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GENERAL ASSEMBLY**

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**Volume II**

**April 28 – May 4**

**LEONARD L. BOSWELL, President of the Senate**

**RON J. CORBETT, Speaker of the House**

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# JOURNAL OF THE SENATE

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ONE HUNDRED TENTH CALENDAR DAY  
SIXTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, April 28, 1995

The Senate met in regular session at 9:38 a.m., President Boswell presiding.

Prayer was offered by the Reverend Boyd Kuester, pastor of the Church of Christ, Cedar Falls, Iowa.

The Journal of Thursday, April 27, 1995, was approved.

## BILL REASSIGNED TO COMMITTEE

President Boswell announced that **House File 575** was inadvertently assigned to the committee on Ways and Means on April 27, 1995, and should have been assigned to the committee on **Appropriations**.

## BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

S. C. R.	29	Rules and Administration
H. F.	578	Appropriations

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 48 present, 2 absent and a quorum present.

The Senate stood at ease at 10:01 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 10:47 a.m., Senator Sorensen presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

The Senate stood at ease at 11:13 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 11:42 a.m., President Boswell presiding.

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1995, adopted the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 24**, a concurrent resolution recognizing the seventy-fifth anniversary of the American Civil Liberties Union and the sixtieth anniversary of the Iowa Civil Liberties Union.

ALSO: That the House has on April 28, 1995, adopted the conference committee report and passed **Senate File 150**, a bill for an act relating to child abuse involving termination of parental rights in certain abuse or neglect cases and access by other states to child abuse information.

ALSO: That the House has on April 28, 1995, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

**Senate File 481**, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild

Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date.

ALSO: That the House, on April 28, 1995, insisted on its amendment to House File 528, a bill for an act relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, placing a juvenile in detention as a dispositional alternative, waiving a juvenile to adult court, the release or detention of certain criminal defendants pending sentencing or appeal following conviction, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, authorizing the transmission of communicable disease information by radio in certain circumstances, and enhancing or establishing penalties, and that the members of the Conference Committee on the part of the House are: The Representative from Polk, Mr. Lamberti, Chair; the Representative from Johnson, Ms. Doderer; the Representative from Crawford, Mr. Gries; the Representative from Scott, Mr. Grubbs; the Representative from Davis, Mr. Kreiman.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on House File 528 on the part of the Senate: Senators Hammond, Chair; Giannetto, Connolly, Boettger and Maddox.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

## HOUSE AMENDMENT CONSIDERED

### Senate File 472

Senator Szymoniak called up for consideration Senate File 472, a bill for an act relating to the local option sales and services tax by authorizing political subdivisions that will receive revenues

from the tax to issue bonds in anticipation of the receipt of the revenues and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—3604 filed April 27, 1995.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Szymoniak moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 472) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Black	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hedge	Horn
Husak	Iverson	Jensen	Judge
Kibbie	Kramer	Lind	Lundby
McKean	McLaren	Murphy	Neuhauser
Palmer	Priebe	Redfern	Rensink
Rife	Rittmer	Sorensen	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Boettger	Hansen	Maddox
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

## COMMITTEE REPORT

## WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 573, a bill for an act relating to economic development by establishing a workforce development fund, providing for the transfer of certain employer withholding amounts to the workforce development fund, and establishing a loan loss reserve program.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3617.

**Final Vote:** Ayes, 15: Palmer, Husak, Bennett, Connolly, Deluhery, Drake, Freeman, Hedge, Iverson, McLaren, Murphy, Neuhauser, Priebe, Szymoniak and Vilsack. Nays, none.

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

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 573.

**House File 573**

On motion of Senator Vilsack, House File 573, a bill for an act relating to economic development by establishing a workforce development fund, providing for the transfer of certain employer withholding amounts to the workforce development fund, and establishing a loan loss reserve program, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Vilsack offered amendment S—3617 filed by the committee on Ways and Means from the floor to pages 1-5 of the bill and moved its adoption.

Amendment S—3617 was adopted by a voice vote.

Senator Vilsack asked and received unanimous consent that action on **House File 573** be deferred.

## SENATE INSISTS

### Senate File 481

Senator Halvorson called up for consideration Senate File 481, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date, amended by the House, further amended by the Senate and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate insisted on its amendment.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on Senate File 481 on the part of the Senate: Senators Halvorson Chair; Murphy, Gettings, Douglas and Lind.

## BUSINESS PENDING

### House File 573

The Senate resumed consideration of House File 573, a bill for an act relating to economic development by establishing a workforce development fund, providing for the transfer of certain employer withholding amounts to the workforce development fund, and establishing a loan loss reserve program, previously deferred.

Senator McLaren offered amendment S—3619 filed by him from the floor to pages 5, 6 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3619 be adopted?" (H.F. 573) the vote was:

Ayes, 21:

Banks	Bartz	Bennett	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Jensen	Kramer	Lind
Maddox	McKean	McLaren	Redfern
Rensink	Rife	Rittmer	Tinsman
Zieman			

Nays, 28:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Horn	Iverson	Judge	Kibbie
Lundby	Murphy	Neuhauser	Palmer
Priebe	Sorensen	Szymoniak	Vilsack

Absent or not voting, 1:

Husak

Amendment S—3619 lost.

Senator Neuhauser asked and received unanimous consent to withdraw amendment S—3620 filed by Senators Neuhauser and Connolly from the floor to page 2 of the bill.

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

On the question "Shall the bill pass?" (H.F. 573) the vote was:

Ayes, 49:

Banks	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Iverson	Jensen

Judge	Kibbie	Kramer	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Bartz

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate Files 472, 481 and House File 573 be immediately messaged to the House.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 475

Senator Murphy called up for consideration Senate File 475, a bill for an act relating to state financial provisions and providing applicability provisions and effective dates, amended by the House in House amendment S—3572 filed April 25, 1995.

Senator Murphy offered amendment S—3618 filed by him from the floor to House amendment S—3572 and moved its adoption.

Amendment S—3618 was adopted by a voice vote.

Senator Murphy moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Murphy moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 475) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

Senator Horn asked and received unanimous consent that Senate File 475 be immediately messaged to the House.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 572.

#### House File 572

On motion of Senator Vilsack, House File 572, a bill for an act relating to imposing a prison and jail surcharge on scheduled fines and forfeitures and providing for the appropriation and disposition of the proceeds from the surcharge for prisons and jails, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bartz asked unanimous consent that action on House File 572 be deferred.

Senator Bartz withdrew his request to defer.

Senators Gronstal and Vilsack offered amendment S—3611 filed by the committee on Appropriations on April 27, 1995, to pages 1, 2, 4, 5 and the title page of the bill.

Senator Fraise called for a division of amendment S—3611:

Division A: Page 1, lines 3-50; page 2 and page 4, lines 35-45.

Division B: Page 3; page 4, lines 1-34 and 46-50 and page 5, lines 1 and 2.

Senator Lind asked and received unanimous consent that action on division S—3611A be deferred.

Senator Bisignano offered amendment S—3622 filed by him from the floor to division S—3611B.

Senator Black asked and received unanimous consent that action on amendment S—3622 to division S—3611B be deferred.

Senator Vilsack offered amendment S—3612 filed by him from the floor to division S—3611B and moved its adoption.

Amendment S—3612 was adopted by a voice vote.

(Action on division S—3611B as amended was deferred.)

The Senate resumed consideration of division S—3611A, previously deferred.

Senator Redfern offered amendment S—3615 filed by him from the floor to division S—3611A.

Senator Lind raised the point of order that amendment S—3615 to division S—3611A was not germane.

(Action on the germaneness of amendment S—3615 to division S—3611A and House File 572 pending on recess).

## RECESS

On motion of Senator Horn, the Senate recessed at 1:05 p.m., until 2:15 p.m.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### RULES AND ADMINISTRATION

**Convened:** April 27, 1995, 5:20 p.m.

**Members Present:** Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Bisignano, Gettings, Gronstal, Husak, Kramer and Lind.

**Members Absent:** none.

**Committee Business:** Recommended passage of Senate Resolution 22.

**Adjourned:** 5:22 p.m.

### PRESENTATION OF VISITORS

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

Forty-nine sixth grade students from Boyden Elementary School, Boyden, accompanied by Marcene Cox, Alan Cox, Bob Netten, Dean Hoogeveen, Colleen Niemeyer, Becky Roseboom, Sharon Doornbos, Wes Overman and Gerrit and Winnie Bosman. Senator Rensink.

Ten fifth, sixth, seventh and eighth grade students from St. John's Lutheran School, Victor, accompanied by Marna Meyer, Carol Morrow and Michelle Meyer. Senators Black and Husak.

Fifty-five fifth grade students from Grant Elementary School, Oskaloosa, accompanied by Margaret Mattox. Senator Hedge.

The following visitors were present in the Senate gallery:

Sixty fifth grade students from Sioux Center Christian School, Sioux Center, accompanied by Scott Vander Maten. Senator Rensink.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 566**

WAYS AND MEANS: Iverson, Chair; Connolly and Deluhery

**House File 569**

WAYS AND MEANS: Szymoniak, Chair; Iverson and Palmer

**House File 573**

WAYS AND MEANS: Vilsack, Chair; Bennett and Palmer

**House File 575**

APPROPRIATIONS: Hammond, Chair; Neuhauser and Tinsman

**House File 577**

WAYS AND MEANS: Szymoniak, Chair; Iverson and Vilsack

**House File 578**

APPROPRIATIONS: Dvorsky, Chair; Gronstal, Husak, Kramer and McLaren

**COMMITTEE REPORT**

**WAYS AND MEANS**

**Final Bill Action:** HOUSE FILE 566, a bill for an act relating to the taxation of sales of residential service contracts under the state sales, services, and use taxes.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Iverson, McLaren, Murphy, Neuhauser, Priebe, Szymoniak and Vilsack. Nays, 2: Palmer and Connolly.

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

## AMENDMENTS FILED

S—3612	H.F.	572	Tom Vilsack
S—3613	H.F.	571	Jim Lind
S—3614	S.F.	413	Emil J. Husak
			Brad Banks
			Bill Fink
			Tony Bisignano
			Michael E. Gronstal
S—3615	H.F.	572	Donald B. Redfern
S—3616	H.F.	572	Dennis H. Black
S—3617	H.F.	573	Ways and Means
S—3618	S.F.	475	Larry Murphy
S—3619	H.F.	573	Derryl McLaren
S—3620	H.F.	573	Mary Neuhauser
			Mike Connolly
S—3621	H.F.	572	Mary Neuhauser
S—3622	H.F.	572	Tony Bisignano
S—3623	H.F.	572	Larry Murphy

## AFTERNOON SESSION

The Senate reconvened at 2:32 p.m., President Boswell presiding.

### HOUSE MESSAGE RECEIVED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 28, 1995, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**House File 126**, a bill for an act relating to certain franchise agreements by amending provisions relating to transfer, termination, and nonrenewal of franchise agreements, and to a civil cause of action for appropriate relief, and repealing certain franchise provisions.

### INTRODUCTION OF RESOLUTIONS

**Senate Resolution 23**, by committee on Appropriations, a resolution honoring the service of Dr. Constantine W. Curriss as President of the University of Northern Iowa.

**Read first time and placed on Appropriations Calendar.**

**Senate Resolution 24**, by committee on Appropriations, a resolution expressing appreciation to Hunter R. Rawlings for his service as President of the University of Iowa.

**Read first time and placed on Appropriations Calendar.**

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

**BUSINESS PENDING****House File 572**

The Senate resumed consideration of House File 572, a bill for an act relating to imposing a prison and jail surcharge on scheduled fines and forfeitures and providing for the appropriation and disposition of the proceeds from the surcharge for prisons and jails, and the question of germaneness raised by Senator Lind on amendment S—3615 to division S—3611A, pending on recess.

The Chair ruled the point by Senator Lind on the germaneness of amendment S—3615 to division S—3611A well taken and amendment S—3615 out of order.

Senator Halvorson raised the point of order that division S—3611A was not germane to the bill.

The Chair ruled the point well taken and division S—3611A out of order.

Senator Horn asked and received unanimous consent that action on House File 572 be deferred (division S—3611B pending).

**CONSIDERATION OF BILL**  
(Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 566.

**House File 566**

On motion of Senator Iverson, House File 566, a bill for an act relating to the taxation of sales of residential service contracts under the state sales, services, and use taxes, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 566) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

### INTRODUCTION OF BILL

**Senate File 486**, by committee on Appropriations, a bill for an act relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions.

Read first time and **placed on Appropriations Calendar**.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 566** be immediately messaged to the House.

### ADOPTION OF RESOLUTION (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 31.

### Senate Concurrent Resolution 31

On motion of Senator Kibbie, Senate Concurrent Resolution 31, a concurrent resolution requesting that Congress introduce legislation providing for state sovereignty through the low-cost

financing of debt and needed capital projects by state and local governments, was taken up for consideration.

Senator Judge took the chair at 3:06 p.m.

Senator Kibbie moved the adoption of Senate Concurrent Resolution 31.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.C.R. 31) the vote was:

Ayes, 26:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Horn	Husak	Judge	Kibbie
Murphy	Palmer	Priebe	Sorensen
Szymoniak	Vilsack		

Nays, 24:

Banks	Bartz	Bennett	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Neuhauser	Redfern	Rensink
Rife	Rittmer	Tinsman	Zieman

The motion prevailed and the resolution was adopted.

## BUSINESS PENDING

### House File 572

The Senate resumed consideration of House File 572, a bill for an act relating to imposing a prison and jail surcharge on scheduled fines and forfeitures and providing for the appropriation and disposition of the proceeds from the surcharge for prisons and jails, and division S—3611B, previously deferred.

Senator Bisignano offered amendment S—3625 filed by Senators Bisignano and Black from the floor to division S—3611B.

Senator Bartz called for a division of amendment S—3625:

Division A: Page 1, lines 4-18 and 30-50 and page 2.

Division B: Page 1, lines 19-29.

Senator Bartz withdrew his request for a division of amendment S—3625 to division S—3611B.

Senator Bisignano moved the adoption of amendment S—3625 to division S—3611B, which motion prevailed by a voice vote.

With the adoption of amendment S—3625 to division S—3611B, the Chair ruled the following amendments to division S—3611B, out of order:

S—3616 filed by Senator Black from the floor.

S—3621 filed by Senator Neuhauser from the floor.

S—3622 by Senator Bisignano, previously deferred.

Senator Murphy offered amendment S—3627 filed by him from the floor to division S—3611B and moved its adoption.

A non record roll call was requested.

The ayes were 18, nays 27.

Amendment S—3627 lost.

Senator Rife asked and received unanimous consent that action on amendment S—3623 filed by Senator Murphy from the floor to division S—3611B be deferred.

Senator Giannetto offered amendment S—3626 filed by him from the floor to division S—3611B and moved its adoption.

Amendment S—3626 was adopted by a voice vote.

The Senate stood at ease at 3:42 p.m. until the fall of the gavel.

The Senate resumed session at 3:45 p.m., Senator Judge presiding.

Senator Vilsack moved the adoption of amendment S—3623 by Senator Murphy to division S—3611B, previously deferred.

Amendment S—3623 was adopted by a voice vote.

Senator Vilsack moved the adoption of division S—3611B as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 572) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Jensen	Judge
Kibbie	Lind	Lundby	Maddox
McKean	McLaren	Murphy	Neuhauser
Palmer	Priebe	Redfern	Rensink
Rife	Rittmer	Sorensen	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 3:

Borlaug	Iverson	Kramer
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

### IMMEDIATELY MESSAGED

Senator Fraise asked and received unanimous consent that House File 572 and Senate Concurrent Resolution 31 be immediately messaged to the House.

## COMMITTEE REPORTS

## APPROPRIATIONS

**Final Bill Action:** SENATE RESOLUTION 23 (SSB 370), a resolution honoring the service of Dr. Constantine W. Curris as President of the University of Northern Iowa.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 25: Murphy, Boswell, Lind, Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE RESOLUTION 24 (SSB 369), a resolution expressing appreciation to Hunter R. Rawlings for his service as President of the University of Iowa.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 25: Murphy, Boswell, Lind, Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 486 (SSB 371), a bill for an act relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 25: Murphy, Boswell, Lind, Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack. Nays, none.

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

## ADOPTION OF RESOLUTION (Regular Calendar)

Senator Fraise asked and received unanimous consent to take up for consideration Senate Resolution 24.

### Senate Resolution 24

On motion of Senator Dvorsky, Senate Resolution 24, a resolution expressing appreciation to Hunter R. Rawlings for his service as President of the University of Iowa, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 24, which motion prevailed by a voice vote.

The Senate stood at ease at 4:03 p.m. until the fall of the gavel.

The Senate resumed session at 4:16 p.m., Senator Judge presiding.

President Boswell took the chair at 4:20 p.m.

## CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 486.

### Senate File 486

On motion of Senator Murphy, Senate File 486, a bill for an act relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions, was taken up for consideration.

Senator Banks offered amendment S—3635 filed by him from the floor to page 4 of the bill and moved its adoption.

Amendment S—3635 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 486) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Husak	Iverson	Jensen
Judge	Kibbie	Kramer	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Horn

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

### ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Resolution 23.

#### Senate Resolution 23

On motion of Senator Lind, Senate Resolution 23, a resolution honoring the service of Dr. Constantine W. Curriss as President of the University of Northern Iowa, was taken up for consideration.

Senator Lind moved the adoption of Senate Resolution 23, which motion prevailed by a voice vote.

UNFINISHED BUSINESS  
(Deferred April 17, 1995)

**Senate File 478**

The Senate resumed consideration of Senate File 478, a bill for an act relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in investment subsidiaries and providing effective and applicability dates, and amendment S—3447 by Senators Vilsack, Drake and Douglas to page 1 and the title page of the bill, deferred April 17, 1995.

Senator Vilsack asked and received unanimous consent that action on amendment S—3447 continue to be deferred.

Senator Gronstal withdrew amendment S—3553 filed by him on April 24, 1995, to page 1 of the bill.

Senator Bennett offered amendment S—3605 filed by him on April 27, 1995, to strike everything after the enacting clause of the bill.

Senator Bisignano offered amendment S—3630 filed by Senators Bisignano and Palmer from the floor to amendment S—3605.

Senator Drake raised the point of order that amendment S—3630 to amendment S—3605 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3630 out of order.

Senator Bisignano asked and received unanimous consent that action on amendment S—3605 and **Senate File 478** be deferred.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 486** be immediately messaged to the House.

The Senate stood at ease at 5:16 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:48 p.m., President Boswell presiding.

The Senate resumed session at 8:18 p.m., President pro tempore Bisignano presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

### WITHDRAWN

Senator Horn asked and received unanimous consent that **Senate Resolution 18** be withdrawn from further consideration of the Senate.

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1995, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 120**, a bill for an act requiring that prison inmates demonstrate functional literacy competence at or above the sixth grade level or obtain a general equivalency diploma, conditioning receipt of certain privileges on participation in education programs, and permitting the use of educational competence as a precondition to the granting of parole or work release, and providing exceptions (S—3637).

ALSO: That the House has on April 28, 1995, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

**Senate File 475**, a bill for an act relating to state financial provisions and providing applicability provisions and effective dates.

### HOUSE AMENDMENT CONSIDERED

**Senate File 120**

Senator Szymoniak called up for consideration Senate File 120, a bill for an act requiring that prison inmates demonstrate functional literacy competence at or above the sixth grade level or obtain a general equivalency diploma, conditioning receipt of certain privileges on participation in education programs, and permitting the use of educational competence as a precondition to the granting of parole or work release, and providing exceptions, amended by the House, and moved that the Senate concur in House amendment S—3637 filed April 28, 1995.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Szymoniak moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 120) the vote was:

Ayes, 47:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Iverson	Jensen
Judge	Kibbie	Kramer	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rittmer	Sorensen
Szymoniak	Tinsman	Zieman	

Nays, 1:

Rife

Absent or not voting, 2:

Banks                      Vilsack

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

## UNFINISHED BUSINESS CALENDAR

### Senate File 411

On motion of Senator Deluhery, Senate File 411, a bill for an act relating to authorization of price regulation for utilities providing communications services, placed on the Unfinished Business Calendar on April 6, 1995, was taken up for consideration.

Senator Deluhery offered amendment S—3426 filed by him on April 13, 1995, to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—3426 was adopted by a voice vote.

Senator Deluhery asked and received unanimous consent that **House File 518** be substituted for **Senate File 411**.

### House File 518

On motion of Senator Deluhery, House File 518, a bill for an act relating to authorization of price regulation for utilities providing communications services, was taken up for consideration.

Senator Gronstal offered amendment S—3641 filed by Senators Gronstal, et al., from the floor to pages 1, 7, 12, 14-16, 18 and 19 of the bill and moved its adoption.

Amendment S—3641 was adopted by a voice vote.

With the adoption of amendment S—3641, the Chair ruled amendment S—3583 filed by Senators Hansen, et al., on April 26, 1995, to pages 7, 16 and 18 of the bill, out of order.

Senator Gronstal withdrew amendment S—3590 filed by him from the floor to page 8 of the bill.

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

On the question "Shall the bill pass?" (H.F. 518) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

Senator Deluhery asked and received unanimous consent that **Senate File 411** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 120** and **House File 518** be **immediately messaged** to the House.

### BUSINESS PENDING

#### Senate File 478

The Senate resumed consideration of Senate File 478, a bill for an act relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in investment subsidiaries and providing effective and applicability dates, and amendment S—3605 by Senator Bennett to strike everything after the enacting clause of the bill, previously deferred.

Senator Palmer asked and received unanimous consent that action on amendment S—3638 filed by Senators Bisignano and Palmer from the floor to amendment S—3605 be deferred.

The Senate stood at ease at 8:52 p.m. until the fall of the gavel.

The Senate resumed session at 9:12 p.m., President Boswell presiding.

Senator Horn asked and received unanimous consent that action on Senate File 478 be deferred.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1995, passed the following bill in which the concurrence of the Senate is asked:

**House File 508**, a bill for an act relating to underground storage tanks by increasing the environmental protection charge, providing for the use of risk-based corrective action standards, expanding property transfer insurance and loan guarantees, extending the compliance date for upgrade requirements, relating to cost recovery, creating marketability and innocent landowner funds and providing benefits, requiring certification of groundwater professionals and creating a penalty, requiring a study, and providing for repeals, and implementation, effective date, and retroactive applicability provisions.

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

ALSO: That the House has on April 28, 1995, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**House File 573**, a bill for an act relating to economic development by establishing a workforce development fund, providing for the transfer of certain employer withholding amounts to the workforce development fund, and establishing a loan loss reserve program.

### UNFINISHED BUSINESS

(Deferred April 26, 1995)

#### Senate File 413

The Senate resumed consideration of Senate File 413, a bill for an act relating to underground storage tanks by increasing

the environmental protection charge, providing for the use of risk-based corrective action standards, expanding property transfer insurance and loan guarantees, extending the compliance date for upgrade requirements, creating marketability and innocent landowner funds and providing benefits, requiring certification of groundwater professionals and creating a penalty, requiring a study, and providing for repeals, and implementation, effective date, and retroactive applicability provisions, and amendment S—3497 by Senators Banks, et al., to pages 11, 16 and the title page of the bill, deferred April 26, 1995.

Senator Gronstal filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3578 to Senate File 413 was adopted by the Senate on April 26, 1995.

The motion prevailed by a voice vote and amendment S—3578 by Senator Gronstal to pages 6, 7 and 13 of the bill was taken up for reconsideration.

Senator Gronstal withdrew amendment S—3578.

Senator Gronstal filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3579 to Senate File 413 was adopted by the Senate on April 26, 1995.

The motion prevailed by a voice vote and amendment S—3579 by Senator Gronstal to pages 1, 2, 4 and 13-16 of the bill was taken up for reconsideration.

Senator Gronstal withdrew amendment S—3579.

Senator Gronstal filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3584 to amendment S—3497 to Senate File 413 was adopted by the Senate on April 26, 1995.

The motion prevailed by a voice vote and amendment S—3584 by Senator Giannetto to amendment S—3497 was taken up for reconsideration.

Senator Gronstal asked and received unanimous consent that amendment S—3584 be withdrawn.

Senator Gronstal offered amendment S—3650 filed by him from the floor to pages 1, 2, 4, 6, 7, 11, 13-16 and the title page of the bill and moved its adoption.

Amendment —3650 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent that **House File 508** be substituted for **Senate File 413** as amended.

### **House File 508**

On motion of Senator Gronstal, House File 508, a bill for an act relating to underground storage tanks by increasing the environmental protection charge, providing for the use of risk-based corrective action standards, expanding property transfer insurance and loan guarantees, extending the compliance date for upgrade requirements, relating to cost recovery, creating marketability and innocent landowner funds and providing benefits, requiring certification of groundwater professionals and creating a penalty, requiring a study, and providing for repeals, and implementation, effective date, and retroactive applicability provisions, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **House File 508** be deferred.

## COMMITTEE REPORT

### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 578, a bill for an act relating to the Iowa communications network by providing for the connection and support of certain Part III users, directing the commission to develop a request for proposals for additional connections, making appropriations, and making related statutory changes.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 17: Murphy, Boswell, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Kibbie, Kramer, Neuhauser, Rensink and Tinsman. Nays, 1: Lind. Absent or not voting, 7: Banks, Hammond, Husak, Iverson, Judge, McLaren and Vilsack.

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

**CONSIDERATION OF BILL  
(Appropriations Calendar)**

Senator Horn asked and received unanimous consent to take up for consideration House File 578.

**House File 578**

On motion of Senator Dvorsky, House File 578, a bill for an act relating to the Iowa communications network by providing for the connection and support of certain Part III users, directing the commission to develop a request for proposals for additional connections, making appropriations, and making related statutory changes, with report of committee recommending passage, was taken up for consideration.

Senator Giannetto offered amendment S—3639 filed by Senators Giannetto and Bisignano from the floor to pages 1, 2 and 4 of the bill.

Senator Dvorsky raised the point of order that amendment S—3639 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3639 in order.

On the question “Shall amendment S—3639 be adopted?” (H.F. 578) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Banks	Bartz	Bennett	Bisignano
Boettger	Borlaug	Freeman	Giannetto
Gronstal	Hedge	Husak	Iverson
Jensen	Lind	Maddox	McKean
McLaren	Palmer	Redfern	Rife
Rittmer			

Nays, 28:

Black	Boswell	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Gettings
Halvorson	Hammond	Hansen	Horn
Judge	Kibbie	Kramer	Lundby
Murphy	Neuhauser	Rensink	Sorensen
Szymoniak	Tinsman	Vilsack	Zieman

Absent or not voting, 1:

Priebe

Amendment S—3639 lost.

Senator Jensen offered amendment S—3643 filed by Senators Jensen and McLaren from the floor to pages 1 and 2 of the bill.

Senator Vilsack raised the point of order that amendment S—3643 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3643 out of order.

Senator Kramer offered amendment S—3644 filed by Senators Kramer, et al., from the floor to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3644 be adopted?” (H.F. 578) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Banks	Bartz	Bennett	Boettger
Borlaug	Douglas	Drake	Freeman
Giannetto	Hedge	Husak	Iverson
Kramer	Lind	Maddox	McKean
McLaren	Priebe	Redfern	Rife
Rittmer	Tinsman		

Nays, 27:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gettings	Gronstal
Halvorson	Hammond	Horn	Jensen
Judge	Kibbie	Lundby	Murphy
Neuhauser	Palmer	Rensink	Sorensen
Szymoniak	Vilsack	Zieman	

Absent or not voting, 1:

Hansen

Amendment S—3644 lost.

Senator McLaren offered amendment S—3642 filed by Senators McLaren, et al., from the floor to pages 1 and 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3642 be adopted?" (H.F. 578) the vote was:

Ayes, 23:

Banks	Bartz	Bennett	Black
Boettger	Borlaug	Fraise	Freeman
Giannetto	Hedge	Husak	Iverson
Jensen	Judge	Kibbie	Lind
Maddox	McKean	McLaren	Priebe
Redfern	Rife	Rittmer	

Nays, 27:

Bisignano	Boswell	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Gettings	Gronstal
Halvorson	Hammond	Hansen	Horn
Kramer	Lundby	Murphy	Neuhauser
Palmer	Rensink	Sorensen	Szymoniak
Tinsman	Vilsack	Zieman	

Amendment S—3642 lost.

President pro tempore Bisignano took the chair at 11:25 p.m.

Senator Redfern offered amendment S—3646 filed by him from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3646 be adopted?" (H.F. 578) the vote was:

Ayes, 23:

Banks	Bartz	Bennett	Boettger
Borlaug	Douglas	Freeman	Giannetto
Halvorson	Hedge	Husak	Iverson
Jensen	Kramer	Lind	Maddox
McKean	McLaren	Priebe	Redfern
Rife	Rittmer	Tinsman	

Nays, 27:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Hammond	Hansen	Horn
Judge	Kibbie	Lundby	Murphy
Neuhauser	Palmer	Rensink	Sorensen
Szymoniak	Vilsack	Zieman	

Amendment S—3646 lost.

Senator McKean offered amendment S—3645 filed by Senators McKean, et al., from the floor to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3645 be adopted?" (H.F. 578) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Banks	Bartz	Bennett	Boettger
Borlaug	Douglas	Drake	Freeman
Giannetto	Halvorson	Hedge	Husak
Iverson	Jensen	Judge	Kramer
Lind	Maddox	McKean	McLaren
Redfern	Rife	Rittmer	Tinsman
Zieman			

Nays, 25:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gettings	Gronstal
Hammond	Hansen	Horn	Kibbie
Lundby	Murphy	Neuhauser	Palmer
Priebe	Rensink	Sorensen	Szymoniak
Vilsack			

Amendment S—3645 lost.

McLaren offered amendment S—3647 filed by Senators McLaren and McKean from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3647 be adopted?" (H.F. 578) the vote was:

Ayes, 21:

Banks	Bartz	Bennett	Boettger
Borlaug	Douglas	Freeman	Giannetto
Hedge	Husak	Iverson	Jensen
Kramer	Lind	Maddox	McKean
McLaren	Redfern	Rife	Rittmer
Zieman			

Nays, 29:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Horn	Judge	Kibbie	Lundby
Murphy	Neuhauser	Palmer	Priebe
Rensink	Sorensen	Szymoniak	Tinsman
Vilsack			

Amendment S—3647 lost.

Senator Lind offered amendment S—3656 filed by him from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3656 be adopted?" (H.F. 578) the vote was:

Ayes, 19:

Banks	Bartz	Bennett	Boettger
Borlaug	Freeman	Giannetto	Hedge
Iverson	Jensen	Kramer	Lind
Maddox	McKean	McLaren	Redfern
Rife	Rittmer	Tinsman	

Nays, 31:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Horn	Husak	Judge
Kibbie	Lundby	Murphy	Neuhauser
Palmer	Priebe	Rensink	Sorensen
Szymoniak	Vilsack	Zieman	

Amendment S—3656 lost.

Senator Husak offered amendment S—3654 filed by him from the floor to pages 1 and 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3654 be adopted?" (H.F. 578) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Banks	Bartz	Bennett	Black
Boettger	Borlaug	Fraise	Freeman
Giannetto	Hedge	Husak	Iverson
Jensen	Judge	Kibbie	Lind
Maddox	McKean	McLaren	Murphy
Priebe	Redfern	Rife	Rittmer

Nays, 26:

Bisignano	Boswell	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Gettings	Gronstal
Halvorson	Hammond	Hansen	Horn

Kramer	Lundby	Neuhauser	Palmer
Rensink	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Amendment S—3654 lost.

Senator McKean offered amendment S—3657 filed by Senator McKean from the floor to pages 1 and 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3657 be adopted?" (H.F. 578) the vote was:

Ayes, 23:

Banks	Bartz	Bennett	Black
Boettger	Borlaug	Drake	Freeman
Giannetto	Halvorson	Hedge	Husak
Iverson	Jensen	Lind	Maddox
McKean	McLaren	Redfern	Rife
Rittmer	Sorensen	Zieman	

Nays, 27:

Bisignano	Boswell	Connolly	Dearden
Deluhery	Douglas	Dvorsky	Fink
Flynn	Fraise	Gettings	Gronstal
Hammond	Hansen	Horn	Judge
Kibbie	Kramer	Lundby	Murphy
Neuhauser	Palmer	Priebe	Rensink
Szymoniak	Tinsman	Vilsack	

Amendment S—3657 lost.

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

On the question "Shall the bill pass?" (H.F. 578) the vote was:

Ayes, 31:

Bartz	Boswell	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen

Horn	Kibbie	Kramer	Lundby
Maddox	Murphy	Neuhauser	Palmer
Priebe	Rensink	Sorensen	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 19:

Banks	Bennett	Bisignano	Black
Boettger	Borlaug	Freeman	Giannetto
Hedge	Husak	Iverson	Jensen
Judge	Lind	McKean	McLaren
Redfern	Rife	Rittmer	

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

Senator Horn asked and received unanimous consent that **House File 578** be immediately messaged to the House.

## BUSINESS PENDING

### House File 508

The Senate resumed consideration of House File 508, a bill for an act relating to underground storage tanks by increasing the environmental protection charge, providing for the use of risk-based corrective action standards, expanding property transfer insurance and loan guarantees, extending the compliance date for upgrade requirements, relating to cost recovery, creating marketability and innocent landowner funds and providing benefits, requiring certification of groundwater professionals and creating a penalty, requiring a study, and providing for repeals, and implementation, effective date, and retroactive applicability provisions, previously deferred.

Senator Lundby offered amendment S—3653 filed by her on April 28, 1995, to page 2 of the bill and moved its adoption.

Amendment S—3653 was adopted by a voice vote.

President Boswell took the chair at 12:50 a.m.

Senator Husak offered amendment S—3640 filed by Senators Husak, et al., on April 28, 1995, to page 8 of the bill and moved its adoption.

Amendment S—3640 was adopted by a voice vote.

Senator Gronstal offered amendment S—3649 filed by him on April 28, 1995, to page 12 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 25, nays 25.

Amendment S—3649 lost.

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

On the question "Shall the bill pass?" (H.F. 508) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hammond	Hansen	Hedge	Horn
Husak	Iverson	Jensen	Judge
Kibbie	Kramer	Lind	Lundby
Maddox	McKean	McLaren	Murphy
Neuhauser	Palmer	Priebe	Redfern
Rensink	Rife	Rittmer	Sorensen
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 2:

Drake                      Halvorson

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

### WITHDRAWN

Senator Gronstal asked and received unanimous consent that **Senate File 413** be **withdrawn** from further consideration of the Senate.

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1995, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

**House File 519**, a bill for an act providing for the regulation of animal feeding operations, fees, the expenditure of moneys, penalties, and an effective date (S—3655 to H—4033).

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 519

Senator Priebe called up for consideration House File 519, a bill for an act providing for the regulation of animal feeding operations, fees, the expenditure of moneys, penalties, and an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3655 to Senate amendment H—4033 filed April 28, 1995.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 519) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Banks	Bartz	Bennett	Bisignano
Boettger	Borlaug	Boswell	Douglas
Drake	Dvorsky	Fraise	Freeman
Gettings	Horn	Jensen	Kibbie
Lind	McLaren	Murphy	Priebe
Rensink	Rife	Rittmer	Sorensen
Vilsack	Zieman		

Nays, 24:

Black	Connolly	Dearden	Deluhery
Fink	Flynn	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Husak	Iverson	Judge	Kramer
Lundby	Maddox	McKean	Neuhauser
Palmer	Redfern	Szymoniak	Tinsman

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Priebe moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 519) the vote was:

Ayes, 26:

Banks	Bartz	Bennett	Bisignano
Boettger	Borlaug	Boswell	Douglas
Drake	Dvorsky	Fraise	Freeman
Gettings	Horn	Jensen	Kibbie
Lind	McLaren	Murphy	Priebe
Rensink	Rife	Rittmer	Sorensen
Vilsack	Zieman		

Nays, 24:

Black	Connolly	Dearden	Deluhery
Fink	Flynn	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Husak	Iverson	Judge	Kramer
Lundby	Maddox	McKean	Neuhauser
Palmer	Redfern	Szymoniak	Tinsman

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 508 and 519** be immediately messaged to the House.

## APPENDIX

### STUDY BILLS RECEIVED

#### SSB 369 Appropriations

A Resolution expressing appreciation to Hunter R. Rawlings for his service as President of the University of Iowa.

#### SSB 370 Appropriations

A Resolution honoring the service of Dr. Constantine W. Curris as President of the University of Northern Iowa.

#### SSB 371 Appropriations

Relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions.

### SUBCOMMITTEE ASSIGNMENTS

#### SSB 369

APPROPRIATIONS: Dvorsky, Chair; Lind and Neuhauser

#### SSB 370

APPROPRIATIONS: Lind, Chair; Kibbie and Kramer

### PRESENTATION OF VISITORS

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

Fifty fifth grade students from Sioux Central School, Rembrandt, accompanied by Marla Huebner. Senator Freeman.

Eighteen third and fourth grade students from Timothy Christian School, Wellsburg, accompanied by Tammy Lambert. Senator Jensen.

Seventy-five eighth grade students from Emmetsburg Middle School, Emmetsburg, accompanied by John Joynt. Senator Kibbie.

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 28th day of April, 1995:

Senate Files 432, 427, 358 and 69.

JOHN F. DWYER  
Secretary of the Senate

## AMENDMENTS FILED

S—3624	H.F.	555	Mary E. Kramer
S—3625	H.F.	572	Tony Bisignano Dennis Black
S—3626	H.F.	572	Randal J. Giannetto
S—3627	H.F.	572	Larry Murphy
S—3628	H.F.	555	Johnie Hammond
S—3629	H.F.	555	Johnie Hammond
S—3630	S.F.	478	Tony Bisignano William D. Palmer
S—3631	H.F.	555	Johnie Hammond
S—3632	H.F.	555	Johnie Hammond
S—3633	H.F.	555	Johnie Hammond Mary Neuhauser Robert Dvorsky
S—3634	H.F.	555	Johnie Hammond
S—3635	S.F.	486	Brad Banks
S—3636	S.F.	413	Emil J. Husak Brad Banks
S—3637	S.F.	120	House amendment
S—3638	S.F.	478	Tony Bisignano William D. Palmer
S—3639	H.F.	578	Randal J. Giannetto Tony Bisignano
S—3640	H.F.	508	Emil J. Husak Brad Banks Bill Fink

			Tony Bisignano
			Michael E. Gronstal
S-3641	H.F.	518	Michael E. Gronstal
			Patrick J. Deluhery
			Emil J. Husak
			Mary A. Lundby
S-3642	H.F.	578	Derryl McLaren
			Randal J. Giannetto
			Donald B. Redfern
			Emil J. Husak
S-3643	H.F.	578	John W. Jensen
			Derryl McLaren
S-3644	H.F.	578	Mary Kramer
			O. Gene Maddox
			Nancy Boettger
			JoAnn Douglas
			Sheldon Rittmer
S-3645	H.F.	578	Andy McKean
			Randal J. Giannetto
			Brad Banks
			Donald B. Redfern
S-3646	H.F.	578	Donald B. Redfern
S-3647	H.F.	578	Derryl McLaren
			Andy McKean
S-3648	H.F.	518	Jim Lind
S-3649	H.F.	508	Michael E. Gronstal
S-3650	S.F.	413	Michael E. Gronstal
S-3651	S.F.	478	Tony Bisignano
			William D. Palmer
S-3652	S.F.	239	Tom Vilsack
S-3653	H.F.	508	Mary Lundby
S-3654	H.F.	578	Emil J. Husak
S-3655	H.F.	519	House amendment
S-3656	H.F.	578	Jim Lind
S-3657	H.F.	578	Andy McKean
			Randal J. Giannetto
			Emil J. Husak
			Nancy Boettger

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 2:15 a.m., until 2:00 p.m., Monday, May 1, 1995.

# JOURNAL OF THE SENATE

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ONE HUNDRED THIRTEENTH CALENDAR DAY  
SIXTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, May 1, 1995

The Senate met in regular session at 2:08 p.m., President Boswell presiding.

Prayer was offered by the Reverend Doug Raymond, pastor of the Rising Sun Church of Christ, Des Moines, Iowa.

The Journal of Friday and Saturday, April 28 and 29, 1995, was approved.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

Senator Sorensen took the chair at 2:20 p.m.

President Boswell took the chair at 2:28 p.m.

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren for the day on request of Senator Rife.

## BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the following bills be referred from the Regular Calendar to committee:

H.F.	562	Judiciary
S. C. R.	21	Communications and Information Policy

## MOTION TO RECONSIDER ADOPTED

Senator Vilsack called up the motion to reconsider Senate File 466 filed by Senator Palmer on April 4, 1995, found on page 1041 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 466) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rittmer	Sorensen
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 1:

Rife

Absent or not voting, 1:

McLaren

The motion prevailed.

Senator Vilsack moved to reconsider the vote by which Senate File 466 went to its last reading, which motion prevailed by a voice vote.

### Senate File 466

On motion of Senator Vilsack, Senate File 466, a bill for an act relating to tax provisions involving income tax, machinery, equipment and computers property tax reimbursement, and services paid for by property taxes and property tax reductions and credits and providing appropriations, penalties, effective dates, and retroactive applicability provisions, was taken up for reconsideration.

The motion to reconsider Senate File 466 filed by Senator Bennett on April 5, 1995, and found on page 1049 of the Senate Journal, was out of order.

Senator Vilsack asked and received unanimous consent that **Senate File 466** be **withdrawn** from further consideration of the Senate.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 485.

#### Senate File 485

On motion of Senator Murphy, Senate File 485, a bill for an act authorizing certain counties, cities, or school districts to create a joint authority to issue bonds to build and own buildings and authorizing a tax levy by school districts to lease buildings, was taken up for consideration.

Senator Iverson asked and received unanimous consent that action on **Senate File 485** be **deferred**.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 239

Senator Vilsack called up for consideration Senate File 239, a bill for an act relating to the provision of mediation in dissolution of marriage proceedings, amended by the House in House amendment S—3601 filed April 27, 1995.

Senator Vilsack offered amendment S—3652 filed by him on April 28, 1995, to House amendment S—3601 and moved its adoption.

Amendment S—3652 was adopted by a voice vote.

Senator Vilsack moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Vilsack moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 239) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

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

## UNFINISHED BUSINESS

(Deferred April 26, 1995)

### House File 505

The Senate resumed consideration of House File 505, a bill for an act relating to payment of expenses for persons with mental retardation, deferred April 26, 1995.

Senator Bartz called up the motion to reconsider the vote by which amendment S—3577 to House File 505 was adopted by the Senate on April 26, 1995, filed by him on April 27, 1995, and found on page 1491 of the Senate Journal.

Senator Vilsack asked and received unanimous consent that action on the motion to reconsider and **House File 505** be **deferred**.

### BILL REMOVED FROM ITEM VETO CALENDAR

Senator Horn asked and received unanimous consent that **Senate File 462** be indefinitely postponed and that the bill be removed from the Item Veto Message Calendar.

The Senate stood at ease at 3:30 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:15 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 239** be **immediately messaged** to the House.

### UNFINISHED BUSINESS (Deferred April 28, 1995)

#### **Senate File 478**

The Senate resumed consideration of **Senate File 478**, a bill for an act relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in investment subsidiaries and providing effective and applicability dates, amendment S—3447, amendment S—3605, and S—3638 to amendment S—3605, deferred April 28, 1995.

Senator Bisignano offered amendment S—3651 filed by Senators Bisignano and Palmer on April 28, 1995, to amendment S—3605.

Senator Bisignano called for a division of amendment S—3651 to amendment S—3605: lines 3 and 4 as division S—3651A and lines 5-16 as division S—3651B.

(Action on Senate File 478 and division S—3651A to amendment S—3605 was deferred.)

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1995, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

**House File 508**, a bill for an act relating to underground storage tanks by increasing the environmental protection charge, providing for the use of risk-based corrective action standards, expanding property transfer insurance and loan guarantees, extending the compliance date for upgrade requirements, relating to cost recovery, creating marketability and innocent landowner funds and providing benefits, requiring certification of groundwater professionals and creating a penalty, requiring a study, and providing for repeals, and implementation, effective date, and retroactive applicability provisions (S—3662).

ALSO: That the House has on May 1, 1995, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

**House File 572**, a bill for an act relating to imposing a prison and jail surcharge on scheduled fines and forfeitures and providing for the appropriation and disposition of the proceeds from the surcharge for prisons and jails.

The Senate stood at ease at 4:41 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:48 p.m., President Boswell presiding.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

## BUSINESS PENDING

### Senate File 478

The Senate resumed consideration of Senate File 478, a bill for an act relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in investment subsidiaries and providing effective and applicability dates, previously deferred.

Senator Palmer asked and received unanimous consent to withdraw divisions S—3651A and S—3651B to amendment S—3605.

Senator Palmer asked and received unanimous consent to withdraw amendment S—3638 by Senators Bisignano and Palmer to amendment S—3605, deferred April 28, 1995.

Senator Bennett withdrew amendment S—3605.

Senator Giannetto withdrew amendment S—3476 filed by him on April 18, 1995, to page 1 and the title page of the bill.

Senator Giannetto asked and received unanimous consent to withdraw amendment S—3482 filed by Senators Giannetto and Drake on April 18, 1995, to page 1 and the title page of the bill.

Senator Giannetto offered amendment S—3537 filed by Senators Giannetto and Drake on April 20, 1995, to page 1 and the title page of the bill.

Senator Drake offered amendment S—3660 filed by Senators Drake, Bennett and Giannetto from the floor to amendment S—3537 and moved its adoption.

Amendment S—3660 lost by a voice vote.

Senator Giannetto asked and received unanimous consent that action on amendment S—3537 be deferred.

The Chair ruled amendment S—3474 filed by Senators Bisignano and Palmer on April 18, 1995, to page 1 of the bill, out of order.

Senator Vilsack moved the adoption of amendment S—3447 by Senators Vilsack, Drake and Douglas to page 1 and the title page of the bill, deferred April 28, 1995.

