and providing an effective date.

[Senate File 2173](#), an Act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

[Senate File 2208](#), an Act relating to the powers and duties of the Department of Agriculture and Land Stewardship, and making penalties applicable.

[Senate File 2269](#), an Act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to voting machines, making changes related to absentee voting, providing penalties, and providing effective and applicability dates.

[Senate File 2272](#), an Act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous.

Also: the Governor announced that on April 19, 2004, he approved and transmitted to the Secretary of State the following bill:

[House File 2537](#), an Act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury.

#### GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 16, 2004

The Honorable Jeffrey Lamberti  
President of the Senate  
State Capitol Building  
L O C A L

Dear President Lamberti:

I hereby transmit [Senate File 2279](#), an Act relating to petition and operating hour requirements for a satellite absentee voting station.

I am unable to approve [Senate File 2279](#). When we live in a state and country where less than 50 percent of eligible voters are registered to vote and less than 50 percent of those registered actually make an effort to vote, I believe we should be examining ways to make it easier for our citizens to participate in the election process. As President John F. Kennedy said, "The right to vote in a free American election is the most powerful and precious right in the world."

We should be looking for opportunities to increase participation in the electoral process. Therefore, our legislative efforts should not create additional hurdles to participation in the electoral process. Satellite voting provides Iowans with another important opportunity to exercise their right to vote. We should not be making that

opportunity more difficult. [Senate File 2279](#) is a partisan bill that makes it harder, not easier, to vote by creating petition requirements that are far more difficult to obtain.

Further, this bill sets a different standard for urban legislative districts than for rural legislative districts in the number of signatures required to set up a satellite voting station. Each legislative district has the same number of constituents. However, if candidates' districts have different sized cities, the petition requirements for a satellite voting station will be different. The system established by this bill is inequitable and discourages voter participation.

For the above reasons, I hereby respectfully disapprove [Senate File 2279](#).

Sincerely,  
Thomas J. Vilsack  
Governor

### COMMUNICATIONS RECEIVED

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

#### DEPARTMENT OF PUBLIC HEALTH

Iowa Communications Network utilization report, 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

- 2004\1478 Alma Christensen Dudley, Iowa City – For celebrating her 100<sup>th</sup> birthday.
- 2004\1479 Betty Hansen Rude, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2004\1480 Hulda Kroeger, Sioux City – For celebrating her 102<sup>nd</sup> birthday.
- 2004\1481 Earl Ashcraft, Sioux City – For celebrating his 104<sup>th</sup> birthday.
- 2004\1482 Norma Merriau, Cedar Falls – For celebrating her 85<sup>th</sup> birthday.
- 2004\1483 Richard F. and Catherine I. Bushby, Cedar Falls – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2004\1484 John and Doris Nero, Cedar Falls – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2004\1485 Clark and Carol Renner, Cedar Falls – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2004\1486 Andrew Hostelka, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1487 Esther Vogel, Independence – For celebrating her 103<sup>rd</sup> birthday.
- 2004\1488 Dale Bowden, Independence – For celebrating his 88<sup>th</sup> birthday.
- 2004\1489 Glenn and Kathleen Sanders, Independence – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2004\1490 Max and Charlotte Grover, Rowley – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2004\1491 Marion Landau, Waterloo – For celebrating her 95<sup>th</sup> birthday.
- 2004\1492 Donald Brown, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2004\1493 Jenetta Powers, Waterloo – For celebrating her 84<sup>th</sup> birthday.
- 2004\1494 Juanita Ferger, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2004\1495 Donald J. and Bertha L. Gibbons, Waterloo – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2004\1496 Lennis and LoRetha Willhite, Waterloo – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2004\1497 Mary Lou Farrell, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2004\1498 Ben Ottesen, Waterloo – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1499 Barbara Askelson, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2004\1500 George Brown, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2004\1501 Augustus Lartius, Boone – For celebrating his 80<sup>th</sup> birthday.
- 2004\1502 Elinor Fujinaka, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2004\1503 Patricia Mathison, Ames — For celebrating her 80<sup>th</sup> birthday.
- 2004\1504 Thomas Thompson, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2004\1505 Anita Germann, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2004\1506 June Perrier, Madrid – For celebrating her 80<sup>th</sup> birthday.

- 2004\1507 Alyce Harlan, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2004\1508 Vera Larson, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2004\1509 Sylvia Jones, Ames – For celebrating her 90<sup>th</sup> birthday.
- 2004\1510 Amy Johnson, Pocahontas – For being named to the University of Iowa College of Law 2004 Baskerville Moot Court Team.
- 2004\1511 LaVerne and Joan Lingren, Ogden – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2004\1512 “Cap” and Imogene Estrem, Waterloo – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2004\1513 Clara McCord, Colo – For celebrating her 90<sup>th</sup> birthday.
- 2004\1514 Cora Kimberley, Colo – For celebrating her 90<sup>th</sup> birthday.
- 2004\1515 Esther Kingsbury, Ames – For celebrating her 95<sup>th</sup> birthday.
- 2004\1516 Avis Finnie, Zearing – For celebrating her 100<sup>th</sup> birthday.

**On motion by Gipp of Winneshiek the House adjourned at 4:44 p.m., until 9:30 a.m., Tuesday, April 20, 2004.**