Amendment S—3447 lost by a voice vote.

The Senate resumed consideration of amendment S—3537 by Senators Giannetto and Drake, previously deferred.

Senator Lind filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3660 to amendment S—3537 to Senate File 478 failed to be adopted by the Senate on May 1, 1995.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 478) the vote was:

Ayes, 24:

Banks	Bartz	Bennett	Boettger
Borlaug	Douglas	Drake	Flynn
Freeman	Giannetto	Hedge	Iverson
Jensen	Kramer	Lind	Lundby
Maddox	McKean	Redfern	Rensink
Rife	Rittmer	Tinsman	Zieman

Nays, 25:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Dvorsky	Fink
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Horn	Husak
Judge	Kibbie	Murphy	Neuhauser
Palmer	Priebe	Sorensen	Szymoniak
Vilsack			

Absent or not voting, 1:

McLaren

The motion lost.

Senator Bennett called for a division of amendment S—3537: lines 2-7 as division S—3537A and lines 8-10 as division S—3537B.

Senator Giannetto moved the adoption of division S—3537A, which motion prevailed by a voice vote.

Senator Giannetto moved the adoption of division S—3537B which motion lost by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 478) the vote was:

Ayes, 29:

Bennett	Bisignano	Black	Boswell
Connolly	Dearden	Deluhery	Drake
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Horn	Husak	Jensen
Kibbie	Lundby	Maddox	Neuhauser
Palmer	Sorensen	Szymoniak	Tinsman
Zieman			

Nays, 20:

Banks	Bartz	Boettger	Borlaug
Douglas	Freeman	Giannetto	Hedge
Iverson	Judge	Kramer	Lind
McKean	Murphy	Priebe	Redfern
Rensink	Rife	Rittmer	Vilsack

Absent or not voting, 1:

McLaren

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

Senator Horn asked and received unanimous consent that Senate File 478 be immediately messaged to the House.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 508

Senator Gronstal called up for consideration House File 508, a bill for an act relating to underground storage tanks by increasing the environmental protection charge, providing for the use of risk-based corrective action standards, expanding property transfer insurance and loan guarantees, extending the compliance date for upgrade requirements, relating to cost recovery, creating marketability and innocent landowner funds and providing benefits, requiring certification of groundwater professionals and creating a penalty, requiring a study, and providing for repeals, and implementation, effective date, and retroactive applicability provisions, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3662 to Senate amendment H—4177 filed May 1, 1995.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Gronstal moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 508) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hansen	Hedge	Horn
Husak	Iverson	Jensen	Judge
Kibbie	Kramer	Lind	Lundby
Maddox	McKean	Murphy	Neuhauser
Palmer	Priebe	Redfern	Rensink

Rife  
Tinsman

Rittmer  
Vilsack

Sorensen  
Zieman

Szymoniak

Nays, 1:

Halvorson

Absent or not voting, 2:

Hammond

McLaren

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

President pro tempore Bisignano took the chair at 6:38 p.m.

### HOUSE AMENDMENT CONSIDERED (Deferred April 26, 1995)

#### Senate Concurrent Resolution 3

The Senate resumed consideration of Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-sixth general assembly, and House amendment S—3022, deferred on April 26, 1995.

Senator Iverson called up the motion to reconsider the vote by which amendment S—3587 to House amendment S—3022 to Senate Concurrent Resolution 3 failed to be adopted by the Senate on April 26, 1995, filed by him on April 26, 1995, found on page 1456 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—3587 by Senator Gronstal to House amendment S—3022, was taken up for reconsideration.

Senator Gronstal moved the adoption of amendment S—3587 to House amendment S—3022, which motion prevailed by a voice vote.

Senator Gronstal moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Gronstal moved the adoption of Senate Concurrent Resolution 3, as amended.

A non record roll call was requested.

The ayes were 28, nays 16.

The motion prevailed and the resolution as amended was adopted.

### SENATE INSISTS

#### House File 572

Senator Vilsack called up for consideration House File 572, a bill for an act relating to imposing a prison and jail surcharge on scheduled fine and forfeitures and providing for the appropriations and disposition of the proceeds from the surcharge for prisons and jails, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 572** on the part of the Senate: Senators Vilsack, Chair; Giannetto, Hansen, Drake and McKean.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate Concurrent Resolution 3** and **House Files 572** and **508** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 13

Senator Szymoniak called up for consideration Senate File 13,

a bill for an act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates, amended by the House in House amendment S—3055 filed February 9, 1995.

Senator Szymoniak offered amendment S—3663 filed by Senators Szymoniak, et al., from the floor to House amendment S—3055.

Senator Banks called for a division of amendment S—3663:

Page 1, lines 4-7 as division S—3663A; page 1, lines 8-11 as division S—3663B; and page 1, lines 12-50, pages 2-4, and page 5, lines 1-42 as division S—3663C.

Senator Szymoniak moved the adoption of division S—3663A to House amendment S—3055.

A record roll call was requested.

On the question "Shall division S—3663A to House amendment S—3055 be adopted?" (S.F. 13) the vote was:

Ayes, 28:

Bennett	Bisignano	Black	Boswell
Connolly	Dearden	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Horn	Judge	Kramer	Maddox
Murphy	Neuhauser	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack

Nays, 21:

Banks	Bartz	Boettger	Borlaug
Deluhery	Freeman	Gettings	Giannetto
Hedge	Husak	Iverson	Jensen
Kibbie	Lind	Lundby	McKean
Palmer	Priebe	Redfern	Rensink
Zieman			

Absent or not voting, 1:

McLaren

Division S—3663A was adopted.

President Boswell took the chair at 7:38 p.m.

Senator Szymoniak moved the adoption of division S—3663B to House amendment S—3055.

A record roll call was requested.

On the question "Shall division S—3663B to House amendment S—3055 be adopted?" (S.F. 13) the vote was:

Ayes, 29:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Drake	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Horn	Judge	Kibbie	Kramer
Maddox	Murphy	Neuhausser	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack			

Nays, 20:

Banks	Bartz	Bennett	Boettger
Borlaug	Douglas	Freeman	Giannetto
Hedge	Husak	Iverson	Jensen
Lind	Lundby	McKean	Palmer
Priebe	Redfern	Rensink	Zieman

Absent or not voting, 1:

McLaren

Division S—3663B was adopted.

Senator Bartz offered amendment S—3664 filed by him from the floor to division S—3663C to House amendment S—3055 and moved its adoption.

Amendment S—3664 was adopted by a voice vote.

Senator Borlaug offered amendment S—3665 filed by him from the floor to division S—3663C to House amendment S—3055, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3665 to division S—3663C to House amendment S—3055 be adopted?" (S.F. 13) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 13:

Banks	Boettger	Borlaug	Douglas
Freeman	Giannetto	Hedge	Iverson
Jensen	Lundby	McKean	Rensink
Zieman			

Nays, 35:

Bartz	Bennett	Bisignano	Black
Boswell	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Horn	Judge
Kibbie	Kramer	Lind	Maddox
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rife	Rittmer	Sorensen
Szymoniak	Tinsman	Vilsack	

Absent or not voting, 2:

Husak	McLaren
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Amendment S—3665 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Husak for the remainder of the evening on request of Senator Priebe.

### BUSINESS PENDING

#### Senate File 13

The Senate resumed consideration of Senate File 13.

Senator Szymoniak moved the adoption of division S—3663C as amended to House amendment S—3055.

A record roll call was requested.

On the question "Shall division S—3663C as amended to House amendment S—3055 be adopted?" (S.F. 13) the vote was:

## Ayes, 26:

Bartz	Bisignano	Boswell	Connolly
Dearden	Deluhery	Drake	Fink
Flynn	Fraise	Gettings	Gronstal
Halvorson	Hansen	Horn	Judge
Kibbie	Kramer	Maddox	Murphy
Palmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

## Nays, 22:

Banks	Bennett	Black	Boettger
Borlaug	Douglas	Dvorsky	Freeman
Giannetto	Hammond	Hedge	Iverson
Jensen	Lind	Lundby	McKean
Neuhauser	Priebe	Redfern	Rensink
Rife	Rittmer		

## Absent or not voting, 2:

Husak	McLaren
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Division S—3663C was adopted.

Senator Szymoniak moved that the Senate concur in the House amendment as amended.

A non record roll call was requested.

The ayes were 27, nays 13.

The motion prevailed and the Senate concurred in the House amendment as amended.

Senator Szymoniak moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 13) the vote was:

## Ayes, 29:

Bartz	Bennett	Bisignano	Black
Boswell	Connolly	Dearden	Deluhery
Flynn	Fraise	Gettings	Halvorson
Hansen	Hedge	Horn	Judge

Kibbie	Kramer	Lind	Maddox
Murphy	Palmer	Redfern	Rife
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 18:

Banks	Boettger	Borlaug	Douglas
Dvorsky	Fink	Freeman	Giannetto
Gronstal	Hammond	Iverson	Jensen
Lundby	McKean	Neuhauser	Priebe
Rensink	Rittmer		

Absent or not voting, 3:

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

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1995, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

**Senate File 239**, a bill for an act relating to the provision of mediation in dissolution of marriage proceedings.

ALSO: That the House has on May 1, 1995, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**House File 518**, a bill for an act relating to authorization of price regulation for utilities providing communications services.

### INTRODUCTION OF BILL

**Senate File 487**, by Horn and Rife, a bill for an act providing for the garnishment, attachment, or execution of certain benefits to police officers, fire fighters, and peace officers for the purposes of enforcement of child, spousal, or medical support obligations.

Read first time and passed on file.

**IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that **Senate File 13** be **immediately messaged** to the House.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### COMMERCE

Convened: April 28, 1995, 8:30 a.m.

**Members Present:** Deluhery, Chair; Hansen, Vice Chair; Jensen, Ranking Member; Douglas, Freeman, Gettings, Gronstal, Hedge, Lundby and Redfern.

**Members Absent:** Bisignano, Flynn, Husak and Priebe.

**Committee Business:** Informational meeting on House File 518 — telephone regulation.

Adjourned: 9:22 a.m.

### PETITION

Senator Bartz from 20 residents of northern Iowa favoring legislation supporting the development and use of alternative forms of energy.

### REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 93, the following corrections were made:

1. Page 2, line 25, the words "'a" through "e'" were changed to the words "'a" through "d"."

ALSO: That in enrolling Senate File 320, the following corrections were made:

1. Page 53, line 22, the words "section 524.904, subsection 1, of" were changed to the words "section 525.904, subsections 1, of".

2. Page 99, line 14, the words "approval of the plan." were changed to the words "approval of the plan."

ALSO: That in enrolling Senate File 390, the following corrections were made:

1. Page 5, line 14, the words and number "section 3" were changed to the word and number "section 4".

2. Page 5, line 15, the word and number "section 3" were changed to the word and number "section 4".

3. Page 5, line 24, the word and number "section 8" were changed to the word and number "section 9".

4. Page 5, line 26, the word and number "section 8" were changed to the word and number "section 9".

5. Page 5, line 29, the word and number "section 8" were changed to the word and number "section 9".

ALSO: That in enrolling Senate File 459, the following correction was made:

1. Page 32, line 15, the word and number "Section 100" were changed to the word and number "Section 26".

JOHN F. DWYER  
Secretary of the Senate

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 1st day of May, 1995:

SENATE FILES 320, 201, 223, 403, 256, 366, 390, 459, 93 and 208.

JOHN F. DWYER  
Secretary of the Senate

## SUBCOMMITTEE ASSIGNMENTS

### Senate Concurrent Resolution 29

RULES AND ADMINISTRATION: Horn, Chair; Husak and Rife

### Senate Concurrent Resolution 30

RULES AND ADMINISTRATION: Horn, Chair; Husak and Rife

Senate File 127  
(Reassignment)

RULES AND ADMINISTRATION: Husak, Chair; Horn and Kramer

## CERTIFICATES OF RECOGNITION

The secretary of the senate issued the following certificates of recognition:

Jeffery D. Driscol, Kalona — For attaining the rank of Eagle Scout. Senator Hedge (4-23-95).

Bowman Woods Elementary, Cedar Rapids — For FINE Recognition for an Outstanding Job of Improving Students Growth and Achievement (Senator Lundby (5-1-95).

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 29, 1995, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 290 — Relating to motor vehicle and highway regulation by the state department of transportation concerning retention of records and documents, registration plates and stickers, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, flashing blue lights, motorcycle license requirements, leased motor vehicles, proof of financial responsibility, charges for handicapped identification devices, single state registration for motor carriers, commodity base state registration, other technical changes, and providing an effective date.

ALSO: That on May 1, 1995, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 79 — Relating to the transfer of dogs to educational and scientific institutions by pounds.

SENATE FILE 83 — Extending for an additional budget year the regular program district cost guarantee for school districts and increasing the amount of that guarantee and providing an effective date.

SENATE FILE 85 — Providing for the regulation of farm deer and making penalties applicable.

SENATE FILE 106 — To provide disaster leave for certain state employees.

SENATE FILE 146 — Relating to Iowa-foaled horses and Iowa-whelped dogs used for breeding and racing.

SENATE FILE 181 — Providing a sales tax exemption relating to aircraft, limiting the amount of refunds, and providing effective date and retroactive applicability provision.

SENATE FILE 280 — Authorizing townships to provide emergency medical services.

SENATE FILE 286 — Concerning workers' compensation by providing for the computing of gross weekly earnings for volunteer ambulance drivers, emergency medical technician trainees, and seasonal workers, and relating to judicial review of workers' compensation contested cases.

SENATE FILE 293 — Relating to providing for a five-year minimum prison term for a person who uses a dangerous weapon in the commission of a forcible felony.

SENATE FILE 315 — Relating to mental health and developmental disabilities assistance by extending a moratorium on the number of intermediate care facility for the mentally retarded beds and requiring certain reporting activities of the state-county management committee, and providing an effective date.

SENATE FILE 373 — To permit the court to find a person in contempt for failure to pay restitution after the period of probation, work release, parole, or the person's sentence has ended and providing for the entry of a civil judgment for restitution owed to a victim.

SENATE FILE 398 — Relating to commutation of sentences of persons who have been sentenced to life imprisonment.

SENATE FILE 422 — Relating to the duties of county recorder, by transferring certain duties of the clerk of the district court relating to vital statistics and marriage, by providing for fees, by providing for other properly related matters, and providing effective dates.

SENATE FILE 423 — Relating to delayed deposit services businesses and providing penalties.

SENATE FILE 457 — Relating to the Civil Rights Commission concerning the enforcement of civil rights laws.

### AMENDMENTS FILED

S—3658	S. F.	485	Patrick J. Deluhery Larry Murphy
S—3659	H. F.	437	Michael E. Gronstal
S—3660	S. F.	478	Richard F. Drake Wayne Bennett

S-3661	S.F.	485	Randal J. Giannetto Larry Murphy Elaine Szymoniak
S-3662	H.F.	508	House amendment
S-3663	S.F.	13	Elaine Szymoniak Merlin E. Bartz Mary E. Kramer Larry Murphy
S-3664	S.F.	13	Merlin E. Bartz
S-3665	S.F.	13	Allen Borlaug

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 8:45 p.m., until 9:00 a.m., Tuesday, May 2, 1995.

# JOURNAL OF THE SENATE

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ONE HUNDRED FOURTEENTH CALENDAR DAY  
SIXTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, May 2, 1995

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

Prayer was offered by the Honorable John W. Jensen, member of the Senate from Bremer County, Plainfield, Iowa.

The Journal of Monday, May 1, 1995, was approved.

## BILL ASSIGNED TO COMMITTEE

The Chair announced that **Senate File 487** was assigned to the committee on **State Government**.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 48 present, 2 absent and a quorum present.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren until he arrives on request of Senator Rife.

## ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up the following resolution:

## Senate Resolution 22

1                   SENATE RESOLUTION 22

2                   BY: PALMER AND BISIGNANO

3 A Resolution honoring the pages of the Senate and  
4 providing for the awarding of additional  
5 compensation as a bonus for extraordinary  
6 service.

7 WHEREAS, the pages of the Senate of the 1995  
8 Session of the 76th General Assembly have performed  
9 their duties in an outstanding manner and have shown  
10 extraordinary dedication in the performance of those  
11 duties; and

12 WHEREAS, the pages of the Senate have, despite long  
13 hours and sometimes difficult conditions, retained  
14 their senses of humor and shown themselves to be good-  
15 natured and responsible individuals; and

16 WHEREAS, while performing their duties, the pages  
17 of the Senate have demonstrated a positive and  
18 enlightened attitude towards the legislative process;  
19 and

20 WHEREAS, in addition to being excellent employees,  
21 the pages of the Senate have proven to be dedicated  
22 scholars who possess the ability to compose  
23 enlightened prose about the members of the Senate and  
24 its associated agencies and individuals; and

25 WHEREAS, in addition to their regular duties, the  
26 pages of the Senate performed invaluable services to  
27 the Senate and the state of Iowa during the  
28 presidential visit that greatly contributed to the  
29 success of the visit; and

30 WHEREAS, the extraordinary service and dedication

### Page 2

1 shown by the pages of the Senate of the 1995 Session  
2 of the 76th General Assembly should be recognized; NOW

3 THEREFORE,

4 BE IT RESOLVED BY THE SENATE, That the members of  
5 the Senate express their sincere appreciation for the  
6 hard work and dedication of the pages of the Senate.

7 BE IT FURTHER RESOLVED, That each of the pages of  
8 the Senate shall receive in compensation, in addition  
9 to their regular and overtime compensation, a bonus  
10 for the excellent service performed, to be included in  
11 their final paycheck, in an amount equal to the pay  
12 for forty hours of work at the regular pay rate for  
13 pages.

14 BE IT FURTHER RESOLVED, That a copy of this

15 Resolution be presented to each of the pages of the  
16 Senate.

Senator Bisignano moved the adoption of Senate Resolution 22.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.R. 22) the  
vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

McLaren

The motion prevailed and the resolution was adopted.

### SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate by President Boswell for a special presentation and were thanked by Senators Horn and Rife for their service to the Senate.

A Certificate of Recognition for serving with honor and distinction as a Senate Page during the 1995 Regular Session of the Seventy-sixth General Assembly, an enrolled copy of Senate Resolution 22, and an individual and Page group picture were presented to each of the following Pages:

Kate Agena, Wendi Boxx, Melissa Courtney, Ben Dickerson, Anna Halbur, Autumn Heath, Christine Ingraham, Sarah Kueter, Tony Lengeling, Scott Peters, Melissa Petersen, Jonathan Rhyan, Jeni Rickabaugh, Carrie Schnieders, Jessica Scholten, Dana Schroeder and Jill Van Wyk.

The Senate rose and expressed its appreciation to the Pages.

The Senate stood at ease at 9:48 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 11:16 a.m., President Boswell presiding.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 32**, by Bartz and McLaren, a senate concurrent resolution to urge the federal government to ensure fair and competitive market practices for the purchase of livestock from producers by packers and livestock buyers.

Read first time and **passed on file.**

### HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the members of the **Conference Committee** appointed May 2, 1995, on **House File 572**, a bill for an act relating to imposing a prison and jail surcharge on scheduled fines and forfeitures and providing for the appropriation and disposition of the proceeds from the surcharge for prisons and jails on the part of the House are: The Representative from Polk, Mr. Lamberti, Chair; the Representative from Story, Ms. Garman; the Representative from Davis, Mr. Kreiman; the Representative from Wapello, Mr. Moreland; the Representative from Cass, Mr. Weidman.

### RECESS

On motion of Senator Horn, the Senate recessed at 11:20 a.m., until 2:00 p.m.

**APPENDIX****COMMITTEE REPORTS****WAYS AND MEANS**

**Final Bill Action:** HOUSE FILE 549, a bill for an act relating to the collection of taxes and debts owed to or collected by the state, including the renewal of registrations, the publication of information pertaining to certain taxes and debts, providing for an administrative levy to seize certain accounts of a debtor, the denial, revocation, suspension, or renewal of licenses authorized by the state, redistributing collected amounts, creating a driver's license indebtedness clearance pilot project, and other related matters, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Palmer, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Iverson, Murphy, Neuhauser, Priebe and Szymoniak. Nays, 1: Connolly. Absent or not voting, 2: McLaren and Vilsack.

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

**ALSO:**

**Final Bill Action:** HOUSE FILE 577, a bill for an act relating to the creation of real estate improvement districts, authorizing the issuance of general obligation bonds and revenue bonds, the imposition of ad valorem property taxes, special assessments and fees, and other related matters.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3666.

**Final Vote:** Ayes, 8: Palmer, Bennett, Deluhery, Freeman, Iverson, Murphy, Neuhauser and Szymoniak. Nays, 5: Husak, Connolly, Drake, Hedge and Priebe. Absent or not voting, 2: McLaren and Vilsack.

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

**SUBCOMMITTEE ASSIGNMENT**

**Senate File 487**

**STATE GOVERNMENT:** Kibbie, Chair; Gronstal, Halvorson, Lundby and Rittmer

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of May, 1995:

Senate Files 394, 473 and 179.

JOHN F. DWYER  
Secretary of the Senate

## PRESENTATION OF VISITORS

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

Forty high school students from Albia High School, Albia, accompanied by Diane Tuttle. Senator Judge.

Thirty-five students and chaperones from Bedford School and thirty Puerto Rican students and chaperones. Senator Boswell.

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 2, 1995, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 358 — An act relating to certain offenders of the motor vehicle laws, by providing for an administrative adjudication of the habitual offender status, providing for a youthful offender substance abuse awareness program, requiring ignition interlock devices for temporary restricted licenses, providing penalties, and providing for the payment of fees.

SENATE FILE 427 — An Act relating to authorizing the payment of salaries to senior judges, providing for a maximum retirement annuity amount paid to senior judges, affecting senior judge retirement benefits, the appointment of judges to senior judge status, and providing effective and applicability dates.

SENATE FILE 432 — An Act relating to sexually violent predators, by providing that the place of commitment shall be under the control of the department of corrections, by requiring the state to pay the costs incurred by a county for services in sexually violent offender proceedings, and providing an effective date.

## PETITIONS

The following petitions were presented and placed on file by:

Senator Bartz from 166 residents of northern Iowa opposing legislation requiring mandatory helmet usage for motorcycles.

Senator Bartz from 165 residents of northern Iowa opposing legislation requiring mandatory helmet usage for bicycles.

## GOVERNOR'S ITEM VETO MESSAGE

May 2, 1995

The Honorable Leonard Boswell  
President of the Senate  
State Capitol Building  
L O C A L

Dear Mr. President:

I hereby transmit Senate File 69, a bill for an act relating to tax provisions involving state income tax, certain county property tax and services associated with mental health and developmental disabilities services, the county property tax limitation, and property tax on industrial machinery, equipment and computers, providing appropriations, and providing effective and applicability dates.

Senate File 69 represents landmark legislation for the first session of the Seventy-Sixth General Assembly. The bill contains nearly \$100 million in tax reductions for Iowa families and businesses in fiscal year 1996, growing to \$172 million in fiscal year 2001.

With the repeal of property taxes on new machinery and equipment, this bill will have an immediate impact on Iowa's ability to attract and keep high paying jobs. This impact will grow in the future, as all property taxes on existing equipment are gradually eliminated. County taxpayers will also receive property tax relief through the mental health provisions, where 50 percent of mental health financing is shifted to the State and a process for costs containment is begun. Finally, families and retirees will see their Iowa income tax bills go down as a result of increasing the dependent credit from \$15 to \$40, and allowing the exclusion from taxable income of \$3,000 of pension income (\$6,000 for married filers).

I believe that Senate File 69 is an excellent first step towards the goals of increasing jobs, personal income and population growth. I expect additional action to be taken during the next legislative session to reduce income tax rates and treating small businesses the same as other corporations under the single-factor corporate income tax. These changes are critical to attaining our goals.

Senate File 69, is therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 15, identified as the third sentence of Section 331.439, subsection 3a, and Section 331.439, subsections 3b and 3c, in their entirety. These items require counties to receive an inflation factor for mental health beginning in fiscal year 1997, and spell out specific factors and procedures relating to its determination. These items fail to allow for savings from managed care, and could significantly dilute the property tax relief. Moreover, the portion of Section 15, identified as Section 331.439, subsection 3b, contains a provision that intrudes upon my executive budgeting responsibilities. The concept of an inflation factor may be appropriate to reconsider at a later date, after adequate cost containment has been achieved through the rule-making process.

I am unable to approve the designated portion of Section 15, identified as Section 331.439, subsection 5, in its entirety. This item limits counties' obligations for payment of mental health, mental retardation and developmental disabilities services. I support the concept of limiting counties' obligations, except in those instances where a county elects to become its own managed care provider. The assumption of financial risk is one of the defining characteristics of managed care. If a county chooses to become its own managed care provider, it should also assume the financial risk. I will approved language that is subsequently enacted as long as it contains this exclusion.

I am unable to approve the designated portion of Section 18, identified as Section 426B.2, second unnumbered and unlettered paragraph, in its entirety. This item will hinder future efforts to change the allocation formula.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 69 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

### AMENDMENTS FILED

S-3666	H.F.	577	Ways and Means
S-3667	H.F.	565	House amendment

## AFTERNOON SESSION

The Senate reconvened at 2:36 p.m., President Boswell presiding.

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 1995, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

**Senate File 13**, a bill for an act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates.

ALSO: That the House has on May 2, 1995, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

**House File 565**, a bill for an act establishing a school-to-work planning and implementation program focusing on career pathways for students (S—3667 to H—4116).

### BILL ASSIGNED TO COMMITTEE

President Boswell announced that **Senate Concurrent Resolution 32** was assigned to the committee on **Agriculture**.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

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

### SENATE INSISTS

#### Senate File 13

Senator Szymoniak called up for consideration Senate File 13, a bill for an act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and

providing effective dates, amended by the House, further amended by the Senate and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate insisted on its amendment.

### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 13** on the part of the Senate: Senators Szymoniak, Chair; Murphy, Dvorsky, Kramer and Bartz.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 565

Senator Kibbie called up for consideration House File 565, a bill for an act establishing a school-to-work planning and implementation program focusing on career pathways for students, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-3667 to Senate amendment H-4116 filed May 2, 1995.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Kibbie moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 565) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer

Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Palmer

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

## HOUSE AMENDMENT CONSIDERED

### Senate File 189

Senator Redfern called up for consideration Senate File 189, a bill for an act relating to the transfer of real estate by exempting certain transfers of real estate from the real estate transfer tax and providing that a lien for a purchase money mortgage has priority over other interests in the property, amended by the House, and moved that the Senate concur in House amendment S—3428 filed April 13, 1995.

The motion lost by a voice vote and the Senate refused to concur in the House amendment.

## CONSIDERATION OF BILL (Ways and Means Calendar)

### House File 571

On motion of Senator Connolly, House File 571, a bill for an act relating to the frequency of referendums held on excursion gambling boat proposals or gambling games proposals for licensed pari-mutuel racetracks and the qualifications of a qualifying organization which are necessary to conduct pari-mutuel wagering at racetracks or gambling games on excursion gambling boats and providing effective and applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Lind withdrew amendment S—3613 filed by him on April 28, 1995, to pages 3 and 4 of the bill.

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

On the question "Shall the bill pass?" (H.F. 571) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Iverson	Jensen
Judge	Kibbie	Kramer	Lundby
Maddox	McKean	McLaren	Neuhauser
Palmer	Priebe	Redfern	Rensink
Rife	Rittmer	Sorensen	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 3:

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

### ADOPTION OF RESOLUTION (Regular Calendar)

#### Senate Resolution 19

On motion of Senator Vilsack, Senate Resolution 19, a senate resolution relating to the well-being of Iowa's children, with report of committee recommending passage, was taken up for consideration.

Senator Vilsack moved the adoption of Senate Resolution 19, which motion prevailed by a voice vote.

**IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that **Senate Files 13, 189 and House File 565** be immediately messaged to the House.

**UNFINISHED BUSINESS**  
(Deferred May 1, 1995)**House File 505**

The Senate resumed consideration of House File 505, a bill for an act relating to payment of expenses for persons with mental retardation, and the motion to reconsider by Senator Bartz on amendment S—3577, deferred on May 1, 1995.

Senator Bartz moved the adoption of the motion to reconsider amendment S—3577.

The motion prevailed by a voice vote and amendment S—3577 by Senators Priebe, et al., to page 1 of the bill was taken up for reconsideration.

Senator Priebe asked and received unanimous consent that action on amendment S—3577 be deferred.

Senator Priebe offered amendment S—3671 filed by Senators Priebe and Szymoniak from the floor to page 2 of the bill and moved its adoption.

Amendment S—3671 was adopted by a voice vote.

Senator Szymoniak offered amendment S—3544 filed by her on April 24, 1995, to page 1 of the bill and moved its adoption.

Amendment S—3544 was adopted by a voice vote.

Senator Priebe asked and received unanimous consent that action on **House File 505** be deferred (amendment S—3577 pending).

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the members of the **Conference Committee** appointed May 2, 1995, on **Senate File 13**, a bill for an act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates, on the part of the House are: The Representative from Cedar, Mr. Boddicker, Chair; the Representative from Johnson, Ms. Doderer; the Representative from Harrison, Ms. Hammitt; the Representative from Black Hawk, Ms. Harper; the Representative from Fayette, Mr. Hurley.

## MOTION TO RECONSIDER WITHDRAWN

### House File 340

Senator Deluhery withdrew the motion to reconsider House File 340, a bill for an act providing for the operation of snowmobiles and all-terrain vehicles by defining public land, filed by him on April 26, 1995, and found on page 1431 of the Senate Journal.

The Senate stood at ease at 3:30 p.m. until the fall of the gavel.

The Senate resumed session at 4:32 p.m., President Boswell presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 1995, concurred in the Senate amendment to the House amendment, and adopted the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 3**, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-sixth general assembly.

ALSO: That the House has on May 2, 1995, adopted the conference committee report and passed **House File 528**, a bill for an act relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, providing that certain identifying information regarding juveniles involved

in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, placing a juvenile in detention as a dispositional alternative, waiving a juvenile to adult court, the release or detention of certain criminal defendants pending sentencing or appeal following conviction, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, authorizing the transmission of communicable disease information by radio in certain circumstances, and enhancing or establishing penalties.

ALSO: That the House has on May 2, 1995, passed the following bill in which the concurrence of the Senate is asked:

**House File 579**, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations and providing an effective date.

This bill was read first time and assigned to the committee on **Appropriations**.

The Senate stood at ease at 4:34 p.m. until the fall of the gavel.

The Senate resumed session at 4:36 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

### CONFERENCE COMMITTEE REPORT RECEIVED (House File 528)

A conference committee report signed by the following Senate and House members was filed May 2, 1995, on House File 528, a bill for an act relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, placing a juvenile in detention as a dispositional alternative,

waiving a juvenile to adult court, the release or detention of certain criminal defendants pending sentencing or appeal following conviction, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, authorizing the transmission of communicable disease information by radio in certain circumstances, and enhancing or establishing penalties:

On the Part of the Senate:

JOHNIE HAMMOND, Chair  
NANCY BOETTGER  
MIKE CONNOLLY  
RANDAL J. GIANNETTO  
O. GENE MADDOX

On the Part of the House:

JEFFREY LAMBERTI, Chair  
DON GRIES  
STEVE GRUBBS  
KEITH A. KREIMAN

## CONFERENCE COMMITTEE REPORT ADOPTED

### House File 528

Senator Hammond called up the conference committee report on House File 528, a bill for an act relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, placing a juvenile in detention as a dispositional alternative, waiving a juvenile to adult court, the release or detention of certain criminal defendants pending sentencing or appeal following conviction, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, authorizing the transmission of communicable disease information by radio in certain circumstances, and enhancing or establishing penalties, filed on May 2, 1995, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

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

On the question "Shall the bill pass?" (H.F. 528) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Husak	Iverson	Jensen
Judge	Kibbie	Kramer	Lind
Maddox	McKean	McLaren	Murphy
Neuhauser	Palmer	Priebe	Redfern
Rensink	Rife	Rittmer	Sorensen
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 2:

Borlaug                      Lundby

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

Senator Horn asked and received unanimous consent that **House File 528** be **immediately messaged** to the House.

The Senate stood at ease at 4:59 p.m. until the fall of the gavel.

The Senate resumed session at 5:23 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

## UNFINISHED BUSINESS CALENDAR

### House File 29

On motion of Senator Bartz, House File 29, a bill for an act to provide a presumption that kidnapping has occurred within the state when the body of a kidnapping victim is found within the state, with report of committee recommending amendment and passage, and placed on the Unfinished Business Calendar on April 13, 1995, was taken up for consideration.

Senator Bartz offered amendment S—3074 filed by the committee on Judiciary on February 22, 1995, to page 1 and the title page of the bill and moved its adoption.

Amendment S—3074 was adopted by a voice vote.

Senator Husak asked and received unanimous consent that action on **House File 29** be deferred.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 577.

### House File 577

On motion of Senator Szymoniak, House File 577, a bill for an act relating to the creation of real estate improvement districts, authorizing the issuance of general obligation bonds and revenue bonds, the imposition of ad valorem property taxes, special assessments and fees, and other related matters, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Szymoniak offered amendment S—3666 filed by the committee on Ways and Means from the floor to pages 1, 24 and the title page of the bill.

Senator Gronstal offered amendment S—3669 filed by him from the floor to amendment S—3666 and moved its adoption.

Amendment S—3669 was adopted by a voice vote.

Senator Gronstal offered amendment S—3672 filed by him from the floor to amendment S—3666 and moved its adoption.

Amendment S—3672 was adopted by a voice vote.

Senator Szymoniak moved the adoption of amendment S—3666 as amended, which motion prevailed by a voice vote.

Senator Gronstal offered amendment S—3668 filed by him from the floor to pages 2-4, 9, 10, 12, 13, 17-20 and 24 of the bill.

Senator Gronstal asked and received unanimous consent that action on amendment S—3668 and **House File 577** be deferred.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 549.

#### House File 549

On motion of Senator Bennett, House File 549, a bill for an act relating to the collection of taxes and debts owed to or collected by the state, including the renewal of registrations, the publication of information pertaining to certain taxes and debts, providing for an administrative levy to seize certain accounts of a debtor, the denial, revocation, suspension, or renewal of licenses authorized by the state, redistributing collected amounts, creating a driver's license indebtedness clearance pilot project, and other related matters, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 549) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto

Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

Senator Horn asked and received unanimous consent that **House File 549** be immediately messaged to the House.

The Senate stood at ease at 6:26 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 6:50 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

### COMMITTEE REPORT

#### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 579, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 22: Murphy, Boswell, Lind, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Halvorson, Hammond, Husak, Iverson, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack. Nays, 3: Banks, Gronstal and Judge.

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

## CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 579.

### House File 579

On motion of Senator Bisignano, House File 579, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Bisignano offered amendment S—3676 filed by him from the floor to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3676 be adopted?" (H.F. 579) the vote was:

Ayes, 25:

Banks	Bartz	Bisignano	Black
Boswell	Connolly	Deluhery	Fink
Fraise	Giannetto	Gronstal	Hansen
Hedge	Horn	Husak	Judge
Kibbie	McKean	McLaren	Palmer
Priebe	Redfern	Sorensen	Szymoniak
Vilsack			

Nays, 25:

Bennett	Boettger	Borlaug	Dearden
Douglas	Drake	Dvorsky	Flynn
Freeman	Gettings	Halvorson	Hammond
Iverson	Jensen	Kramer	Lind
Lundby	Maddox	Murphy	Neuhauser
Rensink	Rife	Rittmer	Tinsman
Zieman			

Amendment S—3676 lost.

Senator Bisignano withdrew amendment S—3673 filed by him from the floor to page 10 of the bill.

Senator Bartz offered amendment S—3675 filed by Senators Bartz, et al., from the floor to pages 10 and 11 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3675 be adopted?" (H.F. 579) the vote was:

Ayes, 23:

Banks	Bartz	Bennett	Black
Boettger	Boswell	Deluhery	Douglas
Fink	Flynn	Freeman	Giannetto
Husak	Kibbie	Kramer	Lind
Maddox	McLaren	Priebe	Redfern
Rensink	Sorensen	Szymoniak	

Nays, 27:

Bisignano	Borlaug	Connolly	Dearden
Drake	Dvorsky	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Iverson	Jensen
Judge	Lundby	McKean	Murphy
Neuhauser	Palmer	Rife	Rittmer
Tinsman	Vilsack	Zieman	

Amendment S—3675 lost.

Senator Maddox offered amendment S—3674 filed by Senators Maddox and Kramer from the floor to page 11 of the bill and moved its adoption.

Amendment S—3674 lost by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 579) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Bisignano	Black	Borlaug	Connolly
Dearden	Douglas	Drake	Dvorsky
Fink	Freeman	Gettings	Halvorson
Hammond	Hansen	Horn	Jensen
Kramer	Lind	Lundby	McLaren
Murphy	Neuhauser	Palmer	Rensink
Rittmer	Szymoniak	Vilsack	

Nays, 23:

Banks	Bartz	Bennett	Boettger
Boswell	Deluhery	Flynn	Fraise
Giannetto	Gronstal	Hedge	Husak
Iverson	Judge	Kibbie	Maddox
McKean	Priebe	Redfern	Rife
Sorensen	Tinsman	Zieman	

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

Senator Horn asked and received unanimous consent that **House File 579** be immediately messaged to the House.

## BUSINESS PENDING

### House File 577

The Senate resumed consideration of House File 577, a bill for an act relating to the creation of real estate improvement districts, authorizing the issuance of general obligation bonds and revenue bonds, the imposition of ad valorem property taxes, special assessments and fees, and other related matters, and amendment S—3668 by Senator Gronstal to pages 2-4, 9, 10, 12, 13, 17-20 and 24 of the bill, previously deferred.

Senator Gronstal moved the adoption of amendment S—3668, which motion prevailed by a voice vote.

Senator Deluhery offered amendment S—3677 filed by him from the floor to page 12 of the bill and moved its adoption.

Amendment S—3677 was adopted by a voice vote.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Priebe for the remainder of the evening on request of Senator Husak.

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

On the question "Shall the bill pass?" (H.F. 577) the vote was:

Ayes, 33:

Banks	Bartz	Bennett	Black
Boettger	Boswell	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Hammond	Hansen	Horn	Husak
Iverson	Jensen	Judge	Kibbie
Kramer	Maddox	Murphy	Neuhauser
Palmer	Rittmer	Szymoniak	Tinsman
Vilsack			

Nays, 15:

Borlaug	Connolly	Flynn	Freeman
Halvorson	Hedge	Lind	Lundby
McKean	McLaren	Redfern	Rensink
Rife	Sorensen	Zieman	

Absent or not voting, 2:

Bisignano	Priebe
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

**APPENDIX****REPORTS OF COMMITTEE MEETINGS****WAYS AND MEANS**

**Convened:** April 20, 1995, 1:55 p.m.

**Members Present:** Palmer, Chair; Husak, Vice Chair; Bennett, Ranking Member; Connolly, Deluhery, Freeman, Hedge, Iverson, McLaren, Neuhauser, Priebe, Szymoniak and Vilsack.

**Members Absent:** Drake and Murphy (both excused).

**Committee Business:** Recommended passage of House Files 560, 558, 559, 489, 550 and 519; deferred action on House File 549.

**Adjourned:** 2:35 p.m.

**WAYS AND MEANS**

**Convened:** April 27, 1995, 10:30 a.m.

**Members Present:** Palmer, Chair; Husak, Vice Chair; Bennett, Ranking Member; Connolly, Deluhery, Drake, Freeman, Hedge, Iverson, McLaren, Murphy, Neuhauser, Priebe, Szymoniak and Vilsack.

**Members Absent:** none.

**Committee Business:** Recommended passage of House Files 571 and 555; approved SSB 351 as a committee bill; deferred action on Senate File 237.

**Adjourned:** 10:50 a.m.

**WAYS AND MEANS**

**Convened:** April 28, 1995, 10:15 a.m.

**Members Present:** Palmer, Chair; Husak, Vice Chair; Bennett, Ranking Member; Connolly, Deluhery, Drake, Freeman, Hedge, Iverson, McLaren, Murphy, Neuhauser, Priebe, Szymoniak and Vilsack.

**Members Absent:** none.

**Committee Business:** Recommended passage of House File 566; recommended passage of House File 573 as amended.

**Adjourned:** 10:50 a.m.

## **WAYS AND MEANS**

**Convened:** May 2, 1995, 9:57 a.m.

**Members Present:** Palmer, Chair; Husak, Vice Chair; Bennett, Ranking Member; Connolly, Deluhery, Drake, Freeman, Hedge, Iverson, Murphy, Neuhauser, Priebe, Szymoniak and Vilsack.

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

**Committee Business:** Recommended passage of House File 577 as amended; recommended passage of House File 549.

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

## **MOTIONS TO RECONSIDER**

**MR. PRESIDENT:** I move to reconsider the vote by which House File 571 passed the Senate on May 2, 1995.

**MICHAEL E. GRONSTAL**

**MR. PRESIDENT:** I move to reconsider the vote by which House File 571 passed the Senate on May 2, 1995.

**MIKE CONNOLLY**

**MR. PRESIDENT:** I move to reconsider the vote by which House File 577 passed the Senate on May 2, 1995.

**EMIL J. HUSAK**

## **STUDY BILL RECEIVED**

### **SSB 372 Appropriations**

Relating to the compensation and benefits for public officials and employees and making appropriations and providing an effective date.

## SUBCOMMITTEE ASSIGNMENTS

## SSB 372

APPROPRIATIONS: Bisignano, Chair; Gronstal and Lind

## House File 579

APPROPRIATIONS: Bisignano, Chair; Gronstal and Lind

## REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 475, the following corrections were made:

1. Page 9, line 2, the word and number "Section 6" were changed to the word and number "Section 9".

JOHN F. DWYER  
Secretary of the Senate

## BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of May, 1995:

Senate File 475.

JOHN F. DWYER  
Secretary of the Senate

## CERTIFICATE OF RECOGNITION

The secretary of the senate issued the following certificate of recognition:

Jay McLaren, Farragut — For serving with honor and distinction as a House Page during the 1995 Regular Session of the 76th General Assembly. Senator McLaren (5-2-95).

**CONFERENCE COMMITTEE REPORT RECEIVED**  
(Senate File 481)

A conference committee report signed by the following Senate and House members was filed May 2, 1995, on Senate File 481, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date:

## On the Part of the Senate:

LARRY MURPHY, Chair  
JOANN DOUGLAS  
DON E. GETTINGS  
RODNEY HALVORSON  
JIM LIND

## On the Part of the House:

DAVID MILLAGE, Chair  
CLYDE E. BRADLEY  
BARRY BRAUNS  
C. ARTHUR OLLIE  
STEVEN WARNSTADT

**AMENDMENTS FILED**

S-3668	H.F.	577	Michael E. Gronstal
S-3669	H.F.	577	Michael E. Gronstal
S-3670	S.F.	485	Stewart Iverson, Jr.
S-3671	H.F.	505	Berl E. Priebe Elaine Szymoniak
S-3672	H.F.	577	Michael E. Gronstal
S-3673	H.F.	579	Tony Bisignano
S-3674	H.F.	579	O. Gene Maddox Mary E. Kramer
S-3675	H.F.	579	Merlin E. Bartz Berl E. Priebe Wayne Bennett Emil J. Husak
S-3676	H.F.	579	Tony Bisignano

S—3677

H.F.

577

Patrick J. Deluhery  
Michael E. Gronstal

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 8:25 p.m.,  
until 9:00 a.m., Wednesday, May 3, 1995.

# JOURNAL OF THE SENATE

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ONE HUNDRED FIFTEENTH CALENDAR DAY  
SIXTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, May 3, 1995

The Senate met in regular session at 9:15 a.m., President Boswell presiding.

Prayer was offered by the Honorable Eugene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

The Journal of Tuesday, May 2, 1995, was approved.

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 1995, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 367**, a bill for an act relating to domestic abuse and victim protection and providing a penalty, a delayed effective date, and a conditional effective date (S—3678).

The Senate stood at ease at 9:21 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 10:03 a.m., President Boswell presiding.

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 1995, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 266**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date (S—3679).

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 33**, by Gronstal and Boettger, a concurrent resolution celebrating 140 years of deaf education in Iowa.

Read first time and assigned to the committee on **State Government**.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 367**

Senator Szymoniak called up for consideration Senate File 367, a bill for an act relating to domestic abuse and victim protection and providing a penalty, a delayed effective date, and a conditional effective date, amended by the House, and moved that the Senate concur in House amendment S—3678 filed May 3, 1995.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Szymoniak moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 367) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

### CONFERENCE COMMITTEE REPORT ADOPTED

#### Senate File 481

Senator Halvorson called up the conference committee report on Senate File 481, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date, filed on May 2, 1995, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

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

On the question "Shall the bill pass?" (S.F. 481) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate File 481 be immediately messaged to the House and to send an immediate message to the House on Senate File 367.

### UNFINISHED BUSINESS (Deferred April 10, 1995)

#### House File 303

The Senate resumed consideration of House File 303, a bill for an act relating to pipelines and underground storage of hazardous liquids, and providing penalties and effective and retroactive applicability date provisions, and amendment S—3365 by the committee on Natural Resources to pages 13, 19 and 37 of the bill, deferred April 10, 1995.

Senator Gronstal offered amendment S—3399 filed by him on April 12, 1995, to amendment S—3365 and moved its adoption.

Amendment S—3399 was adopted by a voice vote.

Senator Gronstal moved the adoption of amendment S—3365 as amended, which motion prevailed by a voice vote.

Senator Lind asked and received unanimous consent to withdraw amendment S—3439 filed by Senators Lind, et al., on April 13, 1995, to page 3 of the bill.

The Chair ruled amendment S—3457 filed by Senator Lind on April 18, 1995, to amendment S—3439, out of order.

Senator Fraise offered amendment S—3411 filed by him on April 13, 1995, to pages 10, 16 and 32 of the bill and moved its adoption.

Amendment S—3411 lost by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 303) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Murphy

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

## UNFINISHED BUSINESS CALENDAR

## House File 437

On motion of Senator Gronstal, House File 437, a bill for an act relating to the financing of political campaigns and by adding and changing definitions of commissioner and political committee, changing the providing for the appointment of committee personnel and the maintenance of committee funds, providing for the retention of records, establishing requirements for committee names, specifying requirements for out-of-state committee filings, prohibiting political committees from supporting a single candidate, revising filing deadlines and the contents of disclosure reports, providing for disclaimers on published materials by nonregistered entities, including federal corporations under corporate activity prohibitions, allowing candidates to donate funds to district political party central committees and political subdivisions, providing for the establishment of ethics and campaign disclosure board staff salaries, and making other related changes, with report of committee recommending passage, and placed on the Unfinished Business Calendar on April 13, 1995, was taken up for consideration.

Senator Gronstal offered amendment S—3659 filed by him on May 1, 1995, to pages 2, 3, 5, 12, 13 and the title page of the bill and moved its adoption.

Amendment S—3659 was adopted by a voice vote.

Senator Bartz offered amendment S—3564 filed by him on April 24, 1995, to page 13 of the bill and moved its adoption.

Amendment S—3564 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 437) the vote was:

Ayes, 49:

Banks  
Black  
Connolly

Bartz  
Boettger  
Dearden

Bennett  
Borlaug  
Deluhery

Bisignano  
Boswell  
Douglas

Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Jensen
Judge	Kibbie	Kramer	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Iverson

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

### MOTION TO RECONSIDER ADOPTED

Senator Murphy called up the motion to reconsider House File 288 filed by him on April 26, 1995, found on page 1466 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 288) the vote was:

Ayes, 37:

Banks	Bartz	Bisignano	Black
Borlaug	Boswell	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Horn	Husak	Judge	Kibbie
Kramer	Lundby	McKean	Murphy
Neuhauser	Palmer	Rensink	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 11:

Bennett	Boettger	Douglas	Drake
Hedge	Jensen	Lind	Maddox
McLaren	Redfern	Rife	

Absent or not voting, 2:

Iverson

Priebe

The motion prevailed.

Senator Murphy moved to reconsider the vote by which House File 288 went to its last reading, which motion prevailed by a voice vote.

### House File 288

On motion of Senator Connolly, House File 288, a bill for an act relating to juvenile justice by providing for notification of school officials of alcoholic beverage violations, authorizing school districts to adopt a dress code policy, the expulsion of a student for bringing a weapon to school, an exemption in the definition of assault, eliminating the twenty-four hour notice to students of a periodic inspection of students' lockers, giving access to certain juvenile court records to a designated school representative, and providing an effective date, was taken up for reconsideration.

Senator Horn asked and received unanimous consent that **House File 288** be referred to the committee on **Education**.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 303 and 437** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

(Deferred May 2, 1995)

### House File 505

The Senate resumed consideration of House File 505, a bill for an act relating to payment of expenses for persons with mental retardation, and amendment S-3577 by Senators Priebe, et al., to page 1 of the bill, deferred May 2, 1995.

Senator Priebe asked and received unanimous consent to withdraw amendment S-3577.

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

On the question "Shall the bill pass?" (H.F. 505) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

Senator Szymoniak asked and received unanimous consent that **Senate File 441** be **withdrawn** from further consideration of the Senate.

Senator Horn asked and received unanimous consent that **House File 505** be **immediately messaged** to the House.

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 1995, adopted the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 10**, a cconcurrent resolution relating to border city trucking agreements.

ALSO: That the House has on May 3, 1995, passed the following bill in which the concurrence of the House was asked:

**Senate File 468**, a bill for an act to legalize the transfer of certain property by the City of Keokuk and providing an effective date.

ALSO: That the House has on May 3, 1995, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 478**, a bill for an act relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in investment subsidiaries and providing effective and applicability dates (S—3680).

ALSO: That the House has on May 3, 1995, **receded from** the House amendment and passed the following bill in which the concurrence of the House was asked:

**Senate File 189**, a bill for an act relating to the transfer of real estate by exempting certain transfers of real estate from the real estate transfer tax and providing that a lien for a purchase money mortgage has priority over other interests in the property.

## HOUSE AMENDMENT CONSIDERED

### Senate File 478

Senator Palmer called up for consideration Senate File 478, a bill for an act relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in investment subsidiaries and providing effective and applicability dates, amended by the House in House amendment S—3680 filed May 3, 1995.

Senator Palmer offered amendment S—3682 filed by him from the floor to House amendment S—3680.

Senator Bennett asked and received unanimous consent that action on amendment S—3682 to House amendment S—3680, House amendment S—3680 and **Senate File 478** be deferred.

## COMMITTEE REPORT

## STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 487, a bill for an act providing for the garnishment, attachment, or execution of certain benefits to police officers, fire fighters, and peace officers for the purposes of enforcement of child, spousal, or medical support obligations.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3681.

**Final Vote:** Ayes, 15: Gronstal, Kibbie, Rittmer, Bennett, Bisignano, Connolly, Dearden, Drake, Fink, Giannetto, Halvorson, Lind, Lundby, McLaren and Sorensen. Nays, none.

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

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 487.

## Senate File 487

On motion of Senator Kibbie, Senate File 487, a bill for an act providing for the garnishment, attachment, or execution of certain benefits to police officers, fire fighters, and peace officers for the purposes of enforcement of child, spousal, or medical support obligations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kibbie offered amendment S—3681 filed by the committee on State Government from the floor to pages 1, 2 and the title page of the bill and moved its adoption.

Amendment S—3681 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 487) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

### Senate File 478

The Senate resumed consideration of Senate File 478, a bill for an act relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in investment subsidiaries and providing effective and applicability dates, House amendment S—3680 and amendment S—3682 by Senator Palmer to House amendment S—3680, previously deferred.

Senator Palmer moved the adoption of amendment S—3682 to House amendment S—3680, which motion prevailed by a voice vote.

Senator Palmer moved that the Senate concur in the House amendment as amended.

A non record roll call was requested.

The ayes were 38, nays 11.

The motion prevailed and the Senate concurred in the House amendment as amended.

Senator Palmer moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 478) the vote was:

Ayes, 44:

Banks	Bartz	Bennett	Black
Boettger	Borlaug	Boswell	Connolly
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Giannetto	Gronstal	Halvorson
Hammond	Hansen	Hedge	Horn
Husak	Iverson	Jensen	Judge
Kibbie	Kramer	Lind	Lundby
Maddox	McKean	McLaren	Priebe
Redfern	Rensink	Rife	Rittmer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 4:

Bisignano	Dearden	Palmer	Sorensen
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Absent or not voting, 2:

Murphy	Neuhauser
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

### SPECIAL TRIBUTE

Senator Bisignano rose to pay tribute to Ray J. Prosperi, Chief Doorkeeper of the Senate, who is retiring after twenty-one years of service. Senator Bisignano stated that during Ray's tenure in the Senate, he "survived" five majority leaders, four minority leaders, six secretaries of the senate, seven sergeant-at-arms, thirty-four doorkeepers and seven thousand lobbyists.

The Senate rose to express its tribute to Ray.

**IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that Senate Files 478 and 487 be immediately messaged to the House.

**RECESS**

On motion of Senator Horn, the Senate recessed at 12:10 p.m., until 2:30 p.m.

**AFTERNOON SESSION**

The Senate reconvened at 5:08 p.m., President Boswell presiding.

**HOUSE MESSAGES RECEIVED**

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on May 3, 1995, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 484**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties (S—3684).

**ALSO:** That the House has on May 3, 1995, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

**Senate File 478**, a bill for an act relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in investment subsidiaries and providing effective and applicability dates.

**ALSO:** That the House has on May 3, 1995, adopted the conference committee report and passed **Senate File 481**, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund,

and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date.

ALSO: That the House has on May 3, 1995, concurred in the Senate amendment, and passed the following bills in which the concurrence of the House was asked:

**House File 303**, a bill for an act relating to pipelines and underground storage of hazardous liquids, and providing penalties and effective and retroactive applicability date provisions.

**House File 437**, a bill for an act relating to the financing of political campaigns and by adding and changing definitions of commissioner and political committee, changing the providing for the appointment of committee personnel and the maintenance of committee funds, providing for the retention of records, establishing requirements for committee names, specifying requirements for out-of-state committee filings, prohibiting political committees from supporting a single candidate, revising filing deadlines and the contents of disclosure reports, providing for disclaimers on published materials by nonregistered entities, including federal corporations under corporate activity prohibitions, allowing candidates to donate funds to district political party central committees and political subdivisions, providing for the establishment of ethics and campaign disclosure board staff salaries, and making other related changes.

**House File 505**, a bill for an act relating to payment of expenses for persons with mental retardation.

The Senate stood at ease at 5:14 p.m. until the fall of the gavel.

The Senate resumed session at 6:58 p.m., President Boswell presiding.

### HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 1995, adopted the conference committee report and passed **House File 553**, a bill for an act relating to agriculture and natural resources, including for appropriations involving agriculture and natural resources, providing related statutory changes, and providing effective dates.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

### BILL ASSIGNED TO COMMITTEE

President Boswell announced that **House File 574** be assigned to the committee on **Appropriations**.

### MOTION TO OVERRIDE GOVERNOR'S ITEM VETO LOST

Senator Vilsack called up for consideration Senate File 69, a bill for an act relating to tax provisions involving state income tax, certain county property tax and services associated with mental health and developmental disabilities services, the county property tax limitation, and property tax on industrial machinery, equipment and computers, providing appropriations, and providing effective and applicability dates, and moved to reconsider and pass, the objections of the Governor notwithstanding, Section 15, identified as the third sentence of Section 331.439, subsection 3a, and Section 331.439, subsections 3b and 3c, Section 15, identified as Section 331.439, subsection 5, as item vetoed by the Governor on May 2, 1995.

On the question "Shall the Senate on reconsideration, pass Section 15, identified as the third sentence of Section 331.439, subsection 3a, and Section 331.349, subsections 3b and 3c, Section 15, identified as Section 331.439, subsection 5, the objections of the Governor to the contrary notwithstanding?" (S.F. 69) the vote was:

Ayes, 27:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Horn	Husak	Judge	Kibbie
Murphy	Neuhauser	Palmer	Priebe
Sorensen	Szymoniak	Vilsack	

Nays, 22:

Banks	Bartz	Bennett	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	Kramer
Lind	Lundby	Maddox	McKean
Redfern	Rensink	Rife	Rittmer
Tinsman	Zieman		

Absent or not voting, 1:

McLaren

The motion having failed to receive a two-thirds vote was declared to have lost and the Governor's item veto was sustained.

### CONFERENCE COMMITTEE REPORT RECEIVED (House File 553)

A conference committee report signed by the following Senate and House members was filed May 3, 1995, on House File 553, a bill for an act relating to agriculture and natural resources, including for appropriations involving agriculture and natural resources, providing related statutory changes, and providing effective dates:

On the Part of the Senate:

DENNIS H. BLACK, Chair  
BRAD BANKS  
EMIL J. HUSAK  
DERRYL McLAREN  
BERL E. PRIEBE

On the Part of the House:

JAMES HAHN, Chair  
JERRY CORNELIUS  
SANDRA GREINER  
DEO KOENIGS  
DOLORES MERTZ

## CONFERENCE COMMITTEE REPORT ADOPTED

### House File 553

Senator Black called up the conference committee report on House File 553, a bill for an act relating to agriculture and natural resources, including for appropriations involving agriculture and natural resources, providing related statutory changes, and providing effective dates, filed on May 3, 1995, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

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

On the question "Shall the bill pass?" (H.F. 553) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

**UNFINISHED BUSINESS**  
(Deferred May 2, 1995)

**House File 29**

The Senate resumed consideration of House File 29, a bill for an act to provide a presumption that kidnapping has occurred within the state when the body of a kidnapping victim is found within the state, deferred May 2, 1995.

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

On the question "Shall the bill pass?" (H.F. 29) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

**UNFINISHED BUSINESS**  
(Deferred April 27, 1995)

**House File 494**

The Senate resumed consideration of House File 494, a bill for an act relating to the office of secretary of state, the conduct of elections, and the registration of voters in the state and relating to corrective and technical changes to Iowa's election laws, and

amendment S—3607 by Senator Gronstal to page 11 of the bill, deferred April 27, 1995.

Senator Gronstal moved the adoption of amendment S—3607, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 494) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

## HOUSE AMENDMENT CONSIDERED

### Senate File 266

Senator Kibbie called up for consideration Senate File 266, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date, amended by the House in House amendment S—3679 filed May 3, 1995.

Senator Kibbie offered amendment S—3687 filed by him from the floor to House amendment S—3679.

Senator Kibbie offered amendment S—3688 filed by him from the floor to amendment S—3689 to House amendment S—3679 and moved its adoption.

Amendment S—3688 was adopted by a voice vote.

Senator Kibbie moved the adoption of amendment S—3687 as amended to House amendment S—3679, which motion prevailed by a voice vote.

With the adoption of amendment S—3687 as amended, the Chair ruled amendments S—3683 and S—3685 filed by Senator Bartz from the floor to House amendment S—3679, out of order.

Senator Kibbie moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Kibbie moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 266) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluherer	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

## COMMITTEE REPORTS

## APPROPRIATIONS

**Final Bill Action:** SENATE FILE 212, a bill for an act providing for special motor vehicle registration plates for education, establishing an Iowa education transportation enhancement fund, and providing an effective date.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3686.

**Final Vote:** Ayes, 18: Murphy, Boswell, Lind, Banks, Black, Douglas, Dvorsky, Flynn, Fraise, Halvorson, Hammond, Husak, Judge, Kramer, McLaren, Rensink, Tinsman and Vilsack. Nays, none. Absent or not voting, 7: Bartz, Bisignano, Borlaug, Gronstal, Iverson, Kibbie and Neuhauser.

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

ALSO:

**Final Bill Action:** HOUSE FILE 575, a bill for an act establishing the Iowa hope loan program, creating an Iowa hope loan fund, and providing for other properly related matters.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 21: Murphy, Boswell, Lind, Banks, Bisignano, Black, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kramer, McLaren, Rensink, Tinsman and Vilsack. Nays, none. Absent or not voting, 4: Bartz, Borlaug, Kibbie and Neuhauser.

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

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 575.

#### House File 575

On motion of Senator Hammond, House File 575, a bill for an act establishing the Iowa hope loan program, creating an Iowa hope loan fund, and providing for other properly related matters, with report of committee recommending passage, was taken up for consideration.

Senator Hammond offered amendment S—3691 filed by her from the floor to page 3 of the bill and moved its adoption.

Amendment S—3691 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 575) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Murphy	Neuhauser	Palmer
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 553, 575, 29 and 494** be immediately messaged to the House.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 484

Senator Judge called up for consideration Senate File 484, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related

matters, providing an effective date, and providing penalties, amended by the House in House amendment S—3684 filed May 3, 1995.

Senator Judge offered amendment S—3689 filed by her from the floor to House amendment S—3684.

Senator Judge offered amendment S—3690 filed by her from the floor to amendment S—3689 to House amendment S—3684.

Senator Bennett raised the point of order that amendment S—3690 was not germane to amendment S—3689 to House amendment S—3684.

The Chair ruled the point not well taken and amendment S—3690 in order.

Senator Judge moved the adoption of amendment S—3690 to amendment S—3689 to House amendment S—3684.

A record roll call was requested.

On the question "Shall amendment S—3690 to amendment S—3689 to House amendment S—3684 be adopted?" (S.F. 484) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Halvorson	Hammond	Hansen	Horn
Husak	Judge	Kibbie	Murphy
Neuhauser	Palmer	Priebe	Sorensen
Szymoniak	Vilsack		

Nays, 24:

Banks	Bartz	Bennett	Boettger
Borlaug	Douglas	Drake	Flynn
Freeman	Hedge	Iverson	Jensen
Kramer	Lind	Lundby	Maddox
McKean	McLaren	Redfern	Rensink
Rife	Rittmer	Tinsman	Zieman

Amendment S—3690 was adopted.

Senator Judge moved the adoption of amendment S—3689 as amended, to House amendment S—3684, which motion prevailed by a voice vote.

Senator Judge moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Judge moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 484) the vote was:

Ayes, 27:

Bisignano	Black	Boswell	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Horn	Husak	Judge	Kibbie
Murphy	Neuhauser	Palmer	Priebe
Sorensen	Szymoniak	Vilsack	

Nays, 23:

Banks	Bartz	Bennett	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	Kramer
Lind	Lundby	Maddox	McKean
McLaren	Redfern	Rensink	Rife
Rittmer	Tinsman	Zieman	

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

Senator Horn asked and received unanimous consent that Senate File 484 be immediately messaged to the House.

## MOTION TO RECONSIDER WITHDRAWN

Senator Husak withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 266 passed the Senate on May 3, 1995.

Senator Horn asked and received unanimous consent that **Senate File 266** be immediately messaged to the House.

The Senate stood at ease at 10:22 p.m. until the fall of the gavel.

The Senate resumed session at 11:21 p.m., President Boswell presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 3, 1995, passed the following bill in which the concurrence of the House was asked:

**Senate File 486**, a bill for an act relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions.

ALSO: That the House has on May 3, 1995, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

**Senate File 484**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties.

ALSO: That the House has on May 3, 1995, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

**House File 29**, a bill for an act to provide a presumption that kidnapping has occurred within the state when the body of a kidnapping victim is found within the state.

**House File 494**, a bill for an act relating to the office of secretary of state, the conduct of elections, and the registration of voters in the state and relating to corrective and technical changes to Iowa's election laws.

**House File 575**, a bill for an act establishing the Iowa hope loan program, creating an Iowa hope loan fund, and providing for other properly related matters.

ALSO: That the House has on May 3, 1995, passed the following bill in which the concurrence of the Senate is asked:

**House File 583**, a bill for an act relating to industrial new job training projects by eliminating a provision relating to confinement feeding operations and providing an effective date.

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

### SENATE INSISTS

#### Senate File 484

Senator Judge called up for consideration Senate File 484, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties, amended by the House, further amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 484** on the part of the Senate: Senators Judge, Chair; Murphy, Gronstal, Lind and Bartz.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 484** be **immediately messaged** to the House.

## APPENDIX

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 3, 1995, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 93 — Related to criminal offenses against minors, sexual exploitation, and sexually violent offenses and offenders committing those offenses, by requiring registration by offenders, providing for the establishment of a sex offender registry, permitting the charging of fees, providing penalties, and providing for transition, applicability, and severability provisions.

SENATE FILE 208 — Relating to child abuse and termination of parental rights provisions, and providing an effective date.

SENATE FILE 320 — Relating to the regulation of state banks and other financial institutions by the Division of Banking of the Department of Commerce.

### SPECIAL ANNOUNCEMENT

Senator Kramer announced that Cynthia A. Eisenhauer, Director of the Department of Employment Services, was named Outstanding State Administrator by the National Employer's Council, a private organization of employers interested in strengthening our country's employment security.

The Senate rose and expressed its congratulations to Ms. Eisenhauer, who was present in the Senate chamber.

### EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 3, 1995, when the vote was taken on House File 437.

Had I been present, I would have voted "aye".

STEWART E. IVERSON, JR.

### AMENDMENTS FILED

S—3678	S.F.	367	House amendment
S—3679	S.F.	266	House amendment

S-3680	S.F.	478	House amendment
S-3681	S.F.	487	State Government
S-3682	S.F.	478	William D. Palmer
S-3683	S.F.	266	Merlin E. Bartz
S-3684	S.F.	484	House amendment
S-3685	S.F.	266	Merlin E. Bartz
S-3686	S.F.	212	Appropriations
S-3687	S.F.	266	John P. Kibbie
S-3688	S.F.	266	John P. Kibbie
S-3689	S.F.	484	Patty Judge
S-3690	S.F.	484	Patty Judge
S-3691	H.F.	575	Johnie Hammond

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 11:25 p.m., until 9:00 a.m., Thursday, May 4, 1995.

# JOURNAL OF THE SENATE

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ONE HUNDRED SIXTEENTH CALENDAR DAY  
SEVENTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, May 4, 1995

The Senate met in regular session at 10:45 a.m., President Boswell presiding.

Prayer was offered by the Honorable Albert Sorensen, member of the Senate from Boone County, Boone, Iowa.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on May 4, 1995, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

**Senate File 266**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date.

**ALSO:** That the House has on May 4, 1995, passed the following bill in which the concurrence of the Senate is asked:

**House File 584**, a bill for an act relating to state appropriation matters by providing for the crediting of moneys to the rebuild Iowa infrastructure fund, revising education appropriation provisions, and other properly related matters, and providing an effective date.

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

**ALSO:** That the members of the **Conference Committee**, appointed May 3, 1995, on **Senate File 484**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective

date, and providing penalties, on the part of the House are: The Representative from Black Hawk, Mr. Hanson, Chair; the Representative from Polk, Mr. Cataldo; the Representative from Winneshiek, Mr. Gipp; the Representative from Scott, Mr. Millage; the Representative from Dubuque, Mr. Murphy.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 25**, by Halvorson, a senate resolution requesting that community colleges adopt policies and follow practices which do not threaten family farm agriculture in this state.

Read first time and **passed on file**.

**Senate Concurrent Resolution 34**, by committee on Rules and Administration, a senate concurrent resolution to provide for adjournment sine die.

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

## BILLS ASSIGNED TO COMMITTEE

President Boswell announced that **House Files 583 and 584** were assigned to the committee on **Appropriations**.

The Journal of Wednesday, May 3, 1995, was approved.

The Senate stood at ease at 10:55 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 11:33 a.m., President Boswell presiding.

## BILL ASSIGNED TO COMMITTEE

President Boswell announced that **Senate Resolution 25** was assigned to the committee on **Agriculture**.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

## MOTIONS TO RECONSIDER WITHDRAWN

### House File 571

Senator Connolly withdrew his motion to reconsider House File 571, a bill for an act relating to the frequency of referendums held on excursion gambling boat proposals or gambling games proposals for licensed pari-mutuel racetracks and the qualifications of a qualifying organization which are necessary to conduct pari-mutuel wagering at racetracks or gambling games on excursion gambling boats and providing effective and applicability dates, filed by him on May 2, 1995, and found on page 1587 of the Senate Journal.

Senator Gronstal withdrew the motion to reconsider House File 571, filed by him on May 2, 1995, and found on page 1587 of the Senate Journal.

## WITHDRAWN

Senator Halvorson asked and received unanimous consent that **Senate Files 29 and 109** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 571** be **immediately messaged** to the House.

## COMMITTEE REPORT

### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 584, a bill for an act relating to state appropriation matters by providing for the crediting of moneys to the rebuild Iowa infrastructure fund, revising education appropriation provisions, and other properly related matters, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 25: Murphy, Boswell, Lind, Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack. Nays, none.

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

## CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 584.

### House File 584

On motion of Senator Murphy, House File 584, a bill for an act relating to state appropriation matters by providing for the crediting of moneys to the rebuild Iowa infrastructure fund, revising education appropriation provisions, and other properly related matters, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 584) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Black	Boettger	Borlaug	Boswell
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Giannetto
Gronstal	Halvorson	Hammond	Hansen
Hedge	Horn	Husak	Iverson
Jensen	Judge	Kibbie	Lind
Lundby	Maddox	McKean	McLaren
Murphy	Neuhauser	Palmer	Priebe
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Kramer

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

**CONFERENCE COMMITTEE REPORT RECEIVED**  
(Senate File 484)

A conference committee report signed by the following Senate and House members was filed May 4, 1995, on Senate File 484, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties:

On the Part of the Senate:

PATTY JUDGE, Chair  
MERLIN E. BARTZ  
LARRY MURPHY

On the Part of the House:

DONALD E. HANSON, Chair  
MICHAEL CATALDO  
CHUCK GIPP  
DAVID MILLAGE  
PAT MURPHY

**CONFERENCE COMMITTEE REPORT ADOPTED**

**Senate File 484**

Senator Judge called up the conference committee report on Senate File 484, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties, filed on May 4, 1995.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator Kramer until she arrives on request of Senator Tinsman.

## BUSINESS PENDING

### Senate File 484

The Senate resumed consideration of Senate File 484.

Senator Judge moved the adoption of the conference committee report.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

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

On the question "Shall the bill pass?" (S.F. 484) the vote was:

Ayes, 41:

Bartz	Bennett	Bisignano	Black
Boettger	Borlaug	Boswell	Connolly
Dearden	Deluhery	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Giannetto	Halvorson
Hammond	Hedge	Horn	Husak
Jensen	Judge	Kibbie	Lundby
Maddox	McKean	Murphy	Neuhauser
Palmer	Redfern	Rensink	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 8:

Banks	Gronstal	Hansen	Iverson
Lind	McLaren	Priebe	Rife

Absent or not voting, 1:

Kramer

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

## IMMEDIATELY MESSAGED

Senator Fraise asked and received unanimous consent that **House File 584** and **Senate File 484** be immediately messaged to the House.

The Senate stood at ease at 12:03 p.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 12:32 p.m., President Boswell presiding.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 8 absent and a quorum present.

## MOTION TO RECONSIDER WITHDRAWN

### House File 577

Senator Husak withdrew the motion to reconsider House File 577, a bill for an act relating to the creation of real estate improvement districts, authorizing the issuance of general obligation bonds and revenue bonds, the imposition of ad valorem property taxes, special assessments and fees, and other related matters, filed by him on May 2, 1995, and found on page 1587 of the Senate Journal.

## COMMITTEE REPORTS

### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 583, a bill for an act relating to industrial new job training projects by eliminating a provision relating to confinement feeding operations and providing an effective date.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3692.

**Final Vote:** Ayes, 17: Murphy, Boswell, Banks, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Gronstal, Halvorson, Hammond, Iverson, Kibbie, Rensink, Tinsman and Vilsack. Nays, 7: Lind, Bartz, Fraise, Husak, Judge, McLaren and Neuhauser. Absent or not voting, 1: Kramer.

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

## CONSIDERATION OF BILL (Appropriations Calendar)

Sentaor Horn asked and received unanimous consent to take up for consideration House File 583.

### House File 583

On motion of Senator Kibbie, House File 583, a bill for an act relating to industrial new job training projects by eliminating a provision relating to confinement feeding operations and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kibbie offered amendment S—3692 filed by the committee on Appropriations from the floor to page 1 of the bill and moved its adoption.

Amendment S—3692 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 583) the vote was:

Ayes, 28:

Black	Boswell	Connolly	Dearden
Deluhery	Douglas	Dvorsky	Fink
Flynn	Giannetto	Gronstal	Halvorson
Hansen	Horn	Iverson	Jensen
Kibbie	Lundby	Maddox	Murphy
Palmer	Redfern	Rensink	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack

Nays, 21:

Banks	Bartz	Bennett	Bisignano
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Boettger	Borlaug	Drake	Fraise
Freeman	Gettings	Hammond	Hedge
Husak	Judge	Lind	McKean
McLaren	Neuhauser	Priebe	Rife
Zieman			

Absent or not voting, 1:

Kramer

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 577 and 583** be immediately messaged to the House.

### MOTION TO RECONSIDER WITHDRAWN

#### House File 258

Senator Gronstal withdrew the motion to reconsider House File 258, a bill for an act relating to drug testing of certain employees and applicants for employment, providing for employer defenses, and making penalties applicable, filed by him on April 19, 1995, and found on page 1318 of the Senate Journal.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 258** be immediately messaged to the House.

### COMMITTEE REPORT

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 34, a senate concurrent resolution to provide for adjournment sine die.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 7: Horn, Boswell, Rife, Gettings, Gronstal, Husak and Lind. Nays, none. Absent or not voting, 2: Bisignano and Kramer.

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

**ADOPTION OF RESOLUTION  
(Regular Calendar)**

Senator Horn asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 34.

**Senate Concurrent Resolution 34**

On motion of Senator Horn, Senate Concurrent Resolution 34, a senate concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Horn moved the adoption of Senate Concurrent Resolution 34, which motion prevailed by a voice vote.

Senator Horn asked and received unanimous consent that **Senate Concurrent Resolution 34** be immediately messaged to the House.

**APPENDIX****COMMUNICATION**

The following communication from Senator and Mrs. Kibbie was received:

Thanks to each of you for your kindness and support during the recent loss of our grandson.

Your friendship and thoughtfulness is deeply appreciated.

JACK AND KAY KIBBIE

**CERTIFICATE OF RECOGNITION**

The secretary of the senate issued the following certificate of recognition:

Hoover Elementary School, Davenport — For FINE recognition for an Outstanding Job of Improving Student Growth and Achievement. Senator Tinsman (5-1-95).

**REPORTS OF THE SECRETARY OF THE SENATE**

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 150, the following correction was made:

1. Page 13, line 19, the word and number "Section 100" were changed to the word and number "Section 9".

ALSO: That in enrolling Senate File 472, the following correction was made:

1. Page 8, line 31, the word and number "section 2" were changed to the word and number "section 7".

JOHN F. DWYER  
Secretary of the Senate

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 4th day of May, 1995:

Senate Files 120, 150, 472, 239, 468, 189 and 367.

JOHN F. DWYER  
Secretary of the Senate

### PRESENTATION OF VISITORS

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

Fifth grade students from Lucas Elementary School, Des Moines. Senator Bisignano.

One hundred fifth grade students from Orange City Elementary School, Orange City, accompanied by Paul Koets. Senator Rensink.

### SUBCOMMITTEE ASSIGNMENTS

#### Senate Concurrent Resolution 33

STATE GOVERNMENT: Gronstal, Chair; Drake and Kibbie

House File 583

APPROPRIATIONS: Kibbie, Chair; Lind and Murphy

House File 584

APPROPRIATIONS: Murphy, Chair; Boswell and Lind

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

Convened: April 26, 1995, 2:45 p.m.

Members Present: Murphy, Chair; Boswell, Vice Chair; Lind, Ranking Member; Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink and Tinsman.

Members Absent: Vilsack (excused).

**Committee Business:** Recommended passage of House File 565 as amended.

**Recessed:** 3:11 p.m.

**Reconvened:** April 27, 1995, 6:05 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; Lind, Ranking Member; Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Recommended passage of House File 572; approved SSB 367 as a committee bill.

**Recessed:** 7:10 p.m.

**Reconvened:** April 28, 1995, 8:00 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; Lind, Ranking Member; Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Kibbie, Kramer, Neuhauser, Rensink and Tinsman.

**Members Absent:** Banks, Hammond, Husak, Iverson, Judge, McLaren and Vilsack (all excused).

**Committee Business:** Recommended passage of House File 578.

**Recessed:** 8:02 p.m.

**Reconvened:** April 28, 1995, 11:26 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; Lind, Ranking Member; Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Amended and approved SSB 371 as a committee bill; approved SSBs 370 and 369 as committee bills.

**Recessed:** 11:43 a.m.

**Reconvened:** May 2, 1995, 5:10 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; Lind, Ranking Member; Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Recommended passage House File 579.

**Recessed:** 5:14 p.m.

**Reconvened:** May 3, 1995, 12:19 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; Lind, Ranking Member; Banks, Bisignano, Black, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kramer, McLaren, Rensink, Tinsman and Vilsack.

**Members Absent:** Bartz, Borlaug, Kibbie and Neuhauser (all excused).

**Committee Business:** Recommended passage of House File 575; recommended passage of Senate File 212 as amended.

**Adjourned:** 12:26 p.m.

## APPROPRIATIONS

**Convened:** May 4, 1995, 11:08 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; Lind, Ranking Member; Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Recommended passage of House File 584.

**Recessed:** 11:30 a.m.

**Reconvened:** May 4, 1995, 12:10 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; Lind, Ranking Member; Banks, Bartz, Bisignano, Black, Borlaug, Douglas, Dvorsky, Flynn, Fraise, Gronstal, Halvorson, Hammond, Husak, Iverson, Judge, Kibbie, Kramer, McLaren, Neuhauser, Rensink, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Recommended passage of House File 583 as amended.

**Adjourned:** 12:20 p.m.

## **RULES AND ADMINISTRATION**

**Convened:** May 4, 1995, 9:15 a.m.

**Members Present:** Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Gettings, Gronstal, Husak and Lind.

**Members Absent:** Bisignano and Kramer (both excused).

**Committee Business:** Approved proposed committee resolution providing for sine die.

**Adjourned:** 9:16 a.m.

## **STATE GOVERNMENT**

**Convened:** May 3, 1995, 9:28 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bennett, Bisignano, Connolly, Dearden, Drake, Fink, Giannetto, Halvorson, Lind, Lundby, McLaren and Sorensen.

**Members Absent:** none.

**Committee Business:** Recommended passage of Senate File 487 as amended.

**Adjourned:** 9:42 a.m.

## **STATE GOVERNMENT**

**Convened:** May 4, 1995, 10:00 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bennett, Bisignano, Connolly, Dearden, Drake, Fink, Giannetto, Halvorson, Lind, Lundby, McLaren and Sorensen.

**Members Absent:** none.

**Committee Business:** Recommended passage of Senate Concurrent Resolution 33.

**Adjourned:** 10:05 a.m.

## COMMITTEE REPORT

## STATE GOVERNMENT

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 33, a concurrent resolution celebrating 140 years of deaf education in Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Gronstal, Kibbie, Rittmer, Bennett, Bisignano, Connolly, Dearden, Drake, Fink, Giannetto, Halvorson, Lind, Lundby, McLaren and Sorensen. Nays, none.

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

## AMENDMENT FILED

S—3692      H.F.      583      Appropriations

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

The Senate resumed session, President Boswell presiding.

FINAL DISPOSITION OF  
MOTION TO RECONSIDER

Pursuant to Senate Rule 24, the following motion to reconsider which remained on the Senate calendar upon the adjournment of the 1995 Regular Session of the Seventy-sixth General Assembly, will be considered to have **failed**:

SENATE FILE 5, a bill for an act relating to the appointment and employment of the director of the department of education and enacting a transitional provision (Senate passed March 28, 1995). Motion filed by Senator Rife on March 28, 1995.

## HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1995, failed to pass the following bill in which the concurrence of the House was asked:

**Senate File 204**, a bill for an act relating to the hours for sale of alcoholic beverages on Sundays.

ALSO: That the House has on May 4, 1995, adopted the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 34**, a senate concurrent resolution to provide for adjournment sine die.

ALSO: That the House has, on May 4, 1995, adopted the conference committee report and passed Senate File 484, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties.

ALSO: That the House has on May 4, 1995, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

**House File 577**, a bill for an act relating to the creation of real estate improvement districts, authorizing the issuance of general obligation bonds and revenue bonds, the imposition of ad valorem property taxes, special assessments and fees, and other related matters.

**House File 583**, a bill for an act relating to industrial new job training projects by eliminating a provision relating to confinement feeding operations and providing an effective date.

## REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 4, the following bills were removed from the Senate Calendar and referred back to the committees to which they were originally assigned:

S. F.	58	Agriculture
S. F.	101	Local Government
S. F.	212	Appropriations
S. F.	306	State Government
S. F.	344	Local Government
S. F.	401	Commerce
S. F.	404	Natural Resources, Environ. & Energy
S. F.	464	Ways and Means
S. F.	465	Ways and Means
S. F.	485	Ways and Means

S. R.	1	Rules and Administration
S. C. R.	33	State Government
H. F.	166	Agriculture (it was attached to SF 58)
H. F.	395	Natural Resources, Environ. & Energy (it was attached to SF 404)

JOHN F. DWYER  
Secretary of the Senate

#### REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 481, the following corrections were made:

1. Page 28, line 7. the word and number "Section 23" were changed to the word and number "Section 31".
2. Page 10, line 22, the words "disabilities Act" were changed to the words "Disabilities Act".
3. Page 10, line 27, the words "State Capitol" were changed to the words "state capitol".

JOHN F. DWYER  
Secretary of the Senate

#### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 4th day of May, 1995:

Senate Files 266, 400, 478, 481, 484 and 486.

JOHN F. DWYER  
Secretary of the Senate

#### CERTIFICATE OF RECOGNITION

The secretary of the senate issued the following certificate of recognition:

City of North Liberty — For receiving the Iowa Urban and Community Forestry Council's 1994 Outstanding Community Award. Senator Dvorsky (4-11-95).

## BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on May 4, 1995, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 179 — Relating to the maximum property tax levy for certain county hospitals.

SENATE FILE 201 — Updating the Iowa Code references to the Internal Revenue Code, allowing a deduction for the employer social security credit, and providing retroactive applicability and effective dates.

SENATE FILE 223 — Providing for notification of certain persons receiving public assistance of tax suspension provisions.

SENATE FILE 256 — Providing for pesticides, by providing for the notification of application and providing for the elimination of provisions relating to chemigation.

SENATE FILE 366 — Relating to the exhibition of humans.

SENATE FILE 390 — Relating to recompense to a cooperating teacher and to the Iowa arts and cultural enhancement and endowment program and foundation.

SENATE FILE 394 — Relating to instruments filed or recorded with the county recorder and providing for the act's applicability.

SENATE FILE 403 — Relating to collection of delinquent restitution payments and providing an effective date.

SENATE FILE 459 — Relating to and making appropriations to the department of justice, office of consumer advocate, board of parole, department of corrections, judicial district departments of correctional services, judicial department, state public defender, Iowa law enforcement academy, department of public defense, and for the department of public safety's administration, division of criminal investigation and bureau of identification, division of narcotics enforcement, undercover purchases, and the state fire marshal's office, for the fiscal year beginning July 1, 1995, and providing effective dates and retroactive applicability.

SENATE FILE 473 — Relating to the refund of property taxes paid erroneously and providing effective and retroactive applicability dates.

## COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate:

### IOWA COLLEGE STUDENT AID COMMISSION

A report of ethnic diversity and controlled substance policy assurances summaries required by Iowa Code Section 261.25, subsection 5.

### IOWA DEPARTMENT OF NATURAL RESOURCES

A copy of the GROUNDWATER PROGRAM STATUS, July 1, 1993, to June 30 1994.

### IOWA CITIZENS' AIDE/OMBUDSMAN OFFICE SMALL BUSINESS OMBUDSMAN PROGRAM QUARTERLY REPORT

The Citizens' Aide/Ombudsman office contracted, pursuant to Iowa Code Chapter 28E, with the Iowa Department of Natural Resources to provide the Small Business Ombudsman services required in Section 507 of the Clean Air Act Amendments of 1990, effective December 1, 1994.

### DEPARTMENT OF ECONOMIC DEVELOPMENT

A copy of the FY 94 Annual Report of the Iowa Industrial New Jobs Training Program (206E) and the Iowa Jobs Training Program (260F).

### AUDITOR OF THE STATE OF IOWA

A copy of the Audit Report, Financial Statements and supplemental information comments and recommendations. June 30, 1994.

### MAPA

1995 Regional Directory of Public Officials.

### DEPARTMENT OF EMPLOYMENT SERVICES

In accordance with Iowa Code Section 96.35, which requires The Division of Job Service of the Department of Employment Services to submit a status report on the unemployment compensation fund, the Division of Job Service hereby submits a copy of the 1995 Annual Status Report on the Unemployment Compensation Fund to the Seventh-sixth Iowa General Assembly, 1995 Session.

DEPARTMENT OF PUBLIC DEFENSE  
Emergency Management Division

A copy of the 1995 legislative report entitled "Iowa E911 Program; Putting The Pieces Together!".

This report is submitted in satisfaction of requirements provided for in Code of Iowa, Chapter 34A.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Horn moved that a committee be appointed to notify the governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 34.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Fraise and Hedge.

COMMITTEE TO NOTIFY THE HOUSE

Senator Horn moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 34.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Murphy and Lind.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn sine die.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Lind reported that the committee appointed to notify the House that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee was discharged.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Hedge reported that the committee appointed to notify the House that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee was discharged.

## FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 34, duly adopted, the day of May 4, 1995, having arrived, President Boswell declared the 1995 Regular Session of the Seventy-sixth General Assembly adjourned sine die.

### MESSAGE FROM THE GOVERNOR

May 24, 1995

The Honorable Leonard L. Boswell  
President of the Senate  
State Capitol Building  
L O C A L

Dear Mr. President:

My compliments to the 1995 Session of the 76th General Assembly for one of the most productive sessions in Iowa history. The focus on economic development -- creating jobs and raising income -- manifested itself in perhaps the most significant accomplishment of the Session: the elimination of the property tax on machinery and equipment. This long awaited revision in the tax code will help Iowa improve its business climate. It is my hope that this same attention to Iowa's competitiveness will continue in the next Session thereby leading to the passage of Subchapter S legislation and, most important, an across-the-board income tax reduction. Iowa's working families, not state government, deserve to keep their hard earned dollars.

Iowa's families also deserve safe streets and peaceful neighborhoods. This General Assembly enacted a great deal of the legislation meant to secure our quality of life.

Laws were enacted to establish a sex offender registry, increase prisoner work programs, strengthen drunk driving laws, provide real penalties for taking a gun to school, and allow school locker searches without a 24 hour notice. I believe these new laws, many of which I have been recommending for years, will help protect the lives and property of Iowans.

An important issue which needs to be addressed to deter crime is the death penalty. I commend the House of Representatives for not only bringing the issue out of committee for debate, but actually passing it. To the Senate, which voted this measure down, I remind you that rape and kidnap victims as well as prison guards whose lives are placed in jeopardy deserve the protection of the possibility of the death penalty for a Class A felon who kills again. I, like so many concerned Iowans, feel strongly about this issue and will continue to champion this cause.

The next time the men and women of the Iowa Legislature meet it will be 1996 . . . the brink of the 21st century. Education is a key element to preparing our citizens for the next century and beyond. I'm pleased to report we made some progress in improving the accessibility and quality of education for Iowa children. In setting allowable growth for two years, we are providing more stability and predictability as demanded. And the approval of the plan to complete the Iowa Communications Network to every school district and libraries in the state means we are successfully breaking down the barrier of distance and providing exciting new opportunities for people living in rural communities. I am, however, disappointed that due to the higher than recommended level of allowable growth more could not be done for school improvement and technology.

This Session was marked by hard work and sound decisions on many different issues which will result in more good paying jobs, safer neighborhoods, and better schools. I'm convinced the 1995 Session will go down in Iowa history as one of our most productive legislative sessions.

Sincerely,  
TERRY E. BRANSTAD  
Governor

**SUPPLEMENT  
TO THE  
SENATE JOURNAL**

**Seventy-sixth General Assembly  
1995 Regular Session**

## SENATE BILLS APPROVED AND ITEM VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of action on Senate bills by the Governor and transmitted to the Secretary of State after the close of the 1995 Regular Session:

- 120 — Requiring that prison inmates demonstrate functional literacy competence at or above the sixth grade level or make progress towards completion of a general equivalency diploma, conditioning receipt of certain privileges on participation in education programs, and permitting the use of educational competence as a precondition to the granting of parole or work release, and providing exceptions. Approved May 16.
- 150 — Relating to children, including child abuse involving termination of parental rights in certain abuse or neglect cases, the Department of Human Services' adoption information exchange, and access by other states to child abuse information, case permanency plans for children in out-of-home placements, state foster care requests, and custody and visitation determinations and providing an applicability and effective date. Approved May 19.
- 189 — Relating to the transfer of real estate by exempting certain transfers of real estate from the real estate transfer tax and providing that a lien for a purchase money mortgage has priority over other interests in the property. Approved May 16.
- 239 — Relating to the provision of mediation in dissolution of marriage proceedings. Approved May 19.
- 266 — Relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date. Item Vetoed and approved May 31, 1995. See Governor's Item Veto Messages.
- 367 — Relating to domestic abuse and providing a penalty. Approved May 16.
- 400 — Providing for the reincorporation of nonprofit corporations and providing for retroactive applicability and effective dates. Approved May 24.
- 468 — To legalize the transfer of certain property by the city of Keokuk and providing an effective date. Approved May 16.
- 472 — Relating to the local option sales and services tax by authorizing political subdivisions that will receive revenues from the tax to issue bonds in anticipation of the receipt of the revenues, by authorizing the imposition of the tax in certain cities located in two counties, and by setting the

procedure for changing the use of revenues from the tax, and providing an effective date and a retroactive applicability date. Approved May 22.

- 475 — Relating to state financial provisions and providing applicability provisions and effective dates. Item Vetoed and approved May 24. See Governor's Item Veto Messages.
- 478 — Relating to the state franchise tax imposed on financial institutions by disallowing the deduction for expenses related to a financial institution's investment in investment subsidiaries and providing applicability dates. Approved May 26.
- 481 — Relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date. Item Vetoed and approved June 1. See Governor's Item Veto Messages.
- 484 — Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date. Item Vetoed and approved May 31. See Governor's Item Veto Messages.
- 486 — Relating to and making standing and other appropriations, corrective amendments, and other financial and regulatory matters and providing effective and applicability date provisions. Approved May 16.

#### GOVERNOR'S ITEM VETO MESSAGES

May 24, 1995

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 475, an act relating to state financial provisions and providing applicability provisions and effective dates.

The provisions in Senate File 475 reflect our ongoing effort to continually improve Iowa's finances and financial practices. For example, Iowa's improved financial condition is clearly reflected in the provision which changes the payment dates

for Merged Area Schools from four times per year, one of which occurred after the close of the fiscal year, to monthly. This will have a direct, positive impact on the cash flow position of the community colleges. Other provisions reflect similar improvement.

Senate File 475 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, in its entirety. This item specifies a date by which the salary bill must be submitted to the General Assembly. Because of the complexity of the collective bargaining process and the requirement for multiple agreements, the Governor should have the flexibility to determine the appropriate time to submit the salary bill.

I am unable to approve the designated portion of Section 5, identified as Section 8.22A, new subsection 6. This item would require the revenue estimating conference to develop a projection for medical assistance expenditures. It would be inappropriate to give the body responsible for estimating revenue the task of estimating expenditures. That is clearly not a revenue estimating responsibility.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 475 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

May 31, 1995

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 266, an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date.

Senate File 266 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 1, unnumbered and unlettered paragraph 2, in its entirety. This item specifies how the Iowa Student College Aid Commission is to allocate funds from the vocation-technical tuition grant program. The commission should retain the flexibility to direct these funds as needed.

I am unable to approve the item designated as Section 10, subsection 2, unnumbered and unlettered paragraph 2, in its entirety. This item specifies how the Department of Public Safety should allocate personnel providing security for the Capitol complex. The department is in the best position to make decisions regarding Capitol security, including the assignment of staff to areas of greatest need.

I am unable to approve the item designated as Section 25, in its entirety. This item would require the student organizations at the state universities to submit at least biennially the names of students eligible for appointment to the Board of Regents. The Board of Regents is a unified governing board for the three state universities, the Iowa School for the Deaf, and the Iowa Braille and Sightsaving School. It is important that this board represent the people of Iowa and it is inappropriate for the student member of the board to be nominated by an organization. The student member, as well as all of the other members of the board, should view their responsibility as representing all the people of the state of Iowa and not a particular organization and interest group.

I am unable to approve the item designated as Section 30, in its entirety. This item would allow cultural grant funds which are unspent and unobligated in the fiscal year appropriated to be carried forward and expended in the following fiscal year. Currently all unspent but obligated funds are exempt from automatic reversion allowing grantees to complete programs with the funds awarded to them. Consistent with good fiscal practices, grant funds which are not spent and obligated at the end of the fiscal year have reverted and should continue to revert to the general fund. I have asked the Department of Management to work with the Department of Cultural Affairs to review their grant process to assure that to the extent possible funds made available in one fiscal year are committed prior to the end of that fiscal year.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 266 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

May 31, 1995

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 484, an act relating to and making appropriations to certain state departments, agencies, funds and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date.

Senate File 484 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 3, subsection 6, paragraph c, subparagraph (1), and Section 3, subsection 6, paragraph c, subparagraphs (2), (3) and (4), in their entirety. These items would create a new program within the Division of Insurance, however, no funding for the program is provided in the bill.

I am unable to approve the item designated as of Section 14, unnumbered and unlettered paragraph 3, in its entirety. This item would require the Department of Management to set staffing targets for agencies in terms of full-time equivalents rather than in terms of head counts. The executive branch should maintain flexibility to use reporting formats that best meet its management needs.

I am unable to approve the item designated as Section 30, in its entirety. This item would require the Secretary of State to pay the general fund \$75,000 from the optical imaging account. The Secretary of State's office has already spent \$22,000 of this amount, and the remaining funds are needed to complete the imaging system.

I am unable to approve the items designated as Section 38, Section 39, Section 40 and Section 41, in their entirety. These items would add the Treasurer of State to the board of trustees for the statewide fire and police retirement system. This retirement system is a local government responsibility. Any interest the state may have in the board is already adequately represented by its four legislative members.

I am unable to approve the item designated as Section 44, in its entirety. This item would require the Division of Criminal Investigation to conduct background investigations of appointees to the Racing and Gaming Commission and to make the information available to a legislative committee. It would be inappropriate to require that legislators routinely receive information otherwise considered confidential.

I am unable to approve the item designated as Section 45, in its entirety. This section is technically incorrect and therefore does not fulfill the purpose for which it was intended.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 484 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

June 1, 1995

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 481, an act relating to and making appropriations to the State Department of Transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa State Fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date.

Senate File 481 contains several significant milestones in state finances. For the first time in many years, substantial resources are directed to the repair and rebuilding of the state's infrastructure. I am especially pleased that the State Capitol building restoration work will proceed on an aggressive schedule, enabling completion to occur by the turn of the millennium on a pay-as-you-go basis.

The bill also changes the funding for the Iowa State Patrol so that it will no longer be funded from the road use tax fund. This will immediately make available an additional \$33.5 million for the road funding formula. Finally, the 20 percent of the sales tax on vehicles that had been directed to the GAAP deficit reduction account is redirected back into the road use tax and primary road funds over the next four years where it will likewise be dedicated to transportation purposes.

These changes, coupled with action already taken to make state budget practices consistent with generally accepted accounting principles and to immediately fill the cash reserve fund to five percent, will close the chapter on many long-standing issues in state finances and will allow Iowa to attain the goal of being one of the best managed states in the country.

Despite its many accomplishments, I am disappointed that the total level of capital spending in the bill exceeded my capital budget recommendations by more than \$27 million. Therefore, I have carefully reviewed each item in this bill, and through today's action am exercising my item veto authority on nearly \$14 million worth of spending. I have used specific criteria, consistently applied in making these decisions. These criteria include whether the appropriation is truly a capital spending item and not an ongoing operational expense, whether the item is consistent with purposes that are traditionally a state responsibility and does not create a precedent for a new area of state responsibility, and whether the necessary planning for the item has been completed so that it is ready to proceed.

Senate File 481 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 1, paragraph a. This item allocates \$100,000 of the rail assistance appropriation for renovation of historical electric rail cars. This would be an inappropriate use of funds intended for rail projects that are essential to the state's economic well-being.

I am unable to approve the item designated as Section 6, in its entirety. This item provides funds to correct water seepage problems and to complete design specifications for the centennial building in Iowa City. The \$4 million appropriated in Section 10, subsection 4, of this bill to the Department of General Services for major maintenance may be used for correcting the water seepage problem.

I am unable to approve the designated portion of Section 7, subsection 3, in its entirety. This item provides funding for a welcome center that is not a part of the state's long-term welcome center plan. I am unaware of any compelling special circumstances that would warrant a change from the plan.

I am unable to approve the items designated as Section 8, subsections 2 through 15, in their entirety. These items would result in the allocation of \$1.5 million to community colleges for capital projects and equipment. This would create a precedent for state funding in an area that has traditionally been a local responsibility. As a result of these item vetoes, \$1.5 million of the \$2.5 million appropriated in this section will remain in the rebuild Iowa infrastructure account.

I am unable to approve the designated portion of Section 9, beginning with the second sentence of the first unnumbered and unlettered paragraph and continuing through the item designated as subsection 15. These items would result in the allocation of \$2.5 million to the community colleges for capital projects and equipment in the event that matching funds are not secured for the first item in Section 8. In the event this section becomes effective as a result of the matching funds not being secured as required in Section 8, these item vetoes will result in \$2.5 million remaining in the rebuild Iowa infrastructure account.

I am unable to approve the items designated as Section 10, subsections 5a, 5b and 5c, in their entirety. These items provide a total of \$10 million for renovation of the old historical building, construction of a tunnel under Grand Avenue and site preparation for a new parking ramp near the old historical building. I support the concept of renovating the old historical building. However, the state is not ready to proceed with this project because the necessary planning and analysis of options has not been completed. I am willing to facilitate a process to reach written agreement among the executive elected officials, the court and the legislative branch concerning which offices should be located in the old historical building.

I am unable to approve the item designated as Section 16, subsection 7, in its entirety. This item would provide \$225,000 for maintenance and improvements at the Gothic House visitors center. A project of this magnitude needs greater

scrutiny as a part of the overall historic preservation planning process. As a result of this action, this \$225,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 10, in its entirety. This item would provide funds to study dredging at Crystal Lake. The Department of Natural Resources has the capability and expertise necessary to determine if dredging is appropriate at Crystal Lake. It is not necessary to spend \$25,000 to have a consultant make this determination. As a result of this action, this \$25,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 12, in its entirety. This item would provide \$20,000 for the operation of the Dows Welcome Center. The state should not be involved in funding the operating costs of welcome centers. As a result of this action, this \$20,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 13, in its entirety. This item would provide \$250,000 for repairs and replacement at Hickory Grove Lake, a county-owned lake. This would create a precedent for state funding in an area that has traditionally been a local responsibility. As a result of this action, this \$250,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 14, in its entirety. This item would provide \$75,000 for reconstructing and repairing dikes and levees. Last year I approved \$550,000 for dike and levee repair, of which nearly one-half remains unobligated. The need for additional funds has not been demonstrated. As a result of this action, this \$75,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 16, in its entirety. This item would provide a \$50,000 grant to establish a rural medical care center. The Department of Public Health has a program providing funds for this type of project. As a result of this action, this \$50,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 17, in its entirety. This item would provide a \$30,000 grant for a trail and park improvements. Funds for trail development and improvement are available through the Departments of Transportation and Natural Resources. As a result of this action, this \$30,000 will remain in the lottery fund to be transferred and

credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 18, in its entirety. This item would provide a \$5,000 grant for a walking trail. Funds for trail development and improvement are available through the Departments of Transportation and Natural Resources. As a result of this action, this \$5,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 19, in its entirety. This item would provide \$25,000 to Iowa State University for a public leadership institute. I support the development of the institute, however it is inappropriate to finance ongoing operating costs with a one-time source of revenue. As a result of this action, this \$25,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 20, in its entirety. This item would provide \$45,000 for printing an under the golden dome publication. This is an informative publication about our State Capitol Building. However, it would make more sense to delay its publication so that information about the completion of restoration work can be included. As a result of this action, this \$45,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 21, in its entirety. This item would provide \$25,000 to the Department of Corrections for a grant to the amer-i-can program for training. The department's budget contains funds for training, and the department should review and prioritize its own training needs. Moreover, it is inappropriate to fund ongoing expenses from a one-time source of revenue. As a result of this action, this \$25,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 22, in its entirety. This item would provide \$125,000 for the Local Arts Comprehensive Educational Strategies (LACES) program. This is not a capital expense, and is inappropriately funded from a one-time source of revenue. I have approved a \$25,000 general fund appropriation for this program in another bill. As a result of this action, this \$125,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 23, in its entirety. This item would provide a \$75,000 grant for developing a child care program for non-traditional students at a community college. This would create a precedent for state funding in an area that has traditionally been a local responsibility. As a result of this action, this \$75,000 will remain in the lottery

fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 24, in its entirety. This item would provide \$500,000 for the establishment of a child day care center for public employees at or near the Capitol Complex. Public employees already have access to a child day care center directly adjacent to the Capitol Complex. As a result of this action, this \$500,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 26, in its entirety. This item would provide \$100,000 for the operation of the Peace Institute. It is inappropriate to fund ongoing expenses from a one-time source of revenue. As a result of this action, this \$100,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 27, in its entirety. This item would provide \$50,000 for the purchase of cellular phones for force members in the Department of Public Safety. This is a significant ongoing expense and should not be funded from a one-time source of revenue. As a result of this action, this \$50,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 28, in its entirety. This item would provide \$50,000 for expansion of the microbusiness rural enterprise demonstration project. It is inappropriate to fund ongoing programs from a one-time funding source. As a result of this action, this \$50,000 will remain in the lottery fund to be transferred and credit to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 29, in its entirety. This item would provide \$20,000 to the Department of Public Health for a conference. The state should not fund a conference as a capitals appropriation. As a result of this action, this \$20,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 30, in its entirety. This item would provide \$20,000 to the Department of Public Health for another conference. The state should not fund a conference as a capitals appropriation. As a result of this action, this \$20,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 31, in its entirety. This item would provide \$25,000 to the Department of Corrections for a study of the use of the telecommunications network for worker training.

The department can conduct a study without a specific appropriation. As a result of this action, this \$25,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 32, in its entirety. This item would provide \$39,000 to Iowa State University for a study of alternative project delivery systems for publicly funded infrastructure projects. The university can conduct the study without a specific appropriation. As a result of this action, this \$39,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 34, in its entirety. This item would provide \$20,000 for the Older Iowans Legislature. This is a valuable program that has operated for many years without an appropriation, and should continue to do so. As a result of this action, this \$20,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 35, in its entirety. This item would provide \$50,000 to the Judicial Department for strategic planning. I support the development of a strategic plan, however it should not be funded as a capitals appropriation. As a result of this action, this \$50,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 36, in its entirety. This item would provide \$150,000 to a community college to renovate a building. This would create a precedent for state funding in an area that has traditionally been a local responsibility. As a result of this action, this \$150,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 37, in its entirety. This item would provide \$25,000 for pilot projects for the placement of geriatric patients with mental illness. This is an important issue for the state, and the department is in the process of studying the needs of these patients. However, it is not a capital expense and is not appropriately funded from a one-time revenue source. As a result of this action, this \$25,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 38, in its entirety. This item would provide \$100,000 for the Iowa hope loan program. It is inappropriate to fund ongoing programs from a one-time funding source. As a result of this action, this \$100,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 16, subsection 39, in its entirety. This item would provide \$100,000 to construct a curb on a municipal street. This would create a precedent of state involvement in an area that has traditionally been a local responsibility. As a result of this action, this \$100,000 will remain in the lottery fund to be transferred and credited to the general fund in accordance with 1994 Iowa Acts, Chapter 1199, Section 12.

I am unable to approve the item designated as Section 25, in its entirety. This item would require the Department of Transportation to improve the primary highway system in a way that, as nearly as possible, equalizes the service levels in all sections of the state. For example, each section of the state would be required to have the same number of freeway-expressway miles. While I strongly support the addition of more miles of four-lane highway in Northwest Iowa, this should not jeopardize the construction of other highway projects elsewhere in the state. This language could adversely affect critical upgrades that are programmed, including projects for which federal funding has been secured.

I am unable to approve the item designated as Section 35, in its entirety. This item would repeal, on July 1, 1997, the authority of the county treasurers in the six pilot counties to issue driver licenses on a permanent basis. This action presupposes the conclusion of an evaluation to be undertaken by a legislative interim committee. I have heard from many people in Southwest Iowa who feel strongly that the issuance of driver licenses by county treasurers has been a great convenience and would like to see it continue on a permanent basis.

As I complete action on this bill, I feel compelled to express my strong disapproval of what appears to be an attempt to coerce the Governor into approving items of spending which would not otherwise be approved. It has been suggested that by disapproving a number of the appropriations provided in Section 16 that those funds would then be available to expend for the purposes specified in subsection 40 of Section 16. Such a result would not only violate the principles of the separation of powers provided in Iowa's Constitution but also the separate and severable doctrine relating to items which are vetoable in appropriation bills. The people of Iowa granted the Governor item veto power to serve as a check on the legislative practice of logrolling. The numerous inappropriate items of expenditure in this bill are a classic example of why the item veto is necessary to protect taxpayers against unnecessary and excessive spending.

It has been clearly established by constitutional amendment and court decisions that the Governor cannot be denied the authority to veto separate and distinct items in an appropriation bill. To accept that the legislature could devise a way to evade the Governor's veto of individual items by reappropriating disapproved items and making them part of an expenditure of funds for another purpose in the same bill would ignore this basic principle of item veto law. Further, the legislature's attempt to construct such a device results in an unconstitutional invasion of the Governor's line item-veto authority.

I have always recognized and will continue to respect the awesome but not unlimited power of the legislature over the "purse strings" of state government. At the same time, as Governor I am obligated to protect the right of the chief

executive to exercise the item veto authority on behalf of the citizens of Iowa to control excessive spending. Applying the principles of item veto law which I have enunciated above, the \$2,224,000 disapproved in Section 16 will remain in the lottery fund and will be transferred and credited to the general fund at the end of the current fiscal year pursuant to 1994 Iowa Acts, Chapter 1199, Section 12.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 481 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

### ANNOUNCEMENT OF APPOINTMENT BY THE PRESIDENT OF THE SENATE

The President of the Senate announced the following statutory appointment on May 24, 1995:

IOWA COMPREHENSIVE HEALTH INSURANCE ASSOCIATION  
(Code 514E.2)

Senator Tom Flynn - term expires with the convening of the 77th General Assembly.

### ANNOUNCEMENT OF APPOINTMENTS BY THE MAJORITY LEADER

The majority leader announced the following statutory appointments on June 15, 1995 (all terms expire 4-30-99):

ADMINISTRATIVE RULES REVIEW COMMITTEE  
(Code 17A.8)

Senators Berl E. Priebe, John P. Kibbie, William D. Palmer, Sheldon Rittmer and H. Kay Hedge.

**IN MEMORIAM****Senate**

Balloun, Charles F. ....	September 21, 1904 - February 17, 1995
Grimstead, Jacob .....	April 11, 1905 - November 18, 1993
Messerly, Francis E. ....	April 21, 1914 - October 8, 1994
Miller, Jack R. ....	June 6, 1916 - August 29, 1994
Tieden, Dale L. ....	October 11, 1992 - November 3, 1994
Wearin, Edward A. ....	April 16, 1918 - October 2, 1994

## CHARLES F. BALLOUN

Charles F. Balloun was born September 21, 1904, in Dardanelle, Arkansas and passed away on February 17, 1995, at the age of 90. His parents were Van and Vlasta Balloun. He married Mary Delores Matula on New Years Day, 1929. They were the parents of two sons, Gerald and Eugene, grandparents to four grandchildren and great grandparents to five great grandchildren.

Mr. Balloun came to Iowa and Tama County when he was four years old. He attended Tama County schools and graduated from Tama High School in 1924. He continued his education at Iowa State University, Ames. He was the principal and coach of basketball and baseball at Stanton in 1928. In 1937, he accepted a position with the U.S. Department of Agriculture, with the Soil Conservation Service (SEC), a position he held until 1945. Mr. Balloun then accepted a position with the University of Alaska as Superintendent of Experimental Stations which he held until 1946. He then returned to Tama County to take care of the family farm.

Senator Balloun's political career began in 1961 when he was elected to the House of Representatives and served in the 59th, 60th, and 60th Extra General Assemblies. He was elected to the Iowa Senate March 2, 1965. He served in the 61st, 62nd, 63rd, and 64th General Assemblies. He was an Assistant Majority Leader while serving in the Iowa Senate.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY- SIXTH GENERAL ASSEMBLY OF IOWA:** That in the passing of the Honorable Charles F. Balloun, the state has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

**BE IT FURTHER RESOLVED:** That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

EMIL HUSAK, Chair  
RANDAL J. GIANNETTO  
JOHN W. JENSEN

Committee

## JACOB GRIMSTEAD

Jacob Grimstead was born in Nissedal, Telemark, Norway, on April 11, 1905, to Nottov and Juri Grimstead. He passed away on November 18, 1993 at the age of 88 years. He attended Oslo University and was a noncommissioned officer in the King's Guard before he immigrated to the United States in 1929. Jacob worked on farms and in factories in North Dakota and Michigan, clerked at Bakken's

grocery, attended Hamilton Business College in Mason City, Iowa, and then started a grocery store in Joice.

Jacob married Ruth Henderson on Thanksgiving Day in 1932, in Lake Mills. She preceded him in death on September 21, 1973. He married Nola I. (Brunsvold) Dahl, September 21, 1974, at Jefferson. She preceded him in death on November 21, 1991. Jacob served as a State Senator from 1952 until 1964, serving in the 55th through 60th General Assemblies. He was active in many community service activities. He translated Norwegian documents and letters for many in the area. This activity required long hours of his time and no compensation but he did so gladly. Jacob also prepared and mailed care packages for his customers to their relatives during World War II. Jacob was an active member of the Salem Lutheran Church and served on the town council.

Senator Grimstead will always be remembered as a generous individual who worked for the betterment of his community as well as for the state of Iowa. His donation of time and energy has improved the lives of Lake Mills residents.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Jacob Grimstead, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the state and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

MERLIN E. BARTZ, Chair  
ALLEN BORLAUG  
BERL E. PRIEBE

Committee

#### FRANCIS E. MESSERLY

Francis E. Messerly was born April 21, 1914, in Cedar Falls and passed away October 8 1994, at the age of 80. His parents were Edward and Essie Laurence Messerly. He married Mary I. Hamilton on July 8, 1937, in Cedar Rapids. They were parents to two children; Carol Nesler of Dubuque and Randy Messerly of Sarasota, Florida, and grandparents to six grandchildren.

Mr. Messerly owned and operated the Finchford General Store from 1937 to 1949. At that time he embarked upon a public career which spanned 36 years, both on a county and state level. From 1950 to 1960 he served on the Black Hawk Board of Supervisors. Mr. Messerly's state political career began with his 1961 election to the House of Representatives where he served in the 59th and 60th General Assemblies. He was elected to the Iowa Senate in 1965 and served in the 61st through the 64th General Assemblies. During that time he was chairman

of the Appropriations Committee because of his expertise in that area. In 1976 he was again elected to the Board of supervisors, serving until his retirement in 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Francis E. Messerly, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DONALD B. REDFERN, Chair

JIM LIND

EMIL J. HUSAK

Committee

### JACK RICHARD MILLER

Jack Miller was born in Chicago on June 6, 1916, and died quietly at his home in Temple Terrace, Florida, on August 29, 1994. Mr. Miller was interred with full military honors in Arlington Cemetery, Arlington, Virginia.

Jack Miller served in elective office for a total of 17 years at the state and national levels. Mr. Miller's political career began in 1954 when he was elected to the Iowa House of Representatives from his home district of Woodbury County, Sioux City, Iowa. Mr. Miller held the following elective offices: State Representative to the Iowa House, one term 1955-56 during the 56th General Assembly. He served as Iowa State Senator for two terms in 1957-1960 during the 57th and 58th General Assemblies. Mr. Miller, a republican, was known as a fiscal conservative. The Honorable Mr. Miller served as a United States Senator from Iowa. First elected in 1960 and re-elected in 1966, he served in the United States Senate from January 3, 1961, to January 3, 1973.

In 1972, Mr. Miller received the first Distinguished Service Award of the National Water Resources Congress.

Mr. Miller served as an associate judge of the U.S. Court of Customs and Appeals in Washington, D.C. from 1973-1982. In October 1982, the U.S. Court of Customs and Appeals merged with the U.S. Court of Claims to form the Federal Circuit. Mr. Miller retired from the United States Court of Appeals for the Federal Circuit in 1982, ending his career of public service.

Mr. Miller graduated from Creighton University, Omaha in 1938; received a graduate degree from Catholic University, Washington D.C., in 1939, and a law degree from Columbia University School of Law in 1946; postgraduate studies

at State University of Iowa College of Law in 1946; during World War II, served with the United States Army Air Corps 1942-1946, attaining the rank of Lieutenant Colonel; service included Air Force Headquarters, Washington, D.C., faculty of the United States Army Command and General Staff School, Fort Leavenworth, Kansas, and China-Burma-India Theater of Operations; Brigadier General, Air Force Reserve; admitted to the Iowa and Nebraska bars in 1946; attorney, Office of Chief Counsel, Internal Revenue Service, Washington, D.C., 1947-48, assistant professor of law, University of Notre Dame College of Law 1948-49; practiced law in Sioux City, Iowa, 1949-1960.

Jack Miller married the former Isabelle "Jerry" Browning of Windber, Pennsylvania in August 1942. They have one son, Jim, of Washington, D.C.; three daughters, Janice Amott of Cincinnati, Ohio, Judy Flynn of Temple Terrace, Florida, and Jaynie Studenmund, La Canada, California; 11 grandchildren and a great-grandchild.

Mr. Miller served his country with public devotion and he cared for his family with private devotion. He was an avid golfer. "He was as tenacious on the course as in politics," said his son. "He never cheated".

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY- SIXTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Jack Richard Miller, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

BRAD BANKS, Chair  
WAYNE BENNETT  
STEVE HANSEN

Committee

DALE L. TIEDEN

Dale L. Tieden was born October 11, 1922, and died on November 3, 1994, at the age of 72. Mr. Tieden graduated from Elkader High School and Elkader Junior College and attended the University of Iowa. A lifelong resident of rural Elkader, Mr. Tieden was engaged in farming on the land held by his family for over 100 years; in addition to managing feed livestock and a fertilizer operation. Mr. Tieden was a member of the United Church of Christ (where he served on the church council) and was active in many professional and civic organizations including the Masonic Lodge, Farm Bureau, Izaak Walton League, Rotary, Lions, Chamber of Commerce, Sierra Club, Heritage Foundation and Shriners, where he entertained the young and old as a clown with his imaginary dog. Senator Tieden enjoyed watching Iowa Hawkeye football games in Iowa City, fishing with his

friends at Dead Lake in Canada, traveling (especially in fast cars), and simply visiting with family and friends.

Senator Tieden first joined the Iowa State Legislature in 1964 when he was elected to the House of Representatives. After serving in the House for eight years, Senator Tieden was elected as a State Senator in 1972. During his time in the Legislature, Senator Tieden acted as an ardent conservationist; pushing for appropriations for parks and other outdoor recreation projects. He received the Iowa Conservation Award of Merit given by the Iowa Chapter of the Wildlife Society and a commendation by Governor Ray for his tireless conservation work. He also received citations for his commitment to long term care and affordable Health Care. Senator Tieden retired in 1992 after serving the people of Iowa for twenty-eight years in the State of Iowa Legislature. His commitments to the people of Iowa were recognized in a dedication to Senator Tieden, signed by President George Bush, United States Senator Charles Grassley, and Governor Branstad.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Dale L. Tieden, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

BERL E. PRIEBE, Chair  
LARRY MURPHY  
LYLE E. ZIEMAN

Committee

#### EDWARD A. WEARIN

Edward A. Wearin was born April 16, 1918, in Malvern and passed away on October 2, 1994, at the age of 76. His parents were Josiah F. and Ethel Anderson Wearin. He married Helen Cochran in Puerto Rico on November 20, 1943. They were parents to four children; Elizabeth Wearin-Salmon of Bellevue, Nebraska; Sarah Smith of Red Oak; Catherine Saraduke of Aurora, Colorado; and Andy of Hyannis, Nebraska, and grandparents to five grandchildren. He was a loving husband, father and grandfather.

Mr. Wearin graduated from Malvern High School, Phillips Exeter Academy, Stanford University and Harvard Business School. He was actively engaged in farming near Red Oak and managed the Wearin Cattle Company near Hyannis, Nebraska, earning various awards for his conservation practices on the Iowa farm and Nebraska ranch. He was a lieutenant in the U.S. Navy, WW II, and served as a trustee of Doane College in Crete, Nebraska and the Chicago Theological Seminary. He was a member of First Congregational Church in Red Oak and

held numerous local, state and national positions in the United Church of Christ. He was Montgomery County Historical Society treasurer and was a member of Red Oak Elks Lodge #1304.

Senator Wearin was elected to the Senate in 1960 and served in the 59th and 60th General Assemblies. He was a member of the Iowa Development Commission 1961 to 1963.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY- SIXTH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Edward A. Wearin, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate by this Resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DERRYL McLAREN, Chair  
LEONARD L. BOSWELL  
MICHAEL E. GRONSTAL

Committee



**AMENDMENTS FILED**  
**During The**  
**Seventy-sixth General Assembly**  
**1995 Regular Session**

S-3001

1 Amend Senate Resolution 1 as follows:  
2 1. Page 16, by inserting after line 8 the  
3 following:  
4 "Rule 19A  
5 Consideration of Conference Committee Reports  
6 A conference committee report shall not be acted  
7 upon by the senate unless the report contains only  
8 issues related to provisions of the bill and  
9 amendments to the bill which were adopted by either  
10 the senate or the house of representatives and on  
11 which the senate and house of representatives  
12 differed. If a conference committee report is not  
13 acted upon because such action would violate this  
14 rule, the inaction on the report shall constitute  
15 refusal of the senate to adopt the conference  
16 committee report and shall have the same effect as if  
17 the conference committee had disagreed."

ROD HALVORSON

S-3002

1 Amend Senate File 13 as follows:  
2 1. Page 1, by striking lines 17 through 19, and  
3 inserting the following:  
4 "7. "Parent" means one parent of a pregnant minor,  
5 a grandparent of a pregnant minor, an adult aunt or  
6 uncle of a pregnant minor, or an adult sibling of a  
7 pregnant minor whether of the whole or half blood."  
8 2. Page 2, line 11, by striking the word "for"  
9 and inserting the following: "to".  
10 3. Page 3, line 5, by striking the word "minor,"  
11 and inserting the following: "minor or".  
12 4. Page 4, by inserting after line 3 the  
13 following:  
14 "7. A responsible adult who is selected by a  
15 pregnant minor or an emancipated pregnant minor under  
16 this chapter and who complies in good faith with the  
17 duties of a responsible adult under this chapter, is  
18 immune from any liability, civil or criminal, which  
19 might result from and which is related to the  
20 pregnancy of the pregnant minor or emancipated  
21 pregnant minor."  
22 5. Page 5, line 9, by striking the word "minor,"  
23 and inserting the following: "minor or".  
24 6. Page 9, by striking lines 31 and 32 and  
25 inserting the following:  
26 "3. Members shall serve terms beginning pursuant

27 to section 69.19. Appointments”.

28 7. Page 12, by inserting after line 6 the  
29 following:

30 “2. An attending physician who certifies that a  
31 medical emergency exists which necessitates the  
32 immediate performance of an abortion on a pregnant  
33 minor or emancipated pregnant minor, and who complies  
34 in good faith with the requirements of this section,  
35 is immune from any liability, civil or criminal, which  
36 might result from the attending physician’s medical  
37 decision.”

38 8. Page 13, by striking lines 25 through 29, and  
39 inserting the following:

40 “Sec. 10. EFFECTIVE DATE. Section 5 of this Act  
41 relating to the establishment of the advisory  
42 committee, being deemed of immediate importance, takes  
43 effect upon enactment. The advisory committee shall  
44 be appointed within fifteen days of the effective date  
45 of this Act and may begin performing committee duties  
46 prior to the beginning of the official commencement of  
47 the terms of the committee members as provided in  
48 section 5 of this Act.

49 The remainder of this Act takes effect January 1,  
50 1996, if the video, developed pursuant to section

**Page 2**

1 135L.2 has been distributed at that time, or thirty  
2 days following the distribution of the video. If the  
3 distribution date is subsequent to January 1, 1996,  
4 the advisory committee shall submit written  
5 certification of the distribution date of the video to  
6 the secretary of state, who shall attach the written  
7 certification to the enrolled bill. Following  
8 submission of written certification to the secretary  
9 of state, the advisory committee shall also publicize  
10 the effective date of the remainder of the Act to the  
11 general public.”

COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

S-3003

1 Amend Senate File 17 as follows:

2 1. Page 1, line line 4, by striking the words  
3 “four and one-half” and inserting the following:  
4 “three”.

STEWART IVERSON, JR.

S-3004

- 1 Amend Senate File 13 as follows:
- 2 1. Page 1, by striking lines 17 through 19 and
- 3 inserting the following:
- 4 "7. "Parent" means one parent of a pregnant minor
- 5 or the guardian or custodian of a pregnant minor."

BRAD BANKS  
 ALLEN BORLAUG  
 WILMER RENSINK  
 JOHN P. KIBBIE  
 H. KAY HEDGE  
 ANDY MCKEAN

S-3005

- 1 Amend the amendment, S-3002, to Senate File 13, as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 7 and
- 4 inserting the following:
- 5 ""7. "Parent" means one parent of a pregnant minor
- 6 or the guardian or custodian of a pregnant minor.""

BRAD BANKS  
 ALLEN BORLAUG  
 WILMER RENSINK  
 JOHN P. KIBBIE  
 H. KAY HEDGE  
 ANDY MCKEAN

S-3006

- 1 Amend Senate File 13 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 146A.1 NOTIFICATION OF
- 5 PARENT BY MINOR CONTEMPLATING AN ABORTION --
- 6 REQUIREMENTS -- EXCEPTIONS.
- 7 1. A minor seeking or contemplating seeking an
- 8 abortion shall notify a parent of the minor of the
- 9 minor's intention and shall seek counseling from the
- 10 parent.
- 11 2. Notwithstanding subsection 1, if a minor is
- 12 unable to comply with the notification requirement
- 13 pursuant to subsection 1, because notification is not
- 14 in the best interest of the minor due to, but not
- 15 limited to, rape, incest, or the dysfunctional nature
- 16 of the minor's family, the minor may comply with the
- 17 requirement of subsection 1, by receiving counseling

18 from any of the following individuals, none of whom is  
19 associated with an abortion provider, regarding the  
20 alternatives available to the minor for managing the  
21 pregnancy and verifying the receipt of counseling as  
22 required in subsection 3:

23 a. A grandparent of the minor.

24 b. A physician licensed to practice medicine or  
25 surgery pursuant to chapter 148, osteopathy pursuant  
26 to chapter 150, or osteopathic medicine and surgery  
27 pursuant to chapter 150A.

28 c. A psychologist licensed pursuant to chapter  
29 154B.

30 d. A psychiatrist licensed pursuant to chapter  
31 148.

32 e. A social worker licensed pursuant to chapter  
33 154C.

34 f. A marital and family therapist licensed  
35 pursuant to chapter 154D.

36 g. A person who practices as a registered nurse or  
37 as a licensed practical nurse pursuant to chapter 152.

38 h. A physician assistant licensed pursuant to  
39 chapter 148C.

40 i. A licensed advanced registered nurse  
41 practitioner certified as a nurse-midwife.

42 j. A person ordained or designated as a leader of  
43 a religious faith.

44 3. If a minor seeks to arrange an abortion, a  
45 person performing the abortion shall not perform the  
46 abortion unless the minor provides one of the  
47 following forms of verification of compliance with  
48 subsection 1 or 2:

49 a. If the minor complies with subsection 1,  
50 verification may be provided by either of the

**Page 2**

1 following means:

2 (1) A parent accompanies the minor during the  
3 performance of the abortion.

4 (2) A parent signs and dates a letter indicating  
5 the parent's notification of the abortion.

6 b. If the minor complies with subsection 2, the  
7 minor shall provide a form signed and dated by the  
8 individual providing counseling, verifying receipt of  
9 counseling by the minor.

10 4. A minor is not required to comply with  
11 subsection 1 or 2 if the minor's attending physician  
12 certifies that a medical emergency exists. If  
13 noncompliance with either subsection is by reason of a  
14 medical emergency, the attending physician shall

15 certify, in writing, in the minor's medical record,  
16 the basis for the medical judgment that a medical  
17 emergency existed.  
18 5. For the purposes of this section:  
19 a. "Abortion" means an abortion as defined in  
20 section 146.1.  
21 b. "Medical emergency" means a condition that,  
22 based on a physician's good faith clinical judgment,  
23 so complicates the medical condition of the minor as  
24 to necessitate the immediate abortion of the minor's  
25 pregnancy to avert the minor's death, or for which a  
26 delay will create serious risk of substantial and  
27 irreversible impairment of a major bodily function.  
28 c. "Minor" means minor as defined in section  
29 599.1.  
30 d. "Parent" means one parent of the minor or the  
31 minor's guardian or custodian.  
32 6. A person who uses reasonable diligence in  
33 providing counseling under subsection 2 and in  
34 complying with the requirements of this section, is  
35 immune from any liability, civil or criminal, which  
36 might arise under this section."  
37 2. Title page, by striking lines 1 through 3 and  
38 inserting the following: "An Act relating to the  
39 notification of a parent by a minor contemplating an  
40 abortion and providing alternatives."

JOHNIE HAMMOND

S-3007

1 Amend the amendment, S-3002, to Senate File 13 as  
2 follows:  
3 1. Page 1, by inserting after line 1 the  
4 following:  
5 "\_\_\_ Page 1, by striking lines 9 through 14 and  
6 inserting the following:  
7 "5. "Medical emergency" means a condition that,  
8 based on a physician's clinical judgment, so  
9 complicates the pregnancy or the health of the minor  
10 as to require an immediate abortion.""  
11 2. Page 1, line 4, by inserting after the words  
12 "one parent" the following: "or a legal guardian or  
13 custodian".  
14 3. Page 1, by inserting after line 7 the  
15 following:  
16 "\_\_\_ Page 1, line 28, by inserting after the  
17 word "pregnancy." the following: "Participation in  
18 the decision-making process is required for all  
19 pregnant minors who are not emancipated; however,

20 emancipated pregnant minors may and are encouraged to  
21 participate in the decision-making process created by  
22 this section.””

23 4. Page 1, by inserting after line 9 the  
24 following:

25 “ \_\_\_. Page 2, line 35, by inserting after the  
26 word “minor” the following: “or emancipated pregnant  
27 minor.””

28 5. Page 1, by inserting after line 11 the  
29 following:

30 “ \_\_\_. Page 3, line 11, by striking the word  
31 “retain” and inserting the following: “terminate”.

32 \_\_\_. Page 3, line 14, by inserting after the word  
33 “rights.” the following: “A responsible adult who  
34 retains a copy of the document under this subsection  
35 shall destroy the copy one year subsequent to the time  
36 of completion of the document.”

37 \_\_\_. Page 3, by striking lines 15 through 19 and  
38 inserting the following:

39 “5. The requirements of this section relating to  
40 viewing of the video and completion of the decision-  
41 making document by the pregnant minor and a  
42 responsible adult do not apply if any of the following  
43 applies:

44 (1) A parent of the pregnant minor authorizes the  
45 pregnant minor’s decision regarding the pregnancy, in  
46 writing, and a copy of the written authorization is  
47 attached to the termination of parental rights  
48 petition or is provided to the attending physician  
49 prior to the performance of an abortion on a minor.

50 (2) The pregnant minor’s attending physician

## Page 2

1 certifies in writing that a medical emergency exists  
2 which necessitates the immediate performance of an  
3 abortion in accordance with section 135L.6.

4 (3) The pregnant minor declares that the pregnant  
5 minor is a victim of child abuse pursuant to section  
6 232.68, the person responsible for the care of the  
7 child is a parent of the child, and either the abuse  
8 has been reported pursuant to the procedures  
9 prescribed in chapter 232, division III, part 2, or a  
10 parent of the child is named in a report of founded  
11 child abuse. The department of human services shall  
12 maintain confidentiality under chapter 232 regarding  
13 the pregnant minor’s pregnancy.

14 (4) The pregnant minor declares that the pregnant  
15 minor is a victim of sexual abuse as defined in  
16 chapter 709 and has reported the sexual abuse to law

17 enforcement.”

18 \_\_\_\_ . Page 3, line 22, by inserting after the word  
19 “minor” the following: “, unless otherwise exempt  
20 from these alternatives under this chapter”.”

21 6. Page 1, by inserting after line 21 the  
22 following:

23 “8. A person who discloses the identity of or who  
24 harasses or intimidates a pregnant minor, an  
25 emancipated pregnant minor, or a responsible adult  
26 participating in the decision-making process under  
27 this section, is guilty of a serious misdemeanor.””

28 7. Page 1, by inserting after line 23 the  
29 following:

30 “\_\_\_\_ . Page 6, by striking lines 13 through 16 and  
31 inserting the following:

32 “1. The requirements of this section regarding  
33 notification of a parent of a pregnant minor who  
34 chooses to place the pregnant minor's child for  
35 adoption do not apply if any of the following applies:

36 (1) A parent of the pregnant minor authorizes the  
37 pregnant minor's decision, in writing, and a copy of  
38 the written authorization is attached to the  
39 termination of parental rights petition.

40 (2) The pregnant minor's attending physician  
41 certifies in writing that a medical emergency exists  
42 which necessitates the immediate performance of an  
43 abortion in accordance with section 135L.6.

44 (3) The pregnant minor declares that the pregnant  
45 minor is a victim of child abuse pursuant to section  
46 232.68, the person responsible for the care of the  
47 child is a parent of the child, and either the abuse  
48 has been reported pursuant to the procedures pre-  
49 scribed in chapter 232, division III, part 2, or a  
50 parent of the child is named in a report of founded

### Page 3

1 child abuse. The department of human services shall  
2 maintain confidentiality under chapter 232 regarding  
3 the pregnant minor's pregnancy.

4 (4) The pregnant minor declares that the pregnant  
5 minor is a victim of sexual abuse as defined in  
6 chapter 709 and has reported the sexual abuse to law  
7 enforcement.”

8 \_\_\_\_ . Page 6, line 20, by inserting after the word  
9 “rights” the following: “, unless the pregnant minor  
10 is otherwise exempt from obtaining any of these  
11 documents under this chapter”.

12 \_\_\_\_ . Page 8, by striking lines 25 through 28 and  
13 inserting the following:

14 "1. The requirements of this section regarding  
 15 notification of a parent of a pregnant minor prior to  
 16 the performance of an abortion on a pregnant minor do  
 17 not apply if any of the following applies:

18 (1) The abortion is authorized in writing by a  
 19 parent entitled to notification.

20 (2) The pregnant minor's attending physician  
 21 certifies in writing that a medical emergency exists  
 22 which necessitates the immediate performance of an  
 23 abortion in accordance with section 135L.6.

24 (3) The pregnant minor declares that the pregnant  
 25 minor is a victim of child abuse pursuant to section  
 26 232.68, the person responsible for the care of the  
 27 child is a parent of the child, and either the abuse  
 28 has been reported pursuant to the procedures pre-  
 29 scribed in chapter 232, division III, part 2, or a  
 30 parent of the child is named in a report of founded  
 31 child abuse. The department of human services shall  
 32 maintain confidentiality under chapter 232 regarding  
 33 the pregnant minor's pregnancy and abortion, if the  
 34 abortion is obtained.

35 (4) The pregnant minor declares that the pregnant  
 36 minor is a victim of sexual abuse as defined in  
 37 chapter 709 and has reported the sexual abuse to law  
 38 enforcement."

39 \_\_\_\_ . Page 9, line 3, by inserting after the word  
 40 "counselor" the following: ", who has expertise in  
 41 sexual abuse counseling".

42 8. Page 1, by inserting after line 27 the  
 43 following:

44 " \_\_\_\_ . Page 10, by inserting after line 20 the  
 45 following:

46 "bb. Develop a process for and provide for the  
 47 distribution of the video and develop confidentiality  
 48 requirements relating to the persons involved in  
 49 viewing the video."

50 \_\_\_\_ . Page 10, by striking lines 32 and 33 and

#### Page 4

1 inserting the following:

2 "7. The committee, upon the advice of the Iowa  
 3 department of public health, may receive".

4 \_\_\_\_ . Page 11, by striking lines 1 and 2 and

5 inserting the following:

6 "8. The advisory committee and the producer of the  
 7 video shall attempt to complete and distribute the  
 8 video for use not later than January 1, 1996.

9 9. The Iowa department of public health shall  
 10 provide administrative support to the advisory

11 committee.”

12 \_\_\_\_ . Page 12, by inserting after line 2 the  
13 following:

14 “(3) The pregnant minor declares that the pregnant  
15 minor is a victim of sexual abuse as defined in  
16 chapter 709 and has reported the sexual abuse to law  
17 enforcement.”

18 \_\_\_\_ . Page 12, line 3, by striking the letter “c.”  
19 and inserting the following: “(4).”

20 9. Page 1, line 44, by striking the word  
21 “fifteen” and inserting the following: “thirty”.

22 10. By renumbering, relettering, and correcting  
23 internal references as necessary.

ELAINE SZYMONIAK  
MERLIN E. BARTZ  
MARY E. KRAMER  
LARRY MURPHY

S-3008

1 Amend the amendment, S-3002, to Senate File 13 as  
2 follows:

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

5 “\_\_\_\_ . Page 1, by inserting after line 8 the  
6 following:

7 “4A. “Family member” means one parent of a  
8 pregnant minor, a grandparent of a pregnant minor, an  
9 adult aunt or uncle of a pregnant minor, or an adult  
10 sibling, whether of the whole or half blood, of a  
11 pregnant minor.””

12 2. Page 1, by striking lines 2 through 7 and  
13 inserting the following:

14 “\_\_\_\_ . Page 1, by striking lines 17 through 19.”

15 3. Page 1, by inserting after line 21 the  
16 following:

17 “\_\_\_\_ . Page 4, line 4, by striking the word  
18 “PARENT” and inserting the following: “FAMILY  
19 MEMBER”.

20 \_\_\_\_ . Page 4, line 10, by striking the word  
21 “parent” and inserting the following: “family  
22 member”.

23 \_\_\_\_ . Page 4, line 12, by striking the word  
24 “parent” and inserting the following: “family  
25 member”.

26 \_\_\_\_ . Page 4, line 17, by striking the word  
27 “parent” and inserting the following: “family  
28 member”.

29 \_\_\_\_ . Page 4, line 23, by striking the word

30 "parent" and inserting the following: "family  
31 member".

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

34 " — . Page 6, line 19, by striking the word  
35 "parent" and inserting the following: "family  
36 member".

37 — . Page 6, line 21, by striking the word  
38 "PARENT" and inserting the following: "FAMILY  
39 MEMBER".

40 — . Page 6, line 26, by striking the word  
41 "parent" and inserting the following: "family  
42 member".

43 — . Page 6, line 29, by striking the word  
44 "parent" and inserting the following: "family  
45 member".

46 — . Page 6, line 30, by striking the word  
47 "parent" and inserting the following: "family  
48 member".

49 — . Page 7, line 1, by striking the word  
50 "parent" and inserting the following: "family

## Page 2

1 member".

2 — . Page 9, line 11, by striking the word  
3 "parent" and inserting the following: "family  
4 member".

5 5. Page 1, by inserting after line 27 the  
6 following:

7 " — . Page 11, line 11, by striking the word  
8 "parent" and inserting the following: "family  
9 member".

10 — . Page 11, line 14, by striking the word  
11 "parent" and inserting the following: "family  
12 member".

13 — . Page 11, line 19, by striking the word  
14 "parent" and inserting the following: "family  
15 member".

16 — . Page 11, line 21, by striking the word  
17 "parent" and inserting the following: "family  
18 member".

19 — . Page 11, line 24, by striking the word  
20 "parent" and inserting the following: "family  
21 member".

22 — . Page 11, line 27, by striking the word  
23 "parent" and inserting the following: "family  
24 member".

25 — . Page 11, line 31, by striking the word  
26 "parent" and inserting the following: "family

- 27 member".
- 28 \_\_\_\_ . Page 11, line 34, by striking the word  
29 "parent" and inserting the following: "family  
30 member".
- 31 \_\_\_\_ . Page 12, line 4, by striking the word  
32 "parent" and inserting the following: "family  
33 member".
- 34 6. Page 1, by inserting after line 37 the  
35 following:  
36 " \_\_\_\_ . Page 12, line 21, by striking the word  
37 "parent" and inserting the following: "family  
38 member".
- 39 \_\_\_\_ . Page 12, line 25, by striking the word  
40 "parent" and inserting the following: "family  
41 member".
- 42 7. By renumbering as necessary.

BRAD BANKS

S-3009

- 1 Amend Senate File 13 as follows:
- 2 1. Page 2, line 9, by inserting after the word  
3 "chosen." the following: "With regard to adoption,  
4 the video shall provide information regarding all  
5 types of child placing agencies as defined in section  
6 238.2, including private, semipublic, and public  
7 agencies or persons."
- 8 2. Page 3, line 34, by inserting after the word  
9 "adoption" the following: " , including but not  
10 limited to information regarding all types of child  
11 placing agencies as defined in section 238.2,  
12 including private, semipublic, and public agencies or  
13 persons,".

ANDY McKEAN

S-3010

- 1 Amend the amendment, S-3002, to Senate File 13 as  
2 follows:
- 3 1. Page 1, by inserting after line 1 the  
4 following:  
5 " \_\_\_\_ . Page 1, by inserting after line 8 the  
6 following:  
7 "4A. "Family member" means one parent or the  
8 guardian or custodian of a pregnant minor, a  
9 grandparent of a pregnant minor, an adult aunt or  
10 uncle of a pregnant minor, or an adult sibling,  
11 whether of the whole or half blood, of a pregnant

12 minor.””

13 2. Page 1, by striking lines 2 through 7 and

14 inserting the following:

15 “\_\_\_ . Page 1, by striking lines 17 through 19.”

16 3. Page 1, by inserting after line 21 the

17 following:

18 “\_\_\_ . Page 4, line 4, by striking the word

19 “PARENT” and inserting the following: “FAMILY

20 MEMBER”.

21 \_\_\_ . Page 4, line 10, by striking the word

22 “parent” and inserting the following: “family

23 member”.

24 \_\_\_ . Page 4, line 12, by striking the word

25 “parent” and inserting the following: “family

26 member”.

27 \_\_\_ . Page 4, line 17, by striking the word

28 “parent” and inserting the following: “family

29 member”.

30 \_\_\_ . Page 4, line 23, by striking the word

31 “parent” and inserting the following: “family

32 member”.”

33 4. Page 1, by inserting after line 23 the

34 following:

35 “\_\_\_ . Page 6, line 19, by striking the word

36 “parent” and inserting the following: “family

37 member”.

38 \_\_\_ . Page 6, line 21, by striking the word

39 “PARENT” and inserting the following: “FAMILY

40 MEMBER”.

41 \_\_\_ . Page 6, line 26, by striking the word

42 “parent” and inserting the following: “family

43 member”.

44 \_\_\_ . Page 6, line 29, by striking the word

45 “parent” and inserting the following: “family

46 member”.

47 \_\_\_ . Page 6, line 30, by striking the word

48 “parent” and inserting the following: “family

49 member”.

50 \_\_\_ . Page 7, line 1, by striking the word

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1 “parent” and inserting the following: “family  
2 member”.

3 \_\_\_ . Page 9, line 11, by striking the word

4 “parent” and inserting the following: “family  
5 member”.”

6 5. Page 1, by inserting after line 27 the

7 following:

8 “\_\_\_ . Page 11, line 11, by striking the word

- 9 "parent" and inserting the following: "family  
10 member".
- 11 —. Page 11, line 14, by striking the word  
12 "parent" and inserting the following: "family  
13 member".
- 14 —. Page 11, line 19, by striking the word  
15 "parent" and inserting the following: "family  
16 member".
- 17 —. Page 11, line 21, by striking the word  
18 "parent" and inserting the following: "family  
19 member".
- 20 —. Page 11, line 24, by striking the word  
21 "parent" and inserting the following: "family  
22 member".
- 23 —. Page 11, line 27, by striking the word  
24 "parent" and inserting the following: "family  
25 member".
- 26 —. Page 11, line 31, by striking the word  
27 "parent" and inserting the following: "family  
28 member".
- 29 —. Page 11, line 34, by striking the word  
30 "parent" and inserting the following: "family  
31 member".
- 32 —. Page 12, line 4, by striking the word  
33 "parent" and inserting the following: "family  
34 member".
- 35 6. Page 1, by inserting after line 37 the  
36 following:  
37 "— . Page 12, line 21, by striking the word  
38 "parent" and inserting the following: "family  
39 member".
- 40 —. Page 12, line 25, by striking the word  
41 "parent" and inserting the following: "family  
42 member".
- 43 7. By renumbering as necessary.

BRAD BANKS

S-3011

- 1 Amend Senate Resolution 1 as follows:  
2 1. Page 21, line 27, by striking the figure  
3 "4:00" and inserting the following: "~~4:00~~ 4:30".  
4 2. Page 22, line 4, by striking the figure "4:00"  
5 and inserting the following: "~~4:00~~ 4:30".

WALLY E. HORN

S-3012

- 1 Amend Senate File 37 as follows:  
 2 1. Page 1, by inserting after line 33, the  
 3 following:  
 4 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed  
 5 of immediate importance, takes effect upon enactment."  
 6 2. Title page, line 3, by inserting after the  
 7 word "resources" the following: ", and providing an  
 8 effective date".

BERL E. PRIEBE

S-3013

- 1 Amend Senate Resolution 1 as follows:  
 2 1. Page 37, by inserting after line 27 the  
 3 following:  
 4 "Rule 45A  
 5 Smoking Prohibited  
 6 Smoking shall not be permitted in the senate  
 7 chamber or in any areas controlled by the senate."

JOHNIIE HAMMOND  
TOM FLYNN

S-3014

- 1 Amend Senate Joint Resolution 1 as follows:  
 2 1. By striking page 1, line 3, through page 2,  
 3 line 10, and inserting the following:  
 4 "The Constitution of the State of Iowa is amended  
 5 by adding the following new Article XIII:  
 6 ARTICLE XIII.  
 7 TAXPAYERS' RIGHTS.  
 8 SECTION 1. The state government and each local  
 9 government is subject to a revenue limit and a  
 10 spending limit as provided in section 8. Each  
 11 government's beginning revenue limit is equal to its  
 12 total revenue in the base year, or, if higher, in any  
 13 of the three preceding fiscal years. This limit is  
 14 adjusted annually for the cumulative percentage rate  
 15 of price inflation or deflation since the base year  
 16 and for any cumulative percentage population increase  
 17 since the base year. Each county government's revenue  
 18 limit includes all townships in the county. A school  
 19 district's "population" is its full-time equivalent  
 20 student enrollment. The "base year" is the last  
 21 fiscal year before this article becomes effective.  
 22 SEC. 2. "Revenue" includes all amounts received

23 from all sources, except (1) amounts refunded to the  
24 payors; (2) gifts and contracts from nongovernmental  
25 sources; (3) amounts received from the federal  
26 government; (4) fees voluntarily paid for specific  
27 services, but any part of a fee in excess of the  
28 actual cost of providing that specific service is  
29 revenue; (5) an amount equal to a government's net  
30 cost increase required by a federal law or rule  
31 adopted after this Article becomes effective, but only  
32 to the extent not offset by federal funds; (6) amounts  
33 borrowed after approval by vote of the electors; (7)  
34 amounts borrowed by issuing revenue bonds on which no  
35 payment can be made from tax revenue; and (8) receipts  
36 applied to repay money borrowed lawfully, including  
37 interest.

38 SEC. 3. The state revenue limit excludes, and the  
39 local limits include, state revenue transferred to  
40 local governments or applied as tax credits against  
41 local taxes.

42 SEC. 4. If a government's revenue in a fiscal year  
43 exceeds its revenue limit, its limit for the next  
44 fiscal year shall be reduced by the excess amount.

45 SEC. 5. A government's revenue limit may be  
46 temporarily increased in an amount approved by a  
47 majority of that government's electors voting in a  
48 referendum. The increase is effective for no more  
49 than five fiscal years.

50 SEC. 6. One or more revenue limits may be

## Page 2

1 temporarily increased by law adopted by two-thirds  
2 vote of the whole membership of each house of the  
3 General Assembly and approved by the Governor. Each  
4 such law is effective for only one fiscal year.

5 SEC. 7. Any change in a limit under section 4, 5,  
6 or 6 is effective only for the specified fiscal year  
7 or years and does not affect computation of the limit  
8 under section 1.

9 SEC. 8. Each government's total spending in a  
10 fiscal year shall not exceed the sum of its (1)  
11 revenue limit for that year, adjusted for any change  
12 under section 4, 5, or 6, or actual revenue, whichever  
13 is less; (2) actual receipts in that year which are  
14 excluded from revenue by section 2; and (3) net  
15 unspent funds carried over from the preceding year.

16 SEC. 9. "Revenue" includes all receipts for a  
17 government's trust funds for unemployment, retirement,  
18 medical, or other benefits but does not include  
19 earnings of these trust funds. "Spending" includes

20 all payments and transfers into, and excludes payments  
21 out of, these trust funds. "Net unspent funds"

22 excludes these trust funds.

23 SEC. 10. A cash reserve shall be maintained by the  
24 state and moneys in the cash reserve shall be separate  
25 from the general fund of the state and shall not be  
26 considered part of the general fund of the state  
27 except in determining the cash position of the state.  
28 Moneys in the cash reserve may be used for cash flow  
29 purposes provided that any moneys so allocated during  
30 a fiscal year are returned to the cash reserve by the  
31 end of that fiscal year. Moneys in the cash reserve  
32 shall not be considered as revenue in applying the  
33 provisions of this Article.

34 The target for the amount of moneys to be  
35 maintained in the cash reserve shall be five percent  
36 of the revenue estimate for the general fund of the  
37 state for that fiscal year. The revenue estimate  
38 shall be adjusted by subtracting estimated tax refunds  
39 payable from the estimated revenue and by adding any  
40 new revenue which may be considered to be eligible for  
41 deposit in the general fund of the state. However,  
42 the target identified by this paragraph shall not be  
43 construed to require more than one percent of the  
44 adjusted revenue estimate for the general fund of the  
45 state to be set aside for these purposes in any one  
46 fiscal year.

47 Moneys in the cash reserve may be appropriated by  
48 the General Assembly only for use in the fiscal year  
49 in which the appropriation is made. The moneys shall  
50 only be appropriated in a bill or joint resolution in

### Page 3

1 which the appropriation is the only subject matter of  
2 the bill or joint resolution and which contains a  
3 statement of the reasons why the appropriation is  
4 necessary. In addition, moneys shall not be  
5 appropriated from the cash reserve unless the bill or  
6 joint resolution making the appropriation is approved  
7 by a vote of at least three-fifths of the members of  
8 each chamber of the General Assembly and approved by  
9 the Governor.

10 This section applies to fiscal years commencing on,  
11 or after July 1, 1999.

12 SEC. 11. If a new local government is created, the  
13 state shall establish its base year and the amount of  
14 its beginning revenue limit, and shall reduce the  
15 appropriate state or local revenue limit or limits by  
16 that amount. If two or more local governments are

17 combined, their revenue limits shall be combined. If  
18 a service or program is transferred by law among local  
19 governments, their revenue limits shall be  
20 proportionally adjusted by law, with no increase in  
21 the combined limits. The state may transfer any part  
22 of its revenue limit to a local government but shall  
23 not transfer any part of a local limit to the state.

24 SEC. 12. If a state law or rule adopted after this  
25 Article becomes effective requires a local government  
26 to incur a net cost increase, the state shall pay to  
27 the local government the amount of the necessary net  
28 cost increase, and shall increase the local revenue  
29 limit and decrease the state revenue limit by that  
30 amount.

31 SEC. 13. Any state or local government plan for  
32 retirement or other employee benefits shall be  
33 completely funded within ten years after this Article  
34 becomes effective and at all times thereafter, in  
35 accordance with generally accepted actuarial and  
36 accounting principles.

37 SEC. 14. The state and local governments shall use  
38 consistent accounting, in accordance with generally  
39 accepted accounting principles, for all purposes.

40 SEC. 15. Any taxpayer has standing to sue to  
41 enforce this Article and laws implementing it. If  
42 successful, the taxpayer shall be reimbursed for all  
43 reasonable expenses of the suit.

44 SEC. 16. This Article becomes effective for the  
45 first state fiscal year beginning at least six months  
46 after its approval by the electors. The state by law  
47 shall implement this Article and may adopt further  
48 restrictions and limits.

49 Sec. 2. DECLARATION OF INTENT. It is the intent  
50 of the General Assembly in agreeing to the foregoing

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1 proposed amendment that:

2 1. This declaration of intent shall be relied on  
3 by the electors and the courts, with the same results  
4 as if it were in the Constitution.

5 2. Article XIII does not authorize any borrowing  
6 and does not impair the debt limits and other  
7 provisions of Article VII.

8 3. To make the adjustment for price inflation or  
9 deflation, the most reliable index of general price  
10 inflation in the United States shall be selected in  
11 good faith as provided by law. The selection of index  
12 shall not be changed if the change would have the  
13 effect of weakening the limits. Except for school

14 districts, the adjustment for population shall be made  
15 by using the most recent federal census, but use of  
16 the most recent federal census estimate may be  
17 permitted by law.

18 4. Official revisions of inflation and population  
19 data affect revenue limits for future fiscal years,  
20 but do not change limits for the fiscal year in which  
21 a revision is made or for prior years.

22 5. "Revenue" includes, but is not limited to, all  
23 taxes, fees, charges, assessments, and other receipts  
24 of the state and local governments, except amounts  
25 expressly excluded by section 2, 3, or 9 of Article  
26 XIII. Amounts transferred between governments are  
27 counted as revenue only once.

28 6. "Fees voluntarily paid for specific services"  
29 includes fees for hospital, recreational, public  
30 utility, and similar services, but does not include  
31 any tax, assessment, toll, or filing, permit,  
32 registration, or license fee.

33 7. A government which excludes an amount from  
34 revenue under section 2 of Article XIII must  
35 accurately determine and establish the correct amount  
36 excluded.

37 8. "Government" includes all parts, agencies,  
38 enterprises, and operations of a government. "Local  
39 government" includes each city, county, school  
40 district, special district, and political subdivision  
41 in the state, except that townships are included with  
42 county governments.

43 9. Because county limits include townships, a  
44 county government may limit the total revenue and  
45 spending of townships in that county.

46 10. If a government has a deficit of net unspent  
47 funds at the end of a fiscal year, the deficit is  
48 subtracted in computing the next year's spending limit  
49 under section 8 of Article XIII. However, section 8  
50 is intended to prevent any such deficit and to require

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1 each government to operate on a balanced budget.

2 11. Article XIII shall be interpreted and  
3 implemented to achieve its purpose to limit the growth  
4 of revenue and spending of the state and local  
5 governments.

6 Sec. 3. The foregoing proposed amendment to the  
7 Constitution of the State of Iowa is referred to the  
8 General Assembly to be chosen at the next general  
9 election for members of the General Assembly and the  
10 Secretary of State is directed to cause it to be

11 published for three consecutive months previous to the  
12 date of that election as provided by law."

STEWART IVERSON, Jr.

S-3015

1 Amend Senate Joint Resolution 1 as follows:  
2 1. Page 1, line 12, by inserting after the word  
3 "year." the following: "The cash reserve shall  
4 consist of the following two accounts: the reserve  
5 account and the citizens' tax relief account."  
6 2. Page 1, line 14, by striking the words "cash  
7 reserve" and inserting the following: "reserve  
8 account".  
9 3. Page 1, line 24, by striking the words "cash  
10 reserve" and inserting the following: "reserve  
11 account".  
12 4. Page 1, line 31, by striking the words "cash  
13 reserve" and inserting the following: "reserve  
14 account".  
15 5. Page 1, line 32, by striking the words "cash  
16 reserve" and inserting the following: "reserve  
17 account".  
18 6. Page 2, line 2, by inserting after the word  
19 "Governor." the following: "Moneys in the citizens'  
20 tax relief account shall be used to reduce the taxes  
21 of the citizens of Iowa as directed in appropriations  
22 from the account by the General Assembly."

WAYNE BENNETT

S-3016

1 Amend Senate File 7 as follows:  
2 1. Page 1, line 4, by inserting after the word  
3 "with" the following: "a crime which involves a  
4 dangerous weapon as defined in section 702.7A".  
5 2. Page 1, line 14, by inserting after the word  
6 "with" the following: "a crime in which a dangerous  
7 weapon as defined pursuant to section 702.7A, is  
8 involved".  
9 3. Page 1, by inserting after line 25 the  
10 following:  
11 "Sec. \_\_\_\_ . **NEW SECTION. 702.7A DANGEROUS WEAPON**  
12 **-- INFECTIOUS BODILY FLUIDS.**  
13 For the purposes of sections 80A.4, 236.12, 708.1,  
14 708.2, 708.2A, 708.2C, 708.6, 708.8, 708.11, 709.3,  
15 710.3, 711.2, 713.4, 713.5, 713.6, and 719.1,  
16 "dangerous weapon" includes the possibility of

17 transfer of infectious bodily fluids as defined in  
18 section 141.22A, when the alleged perpetrator knew at  
19 the time of the commission of the offense that the  
20 person's human immunodeficiency virus status was  
21 positive. The penalty established for a crime cited  
22 in this section in which a dangerous weapon is used or  
23 displayed, shall also apply to crimes in which the  
24 dangerous weapon is defined pursuant to this section,  
25 unless a specific penalty for the commission of a  
26 crime by a person which involves the use or display of  
27 a dangerous weapon as defined in this section is  
28 otherwise established."

29 4. By renumbering and relettering as necessary,

NANCY BOETTGER  
ANDY MCKEAN  
TOM VILSACK

S-3017

1 Amend Senate File 9 as follows:

2 1. Page 1, line 13, by adding after the word  
3 "recorder." the following: "However, the board of  
4 supervisors may direct that any of the duties of the  
5 abolished office of recorder prescribed in section  
6 331.602, subsection 9, 10, 11, or 16, or section  
7 331.605, subsection 1, 2, 3, or 4, shall be performed  
8 by other county officers or employees as provided in  
9 section 331.323."

COMMITTEE ON LOCAL GOVERNMENT  
ALBERT SORENSEN, Chairperson

S-3018

1 Amend Senate Resolution 1 as follows:

2 1. Page 34, by inserting after line 17 the  
3 following:  
4 "14. It is not in order to recess a committee  
5 meeting for the purpose of a partisan caucus."

WALLY E. HORN

S-3019

1 Amend Senate File 68 as follows:

2 1. Page 1, by inserting after line 13 the  
3 following:  
4 "On or before June 1, 1995, the county auditor of  
5 each county shall certify to the director of revenue

6 and finance the total amount of assessed value of  
7 taxable property in the county. After receiving the  
8 certifications, on or before July 15, 1995, the  
9 director of revenue and finance shall draw warrants  
10 from the fund totaling forty million dollars and mail  
11 the warrants to the county auditor of each county in  
12 an amount equal to the proportion of assessed value of  
13 taxable property in the county is to the total  
14 assessed value of all taxable property in the state.  
15 Upon receipt of funds from the department, the county  
16 auditor shall determine on a pro rata basis the amount  
17 to be credited to each tract of taxable real property  
18 and shall enter the amount upon the tax lists as a  
19 credit against the tax levied on each tract of taxable  
20 real property before delivering the tax lists to the  
21 county treasurer. The county treasurer shall show on  
22 each tax receipt the amount of tax credit for each  
23 tract of real property."

MERLIN E. BARTZ  
ALLEN BORLAUG  
DERRYL McLAREN  
MARY LOU FREEMAN  
STEWART IVERSON, JR.

S-3020

1 Amend Senate File 69 as follows:  
2 1. Page 3, lines 6 and 7, by striking the word  
3 "seventy-five" and inserting the following: "one  
4 hundred".  
5 2. Page 3, line 8, by inserting after the word  
6 "hundred" the following: "fifty".  
7 3. Page 3, lines 10 and 11, by striking the words  
8 "one hundred twenty-five" and inserting the following:  
9 "two hundred fifty".  
10 4. Page 3, lines 12 and 13, by striking the words  
11 "one hundred fifty" and inserting the following:  
12 "three hundred fifty".  
13 5. Page 3, line 15, by striking the words "one  
14 hundred seventy-five" and inserting the following:  
15 "four hundred fifty".

JIM LIND

S-3021

1 Amend Senate File 69 as follows:  
2 1. Page 3, lines 6 and 7, by striking the words  
3 "seventy-five" and inserting the following: "one

- 4 hundred".
- 5 2. Page 3, line 8, by inserting after the word  
6 "hundred" the following: "twenty-five".
- 7 3. Page 3, line 11, by striking the word "twenty-  
8 five" and inserting the following: "fifty".
- 9 4. Page 3, line 13, by striking the word "fifty"  
10 and inserting the following: "seventy-five".
- 11 5. Page 3, line 15, by striking the words "one  
12 hundred seventy-five" and inserting the following:  
13 "two hundred".

WAYNE BENNETT

HOUSE AMENDMENT TO  
SENATE CONCURRENT RESOLUTION 3

S-3022

- 1 Amend Senate Concurrent Resolution 3, as passed by  
2 the Senate, as follows:
- 3 1. Page 5, line 16, by striking the word "~~Senior~~"  
4 and inserting the following: "Senior".
- 5 2. Page 5, by inserting after line 21 the follow-  
6 ing:  
7 "Beginning with the convening of the Seventy-  
8 seventh General Assembly, all caucus secretaries shall  
9 not be paid an overtime premium."
- 10 3. Page 7, lines 18 and 19, by striking the words  
11 "Leader or Speaker" and inserting the following:  
12 "Leader, or Speaker, or Speaker Pro Tempore".
- 13 4. Page 13, line 8, by inserting after the words  
14 "house administration" the following: "and rules".
- 15 5. Page 15, line 3, by striking the words "pay  
16 steps" and inserting the following: "a pay steps  
17 grade".

S-3023

- 1 Amend House Concurrent Resolution 10, as amended,  
2 passed, and reprinted by the House as follows:
- 3 1. Page 2, line 28, by striking the word  
4 "distorted" and inserting the following: "changed".
- 5 2. Page 3, line 8, by striking the word "five"  
6 and inserting the following: "no more than seven".
- 7 3. Page 3, by striking lines 13 and 14 and  
8 inserting the following: "proposal. The composition  
9 of the Iowa delegation shall be as follows:".
- 10 4. Page 3, by striking lines 18 through 22 and  
11 inserting the following:  
12 "b. No more than six legislators, selected by the

- 13 majority leader of each house, so long as an equal  
 14 number of legislators from each house is selected and  
 15 at least one member from each house is selected from  
 16 each major political party represented in that house.  
 17 The majority leader of each house shall follow the  
 18 recommendations of the minority leader of that house  
 19 regarding the appointment of members of the minority  
 20 party from that house.  
 21 Each majority leader may designate two alternate".  
 22 5. Page 4, by striking lines 10 and 11 and  
 23 inserting the following: "least 26 legislatures adopt  
 24 a resolution of participation in the Conference."

COMMITTEE ON STATE GOVERNMENT  
 MICHAEL E. GRONSTAL, Chairperson

S-3024

- 1 Amend Senate File 2 as follows:  
 2 1. Page 1, by striking lines 13 and 14 and  
 3 inserting the following: "percent of the credit or  
 4 refund of tax paid without any interest being awarded.  
 5 The claim for credit or".

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-3025

- 1 Amend the House amendment, S-3022, to Senate  
 2 Concurrent Resolution 3, as passed by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 10 through 12.

TONY BISIGNANO

HOUSE AMENDMENT TO  
 SENATE FILE 17

S-3026

- 1 Amend Senate File 17, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 4, by striking the words "four  
 4 and one-half" and inserting the following: "three".

S-3027

- 1 Amend Senate File 84 as follows:  
 2 1. Page 2, line 5, by inserting after the word

3 "regulation." the following: "'Carrier" does not  
4 include an organized delivery system."

5 2. Page 4, lines 7 and 8, by striking the words  
6 "or other objective".

7 3. Page 5, by striking lines 18 through 20.

8 4. Page 5, line 25, by striking the letter "f."

9 and inserting the following: "e."

10 5. Page 5, line 29, by striking the letter "g."

11 and inserting the following: "f."

12 6. Page 6, line 5, by striking the letter "'f'"

13 and inserting the following: "'e'".

14 7. By striking page 13, line 15, through page 17,

15 line 4, and inserting the following:

16 "a. Four members shall be representatives of the  
17 four largest domestic carriers of individual health  
18 insurance in the state as of the calendar year ending  
19 December 31, 1994.

20 b. Three members shall be representatives of the  
21 three largest carriers of health insurance in the  
22 state, excluding medicare supplement coverage  
23 premiums, which are not otherwise represented. In the  
24 event a carrier to be represented pursuant to this  
25 paragraph does not appoint a representative, the board  
26 member shall be a representative of the next largest  
27 carrier which satisfies the criteria.

28 After an initial term, board members shall be  
29 nominated and elected by the members of the  
30 association.

31 Members of the board may be reimbursed from the  
32 funds of the association for expenses incurred by them  
33 as members, but shall not otherwise be compensated by  
34 the association for their services.

35 3. The association shall submit to the  
36 commissioner a plan of operation for the association  
37 and any amendments to the association's articles of  
38 incorporation necessary and appropriate to assure the  
39 fair, reasonable, and equitable administration of the  
40 association. The plan shall provide for the sharing  
41 of losses related to basic and standard plans, if any,  
42 on an equitable and proportional basis among the  
43 members of the association. If the association fails  
44 to submit a suitable plan of operation within one  
45 hundred eighty days after the appointment of the board  
46 of directors, the commissioner shall adopt rules  
47 necessary to implement this section. The rules shall  
48 continue in force until modified by the commissioner  
49 or superseded by a plan submitted by the association  
50 and approved by the commissioner. In addition to

Page 2

- 1 other requirements, the plan of operation shall  
2 provide for all of the following:
- 3 a. The handling and accounting of assets and funds  
4 of the association.
- 5 b. The amount of and method for reimbursing the  
6 expenses of board members.
- 7 c. Regular times and places for meetings of the  
8 board of directors.
- 9 d. Records to be kept relating to all financial  
10 transactions, and annual fiscal reporting to the  
11 commissioner.
- 12 e. Procedures for selecting the board of  
13 directors.
- 14 f. Additional provisions necessary or proper for  
15 the execution of the powers and duties of the  
16 association.
- 17 4. The plan of operation may provide that the  
18 powers and duties of the association may be delegated  
19 to a person who will perform functions similar to  
20 those of the association. A delegation under this  
21 section takes effect only upon the approval of the  
22 board of directors.
- 23 5. The association has the general powers and  
24 authority enumerated by this section and executed in  
25 accordance with the plan of operation approved by the  
26 commissioner under subsection 3. In addition, the  
27 association may do any of the following:
- 28 a. Enter into contracts as necessary or proper to  
29 administer this chapter.
- 30 b. Sue or be sued, including taking any legal  
31 action necessary or proper for recovery of any  
32 assessments for, on behalf of, or against members of  
33 the association or other participating persons.
- 34 c. Appoint from among members appropriate legal,  
35 actuarial, and other committees as necessary to  
36 provide technical assistance in the operation of the  
37 association, including the hiring of independent  
38 consultants as necessary.
- 39 d. Perform any other functions within the  
40 authority of the association.
- 41 6. Rates for basic and standard coverages as  
42 provided in this chapter shall be determined by each  
43 carrier or organized delivery system as the average of  
44 the lowest rate available for issuance by that carrier  
45 or organized delivery system adjusted for rating  
46 characteristics and benefits and the maximum rate  
47 allowable by law after adjustments for rate  
48 characteristics and benefits.

49 7. Following the close of each calendar year, the  
50 association, in conjunction with the commissioner,

Page 3

1 shall require each carrier or organized delivery  
2 system to report the amount of earned premiums and the  
3 associated paid losses for all basic and standard  
4 plans issued by the carrier or organized delivery  
5 system. The reporting of these amounts must be  
6 certified by an officer of the carrier or organized  
7 delivery system.

8 8. The board shall develop procedures and make  
9 assessments and distributions as required to equalize  
10 the individual carrier and organized delivery system  
11 gains or losses so that each carrier or organized  
12 delivery system receives the same ratio of paid claims  
13 to ninety percent of earned premiums as the aggregate  
14 of all basic and standard plans insured by all

15 carriers and organized delivery systems in the state.  
16 9. If the statewide aggregate ratio of paid claims  
17 to ninety percent of earned premiums is greater than  
18 one, the dollar difference between ninety percent of  
19 earned premiums and the paid claims shall represent an  
20 assessable loss.

21 10. The assessable loss plus necessary operating  
22 expenses for the association, plus any additional  
23 expenses as provided by law, shall be assessed by the  
24 association to all members in proportion to their  
25 respective shares of total health insurance premiums  
26 or payments for subscriber contracts received in Iowa  
27 during the second preceding calendar year, or with  
28 paid losses in the year, coinciding with or ending  
29 during the calendar year, or on any other equitable  
30 basis as provided in the plan of operation. In  
31 sharing losses, the association may abate or defer any  
32 part of the assessment of a member, if, in the opinion  
33 of the board, payment of the assessment would endanger  
34 the ability of the member to fulfill its contractual  
35 obligations. The association may also provide for an  
36 initial or interim assessment against the members of  
37 the association to meet the operating expenses of the  
38 association until the next calendar year is completed.

39 11. The board shall develop procedures for  
40 distributing the assessable loss assessments to each  
41 carrier and organized delivery system in proportion to  
42 the carrier's and organized delivery system's  
43 respective share of premium for basic and standard  
44 plans to the statewide total premium for all basic and  
45 standard plans.

46 12. The board shall ensure that procedures for  
47 collecting and distributing assessments are as  
48 efficient as possible for carriers and organized  
49 delivery systems. The board may establish procedures  
50 which combine, or offset, the assessment from, and the

Page 4

1 distribution due to, a carrier or organized delivery  
2 system.

3 13. A carrier or an organized delivery system may  
4 petition the association board to seek remedy from  
5 writing a significantly disproportionate share of  
6 basic and standard policies in relation to total  
7 premiums written in this state for health benefit  
8 plans. Upon a finding that a carrier or organized  
9 delivery system has written a disproportionate share,  
10 the board may agree to compensate the carrier or  
11 organized delivery system either by paying to the  
12 carrier or organized delivery system an additional fee  
13 not to exceed two percent of earned premiums from  
14 basic and standard policies for that carrier or  
15 organized delivery system or by petitioning the  
16 commissioner or director, as appropriate for remedy.

17 14. a. The commissioner, upon a finding that the  
18 acceptance of the offer of basic and standard coverage  
19 by individuals pursuant to this chapter would place  
20 the carrier in a financially impaired condition, shall  
21 not require the carrier to offer coverage or accept  
22 applications for any period of time the financial  
23 impairment is deemed to exist.

24 b. The director, upon a finding that the  
25 acceptance of the offer of basic and standard coverage  
26 by individuals pursuant to this chapter would place  
27 the organized delivery system in a financially  
28 impaired condition, shall not required the organized  
29 delivery system to offer coverage or accept  
30 applications for any period of time the financial  
31 impairment is deemed to exist."

32 8. Title page, by striking lines 1 through 3 and  
33 inserting the following: "An Act relating to  
34 individual health insurance and individual health  
35 benefit plan reforms."

36 9. By renumbering and relettering as necessary.

TOM VILSACK

S-3028

- 1 Amend Senate File 84 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 422.7, Code 1995, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 32. Subtract, to the extent not
- 7 otherwise deducted in computing adjusted gross income,
- 8 the amounts paid by the taxpayer for the purchase of
- 9 health benefits coverage or insurance for the taxpayer
- 10 or taxpayer's spouse or dependent.
- 11 Sec. 2. Section 422.9, subsection 2, Code 1995, is
- 12 amended by adding the following new paragraph:
- 13 NEW PARAGRAPH. i. If the taxpayer has a deduction
- 14 for medical care expenses under section 213 of the
- 15 Internal Revenue Code, the taxpayer shall recompute
- 16 for the purposes of this subsection the amount of the
- 17 deduction under section 213 by excluding from medical
- 18 care, as defined in section 213, the amount subtracted
- 19 under section 422.7, subsection 32."
- 20 2. Page 17, by inserting after line 29 the
- 21 following:
- 22 "Sec. \_\_\_\_ . EFFECTIVE DATE. Sections 1 and 2 of
- 23 this Act, which amend section 422.7 by adding a new
- 24 subsection 32, and section 422.9, subsection 2, by
- 25 adding a new paragraph "i", are effective January 1,
- 26 1996, for tax years beginning on or after that date."
- 27 3. Title page, line 3, by inserting after the
- 28 word "providers" the following: ", and establishing
- 29 an income tax credit for certain individuals".
- 30 4. By renumbering as necessary.

BERL E. PRIEBE  
EMIL J. HUSAK  
H. KAY HEDGE  
SHELDON RITTMER  
JOHN P. KIBBIE  
TONY BISIGNANO

S-3029

- 1 Amend Senate File 84 as follows:
- 2 1. Page 17, by inserting after line 29 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 505.21, Code 1995, is

5 repealed.”

6 2. Renumber as necessary.

SHELDON RITTMER  
H. KAY HEDGE  
BERL E. PRIEBE  
JOHN P. KIBBIE

S-3030

1 Amend Senate File 87 as follows:

2 1. By striking page 3, line 11 through page 4,  
3 line 4.

4 2. Page 12, by striking lines 23 through 26 and  
5 inserting the following: “traffic volume conditions  
6 or the vehicle subject to the permit has an overall  
7 length not to exceed one hundred feet, an overall  
8 width not to exceed eleven feet, and an overall height  
9 not to exceed fourteen feet, four inches, and the  
10 permit”.

11 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
RANDAL GIANNETTO, Chairperson

S-3031

1 Amend Senate File 88 as follows:

2 1. Page 6, by striking lines 4 and 5 and  
3 inserting the following: “residency requirements  
4 under section 47.4, subsection 1, paragraph “d”, Code  
5 1993, in the”.

6 2. Page 7, by striking lines 22 through 30.

7 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
RANDAL GIANNETTO, Chairperson

S-3032

1 Amend Senate File 82 as follows:

2 1. Page 1, by inserting after line 33 the  
3 following:

4 “Sec. \_\_\_\_ . Section 523A.8, subsection 1, Code  
5 1995, is amended by adding the following new  
6 paragraph:

7 NEW PARAGRAPH. k. State that after all payments  
8 are made in accordance with the conditions and terms  
9 of the agreement for funeral merchandise or funeral  
10 services, any funds remaining in an irrevocable burial

11 trust fund from which the costs of funeral merchandise  
 12 and funeral services are paid shall be returned to the  
 13 estate of the deceased individual for purposes of  
 14 probate pursuant to chapter 633 or if the estate is  
 15 not subject to probate and if the deceased was a  
 16 recipient of medical assistance and a debt is due the  
 17 department of human services pursuant to section  
 18 249A.5, the remaining funds shall be available for  
 19 payment of the debt.

20 Sec. \_\_\_\_ . Section 523E.8, subsection 1, Code 1995,  
 21 is amended by adding the following new paragraph:  
 22 NEW PARAGRAPH. k. State that after all payments  
 23 are made in accordance with the conditions and terms  
 24 of the agreement for cemetery merchandise, any funds  
 25 remaining in an irrevocable burial trust fund from  
 26 which cemetery merchandise costs are paid shall be  
 27 returned to the estate of the deceased individual for  
 28 purposes of probate pursuant to chapter 633 or if the  
 29 estate is not subject to probate and if the deceased  
 30 was a recipient of medical assistance and a debt is  
 31 due the department of human services pursuant to  
 32 section 249A.5, the remaining funds shall be available  
 33 for payment of the debt."

34 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3033

1 Amend Senate Resolution 5 as follows:

2 1. Page 10, by striking lines 13 through 19 and  
 3 inserting the following:

4 "(4) Cause the complaint to be scheduled for a  
 5 public hearing upon receipt of the report of the  
 6 independent special counsel; or

7 (5) Dismiss the complaint upon receipt of a report  
 8 by independent special counsel that insufficient  
 9 evidence exists to support a finding of probable  
 10 cause.

11 g. Public hearing. If independent special counsel  
 12 is appointed, upon receipt of the report of  
 13 independent special counsel's findings, the committee  
 14 shall schedule a public meeting to review the report  
 15 and shall either:

16 (1) Cause the complaint to be scheduled for a  
 17 public hearing.

18 (2) Dismiss the complaint based upon a  
 19 determination by independent special counsel and the  
 20 committee that insufficient evidence exists to support  
 21 a finding of probable cause."

22 2. Page 12, line 6, by striking the words  
 23 "appointed by the committee" and inserting the  
 24 following: "appointed by the committee".  
 25 3. Page 13, line 9, by inserting after the word  
 26 "assembly." the following: "However, the report may  
 27 be submitted to and considered during any special  
 28 session which may take place after the second regular  
 29 session of a general assembly has adjourned sine die,  
 30 but before the convening of the next general  
 31 assembly."

EMIL J. HUSAK  
 H. KAY HEDGE  
 ANDY McKEAN  
 DON GETTINGS  
 RICHARD F. DRAKE  
 MARY NEUHAUSER

S-3034

1 Amend Senate Resolution 4 as follows:  
 2 1. Page 3, by inserting after line 9 the  
 3 following:  
 4 "For purposes of this rule, and the reports  
 5 required under sections 68B.37 and 68B.38, "services  
 6 enumerated under section 68B.2, subsection 13,  
 7 paragraph "a" and "lobbying purposes" include, but  
 8 are not limited to, the following:  
 9 1. Time spent by the lobbyist at the state capitol  
 10 building commencing with the first day of a  
 11 legislative session and ending with the day of final  
 12 adjournment of each legislative session as indicated  
 13 by the journals of the house and senate.  
 14 2. Time spent by the lobbyist attending meetings  
 15 or hearings which results in the lobbyist  
 16 communicating with members of the general assembly or  
 17 legislative employees about current or proposed  
 18 legislation.  
 19 3. Time spent by the lobbyist researching and  
 20 drafting proposed legislation with the intent to  
 21 submit the legislation to a member of the general  
 22 assembly or a legislative employee.  
 23 4. Time spent by the lobbyist actually  
 24 communicating with members of the general assembly and  
 25 legislative employees about current or proposed  
 26 legislation."

H. KAY HEDGE  
 ANDY McKEAN  
 DON GETTINGS

RICHARD F. DRAKE  
EMIL J. HUSAK  
MARY NEUHAUSER

S-3035

1 Amend Senate File 21 as follows:

2 1. Page 1, by striking lines 1 through 10 and  
3 inserting the following:

4 "Section 1. Section 808A.2, subsection 1, Code  
5 1995, is amended to read as follows:

6 1. A school official may conduct a search of a  
7 student or a protected student area only if all of the  
8 following apply in either of the following situations:

9 a. The school official has a reasonable and  
10 articulable suspicion that a criminal offense or a  
11 school rule or regulation bearing on school order has  
12 been violated. A school official may search a student  
13 or a protected student area if the official has  
14 reasonable grounds for suspecting that the search will  
15 produce evidence that a student has violated or is  
16 violating a law or a school rule or regulation.

17 b. The school official has a reasonable and  
18 articulable belief that the search will produce  
19 evidence of such violation. A school official may  
20 search more than one student or protected student area  
21 pursuant to a student search rule. A rule allowing  
22 searches of more than one student or protected student  
23 areas must be reasonable based on balancing the need  
24 for the search against the intrusion into a protected  
25 student area. A search conducted pursuant to this  
26 paragraph shall be conducted in a manner reasonably  
27 related to the circumstances which justified the  
28 search.

29 c. If the search is of an individual student, the  
30 suspicion and belief required by paragraphs "a" and  
31 "b" is particular to the student to be searched.

32 d. If the search is of more than one student or of  
33 a protected student area, the search must be based  
34 upon and pursuant to a valid and reasonable student  
35 search rule."

36 2. Title page, by striking lines 1 and 2 and  
37 inserting the following: "An Act relating to the  
38 grounds upon which a school official may search  
39 student lockers or protected student areas."

RANDAL J. GIANNETTO

HOUSE AMENDMENT TO  
SENATE FILE 37

S-3036

1 Amend Senate File 37, 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 455B.133, subsection 8, Code  
6 1995, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. c. Adopt rules for the issuance of  
9 a single general permit, after notice and opportunity  
10 for a public hearing. The single general permit shall  
11 cover numerous sources to the extent that the sources  
12 are representative of a class of facilities which can  
13 be identified and conditioned by a single permit."

14 2. Page 1, by inserting after line 28 the  
15 following:

16 "A permit shall not be required for the operation  
17 of a grain elevator for one hundred twenty days  
18 following the expiration of the moratorium or the date  
19 that departmental rules relating to the administration  
20 or enforcement of the clean air operating permit  
21 program become effective, whichever occurs earlier."

22 3. Title page, line 3, by inserting after the  
23 word "resources," the following: "providing for the  
24 issuance of a single permit,".

S-3037

1 Amend Senate File 21 as follows:

2 1. Page 1, by striking lines 1 through 10 and  
3 inserting the following:

4 "Section 1. Section 808A.2, subsection 1, Code  
5 1995, is amended to read as follows:

6 1. A school official may conduct a search of a  
7 student or a protected student area only if all of the  
8 following apply in either of the following situations:

9 a. ~~The school official has a reasonable and~~  
10 ~~articulable suspicion that a criminal offense or a~~  
11 ~~school rule or regulation bearing on school order has~~  
12 ~~been violated. A school official may search a student~~  
13 ~~or protected student area if the official has~~  
14 reasonable grounds for suspecting that the search will  
15 produce evidence that a student has violated or is  
16 violating the criminal law or a school rule or  
17 regulation.

18 b. ~~The school official has a reasonable and~~

19 articulable belief that the search will produce  
20 evidence of such violation. A school official may  
21 search more than one student or protected student area  
22 pursuant to a student search rule. A rule allowing  
23 searches of more than one student or protected student  
24 areas must be reasonable based on balancing the need  
25 for the search against the intrusion into a protected  
26 student area. A search conducted pursuant to this  
27 paragraph shall be conducted in a manner reasonably  
28 related to the circumstances which justified the  
29 search.

30 e. If the search is of an individual student, the  
31 suspicion and belief required by paragraphs "a" and  
32 "b" is particular to the student to be searched.

33 d. If the search is of more than one student or of  
34 a protected student area, the search must be based  
35 upon and pursuant to a valid and reasonable student  
36 search rule."

37 2. Title page by striking lines 1 and 2 and  
38 inserting the following: "An Act relating to the  
39 grounds upon which a school official may search  
40 student lockers or protected student areas.

EUGENE FRAISE  
DON GETTINGS

S-3038

1 Amend Senate File 82 as follows:

2 1. Page 1, by inserting after line 33 the  
3 following:

4 "Sec. \_\_\_\_ . Section 523A.8, subsection 1, Code  
5 1995, is amended by adding the following new  
6 paragraph:

7 NEW PARAGRAPH. k. State that after all payments  
8 are made in accordance with the conditions and terms  
9 of the agreement for funeral merchandise or funeral  
10 services, any funds remaining in an irrevocable burial  
11 trust fund from which the costs of funeral merchandise  
12 and funeral services are paid shall be returned to the  
13 estate of the deceased individual for purposes of  
14 probate pursuant to chapter 633 or if the estate is  
15 not subject to probate and if the deceased was a  
16 recipient of medical assistance and a debt is due the  
17 department of human services pursuant to section  
18 249A.5, the remaining funds shall be available for  
19 payment of the debt.

20 Sec. \_\_\_\_ . Section 523E.8, subsection 1, Code 1995,  
21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. k. State that after all payments

23 are made in accordance with the conditions and terms  
 24 of the agreement for cemetery merchandise, any funds  
 25 remaining in an irrevocable burial trust fund from  
 26 which cemetery merchandise costs are paid shall be  
 27 returned to the estate of the deceased individual for  
 28 purposes of probate pursuant to chapter 633 or if the  
 29 estate is not subject to probate and if the deceased  
 30 was a recipient of medical assistance and a debt is  
 31 due the department of human services pursuant to  
 32 section 249A.5, the remaining funds shall be available  
 33 for payment of the debt."

34 2. Page 2, by inserting after line 17 the  
 35 following:

36 "Sec. \_\_\_\_ . EFFECTIVE DATE. Section 3 of this Act,  
 37 which amends section 633.708, takes effect October 1,  
 38 1995."

39 3. Title page, line 3, by inserting after the  
 40 word "assistance" the following: "and providing an  
 41 effective date".

42 4. By renumbering as necessary.

JOHNIE HAMMOND

S-3039

1 Amend Senate File 58 as follows:

2 1. Page 1, by inserting after line 21 the  
 3 following:

4 "(—) An improvement to real property for the use  
 5 and benefit of the public which affects the fair  
 6 market value of private property, including but not  
 7 limited to the construction or erection of  
 8 infrastructure such as a highway or a public facility  
 9 such as a sanitary landfill, infectious waste disposal  
 10 facility, sewage treatment plant, or hospital."

11 2. By renumbering as necessary.

ANDY McKEAN

S-3040

1 Amend Senate Resolution 5 as follows:

2 1. Page 5, by striking lines 1 through 3 and  
 3 inserting the following:

4 "A senator with a conflict of interest shall  
 5 publicly disclose the existence of the conflict and  
 6 refrain from taking any official action or performing  
 7 any official duty that would detrimentally effect or  
 8 create a benefit for the outside employment or  
 9 activity. For purposes of this paragraph, "official

10 action" or "official duty" includes, but is not  
11 limited to, participating in any vote, taking  
12 affirmative action to influence any vote, or providing  
13 any other official service or assistance that is not  
14 available generally to members of the public in order  
15 to further the interests of the outside employment or  
16 activity."

ROD HALVORSON

S-3041

1 Amend Senate Resolution 5 as follows:  
2 1. Page 6, by striking lines 13 through 15 and  
3 inserting the following:  
4 "12. STATUTORY REQUIREMENTS. Members and  
5 employees of the senate shall comply with the  
6 requirements contained in chapters 68B (Conflicts of  
7 Interest of Public Officers and Employees), 721  
8 (Official Misconduct), and 722 (Bribery and  
9 Corruption), and sections 2.18 (Contempt), and 711.4  
10 (Extortion) of the Code."

ROD HALVORSON

S-3042

1 Amend Senate File 93 as follows:  
2 1. Page 2, by striking lines 20 and 21.  
3 2. By redesignating and changing internal  
4 references as necessary.

TONY BISIGNANO

S-3043

1 Amend Senate File 93 as follows:  
2 1. Page 4, line 14, by striking the word "court"  
3 and inserting the following: "sheriff".  
4 2. Page 4, line 16, by striking the word "court"  
5 and inserting the following: "sheriff".  
6 3. Page 5, line 16, by striking the word "warden"  
7 and inserting the following: "sheriff, warden,".  
8 4. Page 5, line 17, by striking the words "do  
9 the" and inserting the following: "inform the person  
10 of the person's duty to register and the penalties  
11 associated with the failure to register as required  
12 under this chapter. If the person is convicted but  
13 not incarcerated, the court shall order the person to  
14 register, within ten days of the order releasing the

15 person, with the sheriff of the person's county of  
 16 residence. If the person is being released from  
 17 confinement, the sheriff, warden, or superintendent  
 18 shall obtain the registration information prior to  
 19 release of the person. In obtaining the registration  
 20 information, the sheriff, warden, or superintendent  
 21 shall do the following:"

22 5. Page 5, by striking lines 18 and 19.

23 6. Page 6, line 1, by inserting after the word  
 24 "state" the following: "and to verify the address at  
 25 least annually".

26 7. Page 6, by striking lines 12 and 13 and  
 27 inserting the following: "incarcerated, the sheriff,  
 28 warden, or superintendent, shall verify that".

29 8. Page 6, line 15, by inserting before the word  
 30 "accept" the following: "in the case of release by a  
 31 warden or superintendent".

32 9. Page 6, by striking line 16, and inserting the  
 33 following: "registration. The sheriff, warden, or  
 34 superintendent shall".

35 10. Page 6, line 23, by striking the word "court"  
 36 and inserting the following: "sheriff".

37 11. Page 6, line 24, by striking the words  
 38 "department and" and inserting the following:  
 39 "department. If the person is released by a warden or  
 40 superintendent, or a sheriff other than the sheriff of  
 41 the county of the person's residence, the sheriff,  
 42 warden, or superintendent shall also forward".

43 12. By striking page 6, line 27, though page 7,  
 44 line 1, and inserting the following:

45 "Sec. \_\_\_\_ . NEW SECTION. 692A.6 REGISTRATION FEES  
 46 FOR OFFENDERS.

47 1. At the time of filing a registration statement,  
 48 or a change of registration, with the sheriff of the  
 49 county of residence, a person who is required to  
 50 register under this chapter shall pay a fee of ten

## Page 2

1 dollars to the sheriff. If, at the time of  
 2 registration, the person who is required to register  
 3 is unable to pay the fee, the sheriff may allow the  
 4 person time to pay the fee, permit the payment of the  
 5 fee in installments, or may waive payment of the fee.  
 6 Fees paid to the sheriff shall be used to defray the  
 7 costs of duties related to the registration of persons  
 8 under this chapter.

9 2. The sheriff shall charge, upon receipt of a  
 10 registry information request from a member of the  
 11 general public, a fee of five dollars. The fee shall

12 be used to defray the costs associated with obtaining  
13 the registry information and maintaining the list of  
14 persons requesting information from the registry.  
15 3. A person who is required to register under this  
16 chapter shall annually, at the time of completion and  
17 mailing of a verification of address form, pay the  
18 department a fee of ten dollars. The department shall  
19 remit the funds received to the treasurer of".  
20 13. Page 9, line 7, by inserting after the word  
21 "registry." the following: "The procedure for the  
22 dissemination of information shall include, but not be  
23 limited to, practical guidelines for use by law  
24 enforcement in determining when public release of  
25 information contained in the registry is appropriate.  
26 The department, in developing the procedure, shall  
27 consult with associations which represent the  
28 interests of law enforcement officers."  
29 14. Page 10, line 18, by striking the words  
30 "local law enforcement agency" and inserting the  
31 following: "sheriff".  
32 15. Page 10, line 23, by striking the words  
33 "local law enforcement agency" and inserting the  
34 following: "sheriff".  
35 16. Page 10, line 25, by striking the words  
36 "local law enforcement agency" and inserting the  
37 following: "sheriff".  
38 17. Page 11, by striking lines 9 through 12.  
39 18. Title page, line 4, by inserting after the  
40 word "registry," the following: "permitting the  
41 charging of fees,".

RANDAL J. GIANNETTO

S-3044

1 Amend Senate File 93 as follows:  
2 1. Page 10, by inserting after line 27 the  
3 following:  
4 "\_\_\_ . Notwithstanding sections 232.147 through  
5 232.151, records concerning delinquent acts of a child  
6 may be released in the same manner as records of  
7 convictions of adults."  
8 2. By numbering, renumbering, and correcting  
9 internal references as necessary.

TONY BISIGNANO

S-3045

- 1 Amend Senate File 93 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "judgment" the following: "or has been acquitted by
- 4 reason of insanity".

ROD HALVORSON

S-3046

- 1 Amend the amendment, S-3043, to Senate File 93, as
- 2 follows:
- 3 1. Page 2, by striking lines 9 through 14.
- 4 2. Page 2, line 25, by inserting after the word
- 5 "appropriate" the following: "and a requirement that
- 6 if a member of the general public requests information
- 7 regarding a specific individual in the manner provided
- 8 in section 692A.13, subsection 6, the information
- 9 shall be released".
- 10 3. Page 2, line 30, by inserting after the word
- 11 "agency" the following: "may".
- 12 4. Page 2, line 31, by inserting after the word
- 13 "sheriff" the following: "shall".

BRAD BANKS

S-3047

- 1 Amend Senate File 83 as follows:
- 2 1. Page 1, line 4, by striking the word "and".
- 3 2. Page 1, line 5, by inserting after the figure
- 4 "1996," the following: "and July 1, 1997".
- 5 3. Title page, line 1, by striking the words "an
- 6 additional budget year" and inserting the following:
- 7 "additional budget years".

STEWART IVERSON, Jr.

S-3048

- 1 Amend Senate Concurrent Resolution 8 as follows:
- 2 1. Page 1, by striking lines 8 through 10 and
- 3 inserting the following: "A Concurrent Resolution
- 4 urging resolution of the Bridgestone/Firestone labor
- 5 dispute through collective bargaining."
- 6 2. Page 1, by striking lines 20 through 22 and
- 7 inserting the following:
- 8 "WHEREAS, the right to strike is recognized in this
- 9 state as a legitimate means to attempt to resolve

10 differences between labor and management through the  
11 collective bargaining process; and”.

12 3. Page 1, line 26, by striking the word “and”  
13 and inserting the following: “NOW THEREFORE,”.

14 4. By striking page 1, line 27 through page 2,  
15 line 1.

16 5. Page 2, by striking lines 4 through 11 and  
17 inserting the following: “congressional”.

18 6. Page 2, by inserting after line 16 the  
19 following:

20 “BE IT FURTHER RESOLVED, That the Iowa  
21 congressional delegation ask for a congressional  
22 hearing on unfair labor practices.”

STEWART IVERSON, Jr.

S-3049

1 Amend Senate File 93 as follows:

2 1. Page 2, by striking lines 20 and 21.

3 2. Page 2, by inserting after line 29 the  
4 following:

5 “7. “Sexual exploitation” means sexual  
6 exploitation by a counselor or therapist under section  
7 709.15.”

8 3. Page 2, line 33, by inserting after the word  
9 “minor” the following: “, sexual exploitation,”.

10 4. Page 7, line 10, by inserting after the word  
11 “minor” the following: “, sexual exploitation,”.

12 5. Page 10, line 5, by inserting after the word  
13 “minor” the following: “, sexual exploitation,”.

14 6. By redesignating and correcting internal  
15 references as necessary.

NANCY BOETTGER  
ANDY McKEAN  
TONY BISIGNANO  
MAGGIE TINSMAN

S-3050

1 Amend the amendment, S-3043, to Senate File 93 as  
2 follows:

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

5 “— . Page 7, by inserting after line 3 the  
6 following:

7 “4. The fees required by this section shall not be  
8 assessed against a person who has been acquitted by  
9 reason of insanity of the offense which requires

- 10 registration under this chapter.””  
11 2. By renumbering as necessary.

RANDAL J. GIANNETTO  
ROD HALVORSON

S-3051

1 Amend the amendment, S-3049, to Senate File 93, as  
2 follows:

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

5 “\_\_\_ . Page 2, by inserting before line 22 the  
6 following:

7 “\_\_\_ . Sexual exploitation by a law enforcement  
8 officer under section 709.15A.””.

9 2. Page 1, by inserting after line 13, the  
10 following:

11 “\_\_\_ . Page 11, by inserting after line 12 the  
12 following:

13 “Sec. \_\_\_ . Section 702.11, Code 1995, is amended  
14 to read as follows:

15 702.11 FORCIBLE FELONY.

16 A “forcible felony” is any felonious child  
17 endangerment, assault, murder, sexual abuse,  
18 kidnapping, robbery, arson in the first degree, or  
19 burglary in the first degree. However, sexual abuse  
20 in the third degree committed between spouses, sexual  
21 abuse in violation of section 709.4, subsection 2,  
22 paragraph “c”, subparagraph (4), or sexual  
23 exploitation by a counselor or therapist in violation  
24 of section 709.15, or sexual exploitation by a law  
25 enforcement officer in violation of section 709.15A is  
26 not a “forcible felony”.

27 Sec. \_\_\_ . **NEW SECTION. 709.15A SEXUAL**  
28 **EXPLOITATION BY A LAW ENFORCEMENT OFFICER -- PENALTY.**

29 1. As used in this section:

30 a. “Law enforcement officer” means a peace officer  
31 employed by the state or a political subdivision of  
32 the state.

33 b. “Sexual exploitation by a law enforcement  
34 officer” occurs when any sexual conduct occurs between  
35 a law enforcement officer and a victim for the purpose  
36 of arousing or satisfying the sexual desires of the  
37 law enforcement officer or victim, which includes but  
38 is not limited to the following: kissing; touching of  
39 the clothed or unclothed inner thigh, breast, groin,  
40 buttock, anus, pubes, or genitals; or a sex act as  
41 defined in section 702.17.

42 c. “Victim” means a person who is the subject of

- 43 an act being investigated or responded to by a law  
44 enforcement officer as a crime.  
45 2. A law enforcement officer who commits sexual  
46 exploitation commits a class "D" felony."  
47 3. By numbering, renumbering, and correcting  
48 internal references as necessary.

JIM LIND

S-3052

- 1 Amend Senate File 93 as follows:  
2 1. Page 10, by inserting after line 27 the  
3 following:  
4 "\_\_\_ . Notwithstanding sections 232.147 through  
5 232.151, records concerning convictions for criminal  
6 offenses against a minor or sexually violent offenses  
7 which are committed by a minor may be released in the  
8 same manner as records of convictions of adults."  
9 2. By numbering, renumbering, and correcting  
10 internal references as necessary.

MARY NEUHAUSER  
TONY BISIGNANO  
RANDAL GIANNETTO

S-3053

- 1 Amend Senate File 118 as follows:  
2 1. Page 3, by striking lines 26 through 30 and  
3 inserting the following:  
4 "d. The department is responsible for the funding  
5 of the costs of this division. Any funds received by  
6 the department for this purpose shall be deposited in  
7 the emergency medical".

STEVEN D. HANSEN

S-3054

- 1 Amend Senate File 114 as follows:  
2 1. Page 1, by inserting after line 11 the  
3 following:  
4 "aa. Calciferol."  
5 2. Page 1, by inserting after line 13 the  
6 following:  
7 "cc. Cyanocobalamin."  
8 3. Page 1, by inserting after line 27 the  
9 following:  
10 "qq. Micelfone."

- 11 4. Page 1, by inserting after line 29 the  
 12 following:  
 13 "ss. *Oryza sativa*."  
 14 5. Page 1, by inserting after line 32 the  
 15 following:  
 16 "vv. *Phylloquinone*."  
 17 6. By relettering as necessary.

MERLIN E. BARTZ  
 JIM LIND  
 DONALD B. REDFERN

HOUSE AMENDMENT TO  
 SENATE FILE 13

S-3055

- 1 Amend Senate File 13, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 7 and 8.  
 4 2. Page 1, by striking lines 9 through 11 and  
 5 inserting the following:  
 6 "5. "Medical emergency" means a condition that,  
 7 based on a physician's clinical judgment, so  
 8 complicates the medical condition of a pregnant minor  
 9 as to necessitate the immediate abortion of the  
 10 minor's pregnancy to avert the minor's death or for  
 11 which a delay will create a risk of substantial and  
 12 irreversible impairment of a major bodily function."  
 13 3. Page 1, by striking lines 14 through 18 and  
 14 inserting the following:  
 15 "7. "Parent" means one parent or a legal guardian  
 16 or custodian of a pregnant minor."  
 17 4. Page 1, by striking line 21 and inserting the  
 18 following: "minor to assist the minor in the".  
 19 5. By striking page 1, line 23, through page 5,  
 20 line 13, and inserting the following:  
 21 "Sec. \_\_\_\_ . **NEW SECTION. 135L.2 DECISION-MAKING**  
 22 **ASSISTANCE PROGRAM FOR PROSPECTIVE MINOR PARENTS**  
 23 **ESTABLISHED.**  
 24 1. A decision-making assistance program is created  
 25 to provide assistance to minors in making informed  
 26 decisions relating to pregnancy. The program shall  
 27 offer and include all of the following:  
 28 a. (1) A video, to be developed by a person  
 29 selected through a request for proposals process,  
 30 which provides information regarding the various  
 31 options available to a pregnant minor with regard to  
 32 the pregnancy, including a decision to continue the  
 33 pregnancy to term and retain parental rights following

34 the child's birth, a decision to continue the  
35 pregnancy to term and place the child for adoption  
36 following the child's birth, and a decision to  
37 terminate the pregnancy through abortion. The video  
38 shall provide the information in a manner and  
39 language, including but not limited to, the use of  
40 closed captioning for the hearing-impaired, which  
41 could be understood by a minor.

42 (2) The video shall explain that public and  
43 private agencies are available to assist a pregnant  
44 minor with any alternative chosen.

45 (2A) The video shall explain that if the pregnant  
46 minor decides to continue the pregnancy to term, and  
47 to retain parental rights to the child, the father of  
48 the child is liable for the support of the child.

49 (3) The video shall explain that tendering false  
50 documents is a fraudulent practice in the fourth

## Page 2

1 degree pursuant to section 135L.7.

2 b. Written decision-making materials which include  
3 all of the following:

4 (1) Information regarding the options described in  
5 the video including information regarding the agencies  
6 and programs available to provide assistance to the  
7 pregnant minor in parenting a child; information  
8 relating to adoption including but not limited to  
9 information regarding child placing agencies as  
10 defined in section 238.2, including private,  
11 quasipublic, and public agencies or persons; and  
12 information regarding abortion including but not  
13 limited to the legal requirements relative to the  
14 performance of an abortion on a pregnant minor. The  
15 information provided shall include information  
16 explaining that if a pregnant minor decides to  
17 continue the pregnancy to term and to retain parental  
18 rights, the father of the child is liable for the  
19 support of the child and that if the pregnant minor  
20 seeks public assistance on behalf of the child, the  
21 pregnant minor shall, and if the pregnant minor is not  
22 otherwise eligible as a public assistance recipient,  
23 the pregnant minor may, seek the assistance of the  
24 child support recovery unit in establishing the  
25 paternity of the child, and in seeking support  
26 payments for a reasonable amount of the costs  
27 associated with the pregnancy, medical support, and  
28 maintenance from the father of the child, or if the  
29 father is a minor, from the parents of the minor  
30 father. The information shall include a listing of

31 the agencies and programs and the services available  
32 from each.

33 (2) A workbook which is to be used in viewing the  
34 video and which includes a questionnaire and exercises  
35 to assist a pregnant minor in viewing the video and in  
36 considering the options available regarding the  
37 minor's pregnancy.

38 (3) A detachable certification form to be signed  
39 by the pregnant minor certifying that the pregnant  
40 minor was offered a viewing of the video and the  
41 written decision-making materials.

42 2. a. The video shall be available through the  
43 state and local offices of the Iowa department of  
44 public health, the department of human services, and  
45 the judicial department and through the office of each  
46 licensed physician who performs abortions.

47 b. The video may be available through the office  
48 of any licensed physician who does not perform  
49 abortions, upon the request of the physician; through  
50 any nonprofit agency serving minors, upon the request

### Page 3

1 of the agency; and through any other person providing  
2 services to minors, upon the request of the person.

3 3. During the initial appointment between a  
4 licensed physician and a pregnant minor, a licensed  
5 physician, who is providing medical services to a  
6 pregnant minor, shall offer the viewing of the video  
7 and the written decision-making materials to the  
8 pregnant minor, and shall obtain the signed and dated  
9 certification form from the pregnant minor. If the  
10 pregnant minor has previously been offered the viewing  
11 of the video and the written decision-making materials  
12 by another source, the licensed physician shall obtain  
13 the completed written certification form from the  
14 other source to verify that the pregnant minor has  
15 been offered the viewing of the video and the written  
16 decision-making materials. A licensed physician shall  
17 not perform an abortion on a pregnant minor prior to  
18 obtaining the completed certification form from a  
19 pregnant minor.

20 4. A pregnant minor shall be encouraged to select  
21 a responsible adult, preferably a parent of the  
22 pregnant minor, to accompany the pregnant minor in  
23 viewing the video and receiving the decision-making  
24 materials.

25 5. The person responsible for impregnating the  
26 pregnant minor shall also be involved in the viewing  
27 of the video and in the receipt of written decision-

28 making materials.

29 6. Following the offering of the viewing of the  
30 video and of the written decision-making materials,  
31 the pregnant minor shall sign and date the  
32 certification form attached to the materials, and  
33 shall submit the completed form to the licensed  
34 physician or provide the person making the offer with  
35 information to send the completed form to the pregnant  
36 minor's attending physician. The person offering the  
37 viewing of the video and the decision-making materials  
38 shall also provide a copy of the completed  
39 certification form to the pregnant minor."

40 6. By striking page 5, line 14, through page 8,  
41 line 17.

42 7. Page 10, by inserting after line 21 the  
43 following:

44 "kk. Any statement made by a pregnant minor to an  
45 officer of the court in connection with the  
46 proceedings under this section, shall not be used as  
47 evidence against the pregnant minor or an alleged  
48 impregnator in any criminal or juvenile proceeding  
49 brought pursuant to section 709.4, subsection 2,  
50 paragraph "b"."

#### Page 4

1 8. Page 9, line 13, by inserting after the word  
2 "minor." the following: "The court shall also advise  
3 the pregnant minor that a court-appointed licensed  
4 marital and family therapist is available to the  
5 minor, upon request, at no cost to the minor, to  
6 assist the pregnant minor in addressing any  
7 intrafamilial problems which might develop. If a  
8 licensed marital and family therapist is appointed by  
9 the court, the licensed marital and family therapist  
10 shall file a report with the court, following  
11 provision of services to the pregnant minor, stating  
12 the procedures undertaken, recommendations made, and  
13 any other matters as may be required by the court."

14 9. Page 9, line 33, by inserting after the word  
15 "minor." the following: "The court may consider any  
16 recommendations of a licensed marital and family  
17 therapist appointed by the court to provide counseling  
18 to the pregnant minor, in determining the best  
19 interest of the pregnant minor."

20 10. Page 10, line 16, by inserting after the word  
21 "proceedings." the following: "All costs of services  
22 provided by a court-appointed licensed marital and  
23 family therapist shall be paid by the court through  
24 the expenditure of funds appropriated to the judicial

25 department.”

26 11. Page 11, by striking lines 6 through 8.

27 12. Page 11, line 20, by inserting after the word  
28 “agency” the following: “other than a child-placing  
29 agency under the management or control of any division  
30 of the department of human services or any  
31 administrator of the department of human services”.

32 13. Page 11, by striking lines 22 and 23 and  
33 inserting the following:

34 “(5) A representative of a crisis pregnancy  
35 center.

36 (6) A representative of an abortion provider.”

37 14. Page 12, by inserting after line 6 the  
38 following:

39 “(5) A minor who is at least fourteen but less  
40 than eighteen years of age at the time of the  
41 appointment, appointed by the governor. “

42 15. Page 12, by striking lines 7 through 11 and  
43 inserting the following:

44 “2. Representative associations of professionals  
45 and providers who are to be appointed to the advisory  
46 committee may submit a listing of nominees to the  
47 governor. The governor may consider the listings in  
48 appointing members to the advisory committee. The  
49 governor shall appoint members who represent a variety  
50 of philosophical views.”

#### Page 5

1 16. Page 13, line 5, by striking the word  
2 “document” and inserting the following: “materials”.

3 17. Page 13, line 25, by striking the words “or  
4 emancipated pregnant minor’s”.

5 18. Page 13, by striking lines 28 through 33 and  
6 inserting the following: “of an abortion on a  
7 pregnant minor which results in the inapplicability of  
8 section”.

9 19. Page 14, by striking lines 23 through 25.

10 20. Page 14, line 29, by striking the word and  
11 figure: “135L.3 or”.

12 21. By striking page 14, line 30, through page  
13 15, line 1.

14 22. Page 15, by striking lines 3 through 21 and  
15 inserting the following:

16 “A person who does any of the following is guilty  
17 of a fraudulent practice in the fourth degree pursuant  
18 to section 714.12:

19 1. Knowingly tenders a false original or copy of  
20 the signed and dated certification form to be retained  
21 by the licensed physician or to be sent to the

22 pregnant minor's attending physician pursuant to  
23 section 135L.2.

24 2. Knowingly tenders a false original or copy of  
25 the notification document mailed to a parent or a  
26 false original or copy of the order waiving  
27 notification relative to the performance of an  
28 abortion on a pregnant minor."

29 23. Page 15, by inserting after line 21 the  
30 following:

31 "Sec. \_\_\_\_ . NEW SECTION. 135L.8 IMMUNITIES.

32 1. A person is immune from any liability, civil or  
33 criminal, for any act, omission, or decision made in  
34 connection with a good faith effort to comply with the  
35 provisions of this chapter.

36 2. This section shall not be construed to limit  
37 civil or criminal liability of a person for any act,  
38 omission, or decision made in relation to the  
39 performance of a medical procedure on a pregnant  
40 minor.

41 3. A court-appointed licensed marital and family  
42 therapist who provides services to a pregnant minor  
43 under this chapter and who makes a good faith effort  
44 to comply with this chapter, is immune from any  
45 liability, civil or criminal, which might result from  
46 the provision of services under this chapter."

47 24. Page 15, lines 22 and 23, by striking the  
48 words "ADOPTION OF CHILD BORN TO A MINOR OR".

49 25. Page 15, by striking lines 27 through 29 and  
50 inserting the following: "notification requirements

#### Page 6

1 relating to the performance of an abortion on a minor  
2 pursuant to section 135L.4."

3 26. By striking page 15, line 30, through page  
4 16, line 19.

5 27. Page 16, by inserting after line 27 the  
6 following:

7 "Sections 1 and 4 of this Act relating to the  
8 notification of a parent prior to the performance of  
9 an abortion on a minor take effect July 1, 1995."

10 28. Title page, line 1, by striking the word  
11 "process" and inserting the following: "assistance  
12 program".

13 29. Title page, line 2, by inserting after the  
14 word "parents" the following: "including notification  
15 of a parent prior to the performance of an abortion on  
16 a minor".

17 30. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE CONCURRENT RESOLUTION 6

S-3056

1 Amend Senate Concurrent Resolution 6, as passed by  
2 the Senate, as follows:  
3 1. Page 2, by inserting after line 19 the  
4 following:  
5 "WHEREAS, the Missouri River contributes between 40  
6 and 50 percent of the water flow to the Mississippi  
7 River south of the rivers' confluence, between St.  
8 Louis, Missouri, and Cairo, Illinois; and  
9 WHEREAS, the loss of water flow could reduce levels  
10 at the Port of St. Louis by two to five feet, creating  
11 significant increases in the cost of transporting  
12 grain exports throughout the middle Mississippi during  
13 peak shipping seasons; and  
14 WHEREAS, the barge share of grain movements to  
15 export ports increased from 43 percent in 1974 to 54  
16 percent in 1991 and most of this barge grain traffic  
17 is on the Mississippi River system; and".  
18 2. Page 3, by inserting after line 8 the  
19 following:  
20 "BE IT FURTHER RESOLVED, That if the plan proposed  
21 by the United States Army Corps of Engineers is  
22 adopted administratively, that the Iowa congressional  
23 delegation cooperate to take all actions necessary to  
24 ensure that moneys are not made available for the  
25 proposal's implementation; and".

S-3057

1 Amend Senate File 83 as follows:  
2 1. Page 1, line 7, by inserting after the word  
3 "than" the following: "one hundred percent for the  
4 budget year commencing July 1, 1995, or one hundred  
5 one percent for the budget year commencing July 1,  
6 1996, of".  
7 2. Page 1, line 11, by inserting after the word  
8 "difference." the following: "For the budget year  
9 commencing July 1, 1996, there is appropriated from  
10 the general fund of the state to the department of  
11 education an amount sufficient to pay, as state  
12 supplementary aid, to those school districts the  
13 additional adjustment amounts added to their budgets  
14 as a result of the increasing from a one hundred  
15 percent budget guarantee to a one hundred one percent  
16 budget guarantee."  
17 3. Title page, line 2, by inserting after the

18 word "districts" the following: "and making an  
19 appropriation".

STEWART IVERSON, Jr.

S-3058

- 1 Amend Senate File 75 as follows:
- 2 1. Page 1, lines 11 and 12, by striking the
- 3 words: "representing twenty-five or fewer dwelling
- 4 units".

JOHN P. KIBBIE

S-3059

- 1 Amend Senate File 77 as follows:
- 2 1. Page 1, line 3, by striking the words
- 3 "property located" and inserting the following:
- 4 "vegetation located".
- 5 2. Page 1, line 5, by striking the word
- 6 "property" and inserting the following: "vegetation".
- 7 3. Page 1, line 7, by striking the word
- 8 "property" and inserting the following: "vegetation".
- 9 4. Page 1, by striking line 9 and inserting the
- 10 following: "vegetation for sale if the fair market
- 11 value of the vegetation to".
- 12 5. Page 1, by striking lines 11 through 13.
- 13 6. Title page, line 1, by striking the word
- 14 "property" and inserting the following: "vegetation".

COMMITTEE ON LOCAL GOVERNMENT  
ALBERT SORENSEN, Chairperson

S-3060

- 1 Amend Senate File 124 as follows:
- 2 1. Page 1, line 1, by inserting after the word
- 3 "person" the following: "or the adult child of a
- 4 deceased adopted person".

JOHNIE HAMMOND

S-3061

- 1 Amend Senate File 150 as follows:
- 2 1. Page 1, by inserting after line 31 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 600A.5, subsection 3, paragraph
- 5 c, Code 1995, is amended to read as follows:

6 c. A plain statement of the facts and grounds in  
 7 section 600A.8; ~~subsections 1 to 4~~, which indicate  
 8 that the parent-child relationship should be  
 9 terminated.

10 Sec. \_\_\_\_ . Section 600A.8, Code 1995, is amended by  
 11 adding the following new subsection:

12 NEW SUBSECTION. 8. Both of the following  
 13 circumstances apply to a parent:

14 a. The parent has been determined to be a chronic  
 15 substance abuser as defined in section 125.2 and the  
 16 parent has committed a second or subsequent domestic  
 17 abuse assault pursuant to section 708.2A while under  
 18 the influence of a chemical substance.

19 b. The parent has abducted the child, has  
 20 improperly removed the child from the physical custody  
 21 of the person entitled to custody without the consent  
 22 of that person, or has improperly retained the child  
 23 after a visit or other temporary relinquishment of  
 24 physical custody."

25 2. By renumbering as necessary.

MERLIN E. BARTZ

S-3062

- 1 Amend Senate File 118 as follows:  
 2 1. Page 7, by striking lines 6 through 13.

TOM VILSACK

S-3063

- 1 Amend Senate File 118 as follows:  
 2 1. Page 7, by striking lines 6 through 13.  
 3 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-3064

- 1 Amend Senate Concurrent Resolution 8 as follows:  
 2 1. Page 2, by striking lines 4 through 6 and  
 3 inserting the following: "congressional delegation is  
 4 urged to consider legislation concerning the hiring of  
 5 striker replacement".

MERLIN E. BARTZ

S-3065

- 1 Amend Senate File 118 as follows:
- 2 1. Page 4, by inserting after line 16 the
- 3 following:
- 4 "\_\_\_ . Iowa physician assistant society."

MERLIN E. BARTZ

S-3066

- 1 Amend the amendment, S-3053, to Senate File 118 as
- 2 follows:
- 3 1. Page 1, line 5, by inserting before the word
- 4 "costs" the following: "administrative".

STEVEN D. HANSEN

S-3067

- 1 Amend Senate File 118 as follows:
- 2 1. Page 4, by inserting after line 16 the
- 3 following:
- 4 "\_\_\_ . Iowa physician assistant society."
- 5 2. Page 6, by inserting after line 4 the
- 6 following:
- 7 "1. Two physician assistants."

ELAINE SZYMONIAK

S-3068

- 1 Amend Senate File 53 as follows:
- 2 1. Page 1, by striking line 30 and inserting the
- 3 following: "conviction means a conviction for an
- 4 indictable offense and includes a guilty plea,
- 5 deferred judgment from the time of entry of the
- 6 deferred judgment until the time the defendant is
- 7 discharged by the court without entry of judgment,
- 8 or".
- 9 2. Page 3, by striking line 24 and inserting the
- 10 following: "conviction means a conviction for an
- 11 indictable offense and includes a guilty plea,
- 12 deferred judgment from the time of entry of the
- 13 deferred judgment until the time the defendant is
- 14 discharged by the court without entry of judgment,
- 15 or".

TONY BISIGNANO

S-3069

- 1 Amend the amendment, S-3061, to Senate File 150, as
- 2 follows:
- 3 1. Page 1, by striking lines 17 and 18 and
- 4 inserting the following: "abuse assault pursuant to
- 5 section 708.2A."

MERLIN E. BARTZ

S-3070

- 1 Amend Senate File 109 as follows:
- 2 1. Page 4, by striking line 23 and inserting the
- 3 following: "order of impoundment or immobilization or
- 4 the owner of the motor vehicle is a motor vehicle
- 5 rental or leasing company, the owner, the".
- 6 2. Page 4, line 24, by inserting after the word
- 7 "designee" the following: ", or the rental or leasing
- 8 company".
- 9 3. Page 4, line 26, by inserting after the word
- 10 "immobilization." the following: "Upon learning the
- 11 address or phone number of a rental or leasing company
- 12 which owns a motor vehicle, the peace officer, county
- 13 attorney, or attorney general shall immediately
- 14 contact the company to inform the company that the
- 15 vehicle is available for return to the company."
- 16 4. Page 4, line 27, by striking the words ", or
- 17 owner's designee," and inserting the following: ",
- 18 owner's designee, or rental or leasing company".
- 19 5. Page 4, line 33, by inserting after the word
- 20 "intoxicated" the following: ", or if the rental or
- 21 leasing company did not know, should not have known,
- 22 and did not consent to the operation of the motor
- 23 vehicle used in the commission of the offense of
- 24 operating while intoxicated".

RICHARD F. DRAKE

S-3071

- 1 Amend the amendment, S-3057, to Senate File 83 as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "hundred" the following: "one".
- 5 2. Page 1, line 8, by striking the word "year"
- 6 and inserting the following: "years".

7 3. Page 1, line 9, by inserting after the word  
8 "commencing" the following: "July 1, 1995, and".

STEWART IVERSON, Jr.

S-3072

1 Amend Senate File 150 as follows:

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

4 "Sec. \_\_\_\_ . Section 232.116, subsection 1, Code  
5 1995, is amended by adding the following new  
6 paragraph:

7 NEW PARAGRAPH. m. The court finds that all of the  
8 following have occurred:

9 (1) The child has been adjudicated a child in need  
10 of assistance pursuant to section 232.96.

11 (2) The parent has been convicted of child  
12 endangerment resulting in the death of the child's  
13 sibling, has been convicted of three or more acts of  
14 child endangerment involving the child, the child's  
15 sibling, or another child in the household, or has  
16 been convicted of child endangerment resulting in a  
17 serious injury to the child, the child's sibling, or  
18 another child in the household.

19 (3) There is clear and convincing evidence that  
20 the circumstances surrounding the parent's conviction  
21 for child endangerment would result in a finding of  
22 imminent danger to the child."

23 2. By renumbering as necessary.

ROBERT DVORSKY

S-3073

1 Amend Senate File 85 as follows:

2 1. Page 1, line 3, by striking the word  
3 "Domestic" and inserting the following: "Farm".

4 2. Page 1, line 5, by inserting after the word  
5 "genus," the following: "commonly referred to as  
6 fallow deer".

7 3. Page 1, line 6, by inserting after the word  
8 "genus," the following: "commonly referred to as red  
9 deer or elk".

10 4. Page 1, line 7, by inserting after the word  
11 "genus" the following: ", commonly referred to as  
12 sika. However, a farm deer does not include any  
13 unmarked free ranging elk".

14 5. Page 1, line 12, by striking the word  
15 "domestic" and inserting the following: "farm".

16 6. Page 1, by inserting after line 13 the  
17 following:

18 "Sec. \_\_\_\_ . Section 189A.2, subsection 16, Code  
19 1995, is amended to read as follows:

20 16. "Meat food product" means any product capable  
21 of use as human food which is made wholly or in part  
22 from any meat or other portion of the carcass of any  
23 cattle, sheep, swine, or goats, excepting products  
24 which contain meat or other portions of such carcasses  
25 only in a relatively small proportion or historically  
26 have not been considered by consumers as products of  
27 the meat food industry, and which are exempted from  
28 definition as a meat food product by the secretary  
29 under such conditions as the secretary may prescribe  
30 to assure that the meat or other portions of such  
31 carcass contained in such product are not adulterated  
32 and that such products are not represented as meat  
33 food products. This term as applied to food products  
34 of equines or farm deer shall have a meaning  
35 comparable to that provided in this paragraph with  
36 respect to cattle, sheep, swine, and goats.

37 Sec. \_\_\_\_ . Section 189A.18, Code 1995, is amended  
38 to read as follows:

39 189A.18 HUMANE SLAUGHTER PRACTICES.

40 Every establishment subject to the provisions of  
41 this chapter engaged in the slaughter of bovine,  
42 porcine, or ovine animals or farm deer shall slaughter  
43 all such animals in an approved humane slaughtering  
44 method. For purposes of this section an approved  
45 humane slaughtering method shall include and be  
46 limited to slaughter by shooting, electrical shock,  
47 captive bolt, or use of carbon dioxide gas prior to  
48 the animal being shackle hoisted, thrown, cast or cut;  
49 however, the slaughtering, handling or other  
50 preparation of livestock in accordance with the ritual

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1 requirements of the Jewish or any other faith that  
2 prescribes and requires a method whereby slaughter  
3 becomes effected by severance of the carotid arteries  
4 with a sharp instrument is hereby designated and  
5 approved as a humane method of slaughter under the  
6 law."

7 7. Page 1, line 17, by striking the word  
8 "domestic" and inserting the following: "farm".

9 8. Page 1, line 25, by striking the word  
10 "domestic" and inserting the following: "farm".

11 9. Page 1, line 31, by striking the word  
12 "domestic" and inserting the following: "farm".

- 13 10. Page 1, line 35, by striking the word  
 14 "domestic" and inserting the following: "farm".  
 15 11. Title page, line 1, by striking the word  
 16 "domestic" and inserting the following: "farm".

DENNIS H. BLACK

S-3074

- 1 Amend House File 29, as passed by the House as  
 2 follows:  
 3 1. Page 1, by striking lines 6 through 9 and  
 4 inserting the following: "state. If the body of a  
 5 murder victim is found within the state, the death is  
 6 presumed to have occurred within the state. If a  
 7 kidnapping victim, or the body of a kidnapping victim,  
 8 is found within the state, the confinement or removal  
 9 of the victim from one place to another is presumed to  
 10 have occurred within the state."  
 11 2. Title page, by striking line 2.

COMMITTEE ON JUDICIARY  
 RANDAL GIANNETTO, Chairperson

S-3075

- 1 Amend Senate File 142 as follows:  
 2 1. Page 1, by striking lines 18 through 20.

RANDAL GIANNETTO

S-3076

- 1 Amend Senate File 18 as follows:  
 2 1. Page 2, by inserting after line 3 the  
 3 following:  
 4 "Sec. \_\_\_\_ . The director of revenue and finance  
 5 shall not collect any tax due or delinquent, including  
 6 interest and penalties, from publishers or printers,  
 7 from rentals, sales or services rendered, furnished,  
 8 or performed, before the effective date of this Act if  
 9 such rentals, sales or services would be exempt to  
 10 publishers or printers under section 1 of this Act if  
 11 made after the effective date of this Act. Any tax  
 12 that has been collected before the effective date of  
 13 this Act is not refundable."

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-3077

1 Amend House File 133, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 10 and 11 and  
4 inserting the following:

5 "1. Thirty-three million, two hundred ten  
6 thousand, four hundred sixty-seven dollars shall be  
7 appropriated to the".

8 2. Page 1, line 15, by inserting after the word  
9 "including" the following: "workers' compensation  
10 expenses and".

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

13 "2. Sufficient moneys for the division of highway  
14 safety, uniformed force, and radio communications of  
15 the department of public safety shall be appropriated  
16 for salary adjustment moneys."

17 4. Page 1, by striking lines 19 and 20 and  
18 inserting the following:

19 "3. Any revenues remaining shall be credited to  
20 the primary road fund created under section 313.3 to  
21 be used for the development and improvement of the  
22 commercial and industrial highway network under  
23 section 313.2A."

RICHARD F. DRAKE

S-3078

1 Amend Senate File 156 as follows:

2 1. Page 1, line 9, by inserting after the word  
3 "Iowa" the following: "and agrees to maintain at  
4 least fifty percent of its employees or assets in Iowa  
5 following investment in the business by a qualified  
6 venture capital company".

7 2. Page 1, by striking lines 10 through 12 and  
8 inserting the following:

9 "b. A business which is unable to raise equity  
10 capital or obtain financing from conventional sources  
11 in order to remain viable or to commence or expand its  
12 ability to provide goods or services."

13 3. Page 1, by striking lines 23 through 26 and  
14 inserting the following: "invest in debt and equity  
15 securities of Iowa businesses."

16 4. Page 1, line 31, by striking the words "or  
17 housing initiatives".

18 5. Page 1, lines 33 and 34, by striking the words  
19 "and housing initiatives".

20 6. Page 1, by inserting after line 34 the

21 following:

- 22 "\_\_\_ . Does not invest funds under this division  
23 for the expansion of operations of an Iowa business in  
24 another state."  
25 7. Page 2, lines 15 and 16, by striking the words  
26 "and affordable housing within the state".

COMMITTEE ON WAYS AND MEANS  
WILLIAM D. PALMER, Chairperson

S-3079

- 1 Amend Senate File 174 as follows:  
2 1. Page 1, by striking line 24 and inserting the  
3 following: "in section 135C.1, by a caretaker  
4 providing services to a dependent adult, whether  
5 within the health care facility or at a location  
6 outside of the health care facility."

ROBERT DVORSKY

S-3080

- 1 Amend Senate File 178 as follows:  
2 1. Page 5, line 28, by inserting after the word  
3 "physicians," the following: "Iowa physician  
4 assistant society,".  
5 2. Page 13, line 26, by striking the word  
6 "jointly" and inserting the following: "after  
7 consultation".  
8 3. Page 14, line 12, by inserting after the word  
9 "nurse;" the following: "a physician assistant".

JOHNNIE HAMMOND

S-3081

- 1 Amend Senate File 174 as follows:  
2 1. Page 1, line 34, by striking the word  
3 "caretaker," and inserting the following: "caretaker;  
4 the exchange of a brief touch or hug between the  
5 dependent adult and a caretaker for the purpose of  
6 reassurance, comfort or casual friendship;".

STEVEN D. HANSEN

S-3082

- 1 Amend Senate File 69, as passed by the Senate, as  
2 follows:

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

5 "DIVISION I

6 INCOME TAX REDUCTION AND SPECIAL FUNDS

7 Section 1. Section 422.4, subsection 1, paragraphs  
 8 b and c, Code 1995, are amended to read as follows:

9 b. "Cumulative inflation factor" means the product  
 10 of the annual inflation factor for the ~~1988~~ 1995  
 11 calendar year and all annual inflation factors for  
 12 subsequent calendar years as determined pursuant to  
 13 this subsection. The cumulative inflation factor  
 14 applies to all tax years beginning on or after January  
 15 1 of the calendar year for which the latest annual  
 16 inflation factor has been determined.

17 c. The annual inflation factor for each of the  
 18 ~~1988~~ 1995, 1996, 1997, 1998, and 1999 calendar year  
 19 years is one hundred percent.

20 Sec. 2. Section 422.5, subsection 1, unnumbered  
 21 paragraph 1, and paragraphs a through i, Code 1995,  
 22 are amended by striking the unnumbered paragraph and  
 23 lettered paragraphs and inserting in lieu thereof the  
 24 following:

25 A tax is imposed upon every resident and  
 26 nonresident of the state which tax shall be levied,  
 27 collected, and paid annually upon and with respect to  
 28 the entire taxable income as defined in this division  
 29 at rates and for tax years beginning in the following  
 30 calendar years as follows:

31 On all taxable  
 32 income exceeding  
 33 the beginning  
 34 amount through  
 35 the ending

CALENDAR YEARS

36 amount:	1995	1996	1997	1998	1999 and subsequent years
37 a. \$ 0- 1,060	.4 %	.4 %	.35%	.35%	.35%
38 b. 1,060- 2,120	.8	.75	.75	.7	.7
39 c. 2,120- 4,240	2.65	2.55	2.45	2.35	2.3
40 d. 4,240- 9,540	4.9	4.75	4.55	4.35	4.25
41 e. 9,540-15,900	6.65	6.45	6.2	5.95	5.8
42 f. 15,900-21,200	7.05	6.8	6.6	6.3	6.1
43 g. 21,200-31,800	7.35	7.15	6.9	6.6	6.4
44 h. 31,800-47,700	8.6	8.3	8.05	7.65	7.5
45 i. 47,700+	9.75	9.45	9.15	8.7	8.5

46 Sec. 3. Section 8.56, subsection 1, Code 1995, is  
 47 amended to read as follows:

48 1. A cash reserve fund is created in the state  
 49 treasury. The cash reserve fund shall be separate  
 50 from the general fund of the state and shall not be

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1 considered part of the general fund of the state  
2 except in determining the cash position of the state  
3 as provided in subsection 3. The moneys in the cash  
4 reserve fund are not subject to section 8.33 and shall  
5 not be transferred, used, obligated, appropriated, or  
6 otherwise encumbered except as provided in this  
7 section. Notwithstanding section 12C.7, subsection 2,  
8 interest or earnings on moneys deposited in the cash  
9 reserve fund shall be credited to the rebuild Iowa  
10 economic emergency fund infrastructure account created  
11 in section 8.57. Moneys in the cash reserve fund may  
12 be used for cash flow purposes provided that any  
13 moneys so allocated are returned to the cash reserve  
14 fund by the end of each fiscal year. However, the  
15 fund shall be considered a special account for the  
16 purposes of section 8.53.

17 Sec. 4. Section 8.56, subsection 4, paragraph b,  
18 Code 1995, is amended to read as follows:

19 b. In addition to the requirements of paragraph  
20 "a", an appropriation shall not be made from the cash  
21 reserve fund which would cause the fund's balance to  
22 be less than three percent of the adjusted revenue  
23 estimate for the year for which the appropriation is  
24 made unless the bill or joint resolution making the  
25 appropriation is approved by vote of at least three-  
26 fifths of the members of both chambers of the general  
27 assembly and is signed by the governor.

28 Sec. 5. Section 8.57, subsection 1, paragraph a,  
29 Code 1995, is amended by striking the paragraph and  
30 inserting in lieu thereof the following:

31 a. The cash reserve goal percentage for fiscal  
32 years beginning on or after July 1, 1995, is five  
33 percent of the adjusted revenue estimate. For each  
34 fiscal year beginning on or after July 1, 1995, in  
35 which the appropriation of the surplus existing in the  
36 general fund of the state at the conclusion of the  
37 prior fiscal year pursuant to paragraph "b" was not  
38 sufficient for the cash reserve fund to reach the cash  
39 reserve goal percentage for the current fiscal year,  
40 there is appropriated from the general fund of the  
41 state an amount to be determined as follows:

42 (1) If the balance of the cash reserve fund in the  
43 current fiscal year is not more than four percent of  
44 the adjusted revenue estimate for the current fiscal  
45 year, the amount of the appropriation under this  
46 lettered paragraph is one percent of the adjusted  
47 revenue estimate for the current fiscal year.

48 (2) If the balance of the cash reserve fund in the

49 current fiscal year is more than four percent but less  
50 than five percent of the adjusted revenue estimate for

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1 that fiscal year, the amount of the appropriation  
2 under this lettered paragraph is the amount necessary  
3 for the cash reserve fund to reach five percent of the  
4 adjusted revenue estimate for the current fiscal year.

5 (3) The moneys appropriated under this lettered  
6 paragraph shall be credited in equal and proportionate  
7 amounts in each quarter of the current fiscal year.

8 Sec. 6. Section 8.57, subsection 1, paragraph b,  
9 Code 1995, is amended to read as follows:

10 b. ~~Commencing June 30, 1993, the~~ The surplus  
11 existing in the general fund of the state at the  
12 conclusion of the fiscal year is appropriated for  
13 distribution in the succeeding fiscal year as provided  
14 ~~in this section subsections 2 and 3. Moneys credited~~  
15 ~~to the cash reserve fund from the appropriation made~~  
16 ~~in this paragraph shall not exceed the amount~~  
17 ~~necessary for the cash reserve fund to reach the cash~~  
18 ~~reserve goal percentage for the succeeding fiscal~~  
19 ~~year.~~ As used in this paragraph, "surplus" means the  
20 excess of revenues and other financing sources over  
21 expenditures and other financing uses for the general  
22 fund of the state in a fiscal year.

23 Sec. 7. NEW SECTION. 8.57A PERSONAL INCOME TAX  
24 RATE REDUCTION REPLACEMENT FUND.

25 1. The personal income tax rate reduction  
26 replacement fund is created in the state treasury  
27 under the authority of the department of management.  
28 The fund shall be separate from the general fund of  
29 the state and shall not be considered part of the  
30 general fund of the state except in determining the  
31 cash position of the state for payment of state  
32 obligations. The moneys in the fund are not subject  
33 to the provisions of section 8.33 and shall not be  
34 transferred, used, obligated, appropriated, or  
35 otherwise encumbered except as provided in this  
36 section. Moneys in the fund may be used for cash flow  
37 purposes provided that any moneys so allocated are  
38 returned to the fund by the end of each fiscal year.  
39 However, the fund shall be considered a special  
40 account for the purposes of section 8.53, relating to  
41 elimination of any GAAP deficit. The fund is created  
42 upon the effective date of this section, and shall  
43 remain in existence until the close of the fiscal year  
44 beginning July 1, 1999.

45 2. The provisions of this subsection apply for the

46 fiscal years beginning July 1 of 1994, 1995, 1996,  
47 1997, and 1998. Notwithstanding the provisions of  
48 section 8.57, subsection 3, for each of the designated  
49 fiscal years, moneys remaining following the  
50 appropriations made pursuant to section 8.57,

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1 subsection 1, shall not be appropriated to the Iowa  
2 economic emergency fund but are instead appropriated  
3 to the personal income tax rate reduction replacement  
4 fund.

5 3. Effective for the fiscal year beginning July 1,  
6 1995, and the subsequent three fiscal years, on or  
7 before December 31 of each of the fiscal years, the  
8 state revenue estimating conference created in section  
9 8.22A shall certify an estimate of the net change in  
10 revenues deposited into the general fund of the state  
11 for that fiscal year due to the personal income tax  
12 rate reduction implemented pursuant to section 422.5.  
13 The director of the department of management shall  
14 transfer not more than the certified amount from the  
15 personal income tax rate reduction replacement fund to  
16 the general fund of the state. Prior to the transfer,  
17 the director shall determine whether the balance of  
18 the general fund of the state is sufficient to absorb  
19 the revenue change, and if the certified balance is  
20 sufficient the director may defer the transfer to a  
21 succeeding fiscal year. Moneys transferred to the  
22 general fund of the state pursuant to this section  
23 shall be added to the general fund expenditure  
24 limitation, to the extent not already included, for  
25 the fiscal year in which the transfer takes place and  
26 ninety-nine percent of the transferred amount is  
27 available for expenditure as directed by the general  
28 assembly.

29 4. Notwithstanding section 12C.7, subsection 2,  
30 interest or earnings on moneys deposited in the  
31 personal income tax rate reduction replacement fund  
32 shall be credited to the rebuild Iowa infrastructure  
33 account created in section 8.57.

34 5. This section is repealed September 1, 2000.

35 Sec. 8. TRANSFER TO INFRASTRUCTURE ACCOUNT.

36 Moneys in the Iowa economic emergency fund, created in  
37 section 8.55, at the conclusion of the fiscal year  
38 beginning July 1, 1994, shall be transferred to the  
39 rebuild Iowa infrastructure account.

40 Sec. 9. EFFECTIVE DATES.

41 1. Sections 1 and 2 of this Act, being deemed of  
42 immediate importance, take effect upon enactment and

43 apply retroactively to January 1, 1995, for tax years  
44 beginning on or after that date.  
45 2. Sections 3 through 9 of this Act, being deemed  
46 of immediate importance, take effect upon enactment.

## DIVISION II

## SUBCHAPTER S CORPORATIONS

47  
48  
49 Sec. 10. Section 422.5, subsection 1, paragraph j,  
50 Code 1995, is amended by adding the following new

## Page 5

1 unnumbered paragraph:

2 **NEW UNNUMBERED PARAGRAPH.** The tax imposed upon the  
3 taxable income of a resident shareholder in a  
4 corporation which has in effect for the tax year an  
5 election under subchapter S of the Internal Revenue  
6 Code and carries on business within and without the  
7 state shall be computed by reducing the amount  
8 determined pursuant to paragraphs "a" through "i" by  
9 the amounts of nonrefundable credits under this  
10 division and by multiplying this resulting amount by a  
11 fraction of which the resident's net income allocated  
12 to Iowa, as determined in section 422.8, subsection 2,  
13 paragraph "b", is the numerator and the resident's  
14 total net income computed under section 422.7 is the  
15 denominator. This paragraph also applies to  
16 individuals who are residents of Iowa for less than  
17 the entire tax year.

18 Sec. 11. Section 422.5, subsection 1, paragraph k,  
19 unnumbered paragraph 4, Code 1995, is amended to read  
20 as follows:

21 In the case of a resident, including a resident  
22 estate or trust, the state's apportioned share of the  
23 state alternative minimum tax is one hundred percent  
24 of the state alternative minimum tax computed in this  
25 subsection. In the case of a resident or part year  
26 resident shareholder in a corporation which has in  
27 effect for the tax year an election under subchapter S  
28 of the Internal Revenue Code and carries on business  
29 within and without the state, a nonresident, including  
30 a nonresident estate or trust, or an individual,  
31 estate, or trust that is domiciled in the state for  
32 less than the entire tax year, the state's apportioned  
33 share of the state alternative minimum tax is the  
34 amount of tax computed under this subsection, reduced  
35 by the applicable credits in sections 422.10 through  
36 422.12 and this result multiplied by a fraction with a  
37 numerator of the sum of state net income allocated to  
38 Iowa as determined in section 422.8, subsection 2,  
39 paragraph "a" or "b" as applicable, plus tax

40 preference items, adjustments, and losses under  
41 subparagraph (1) attributable to Iowa and with a  
42 denominator of the sum of total net income computed  
43 under section 422.7 plus all tax preference items,  
44 adjustments, and losses under subparagraph (1). In  
45 computing this fraction, those items excludable under  
46 subparagraph (1) shall not be used in computing the  
47 tax preference items. Married taxpayers electing to  
48 file separate returns or separately on a combined  
49 return must allocate the minimum tax computed in this  
50 subsection in the proportion that each spouse's

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1 respective preference items, adjustments, and losses  
2 under subparagraph (1) bear to the combined preference  
3 items, adjustments, and losses under subparagraph (1)  
4 of both spouses.

5 Sec. 12. Section 422.8, subsection 2, Code 1995,  
6 is amended to read as follows:

7 2. a. Nonresident's net income allocated to Iowa  
8 is the net income, or portion thereof, which is  
9 derived from a business, trade, profession, or  
10 occupation carried on within this state or income from  
11 any property, trust, estate, or other source within  
12 Iowa. However, income derived from a business, trade,  
13 profession, or occupation carried on within this state  
14 and income from any property, trust, estate, or other  
15 source within Iowa shall not include distributions  
16 from pensions, including defined benefit or defined  
17 contribution plans, annuities, individual retirement  
18 accounts, and deferred compensation plans or any  
19 earnings attributable thereto so long as the  
20 distribution is directly related to an individual's  
21 documented retirement and received while the  
22 individual is a nonresident of this state. If a  
23 business, trade, profession, or occupation is carried  
24 on partly within and partly without the state, only  
25 the portion of the net income which is fairly and  
26 equitably attributable to that part of the business,  
27 trade, profession, or occupation carried on within the  
28 state is allocated to Iowa for purposes of section  
29 422.5, subsection 1, paragraph "j", and section 422.13  
30 and income from any property, trust, estate, or other  
31 source partly within and partly without the state is  
32 allocated to Iowa in the same manner, except that  
33 annuities, interest on bank deposits and interest-  
34 bearing obligations, and dividends are allocated to  
35 Iowa only to the extent to which they are derived from  
36 a business, trade, profession, or occupation carried

37 on within the state.

38 b. A resident's income allocable to Iowa is the  
 39 income determined under section 422.7 reduced by items  
 40 of income and expenses from a subchapter S corporation  
 41 which pass directly to the shareholders under  
 42 provisions of the Internal Revenue Code and increased  
 43 by the greater of the following:

44 (1) The net income or loss of the corporation  
 45 which is fairly and equitably attributable to this  
 46 state under section 422.33, subsections 2 and 3.

47 (2) The taxpayer's pro rata share of an amount  
 48 deemed distributed to shareholders which when added to  
 49 the salaries, wages, or other compensation for  
 50 services performed by all shareholders will equal ten

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1 percent of the net income of the corporation computed  
 2 in accordance with section 422.35 and considering  
 3 items of income and expense which pass directly to the  
 4 shareholders under provisions of the Internal Revenue  
 5 Code before deduction of shareholder's salaries,  
 6 wages, or other compensation for services performed.

7 (3) Any cash or the value of any property  
 8 distributions made to the extent they are paid from  
 9 income upon which Iowa income tax has not been paid as  
 10 determined under rules of the director.

11 Sec. 13. Section 422.8, Code 1995, is amended by  
 12 adding the following new subsection:

13 NEW SUBSECTION. 6. If the resident or part year  
 14 resident is a shareholder of a corporation which has  
 15 in effect an election under subchapter S of the  
 16 Internal Revenue Code, subsections 1 and 3 do not  
 17 apply to any income taxes paid to another state or  
 18 foreign country on the income from the corporation  
 19 which has in effect an election under subchapter S of  
 20 the Internal Revenue Code.

21 Sec. 14. This division of this Act, being deemed  
 22 of immediate importance, takes effect upon enactment  
 23 and applies retroactively to January 1, 1995, for tax  
 24 years beginning on or after that date.

#### DIVISION III

#### MACHINERY AND EQUIPMENT

#### EXEMPTION AND REPLACEMENT FUNDS

28 Sec. 15. Section 427B.17, Code 1995, is amended by  
 29 striking the section and inserting in lieu thereof the  
 30 following:

31 **427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.**

32 1. Property defined in section 427A.1, subsection  
 33 1, paragraphs "e" and "j", shall be valued by the

34 local assessor as follows:

35 a. For the assessment year beginning January 1,  
36 1995, at twenty-six percent of the net acquisition  
37 cost.

38 b. For the assessment year beginning January 1,  
39 1996, at twenty-two percent of the net acquisition  
40 cost.

41 c. For the assessment year beginning January 1,  
42 1997, at eighteen percent of the net acquisition cost.

43 d. For the assessment year beginning January 1,  
44 1998, at fourteen percent of the net acquisition cost.

45 e. For the assessment year beginning January 1,  
46 1999, at ten percent of the net acquisition cost.

47 f. For the assessment year beginning January 1,  
48 2000, at six percent of the net acquisition cost.

49 g. For the assessment year beginning January 1,  
50 2001, and all subsequent assessment years, at zero

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1 percent of the net acquisition cost.

2 2. For purposes of this section:

3 a. Property assessed by the department of revenue  
4 and finance pursuant to sections 428.24 to 428.29, or  
5 chapters 433, 434, and 436 to 438 shall not receive  
6 the benefits of this section.

7 Any electric power generating plant which operated  
8 during the preceding assessment year at a net capacity  
9 factor of more than twenty percent, shall not receive  
10 the benefits of this section. For purposes of this  
11 section, "electric power generating plant" means any  
12 name plate rated electric power generating plant, in  
13 which electric energy is produced from other forms of  
14 energy, including all taxable land, buildings, and  
15 equipment used in the production of such energy. "Net  
16 capacity factor" means net actual generation divided  
17 by the product of net maximum capacity times the  
18 number of hours the unit was in the active state  
19 during the assessment year. Upon commissioning, a  
20 unit is in the active state until it is de-  
21 commissioned. "Net actual generation" means net  
22 electrical megawatt hours produced by the unit during  
23 the preceding assessment year. "Net maximum capacity"  
24 means the capacity the unit can sustain over a  
25 specified period when not restricted by ambient  
26 conditions or equipment deratings, minus the losses  
27 associated with station service or auxiliary loads.

28 b. The net acquisition cost of property acquired  
29 before January 1, 1995, which was owned or used by a  
30 related person shall be the net acquisition cost of

31 the transferor of the property.

32 c. "Related person" means a person who owns or  
33 controls the taxpayer's business and another business  
34 entity from which property is acquired or leased or to  
35 which property is sold or leased. Business entities  
36 are owned or controlled by the same person if the same  
37 person directly or indirectly owns or controls fifty  
38 percent or more of the assets or any class of stock or  
39 who directly or indirectly has an interest of fifty  
40 percent or more in the ownership or profits.

41 d. "Net acquisition cost" means the acquired cost  
42 of the property, including all foundations and  
43 installation cost less any excess cost adjustment.

44 3. Property assessed pursuant to this section  
45 shall not be eligible to receive a partial exemption  
46 under sections 427B.1 to 427B.6.

47 4. The taxpayer's valuation of property defined in  
48 section 427A.1, subsection 1, paragraphs "e" and "j",  
49 and located in an urban renewal area for which an  
50 urban renewal plan provides for the division of taxes

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1 as provided in section 403.19 to pay the principal and  
2 interest on loans, advances, bonds issued under the  
3 authority of section 403.9, subsection 1, or  
4 indebtedness incurred by a city or county to finance  
5 an urban renewal project within the urban renewal  
6 area, if such loans, advances, or bonds were issued or  
7 indebtedness incurred, on or after January 1, 1982,  
8 and on or before June 30, 1995, shall be limited to  
9 thirty percent of the net acquisition cost of the  
10 property. Such property located in an urban renewal  
11 area shall not be valued pursuant to subsection 1  
12 until the assessment year following the calendar year  
13 in which the obligations created by any loans,  
14 advances, bonds, or indebtedness payable from the  
15 division of taxes as provided in section 403.19 have  
16 been retired. The taxpayer's valuation for such  
17 property shall then be the valuation specified in  
18 subsection 1 for the applicable assessment year. If  
19 the loans, advances, or bonds issued, or indebtedness  
20 incurred between January 1, 1982, and June 30, 1995,  
21 are refinanced or refunded after June 30, 1995, the  
22 valuation of such property shall then be the valuation  
23 specified in subsection 1 for the applicable  
24 assessment year beginning with the assessment year  
25 following the calendar year in which any of those  
26 loans, advances, bonds, or other indebtedness are  
27 refinanced or refunded after June 30, 1995.

28 5. For the purpose of dividing taxes under section  
29 260E.4 or 260F.4, the employer's or business's  
30 valuation of property defined in section 427A.1,  
31 subsection 1, paragraphs "e" and "j", and used to fund  
32 a new jobs training project which project's first  
33 written agreement providing for a division of taxes as  
34 provided in section 403.19, is approved on or before  
35 June 30, 1995, shall be limited to thirty percent of  
36 the net acquisition cost of the property. An  
37 employer's or business's taxable property used to fund  
38 a new jobs training project shall not be valued  
39 pursuant to subsection 1 until the assessment year  
40 following the calendar year in which the certificates  
41 or other funding obligations have been retired or  
42 escrowed. The taxpayer's valuation for such property  
43 shall then be the valuation specified in subsection 1  
44 for the applicable assessment year. If the  
45 certificates issued, or other funding obligations  
46 incurred, between January 1, 1982, and June 30, 1995,  
47 are refinanced or refunded after June 30, 1995, the  
48 valuation of such property shall then be the valuation  
49 specified in subsection 1 for the applicable  
50 assessment year beginning with the assessment year

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1 following the calendar year in which those  
2 certificates or other funding obligations are  
3 refinanced or refunded after June 30, 1995.  
4 Sec. 16. NEW SECTION. 427B.18 ASSESSOR AND  
5 COUNTY AUDITOR DUTIES.

6 1. On or before July 1 of each year, the assessor  
7 shall determine the taxpayer's valuation of the  
8 property specified in section 427B.17 for that year  
9 and the valuation of the property if the property were  
10 valued, for assessment purposes, at thirty percent of  
11 net acquisition cost and shall report the valuations  
12 to the county auditor.

13 2. On or before July 1, 1996, and on or before  
14 July 1 of each subsequent year, the county auditor  
15 shall prepare a statement listing for each taxing  
16 district in the county:

17 a. Beginning with the assessment year beginning  
18 January 1, 1995, the difference between the assessed  
19 valuation of property defined in section 427A.1,  
20 subsection 1, paragraphs "e" and "j", and assessed  
21 pursuant to section 427B.17 and the valuation of the  
22 property if the property were valued, for assessment  
23 purposes, at thirty percent of net acquisition cost.

24 b. The tax levy rate for each taxing district

25 levied against assessments made as of January 1 of the  
26 previous year.

27 c. The industrial machinery, equipment and  
28 computers tax replacement claim for each taxing  
29 district, which is equal to the amount determined  
30 pursuant to paragraph "a", multiplied by the tax rate  
31 specified in paragraph "b".

32 3. The county auditor shall certify and forward  
33 one copy of the statement to the department of revenue  
34 and finance not later than July 1 of each year.

35 Sec. 17. **NEW SECTION. 427B.19 REPLACEMENT.**

36 Each county treasurer shall be paid an amount equal  
37 to the following percentages of the industrial  
38 machinery, equipment and computers tax replacement  
39 claim for that county determined pursuant to section  
40 427B.18, subsection 2:

41 1. For the fiscal year beginning July 1, 1996,  
42 ninety percent.

43 2. For the fiscal year beginning July 1, 1997,  
44 seventy-five percent.

45 3. For the fiscal year beginning July 1, 1998,  
46 sixty percent.

47 4. For the fiscal year beginning July 1, 1999,  
48 forty-five percent.

49 5. For the fiscal year beginning July 1, 2000,  
50 thirty percent.

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1 6. For the fiscal year beginning July 1, 2001,  
2 twenty percent.

3 7. For the fiscal year beginning July 1, 2002,  
4 twenty percent.

5 8. For the fiscal year beginning July 1, 2003,  
6 twenty percent.

7 9. For the fiscal year beginning July 1, 2004,  
8 fifteen percent.

9 10. For the fiscal year beginning July 1, 2005,  
10 ten percent.

11 Sec. 18. **NEW SECTION. 427B.19A FUND CREATED.**

12 1. The industrial machinery, equipment and  
13 computers property tax replacement fund is created.  
14 There is appropriated annually from the general fund  
15 of the state to the department of revenue and finance  
16 to be credited to the industrial machinery, equipment  
17 and computers property tax replacement fund, the  
18 amounts specified in section 427B.19B.

19 2. Each county treasurer shall be paid from the  
20 fund created in this section the amount calculated  
21 pursuant to section 427B.19. The payment shall be

22 made in two equal installments on or before September  
23 30 and March 30 of each year. The county treasurer  
24 shall apportion the payment in the manner provided in  
25 section 445.57.

26 3. If an amount appropriated in section 427B.19B  
27 for a fiscal year is insufficient to pay all claims  
28 according to the replacement schedule in section  
29 427B.19, the director shall prorate the disbursements  
30 from the fund to the county treasurers and shall  
31 notify the county auditors of the pro rata percentage  
32 on or before August 1. If an amount appropriated in  
33 section 427B.19B for a fiscal year is in excess of the  
34 amount necessary to pay all claims according to the  
35 replacement schedule in section 427B.19, the director  
36 shall prorate the disbursements from the fund to the  
37 county treasurers, notwithstanding the amount  
38 calculated pursuant to section 427B.19, and shall  
39 notify the county auditors of the pro rata percentage  
40 on or before August 1.

41 4. The replacement amount paid to each school  
42 district shall be regarded as property tax for the  
43 purposes of the school foundation property tax levy in  
44 section 257.3 and the additional property tax levy in  
45 section 257.4. The department of management shall  
46 annually make the adjustments necessary to implement  
47 this subsection.

48 Sec. 19. NEW SECTION. 427B.19B APPROPRIATION.

49 There is appropriated in each of the following  
50 fiscal years from the general fund of the state to the

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1 industrial machinery, equipment and computers property  
2 tax replacement fund the following amounts:  
3 1. For the fiscal year beginning July 1, 1996,  
4 eight million, one hundred thousand dollars.  
5 2. For the fiscal year beginning July 1, 1997,  
6 fifteen million, two hundred thousand dollars.  
7 3. For the fiscal year beginning July 1, 1998,  
8 twenty-one million, one hundred thousand dollars.  
9 4. For the fiscal year beginning July 1, 1999,  
10 twenty-three million, four hundred thousand dollars.  
11 5. For the fiscal year beginning July 1, 2000,  
12 twenty-one million, one hundred thousand dollars.  
13 6. For the fiscal year beginning July 1, 2001,  
14 eighteen million, one hundred thousand dollars.  
15 7. For the fiscal year beginning July 1, 2002,  
16 twenty-four million dollars.  
17 8. For the fiscal year beginning July 1, 2003,  
18 twenty-five million, six hundred thousand dollars.

19 9. For the fiscal year beginning July 1, 2004,  
 20 twenty million, four hundred thousand dollars.  
 21 10. For the fiscal year beginning July 1, 2005,  
 22 fourteen million, five hundred thousand dollars.  
 23 Sec. 20. NEW SECTION. 427B.19C PHASEOUT OF TAX.  
 24 Effective on July 1, 2002, all property taxes on  
 25 property defined in section 427A.1, subsection 1,  
 26 paragraphs "e" and "j", are repealed. For assessment  
 27 years beginning on or after January 1, 2005, such  
 28 property shall not be listed or assessed. This  
 29 section shall prevail over all inconsistent statutes.  
 30 Sec. 21. NEW SECTION. 427B.19D GUARANTEE OF  
 31 STATE REPLACEMENT FUNDS.  
 32 If for any reason an appropriation specified in  
 33 section 427B.19B is not made or the appropriation made  
 34 is less than that specified in section 427B.19B for  
 35 the applicable fiscal year, the director of revenue  
 36 and finance shall compute for each county the  
 37 difference between the total of all replacement claims  
 38 for taxing districts within the county and the amount  
 39 paid to the county treasurer for disbursement to the  
 40 taxing districts in the county. The department shall  
 41 divide that difference by the consolidated tax levy  
 42 rate in each county computed for the fiscal year in  
 43 which the specified appropriation should have been  
 44 made and shall certify the amount of taxable value  
 45 necessary to raise the difference at that tax rate.  
 46 The department shall notify the local assessor of such  
 47 amount of taxable value. The assessor, for the  
 48 assessment year beginning January 1 preceding the  
 49 fiscal year for which the specified appropriation was  
 50 not made, shall reassess all taxable property

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1 described in section 427B.17 in the county at a  
 2 percentage of net acquisition cost which will yield  
 3 such taxable value and the property shall be assessed  
 4 and taxed in such manner for taxes due and payable in  
 5 the following fiscal year in addition to being  
 6 assessed and taxed in the applicable manner under  
 7 section 427B.17. Property tax dollar amounts  
 8 certified pursuant to this section shall not be  
 9 considered property tax dollars certified for purposes  
 10 of the property tax limitation in chapter 444.  
 11 Sec. 22. NEW SECTION. 427B.19E INDUSTRIAL  
 12 MACHINERY, EQUIPMENT AND COMPUTERS RELIEF FUND.  
 13 1. The industrial machinery, equipment and  
 14 computers relief fund is created. There is  
 15 appropriated annually from the general fund of the

16 state to the department of revenue and finance to be  
17 credited to the relief fund, the following amounts:

18 a. For the fiscal year beginning July 1, 1996, one  
19 million, nine hundred thousand dollars.

20 b. For the fiscal year beginning July 1, 1997, one  
21 million, eight hundred thousand dollars.

22 c. For the fiscal year beginning July 1, 1998, one  
23 million, nine hundred thousand dollars.

24 Moneys in the fund at the end of a fiscal year  
25 shall not revert to the general fund of the state,  
26 notwithstanding section 8.33.

27 2. a. The purpose of the industrial machinery,  
28 equipment and computers relief fund is to provide  
29 funds to those taxing districts in which an increase  
30 in property tax revenue has not been realized as a  
31 result of the elimination of the property tax on  
32 property assessed pursuant to section 427B.17.  
33 Beginning with the fiscal year beginning July 1, 1996,  
34 a taxing district may apply for funds under this  
35 section by filing an application with the director of  
36 the department of management not later than March 1  
37 preceding the fiscal year in which the funds will be  
38 distributed. The state appeal board shall approve,  
39 disapprove, or reduce the amount of funds requested by  
40 the taxing district.

41 b. On forms provided by the department of  
42 management, the taxing district shall request an  
43 amount not exceeding the product of the decrease in  
44 assessed valuation for the fiscal year for which the  
45 application is filed compared to the assessed  
46 valuation in the previous fiscal year, as determined  
47 pursuant to subsection 3, and the property tax rate  
48 applied in the previous fiscal year, less any property  
49 tax replacement funds received pursuant to section  
50 427B.19A in the previous fiscal year. The taxing

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1 district shall also submit with the application the  
2 district's plan to improve its future budget position.

3 c. Claims approved by the state appeal board shall  
4 be paid to the taxing district by October 1 following  
5 submission of the application for funds.

6 3. To be eligible to receive funds under this  
7 section, a taxing district must show that there has  
8 been a decrease of more than three percent in the  
9 assessed valuation for taxes payable in the fiscal  
10 year for which the application is submitted compared  
11 to the assessed valuation for taxes payable in the  
12 previous fiscal year, which decrease is attributable

13 to the elimination of the property tax on industrial  
14 machinery, equipment and computers pursuant to section  
15 427B.17. The taxing district, to be eligible for  
16 funds, must also show that the district has exhausted  
17 all other lawful alternatives for improving the  
18 district's budget position.

19 4. If the amount appropriated in this section is  
20 insufficient to pay all applications approved, the  
21 director of revenue and finance shall prorate the  
22 disbursements from the relief fund and shall report  
23 the amount of the shortfall to the director of the  
24 department of management. By January 1 of the  
25 following year, the director of the department of  
26 management shall submit to the general assembly a plan  
27 for the funding of approved applications that were not  
28 fully funded in that fiscal year.

29 5. Amounts received pursuant to this section shall  
30 not be considered property tax dollars certified for  
31 purposes of the property tax limitation in chapter  
32 444.

33 6. The department of revenue and finance and the  
34 department of management shall adopt rules necessary  
35 to implement this section.

#### 36 DIVISION IV

#### 37 PROPERTY TAX CREDITS

38 Sec. 23. Section 8.59, Code 1995, is amended to  
39 read as follows:

#### 40 8.59 APPROPRIATIONS FREEZE.

41 Notwithstanding contrary provisions of the Code,  
42 the amounts appropriated under the applicable sections  
43 of the Code for fiscal years commencing on or after  
44 July 1, 1993, are limited to those amounts expended  
45 under those sections for the fiscal year commencing  
46 July 1, 1992. If an applicable section appropriates  
47 moneys to be distributed to different recipients and  
48 the operation of this section reduces the total amount  
49 to be distributed under the applicable section, the  
50 moneys shall be prorated among the recipients. As

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1 used in this section, "applicable sections" means the  
2 following sections: 53.50, 229.35, 230.8, 230.11,  
3 405A.8, 411.20, 425.1, 425.39, 426A.1, 663.44, and  
4 822.5.

5 Sec. 24. Section 405A.8, subsection 1, Code 1995,  
6 is amended to read as follows:

7 1. a. There are appropriated from the general  
8 fund of the state to the department of revenue and  
9 finance the following sums to carry out the provisions

10 of this chapter: For the fiscal year beginning July  
11 1, 1988, and each subsequent fiscal year ending before  
12 July 1, 1995, sixty-seven million seven hundred  
13 thirty-seven thousand dollars. For the fiscal year  
14 beginning July 1, 1995, and each subsequent fiscal  
15 year, sixty-five million one hundred thousand dollars  
16 of which eight million eight hundred thousand dollars  
17 shall be allocated as provided in paragraph "b".

18 b. Beginning with the fiscal year beginning July  
19 1, 1995, of the appropriations made in paragraph "a",  
20 eight million eight hundred thousand dollars for each  
21 fiscal year shall be allocated with sixty percent to  
22 be allocated to cities and forty percent to counties  
23 from which the franchise taxes were collected under  
24 chapter 422, division V. The amount to each city or  
25 county shall be based upon the amount of tax the  
26 financial institution located in the city or county  
27 pays in franchise tax. If the financial institution  
28 maintains one or more offices for the transaction of  
29 business, other than its principal office, a portion  
30 of its franchise tax shall be allocated to each  
31 office, based upon a reasonable measure of the  
32 business activity of each office. The director of  
33 revenue and finance shall prescribe, for each type of  
34 financial institution, a method of measuring the  
35 business activity of each office. Financial  
36 institutions shall furnish all necessary information  
37 for this purpose at the request of the director.

38 Sec. 25. Section 422.65, Code 1995, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:

41 422.65 DEPOSIT OF REVENUE.

42 All moneys received from the franchise tax on or  
43 after July 1, 1995, shall be deposited into the  
44 general fund of the state.

45 Sec. 26. Section 425.1, subsection 1, Code 1995,  
46 is amended to read as follows:

47 1. A homestead credit fund is created. There is  
48 appropriated annually from the general fund of the  
49 state to the department of revenue and finance to be  
50 credited to the homestead credit fund, an amount

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1 sufficient to implement this chapter equal to one  
2 million dollars more than was appropriated for the  
3 fiscal year beginning July 1, 1994.

4 The director of revenue and finance shall issue  
5 warrants on the homestead credit fund payable to the  
6 county treasurers of the several counties of the state

7 under this chapter.

8 If the amount in the fund is insufficient to pay  
9 all claims in full, the director shall prorate the  
10 amounts paid to the county treasurers based upon the  
11 amount of certified claims submitted by each.

12 Sec. 27. Section 425.17, subsections 2 and 8, Code  
13 1995, are amended to read as follows:

14 2. "Claimant" means either of the following:

15 a. A person filing a claim for credit or  
16 reimbursement under this division who has attained the  
17 age of sixty-five years on or before December 31 of  
18 the base year, who is a surviving spouse having  
19 attained the age of fifty-five years on or before  
20 December 31, 1988, or who is totally disabled and was  
21 totally disabled on or before December 31 of the base  
22 year, and was domiciled in this state during the  
23 entire base year; and is domiciled in this state at  
24 the time the claim is filed or at the time of the  
25 person's death in the case of a claim filed by the  
26 executor or administrator of the claimant's estate.

27 b. A person filing a claim for credit or  
28 reimbursement under this division who has attained the  
29 age of twenty-three years on or before December 31 of  
30 the base year or was a head of household on December  
31 31 of the base year, as defined in the Internal  
32 Revenue Code, but has not attained the age or  
33 disability status described in paragraph "a", and was  
34 domiciled in this state during the entire base year,  
35 and is domiciled in this state at the time the claim  
36 is filed or at the time of the person's death in the  
37 case of a claim filed by the executor or administrator  
38 of the claimant's estate, and was not claimed as a  
39 dependent on any other person's tax return for the  
40 base year.

41 "Claimant" under paragraph "a" or "b" includes a  
42 vendee in possession under a contract for deed and may  
43 include one or more joint tenants or tenants in  
44 common. In the case of a claim for rent constituting  
45 property taxes paid, the claimant shall have rented  
46 the property during any part of the base year. If a  
47 homestead is occupied by two or more persons, and more  
48 than one person is able to qualify as a claimant, the  
49 persons may determine among them who will be the  
50 claimant. If they are unable to agree, the matter

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1 shall be referred to the director of revenue and  
2 finance not later than June 1 of each year and the  
3 director's decision is final.

4 8. "Property taxes due" means property taxes  
5 including any special assessments, but exclusive of  
6 delinquent interest and charges for services, due on a  
7 claimant's homestead in this state, but includes only  
8 property taxes for which the claimant is liable and  
9 which will actually be paid by the claimant. However,  
10 if the claimant is a person whose property taxes have  
11 been suspended under sections 427.8 and 427.9,  
12 "property taxes due" means property taxes including  
13 any special assessments, but exclusive of delinquent  
14 interest and charges for services, due on a claimant's  
15 homestead in this state, but includes only property  
16 taxes for which the claimant is liable and which would  
17 have to be paid by the claimant if the payment of the  
18 taxes has not been suspended pursuant to sections  
19 427.8 and 427.9. "Property taxes due" shall be  
20 computed with no deduction for any credit under this  
21 division or for any homestead credit allowed under  
22 section 425.1. Each claim shall be based upon the  
23 taxes due during the fiscal year next following the  
24 base year. If a homestead is owned by two or more  
25 persons as joint tenants or tenants in common, and one  
26 or more persons are not members of claimant's  
27 household, "property taxes due" is that part of  
28 property taxes due on the homestead which equals the  
29 ownership percentage of the claimant and the  
30 claimant's household. ~~The county treasurer shall~~  
31 ~~include with the tax receipt a statement that if the~~  
32 ~~owner of the property is eighteen years of age or~~  
33 ~~over, the person may be eligible for the credit~~  
34 ~~allowed under this division.~~ If a homestead is an  
35 integral part of a farm, the claimant may use the  
36 total property taxes due for the larger unit. If a  
37 homestead is an integral part of a multidwelling or  
38 multipurpose building the property taxes due for the  
39 purpose of this subsection shall be prorated to  
40 reflect the portion which the value of the property  
41 that the household occupies as its homestead is to the  
42 value of the entire structure. For purposes of this  
43 subsection, "unit" refers to that parcel of property  
44 covered by a single tax statement of which the  
45 homestead is a part.

46 Sec. 28. Section 425.23, subsection 1, paragraph  
47 a, Code 1995, is amended to read as follows:

48 a. The tentative credit or reimbursement for a  
49 claimant described in section 425.17, subsection 2,  
50 paragraph "a" and paragraph "b" if no appropriation is

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1 made to the fund created in section 425.40 shall be  
 2 determined in accordance with the following schedule:  
 3  
 4 Percent of property taxes  
 5 due or rent constituting  
 6 property taxes paid  
 7 If the household allowed as a credit or  
 8 income is: reimbursement:

8	\$	0	--	5,999.99	.....	100%
9		6,000	--	6,999.99	.....	85
10		7,000	--	7,999.99	.....	70
11		8,000	--	9,999.99	.....	50
12		10,000	--	11,999.99	.....	35
13		12,000	--	13,999.99	.....	25

14 Sec. 29. Section 425.23, subsection 1, paragraph  
 15 b, Code 1995, is amended by striking the paragraph.

16 Sec. 30. Section 425.23, subsection 3, paragraph  
 17 a, Code 1995, is amended to read as follows:

18 a. A person who is eligible to file a claim for  
 19 credit for property taxes due and who has a household  
 20 income of six thousand dollars or less and who has an  
 21 unpaid special assessment levied against the homestead  
 22 may file a claim with the county treasurer that the  
 23 claimant had a household income of six thousand  
 24 dollars or less and that an unpaid special assessment  
 25 is presently levied against the homestead. The  
 26 department shall provide to the respective treasurers  
 27 the forms necessary for the administration of this  
 28 subsection. The claim shall be filed not later than  
 29 September 30 of each year. Upon the filing of the  
 30 claim, interest for late payment shall not accrue  
 31 against the amount of the unpaid special assessment  
 32 due and payable. The claim filed by the claimant  
 33 constitutes a claim for credit of an amount equal to  
 34 the actual amount due upon the unpaid special  
 35 assessment, plus interest, payable during the fiscal  
 36 year for which the claim is filed against the  
 37 homestead of the claimant. However, where the  
 38 claimant is an individual described in section 425.17,  
 39 subsection 2, paragraph "b", and the tentative credit  
 40 is determined according to the schedule in section  
 41 425.23, subsection 1, paragraph "b", subparagraph (2),  
 42 the claim filed constitutes a claim for credit of an  
 43 amount equal to one-half of the actual amount due and  
 44 payable during the fiscal year. The department of  
 45 revenue and finance shall, upon the filing of the  
 46 claim with the department by the treasurer, pay that  
 47 amount of the unpaid special assessment during the  
 48 current fiscal year to the treasurer. The treasurer

49 shall submit the claims to the director of revenue and  
50 finance not later than October 15 of each year. The

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1 director of revenue and finance shall certify the  
2 amount of reimbursement due each county for unpaid  
3 special assessment credits allowed under this  
4 subsection. The amount of reimbursement due each  
5 county shall be paid by the director of revenue and  
6 finance on October 20 of each year, drawn upon  
7 warrants payable to the respective treasurer. There  
8 is appropriated annually from the general fund of the  
9 state to the department of revenue and finance an  
10 amount sufficient to carry out the provisions of this  
11 subsection. The treasurer shall credit any moneys  
12 received from the department against the amount of the  
13 unpaid special assessment due and payable on the  
14 homestead of the claimant.

15 Sec. 31. Section 425.39, subsection 2, Code 1995,  
16 is amended by striking the subsection.

17 Sec. 32. Section 426.1, Code 1995, is amended to  
18 read as follows:

19 ~~426.1~~ AGRICULTURAL LAND FARM TAX CREDIT FUND.

20 There is created as a permanent fund in the office  
21 of the treasurer of state a fund to be known as the  
22 ~~agricultural land farm tax~~ credit fund, and for the  
23 purpose of establishing and maintaining this fund for  
24 each fiscal year there is appropriated ~~thereto~~ from  
25 funds in the general fund of ~~the state~~ not otherwise  
26 appropriated the sum of ~~thirty-nine~~ forty-nine million  
27 one three hundred thousand dollars of which the first  
28 ten million dollars shall be transferred to and  
29 deposited into the family farm tax credit fund created  
30 in section 425A-1. Any balance in ~~said~~ the fund on  
31 June 30 shall revert to the general fund of ~~the state~~.

32 Sec. 33. Section 426.3, Code 1995, is amended to  
33 read as follows:

34 426.3 WHERE CREDIT GIVEN.

35 The ~~agricultural land farm tax~~ credit fund shall be  
36 apportioned each year in the manner ~~hereinafter~~  
37 provided so as to give a credit against the tax on  
38 each tract of agricultural lands within the several  
39 school districts of the state in which the levy for  
40 the general school fund exceeds five dollars and forty  
41 cents per thousand dollars of assessed value; ~~the~~  
42 The amount of such ~~the~~ credit on each tract of ~~such~~  
43 lands shall be a percentage of the amount the tax  
44 levied for the general school fund exceeds the amount  
45 of tax which would be levied on ~~said~~ the tract of ~~such~~

46 lands were the levy for the general school fund five  
 47 dollars and forty cents per thousand dollars of  
 48 assessed value for the previous year, except in the  
 49 case of a deficiency in the agricultural land credits  
 50 farm tax credit fund to pay ~~said~~ the credits in full,

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1 in which case the credit on each eligible tract of  
 2 ~~such~~ lands in the state shall be proportionate and  
 3 shall be applied as ~~hereinafter~~ provided.  
 4 Sec. 34. Section 426.6, Code 1995, is amended to  
 5 read as follows:  
 6 426.6 COMPUTATION BY AUDITOR -- APPEAL.  
 7 The ~~agricultural land farm~~ tax credit allowed each  
 8 year shall be computed as follows: On or before the  
 9 first of June the county auditor shall list by school  
 10 districts all tracts of agricultural lands which they  
 11 are entitled to credit, together with the taxable  
 12 value for the previous year, together with the budget  
 13 from each school district for the previous year, and  
 14 the tax rate determined for the general fund of the  
 15 district in the manner prescribed in section 444.3 for  
 16 the previous year, and if such tax rate is in excess  
 17 of five dollars and forty cents per thousand dollars  
 18 of assessed value, the auditor shall multiply the tax  
 19 levy which is in excess of five dollars and forty  
 20 cents per thousand dollars of assessed value by the  
 21 total taxable value of the agricultural lands entitled  
 22 to credit in the district, and multiply this amount by  
 23 the applicable fiscal year percentage and on or before  
 24 the first of June certify the this last amount to the  
 25 department of revenue and finance.  
 26 For purposes of this chapter, the "applicable  
 27 fiscal year percentage" means for the fiscal year  
 28 beginning July 1, 1996, the amount equal to the  
 29 appropriation made in section 426.1 for the fiscal  
 30 year beginning July 1, 1996, divided by the amount of  
 31 credits certified under this section to the department  
 32 of revenue and finance for the fiscal year beginning  
 33 July 1, 1995. For succeeding fiscal years, the  
 34 applicable fiscal year percentage equals the  
 35 appropriation for that fiscal year divided by the  
 36 amount of credits certified under this section to the  
 37 department of revenue and finance for the previous  
 38 fiscal year times the applicable fiscal year  
 39 percentage calculated under this paragraph for the  
 40 previous fiscal year.  
 41 In the event the county auditor denies a credit  
 42 upon any ~~such~~ lands, the auditor shall immediately

43 mail to the owner at the owner's last known address  
44 notice of the decision ~~thereon~~. The owner may, within  
45 thirty days ~~thereafter~~, appeal to the board of  
46 supervisors of the county wherein the land involved is  
47 situated by serving notice of ~~said~~ appeal upon the  
48 chairperson of ~~said the~~ board. The board shall hear  
49 ~~such the~~ appeal promptly and shall determine anew all  
50 questions involved in ~~said the~~ appeal and shall within

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1 ten days after ~~such the~~ hearing, mail to the owner at  
2 the owner's last known address, notice of its  
3 decision. In the event of disallowance the owner may,  
4 within ten days from the date ~~such~~ notice is mailed,  
5 appeal ~~such the~~ disallowance by the board of  
6 supervisors to the district court of that county by  
7 serving written notice of appeal on the county  
8 auditor. The appeal shall be tried de novo and may be  
9 heard in term time or vacation. The decision of the  
10 district court ~~thereon~~ shall be final.

11 Sec. 35. Section 426.7, Code 1995, is amended to  
12 read as follows:

13 426.7 WARRANTS DRAWN BY DIRECTOR.

14 After receiving from the county auditors the  
15 certifications provided for in section 426.6, and  
16 during the following fiscal year, the director of  
17 revenue and finance shall draw warrants on the  
18 ~~agricultural land credits~~ farm tax credit fund created  
19 in section 426.1, payable to the county treasurers in  
20 the amount certified by the county auditors of the  
21 respective counties and mail the warrants to the  
22 county auditors on August 15 of each year taking into  
23 consideration the relative budget and cash position of  
24 the state resources. However, if the ~~agricultural~~  
25 ~~land credits~~ farm tax credit fund is insufficient to  
26 pay in full the total of the amounts certified to the  
27 director of revenue and finance, the director shall  
28 prorate the fund to the county treasurers and notify  
29 the county auditors of the pro rata percentage on or  
30 before ~~August~~ July 1.

31 Sec. 36. Section 441.21, subsection 1, Code 1995,  
32 is amended by adding the following new paragraph:  
33 NEW PARAGRAPH. h. (1) Notwithstanding any other  
34 provision of this section, beginning with valuations  
35 established as of January 1, 1996, in computing actual  
36 value of agricultural structures, other than  
37 agricultural dwellings, the assessor shall exclude the  
38 first one hundred fifty thousand dollars in total  
39 actual value of all such structures on each parcel of

40 land as provided in subparagraph (2). The excluded  
41 valuation of such structures shall not be removed from  
42 the productivity formula in establishing agricultural  
43 values.

44 (2) An owner of agricultural structures shall not  
45 file a claim for or be granted more than one one  
46 hundred fifty thousand dollar exclusion under  
47 subparagraph (1) for more than one parcel in the  
48 state. For purposes of determining if a claim is  
49 filed for more than one parcel and computing the  
50 amount of a claim, agricultural structures are

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1 considered owned by the same person, if in the case  
2 where the owner is an individual, the individual owns  
3 or controls an entity that owns other agricultural  
4 structures in the state, or if in the case where the  
5 owner is an entity, a person which owns or controls  
6 the entity owns or controls another entity that owns  
7 other agricultural structures in the state. Entities  
8 are owned or controlled by the same person if the same  
9 person directly or indirectly owns or controls more  
10 than fifty percent of the assets or any class of stock  
11 or who directly or indirectly has an interest of more  
12 than fifty percent in the ownership or profits.

13 (3) An owner shall file a claim for the exclusion  
14 under subparagraph (1) by February 15 of the  
15 assessment year for only one parcel. The assessor  
16 shall notify the owner of the acceptance of the  
17 owner's claim by March 15. An owner denied a claim or  
18 had the amount of a claim reduced may appeal the  
19 assessor's decision in the same manner as provided for  
20 the appeal of the denial of the farm tax credit under  
21 section 426.6. Upon the filing and allowance of the  
22 claim, the claim shall be allowed on that parcel for  
23 successive years without further filing as long as the  
24 property is legally or equitably owned by that person.  
25 If ownership of the structure changes, the owner  
26 wishes to file a claim for another parcel, or the  
27 value significantly exceeds the exclusion amount as a  
28 result of added improvements or new construction, the  
29 owner must notify the assessor and refile a claim with  
30 the appropriate assessor.

31 (4) If an allowed claim is subsequently disallowed  
32 or the owner fails to notify the assessor as required  
33 in subparagraph (3), the person shall be subject to a  
34 civil penalty equal to the amount of property tax that  
35 would have been due but for the exclusion, plus fifty  
36 percent of such amount, and interest as provided in

37 section 445.39. Such person shall also no longer be  
38 eligible to receive the exclusion under subparagraph  
39 (1).

40 Sec. 37. Section 425.40, Code 1995, is repealed.

41 Sec. 38. Chapter 425A, Code 1995, is repealed.

42 Sec. 39. EFFECTIVE DATES.

43 1. Sections 23, 24, 25, 26, 27, 28, 29, 30, 31,  
44 and 37 of this Act, being deemed of immediate  
45 importance, take effect upon enactment for purposes of  
46 property tax credits payable on or after July 1, 1995.

47 2. Sections 32, 33, 34, 35, and 38 of this Act  
48 take effect January 1, 1996, for property taxes  
49 payable on or after July 1, 1996.

50 3. Section 36 of this Act takes effect January 1,

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1 1996, for computing valuations for taxes payable on or  
2 after July 1, 1997.

3

#### DIVISION V

#### 4 MENTAL HEALTH PROPERTY TAX RELIEF -- LIMITATION

5 Sec. 40. Section 123.38, unnumbered paragraph 2,  
6 Code 1995, is amended to read as follows:

7 Any licensee or permittee, or the licensee's or  
8 permittee's executor or administrator, or any person  
9 duly appointed by the court to take charge of and  
10 administer the property or assets of the licensee or  
11 permittee for the benefit of the licensee's or  
12 permittee's creditors, may voluntarily surrender a  
13 license or permit to the division. When a license or  
14 permit is surrendered the division shall notify the  
15 local authority, and the division or the local  
16 authority shall refund to the person surrendering the  
17 license or permit, a proportionate amount of the fee  
18 received by the division or the local authority for  
19 the license or permit as follows: If a license or  
20 permit is surrendered during the first three months of  
21 the period for which it was issued, the refund shall  
22 be three-fourths of the amount of the fee; if  
23 surrendered more than three months but not more than  
24 six months after issuance, the refund shall be one-  
25 half of the amount of the fee; if surrendered more  
26 than six months but not more than nine months after  
27 issuance, the refund shall be one-fourth of the amount  
28 of the fee. No refund shall be made, however, for any  
29 special liquor permit, nor for a liquor control  
30 license, wine permit, or beer permit surrendered more  
31 than nine months after issuance. For purposes of this  
32 paragraph, any portion of license or permit fees used  
33 for the purposes authorized in section 331.424,

34 subsection 1, paragraphs "a", and "b"; "c", "d", "e",  
35 "f", "g", and "h", and in section 331.438A, shall not  
36 be deemed received either by the division or by a  
37 local authority. No refund shall be made to any  
38 licensee or permittee, upon the surrender of the  
39 license or permit, if there is at the time of  
40 surrender, a complaint filed with the division or  
41 local authority, charging the licensee or permittee  
42 with a violation of this chapter. If upon a hearing  
43 on a complaint the license or permit is not revoked or  
44 suspended, then the licensee or permittee is eligible,  
45 upon surrender of the license or permit, to receive a  
46 refund as provided in this section; but if the license  
47 or permit is revoked or suspended upon hearing the  
48 licensee or permittee is not eligible for the refund  
49 of any portion of the license or permit fee.  
50 Sec. 41. Section 218.99, Code 1995, is amended to

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1 read as follows:

2 **218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'**  
3 **PERSONAL ACCOUNTS.**

4 The administrator of a division of the department  
5 of human services in control of a state institution  
6 shall direct the business manager of each institution  
7 under the administrator's jurisdiction which is  
8 mentioned in section 331.424, subsection 1, paragraphs  
9 "a" through "g" and "b" and for which services are  
10 paid under section 331.438A to quarterly inform the  
11 auditor of the county of legal settlement of any  
12 patient or resident who has an amount in excess of two  
13 hundred dollars on account in the patients' personal  
14 deposit fund and the amount on deposit. The  
15 administrators shall direct the business manager to  
16 further notify the auditor of the county at least  
17 fifteen days before the release of funds in excess of  
18 two hundred dollars or upon the death of the patient  
19 or resident. If the patient or resident has no county  
20 of legal settlement, notice shall be made to the  
21 director of the department of human services and the  
22 administrator of the division of the department in  
23 control of the institution involved.

24 Sec. 42. Section 222.60, Code 1995, is amended to  
25 read as follows:

26 **222.60 COSTS PAID BY COUNTY OR STATE.**

27 All necessary and legal expenses for the cost of  
28 admission or commitment or for the treatment,  
29 training, instruction, care, habilitation, support and  
30 transportation of patients, as provided for in the

31 county management plan provisions implemented pursuant  
32 to section 331.439, subsection 1, in a state hospital-  
33 school for the mentally retarded persons with mental  
34 retardation, or in a special unit, or any public or  
35 private facility within or without the state, approved  
36 by the director of the department of human services,  
37 shall be paid by either:

38 1. The county in which such person the patient has  
39 legal settlement as defined in section 252.16.

40 2. The state when such person the patient has no  
41 legal settlement or when such legal settlement is  
42 unknown.

43 Sec. 43. Section 225C.4, subsection 2, paragraph  
44 b, Code 1995, is amended to read as follows:

45 b. Establish mental health and mental retardation  
46 services for all institutions under the control of the  
47 director of human services and establish an autism  
48 unit, following mutual planning with and consultation  
49 from the medical director of the state psychiatric  
50 hospital, at an institution or a facility administered

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1 by the administrator to provide psychiatric and  
2 related services and other specific programs to meet  
3 the needs of autistic persons as defined in section  
4 ~~331.424, subsection 1~~, and to furnish appropriate  
5 diagnostic evaluation services.

6 Sec. 44. Section 331.301, subsection 12, Code  
7 1995, is amended to read as follows:

8 12. The board of supervisors may credit funds to a  
9 reserve for the purposes authorized by subsection 11  
10 of this section; section 331.424, subsection 1,  
11 paragraph ~~"1"~~ "f"; and section 331.441, subsection 2,  
12 paragraph "b". Moneys credited to the reserve, and  
13 interest earned on such moneys, shall remain in the  
14 reserve until expended for purposes authorized by  
15 subsection 11 of this section; section 331.424,  
16 subsection 1, paragraph ~~"1"~~ "f"; or section 331.441,  
17 subsection 2, paragraph "b".

18 Sec. 45. Section 331.424, subsection 1, Code 1995,  
19 is amended to read as follows:

20 1. For general county services, an amount  
21 sufficient to pay the charges for the following:  
22 a. To the extent that the county is obligated by  
23 statute to pay the charges for:

24 (1) Care and treatment of patients by a state  
25 mental health institute.

26 (2) Care and treatment of patients by either of  
27 the state hospital schools or by any other facility

28 established under chapter 222 and diagnostic  
29 evaluation under section 222.31:

30 (9) Care and treatment of patients under chapter  
31 225.

32 (4) (1) Care and treatment of persons at the  
33 alcoholic treatment center at Oakdale. However, the  
34 county may require that an admission to the center  
35 shall be reported to the board by the center within  
36 five days as a condition of the payment of county  
37 funds for that admission.

38 (5) (2) Care of children admitted or committed to  
39 the Iowa juvenile home at Toledo.

40 (6) (3) Clothing, transportation, medical, or  
41 other services provided persons attending the Iowa  
42 braille and sight saving school, the Iowa school for  
43 the deaf, or the state hospital-school for severely  
44 handicapped children at Iowa City, for which the  
45 county becomes obligated to pay pursuant to sections  
46 263.12, 269.2, and 270.4 through 270.7.

47 b. To the extent that the board deems it advisable  
48 to pay, the charges for professional evaluation,  
49 treatment, training, habilitation, and care of persons  
50 who are mentally retarded, autistic persons, or

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1 persons who are afflicted by any other developmental  
2 disability, at a suitable public or private facility  
3 providing inpatient or outpatient care in the county.  
4 As used in this paragraph:

5 (1) "Developmental disability" has the meaning  
6 assigned that term by 42 U.S.C. sec. 6001(7) (1976);  
7 Supp. II, 1978, and Supp. III, 1979.

8 (2) "Autistic persons" means persons, regardless  
9 of age, with severe communication and behavior  
10 disorders that became manifest during the early stages  
11 of childhood development and that are characterized by  
12 a severely disabling inability to understand;  
13 communicate, learn, and participate in social  
14 relationships. "Autistic persons" includes but is not  
15 limited to those persons afflicted by infantile  
16 autism, profound aphasia, and childhood psychosis.

17 c. Care and treatment of persons placed in the  
18 county hospital, county care facility, a health care  
19 facility as defined in section 135C.1, subsection 6;  
20 or any other public or private facility, which  
21 placement is in lieu of admission or commitment to or  
22 is upon discharge, removal, or transfer from a state  
23 mental health institute, hospital-school, or other  
24 facility established pursuant to chapter 222.

25 d. Amounts budgeted by the board for the cost of  
26 establishment and initial operation of a community  
27 mental health center in the manner and subject to the  
28 limitations provided by state law.

29 e. b. Foster care and related services provided  
30 under court order to a child who is under the  
31 jurisdiction of the juvenile court, including court-  
32 ordered costs for a guardian ad litem under section  
33 232.71.

34 f. The care, admission, commitment, and  
35 transportation of mentally ill patients in state  
36 hospitals; to the extent that expenses for these  
37 services are required to be paid by the county;  
38 including compensation for the advocate appointed  
39 under section 229.19.

40 g. Amounts budgeted by the board for mental health  
41 services or mental retardation services furnished to  
42 persons on either an outpatient or inpatient basis, to  
43 a school or other public agency, or to the community  
44 at large, by a community mental health center or other  
45 suitable facility located in or reasonably near the  
46 county, provided that services meet the standards of  
47 the mental health and developmental disabilities  
48 commission created in section 225C.5 and are  
49 consistent with the annual plan for services approved  
50 by the board.

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1 h. Reimbursement on behalf of mentally retarded  
2 persons under section 249A.12.

3 i. c. Elections, and voter registration pursuant  
4 to chapter 48A.

5 j. d. Employee benefits under chapters 96, 97B,  
6 and 97C, which are associated with salaries for  
7 general county services.

8 k. e. Joint county and city building authorities  
9 established under section 346.27, as provided in  
10 subsection 22 of that section.

11 l. f. Tort liability insurance, property  
12 insurance, and any other insurance that may be  
13 necessary in the operation of the county, costs of a  
14 self-insurance program, costs of a local government  
15 risk pool, and amounts payable under any insurance  
16 agreements to provide or procure such insurance, self-  
17 insurance program, or local government risk pool.

18 m. g. The maintenance and operation of the courts,  
19 including but not limited to the salary and expenses  
20 of the clerk of the district court and other employees  
21 of the clerk's office, and bailiffs, court costs if

22 the prosecution fails or if the costs cannot be  
 23 collected from the person liable, costs and expenses  
 24 of prosecution under section 189A.17, salaries and  
 25 expenses of juvenile court officers under chapter 602,  
 26 court-ordered costs in domestic abuse cases under  
 27 section 236.5, the county's expense for confinement of  
 28 prisoners under chapter 356A, temporary assistance to  
 29 the county attorney, county contributions to a  
 30 retirement system for bailiffs, reimbursement for  
 31 judicial magistrates under section 602.6501, claims  
 32 filed under section 622.93, interpreters' fees under  
 33 section 622B.7, uniform citation and complaint  
 34 supplies under section 805.6, and costs of prosecution  
 35 under section 815.13.  
 36 ~~n. h.~~ Court-ordered costs of conciliation  
 37 procedures under section 598.16.  
 38 ~~o. i.~~ Establishment and maintenance of a joint  
 39 county indigent defense fund pursuant to an agreement  
 40 under section 28E.19.  
 41 ~~p. j.~~ The maintenance and operation of a local  
 42 emergency management agency established pursuant to  
 43 chapter 29C.  
 44 The board may require a public or private facility,  
 45 as a condition of receiving payment from county funds  
 46 for services it has provided, to furnish the board  
 47 with a statement of the income, assets, and legal  
 48 residence including township and county of each person  
 49 who has received services from that facility for which  
 50 payment has been made from county funds under

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1 paragraphs "a" through ~~"h"~~ and "b". However, the  
 2 facility shall not disclose to anyone the name or  
 3 street or route address of a person receiving services  
 4 for which commitment is not required, without first  
 5 obtaining that person's written permission.  
 6 Parents or other persons may voluntarily reimburse  
 7 the county or state for the reasonable cost of caring  
 8 for a patient or an inmate in a county or state  
 9 facility.  
 10 Sec. 46. Section 331.424, Code 1995, is amended by  
 11 adding the following new subsection:  
 12 **NEW SUBSECTION. 1A.** The maximum amount of  
 13 property tax dollars which may be certified by a  
 14 county for taxes levied under subsection 1 and payable  
 15 in the fiscal year beginning July 1, 1996, and  
 16 succeeding fiscal years shall not exceed the amount of  
 17 property tax dollars certified by the county for taxes  
 18 payable in the fiscal year beginning July 1, 1995,

19 minus an adjustment for the amounts levied by the  
20 county under subsection 1 for mental health, mental  
21 retardation, and developmental disabilities services  
22 in the fiscal year beginning July 1, 1995. The  
23 adjustment and maximum amount which may be levied by  
24 the county shall be determined by the county auditor,  
25 subject to the approval of the department of  
26 management. A county which disagrees with the  
27 adjustment and maximum amount proposed for the county  
28 by the department of management may appeal the  
29 determination to the state appeal board created in  
30 section 24.26 which shall make a final determination.

31 Sec. 47. Section 331.426, subsection 1, Code 1995,  
32 is amended by adding the following new paragraph:  
33 NEW PARAGRAPH. h. An unusual need for a service  
34 or cost paid from levies under section 331.424,  
35 subsection 1, which would cause the total expenditures  
36 of services and costs paid from those levies to exceed  
37 the maximum levies authorized under section 331.424,  
38 subsection 1A.

39 Sec. 48. Section 331.438, subsection 1, paragraph  
40 b, Code 1995, is amended to read as follows:

41 b. "State payment" means the payment made by the  
42 state under section 331.438A to a county determined to  
43 be eligible for the payment in accordance with section  
44 331.439. ~~Except as modified based upon the actual~~  
45 ~~amount of the appropriation for purposes of state~~  
46 ~~payment under section 331.439, the amount of the state~~  
47 ~~payment for a fiscal year shall be calculated as fifty~~  
48 ~~percent of the amount by which the county's qualified~~  
49 ~~expenditures during the immediately preceding fiscal~~  
50 ~~year were in excess of the amount of the county's base~~

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1 year expenditures:

2 Sec. 49. Section 331.438, Code 1995, is amended by  
3 adding the following new subsection:

4 NEW SUBSECTION. 1A. The state of Iowa shall  
5 provide funding to counties for the costs of mental  
6 health and mental retardation services so that over  
7 the five-year period beginning July 1, 1995, and  
8 ending June 30, 2000, the relative shares of the state  
9 and counties for these expenditures shall become  
10 either equal or greater for the state.

11 Sec. 50. Section 331.438, subsection 3, paragraph  
12 c, Code 1995, is amended by adding the following new  
13 subparagraph:

14 NEW SUBPARAGRAPH. (15) Consider tort and other  
15 liability issues associated with a county managing

16 mental health, mental retardation, and developmental  
17 disabilities services in accordance with a fixed  
18 budget and make recommendations to address the issues.  
19 Sec. 51. **NEW SECTION. 331.438A STATE AND COUNTY**  
20 **EXPENDITURES FOR MENTAL HEALTH, MENTAL RETARDATION,**  
21 **AND DEVELOPMENTAL DISABILITIES ASSISTANCE - FUND**  
22 **CREATED.**

23 1. The mental health, mental retardation, and  
24 developmental disabilities property tax relief fund is  
25 created in the office of the treasurer of state under  
26 the authority of the department of revenue and  
27 finance. The relief fund shall consist of moneys  
28 appropriated to the fund and the amount of allocations  
29 from the fund for property tax relief pursuant to  
30 subsection 2 and for the adjustment factor pursuant to  
31 subsection 5 shall be as specified in law by the  
32 general assembly. There is appropriated to the mental  
33 health, mental retardation, and developmental  
34 disabilities property tax relief fund for the  
35 indicated fiscal years from the general fund of the  
36 state the following amounts:

37 a. For the fiscal year beginning July 1, 1995,  
38 sixteen million dollars of which ten million dollars  
39 is allocated to counties for property tax relief in  
40 accordance with subsection 2 and six million dollars  
41 is allocated to counties as the adjustment factor  
42 pursuant to subsection 5.

43 b. For the fiscal year beginning July 1, 1996,  
44 thirty million dollars.

45 c. For the fiscal year beginning July 1, 1997,  
46 forty-seven million dollars.

47 d. For the fiscal year beginning July 1, 1998,  
48 sixty-four million dollars.

49 e. For the fiscal year beginning July 1, 1999, and  
50 succeeding fiscal years, eighty-one million dollars.

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1 2. In each fiscal year, a county shall receive for  
2 property tax relief the county's proportion of the  
3 moneys in the relief fund allocated for property tax  
4 relief. A county's proportion of the moneys shall be  
5 equivalent to the sum of the following three factors:

6 a. One-third based upon the county's proportion of  
7 the state's general population.

8 b. One-third based upon the county's proportion of  
9 the state's total taxable property valuation assessed  
10 for taxes payable in the previous fiscal year.

11 c. One-third based upon the county's proportion of  
12 all counties' base year expenditures, as defined in

13 section 331.438.

14 3. The department of human services shall notify  
15 the department of revenue and finance of the amount  
16 due each county and the director of revenue and  
17 finance shall draw warrants on the relief fund,  
18 payable quarterly to the county treasurer in the  
19 amount due a county in accordance with subsection 2,  
20 and mail the warrants to county auditors by September  
21 1, December 1, March 1, and June 1 of each year.

22 4. Before June 1, 1995, the director of human  
23 services shall notify the county auditor of each  
24 county of the amount of moneys the county will receive  
25 from the relief fund for property tax relief pursuant  
26 to subsection 2 in the succeeding fiscal year. For  
27 the fiscal year beginning July 1, 1995, the department  
28 of management shall reduce the amount of the county's  
29 certified budget to be raised by property tax, for  
30 that fiscal year by an amount equal to the amount the  
31 county will receive from the relief fund for property  
32 tax relief pursuant to subsection 2 and the department  
33 of management shall determine the rate of taxation  
34 necessary to raise the reduced amount. For subsequent  
35 fiscal years, the levy for the mental health, mental  
36 retardation, and developmental disabilities fund shall  
37 be reduced by the county auditor and the board of  
38 supervisors in the manner specified in section  
39 331.424A.

40 5. In addition to moneys received by a county for  
41 a fiscal year pursuant to subsection 2, the county may  
42 be paid an adjustment factor payment for services  
43 provided in accordance with the county's management  
44 plan implemented pursuant to section 331.439 and paid  
45 for from the county's services fund under section  
46 331.424A. The amount of the adjustment factor payment  
47 to a county is subject to the amount appropriated for  
48 this purpose and shall be paid as provided by the  
49 general assembly for that fiscal year.

50 6. The department of human services, in

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1 consultation with the state-county management  
2 committee, shall prescribe forms and adopt rules  
3 pursuant to chapter 17A to administer this section.

4 Sec. 52. Section 331.439, Code 1995, is amended by  
5 striking the section and inserting in lieu thereof the  
6 following:

7 **331.439 ELIGIBILITY FOR STATE PAYMENT.**

8 1. The state payment to eligible counties under  
9 this section shall be made as provided in section

10 331.438A. A county is eligible for the state payment,  
11 as defined in section 331.438, for the fiscal year  
12 beginning July 1, 1995, and for subsequent fiscal  
13 years if the director of human services determines for  
14 a specific fiscal year that all of the following  
15 conditions are met:

16 a. The county accurately reported by October 15  
17 the county's expenditures for mental health, mental  
18 retardation, and developmental disabilities services  
19 for the previous fiscal year on forms prescribed by  
20 the department of human services.

21 b. The county developed and implemented a county  
22 management plan for the county's mental health, mental  
23 retardation, and developmental disabilities services  
24 in accordance with the provisions of this paragraph.  
25 The plan shall comply with the administrative rules  
26 adopted for this purpose by the council on human  
27 services and is subject to the approval of the  
28 director of human services in consultation with the  
29 state-county management committee created in section  
30 331.438. The plan shall include a description of the  
31 county's service management provision for mental  
32 health, mental retardation, and developmental  
33 disabilities services. The plan shall have the  
34 following two parts:

35 (1) For mental health service management, the  
36 county must contract with a state-approved managed  
37 mental health care contractor or provide a comparable  
38 system of managed care. For the fiscal year beginning  
39 July 1, 1995, this part of the plan shall be submitted  
40 by October 15, 1995, and the county shall implement  
41 the approved plan by January 1, 1996. For subsequent  
42 fiscal years, this part of the plan shall be submitted  
43 to the department by April 1 for the succeeding fiscal  
44 year.

45 (2) For mental retardation and developmental  
46 disabilities services management, the county must  
47 contract with a state-approved managed care contractor  
48 or develop and implement a managed system of care  
49 which addresses a full array of appropriate services  
50 and cost-effective delivery of services. The managed

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1 system of care shall incorporate a single entry point  
2 process developed in accordance with the provisions of  
3 section 331.440. The elements of the managed system  
4 of care shall be specified in rules developed by the  
5 department in consultation with the state-county  
6 management committee and adopted by the council on

7 human services. The county shall implement either the  
8 state-approved contract or implement a comparable  
9 system of care within six months of the date by which  
10 the department approves a managed care contractor. In  
11 fiscal years succeeding the fiscal year of initial  
12 implementation this part of the plan shall be  
13 submitted to the department of human services by April  
14 1 for the succeeding fiscal year.

15 c. Changes to the approved plan are submitted  
16 sixty days prior to the proposed change and are not to  
17 be implemented prior to the director of human  
18 services' approval.

19 2. The county management plan shall address the  
20 county's criteria for serving persons with chronic  
21 mental illness, including any rationale used for  
22 decision making regarding this population.

23 3. If funding is available under the fixed budget,  
24 a county that has not provided services to a service  
25 population which is not included in the service  
26 management provisions required under subsection 1, may  
27 provide such services.

28 4. For the fiscal year beginning July 1, 1996, and  
29 succeeding fiscal years, implementation of the county  
30 management plan is subject to a fixed budget  
31 consisting of the moneys deposited by the state and  
32 county in the county mental health, mental  
33 retardation, and developmental disabilities services  
34 fund created in section 331.424A. The amount of the  
35 fixed budget shall be the amount specified for the  
36 fiscal year in the county's management plan and  
37 budgeted for such services.

38 5. A county shall implement the county's  
39 management plan in a manner so as to provide adequate  
40 funding for the entire fiscal year by budgeting for  
41 ninety-nine percent of the funding anticipated to be  
42 available for the plan.

43 6. A county's implementation of the service  
44 management provisions required under subsection 1 for  
45 mental health, mental retardation, and developmental  
46 disabilities shall incorporate the single entry point  
47 process described in section 331.440.

48 7. The basis for determining whether a managed  
49 care system for mental health proposed by a county is  
50 comparable to a managed care contractor approved by

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1 the department of human services shall include but is  
2 not limited to all of the following elements which  
3 shall be specified in administrative rules adopted by

4 the department in consultation with the state-county  
5 management committee:

- 6 a. The enrollment and eligibility process.
- 7 b. The scope of services included.
- 8 c. The method of plan administration.
- 9 d. The process for managing utilization and access  
10 to services and other assistance.
- 11 e. The quality assurance process.
- 12 f. The risk management provisions and fiscal  
13 viability of the provisions.

14 8. The director's approval of a county's mental  
15 health, mental retardation, and developmental  
16 disabilities services management plan shall not be  
17 construed to constitute certification of the county's  
18 budget.

19 Sec. 53. Section 331.440, subsection 1, Code 1995,  
20 is amended by adding the following new paragraph:  
21 NEW PARAGRAPH. c. The single entry point process  
22 shall include provision for the county's participation  
23 in a management information system developed in  
24 accordance with rules adopted pursuant to subsection  
25 3.

26 Sec. 54. NEW SECTION. 331.424A MENTAL HEALTH,  
27 MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES  
28 SERVICES FUND.

29 1. For the purposes of this chapter, unless the  
30 context otherwise requires, "services fund" means the  
31 county mental health, mental retardation, and  
32 developmental disabilities services fund created in  
33 subsection 2.

34 2. For the fiscal year beginning July 1, 1996, and  
35 succeeding fiscal years, county revenues from taxes  
36 and other sources designated for mental health, mental  
37 retardation, and developmental disabilities services  
38 shall be credited to the mental health, mental  
39 retardation, and developmental disabilities services  
40 fund of the county. The board shall make  
41 appropriations from the fund for payment of services  
42 provided under the county management plan approved  
43 pursuant to section 331.439.

44 3. For the fiscal year beginning July 1, 1996, and  
45 succeeding fiscal years, receipts from the state or  
46 federal government for such services shall be credited  
47 to the services fund, including but not limited to  
48 moneys received by a county under section 331.438A.

49 4. For the fiscal year beginning July 1, 1996, and  
50 for each subsequent fiscal year, the county may

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1 certify a levy for payment of services. Unless  
2 otherwise provided by state law, for each fiscal year,  
3 county revenues from taxes imposed by the county  
4 credited to the services fund shall not exceed an  
5 amount equal to the amount of base year expenditures  
6 from property taxes imposed by the county and paid for  
7 services in the fiscal year beginning July 1, 1993,  
8 and ending June 30, 1994, as defined in section  
9 331.438, less the amount of property tax relief to be  
10 received pursuant to section 331.438A in the fiscal  
11 year for which the budget is certified. The county  
12 auditor and the board of supervisors shall reduce the  
13 amount of the levy certified under this section by the  
14 amount of property tax relief to be received.

15 5. Appropriations specifically authorized to be  
16 made from the mental health, mental retardation, and  
17 disabilities services fund shall not be made from the  
18 general fund of the county.

19 Sec. 55. Section 444.25A, subsection 1, Code 1995,  
20 is amended to read as follows:

21 1. COUNTY LIMITATION. The maximum amount of  
22 property tax dollars which may be certified by a  
23 county for taxes payable in the fiscal year beginning  
24 July 1, 1995, shall not exceed the amount of property  
25 tax dollars certified by the county for taxes payable  
26 in the fiscal year beginning July 1, 1994, minus the  
27 amount of the property tax relief payment to be  
28 received by the county for the fiscal year beginning  
29 July 1, 1995, pursuant to section 331.438A, subsection  
30 2, and the maximum amount of property tax dollars  
31 which may be certified by a county for taxes payable  
32 in the fiscal year beginning July 1, 1996, shall not  
33 exceed the amount of property tax dollars certified by  
34 the county for taxes payable in the fiscal year  
35 beginning July 1, 1995, minus the amount by which the  
36 property tax relief payment to be received by the  
37 county in the fiscal year beginning July 1, 1996,  
38 exceeds the amount of the property tax relief payment  
39 received in the fiscal year beginning July 1, 1995,  
40 pursuant to section 331.438A, subsection 2, for each  
41 of the levies for the following, except for the levies  
42 on the increase in taxable valuation due to new  
43 construction, additions or improvements to existing  
44 structures, remodeling of existing structures for  
45 which a building permit is required, annexation, and  
46 phasing out of tax exemptions, and on the increase in  
47 valuation of taxable property as a result of a  
48 comprehensive revaluation by a private appraiser under

49 a contract entered into prior to January 1, 1992, or  
50 as a result of a comprehensive revaluation directed or

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1 authorized by the conference board prior to January 1,  
2 1992, with documentation of the contract,  
3 authorization, or directive on the revaluation  
4 provided to the director of revenue and finance, if  
5 the levies are equal to or less than the levies for  
6 the previous year, levies on that portion of the  
7 taxable property located in an urban renewal project  
8 the tax revenues from which are no longer divided as  
9 provided in section 403.19, subsection 2, or as  
10 otherwise provided in this section:

11 a. General county services under section 331.422,  
12 subsection 1.

13 b. Rural county services under section 331.422,  
14 subsection 2.

15 c. Other taxes under section 331.422, subsection  
16 4.

17 Sec. 56. Section 444.25A, subsection 3, paragraph  
18 b, subparagraph (3), Code 1995, is amended to read as  
19 follows:

20 (3) Need for additional moneys for health care,  
21 treatment, and facilities, including ~~mental health and~~  
22 ~~mental retardation care and~~ treatment pursuant to  
23 section 331.424, subsection 1, paragraphs "a" through  
24 "h" and "b".

25 Sec. 57. NEW SECTION. 444.25B PROPERTY TAX  
26 LIMITATIONS FOR 1998 AND 1999 FISCAL YEARS.

27 1. COUNTY LIMITATION. The maximum amount of  
28 property tax dollars which may be certified by a  
29 county for taxes payable in the fiscal year beginning  
30 July 1, 1997, shall not exceed the amount of property  
31 tax dollars certified by the county for taxes payable  
32 in the fiscal year beginning July 1, 1996, minus the  
33 amount by which the property tax relief payment to be  
34 received by the county in the fiscal year beginning  
35 July 1, 1997, exceeds the amount of the property tax  
36 relief payment received by the county in the fiscal  
37 year beginning July 1, 1996, pursuant to section  
38 331.438A, subsection 2, and the maximum amount of  
39 property tax dollars which may be certified by a  
40 county for taxes payable in the fiscal year beginning  
41 July 1, 1998, shall not exceed the amount of property  
42 tax dollars certified by the county for taxes payable  
43 in the fiscal year beginning July 1, 1997, minus the  
44 amount by which the property tax relief payment to be  
45 received by the county in the fiscal year beginning

46 July 1, 1998, exceeds the amount of the property tax  
47 relief payment received by the county in the fiscal  
48 year beginning July 1, 1997, pursuant to section  
49 331.438A, subsection 2, for each of the levies for the  
50 following, except for the levies on the increase in

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1 taxable valuation due to new construction, additions  
2 or improvements to existing structures, remodeling of  
3 existing structures for which a building permit is  
4 required, annexation, and phasing out of tax  
5 exemptions, and on the increase in valuation of  
6 taxable property as a result of a comprehensive  
7 revaluation by a private appraiser under a contract  
8 entered into prior to January 1, 1992, or as a result  
9 of a comprehensive revaluation directed or authorized  
10 by the conference board prior to January 1, 1992, with  
11 documentation of the contract, authorization, or  
12 directive on the revaluation provided to the director  
13 of revenue and finance, if the levies are equal to or  
14 less than the levies for the previous year, levies on  
15 that portion of the taxable property located in an  
16 urban renewal project the tax revenues from which are  
17 no longer divided as provided in section 403.19,  
18 subsection 2, or as otherwise provided in this  
19 section:

20 a. General county services under section 331.422,  
21 subsection 1.

22 b. Rural county services under section 331.422,  
23 subsection 2.

24 c. Other taxes under section 331.422, subsection  
25 4.

26 2. EXCEPTIONS. The limitations provided in  
27 subsection 1 do not apply to the levies made for the  
28 following:

29 a. Debt service to be deposited into the debt  
30 service fund pursuant to section 331.430.

31 b. Taxes approved by a vote of the people which  
32 are payable during the fiscal year beginning July 1,  
33 1997, or July 1, 1998.

34 c. Hospitals pursuant to chapters 37, 347, and  
35 347A.

36 d. Emergency management to be deposited into the  
37 local emergency management fund and expended for  
38 development of hazardous substance teams pursuant to  
39 chapter 29C.

40 e. Unusual need for additional moneys to finance  
41 existing programs which would provide substantial  
42 benefit to county residents or compelling need to

43 finance new programs which would provide substantial  
44 benefit to county residents. The increase in taxes  
45 levied under this exception for the fiscal year  
46 beginning July 1, 1997, is limited to no more than the  
47 product of the total tax dollars levied in the fiscal  
48 year beginning July 1, 1996, and the percent change,  
49 computed to two decimal places, in the price index for  
50 government purchases by type for state and local

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1 governments computed for the third quarter of calendar  
2 year 1996 from that computed for the third quarter of  
3 calendar year 1995. The increase in taxes levied  
4 under this exception for the fiscal year beginning  
5 July 1, 1998, is limited to no more than the product  
6 of the total tax dollars levied in the fiscal year  
7 beginning July 1, 1997, and the percent change,  
8 computed to two decimal places, in the price index for  
9 government purchases by type for state and local  
10 governments computed for the third quarter of calendar  
11 year 1997 from that computed for the third quarter of  
12 calendar year 1996.

13 For purposes of this paragraph, the price index for  
14 government purchases by type for state and local  
15 governments is defined by the bureau of economic  
16 analysis of the United States department of commerce  
17 and published in table 7.11 of the national income and  
18 products accounts. For the fiscal years beginning  
19 July 1, 1997, and July 1, 1998, the price index used  
20 shall be the revision published in the November 1996  
21 and November 1997 issues, respectively, of the United  
22 States department of commerce publication, "survey of  
23 current business". For purposes of this paragraph,  
24 tax dollars levied in the fiscal years beginning July  
25 1, 1996, and July 1, 1997, shall not include funds  
26 levied for paragraphs "a", "b", and "c" of this  
27 subsection.

28 Application of this exception shall require an  
29 original publication of the budget and a public  
30 hearing and a second publication and a second hearing  
31 both in the manner and form prescribed by the director  
32 of the department of management, notwithstanding the  
33 provisions of section 331.434. The publications and  
34 hearings prescribed in this paragraph shall be held  
35 and the budget certified no later than March 15. The  
36 taxes levied for counties whose budgets are certified  
37 after March 15, 1997, shall be frozen at the fiscal  
38 year beginning July 1, 1996, level, and the taxes  
39 levied for counties whose budgets are certified after

40 March 15, 1998, shall be frozen at the fiscal year  
41 beginning July 1, 1997, level.  
42 3. APPEAL PROCEDURES. In lieu of the procedures  
43 in sections 24.48 and 331.426, which procedures do not  
44 apply for taxes payable in the fiscal years beginning  
45 July 1, 1997, and July 1, 1998, if a county needs to  
46 raise property tax dollars from a tax levy in excess  
47 of the limitations imposed by subsection 1, the  
48 following procedures apply:  
49 a. Not later than March 1, and after the  
50 publication and public hearing on the budget in the

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1 manner and form prescribed by the director of the  
2 department of management, notwithstanding section  
3 331.434, the county shall petition the state appeal  
4 board for approval of a property tax increase in  
5 excess of the increase provided for in subsection 2,  
6 paragraph "e", on forms furnished by the director of  
7 the department of management. Applications received  
8 after March 1 shall be automatically ineligible for  
9 consideration by the board.

10 b. Additional costs incurred by the county due to  
11 any of the following circumstances shall be the basis  
12 for justifying the excess in property tax dollars:

13 (1) Natural disaster or other life-threatening  
14 emergencies.

15 (2) Unusual need for additional moneys to finance  
16 existing programs which would provide substantial  
17 benefit to county residents or compelling need to  
18 finance new programs which would provide substantial  
19 benefit to county residents.

20 (3) Need for additional moneys for health care,  
21 treatment, and facilities pursuant to section 331.424,  
22 subsection 1, paragraphs "a" and "b".

23 (4) Judgments, settlements, and related costs  
24 arising out of civil claims against the county and its  
25 officers, employees, and agents, as defined in chapter  
26 670.

27 c. The state appeal board shall approve,  
28 disapprove, or reduce the amount of excess property  
29 tax dollars requested. The board shall take into  
30 account the intent of this section to provide property  
31 tax relief. The decision of the board shall be  
32 rendered at a regular or special meeting of the board  
33 within twenty days of the board's receipt of an  
34 appeal.

35 d. Within seven days of receipt of the decision of  
36 the state appeal board, the county shall adopt and

37 certify its budget under section 331.434, which budget  
38 may be protested as provided in section 331.436. The  
39 budget shall not contain an amount of property tax  
40 dollars in excess of the amount approved by the state  
41 appeal board.

42 4. Rate adjustment by county auditor. In addition  
43 to the requirement of the county auditor in section  
44 444.3 to establish a rate of tax which does not exceed  
45 the rate authorized by law, the county auditor shall  
46 also adjust the rate if the amount of property tax  
47 dollars to be raised is in excess of the amount  
48 specified in subsection 1, as may be adjusted pursuant  
49 to subsection 3.

50 Sec. 58. NEW SECTION. 444.25C PROPERTY TAX

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1 LIMITATION FOR FISCAL YEAR 2000.

2 1. COUNTY LIMITATION. The maximum amount of  
3 property tax dollars which may be certified by a  
4 county for taxes payable in the fiscal year beginning  
5 July 1, 1999, shall not exceed the amount of property  
6 tax dollars certified by the county for taxes payable  
7 in the fiscal year beginning July 1, 1998, minus the  
8 difference between the amount by which the property  
9 tax relief payment to be received by the county in the  
10 fiscal year beginning July 1, 1999, exceeds the amount  
11 of the property tax relief payment received by the  
12 county in the fiscal year beginning July 1, 1998,  
13 pursuant to section 331.438A, subsection 2, for each  
14 of the levies for the following, except for the levies  
15 on the increase in taxable valuation due to new  
16 construction, additions or improvements to existing  
17 structures, remodeling of existing structures for  
18 which a building permit is required, annexation, and  
19 phasing out of tax exemptions, and on the increase in  
20 valuation of taxable property as a result of a  
21 comprehensive revaluation by a private appraiser under  
22 a contract entered into prior to January 1, 1992, or  
23 as a result of a comprehensive revaluation directed or  
24 authorized by the conference board prior to January 1,  
25 1992, with documentation of the contract,  
26 authorization, or directive on the revaluation  
27 provided to the director of revenue and finance, if  
28 the levies are equal to or less than the levies for  
29 the previous year, levies on that portion of the  
30 taxable property located in an urban renewal project  
31 the tax revenues from which are no longer divided as  
32 provided in section 403.19, subsection 2, or as  
33 otherwise provided in this section:

- 34 a. General county services under section 331.422,  
35 subsection 1.  
36 b. Rural county services under section 331.422,  
37 subsection 2.  
38 c. Other taxes under section 331.422, subsection  
39 4.  
40 2. EXCEPTIONS. The limitations provided in  
41 subsection 1 do not apply to the levies made for the  
42 following:  
43 a. Debt service to be deposited into the debt  
44 service fund pursuant to section 331.430.  
45 b. Taxes approved by a vote of the people which  
46 are payable during the fiscal year beginning July 1,  
47 1999, or July 1, 2000.  
48 c. Hospitals pursuant to chapters 37, 347, and  
49 347A.  
50 d. Emergency management to be deposited into the

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- 1 local emergency management fund and expended for  
2 development of hazardous substance teams pursuant to  
3 chapter 29C.  
4 e. Unusual need for additional moneys to finance  
5 existing programs which would provide substantial  
6 benefit to county residents or compelling need to  
7 finance new programs which would provide substantial  
8 benefit to county residents. The increase in taxes  
9 levied under this exception for the fiscal year  
10 beginning July 1, 1999, is limited to no more than the  
11 product of the total tax dollars levied in the fiscal  
12 year beginning July 1, 1998, and the percent change,  
13 computed to two decimal places, in the price index for  
14 government purchases by type for state and local  
15 governments computed for the third quarter of calendar  
16 year 1998 from that computed for the third quarter of  
17 calendar year 1997.  
18 For purposes of this paragraph, the price index for  
19 government purchases by type for state and local  
20 governments is defined by the bureau of economic  
21 analysis of the United States department of commerce  
22 and published in table 7.11 of the national income and  
23 products accounts. For the fiscal year beginning July  
24 1, 1999, the price index used shall be the revision  
25 published in the November 1998 of the United States  
26 department of commerce publication, "survey of current  
27 business". For purposes of this paragraph, tax  
28 dollars levied in the fiscal year beginning July 1,  
29 1998, shall not include funds levied for paragraphs  
30 "a", "b", and "c" of this subsection.

31 Application of this exception shall require an  
32 original publication of the budget and a public  
33 hearing and a second publication and a second hearing  
34 both in the manner and form prescribed by the director  
35 of the department of management, notwithstanding the  
36 provisions of section 331.434. The publications and  
37 hearings prescribed in this paragraph shall be held  
38 and the budget certified no later than March 15. The  
39 taxes levied for counties whose budgets are certified  
40 after March 15, 1999, shall be frozen at the fiscal  
41 year beginning July 1, 1998, level.

42 3. APPEAL PROCEDURES. In lieu of the procedures  
43 in sections 24.48 and 331.426, which procedures do not  
44 apply for taxes payable in the fiscal year beginning  
45 July 1, 1999, if a county needs to raise property tax  
46 dollars from a tax levy in excess of the limitations  
47 imposed by subsection 1, the following procedures  
48 apply:

49 a. Not later than March 1, and after the  
50 publication and public hearing on the budget in the

**Page 41**

1 manner and form prescribed by the director of the  
2 department of management, notwithstanding section  
3 331.434, the county shall petition the state appeal  
4 board for approval of a property tax increase in  
5 excess of the increase provided for in subsection 2,  
6 paragraph "e", on forms furnished by the director of  
7 the department of management. Applications received  
8 after March 1 shall be automatically ineligible for  
9 consideration by the board.

10 b. Additional costs incurred by the county due to  
11 any of the following circumstances shall be the basis  
12 for justifying the excess in property tax dollars:

13 (1) Natural disaster or other life-threatening  
14 emergencies.

15 (2) Unusual need for additional moneys to finance  
16 existing programs which would provide substantial  
17 benefit to county residents or compelling need to  
18 finance new programs which would provide substantial  
19 benefit to county residents.

20 (3) Need for additional moneys for health care,  
21 treatment, and facilities pursuant to section 331.424,  
22 subsection 1, paragraphs "a" and "b".

23 (4) Judgments, settlements, and related costs  
24 arising out of civil claims against the county and its  
25 officers, employees, and agents, as defined in chapter  
26 670.

27 c. The state appeal board shall approve,

28 disapprove, or reduce the amount of excess property  
 29 tax dollars requested. The board shall take into  
 30 account the intent of this section to provide property  
 31 tax relief. The decision of the board shall be  
 32 rendered at a regular or special meeting of the board  
 33 within twenty days of the board's receipt of an  
 34 appeal.

35 d. Within seven days of receipt of the decision of  
 36 the state appeal board, the county shall adopt and  
 37 certify its budget under section 331.434, which budget  
 38 may be protested as provided in section 331.436. The  
 39 budget shall not contain an amount of property tax  
 40 dollars in excess of the amount approved by the state  
 41 appeal board.

42 4. Rate adjustment by county auditor. In addition  
 43 to the requirement of the county auditor in section  
 44 444.3 to establish a rate of tax which does not exceed  
 45 the rate authorized by law, the county auditor shall  
 46 also adjust the rate if the amount of property tax  
 47 dollars to be raised is in excess of the amount  
 48 specified in subsection 1, as may be adjusted pursuant  
 49 to subsection 3.

50 Sec. 59. Section 444.27, Code 1995, is amended to

**Page 42**

1 read as follows:

2 444.27 SECTIONS VOID.

3 1. For purposes of section 444.25, sections 24.48  
 4 and 331.426 are void for the fiscal years beginning  
 5 July 1, 1993, and July 1, 1994. For purposes of  
 6 section 444.25A, sections 24.48 and 331.426 are void  
 7 for the fiscal years beginning July 1, 1995, and July  
 8 1, 1996.

9 2. For purposes of sections 444.25B and 444.25C,  
 10 sections 24.48 and 331.426 are void for the fiscal  
 11 years beginning July 1, 1997, July 1, 1998, and July  
 12 1, 1999.

13 Sec. 60. Section 445.23, Code 1995, is amended to  
 14 read as follows:

15 445.23 STATEMENT OF TAXES DUE.

16 1. Upon request, the ~~The~~ county treasurer shall  
 17 state in writing the full amount of taxes against a  
 18 parcel, all sales for unpaid taxes, and the amount  
 19 needed to redeem the parcel, if redeemable. If the  
 20 person requesting the statement is not the titleholder  
 21 of record or contract holder of record of the parcel,  
 22 that person shall pay a fee at the rate of two dollars  
 23 per parcel for each year for which information is  
 24 requested, and the money shall be deposited in the

25 county general fund.

26 2. The county treasurer shall include in a  
 27 prominent place on the tax statement the amount of  
 28 each of the following state tax credits that apply to  
 29 the parcel and amount by which each credit reduced the  
 30 taxes due on the parcel:

31 a. Homestead credit under chapter 425.

32 b. Military service credit under chapter 426A.

33 c. Extraordinary credit under chapter 425.

34 d. Mental health, mental retardation, and de-  
 35 velopmental disabilities property tax relief under  
 36 section 331.438A.

37 e. Farm tax credit under chapter 426.

38 Sec. 61. REPEAL. 1994 Iowa Acts, chapter 1163,  
 39 section 8, is repealed.

40 Sec. 62. DEPARTMENT OF HUMAN SERVICES -- ICFMR  
 41 REQUIREMENT. The department of human services shall  
 42 consult with the department of inspections and  
 43 appeals, the Iowa state association of counties, and  
 44 the Iowa association of rehabilitation and residential  
 45 facilities in adopting administrative rules  
 46 identifying optimum staffing ratios for intermediate  
 47 care facilities for the mentally retarded (ICFMR).  
 48 The administrative rules shall be implemented on or  
 49 before January 1, 1996.

50 Sec. 63. COUNTY ADJUSTMENT FACTOR PAYMENT --

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1 FISCAL YEAR 1995-1996.

2 1. For the fiscal year beginning July 1, 1995, the  
 3 adjustment factor payment from the mental health,  
 4 mental retardation, and developmental disabilities  
 5 property tax relief fund specified in section 331.438A  
 6 shall be paid as provided in this section. An  
 7 eligible county may apply to the department of human  
 8 services for an adjustment factor payment to reimburse  
 9 costs paid by the county in that fiscal year for  
 10 services to persons with mental illness, mental  
 11 retardation, or developmental disabilities in  
 12 accordance with the county's management plan approved  
 13 pursuant to section 331.439. Eligible costs shall be  
 14 limited to eligible consumers of services who were not  
 15 served in the previous fiscal year, unusual cost  
 16 increases, service cost inflation, and investments for  
 17 quality and efficiency improvements. Reimbursement  
 18 shall not be provided from the fund for applications  
 19 received after August 10, 1995.

20 2. Payment from the fund shall be limited to the  
 21 amount designated for this purpose and if applications

22 received exceed the available funding, payments shall  
23 be prorated. The department of human services shall  
24 notify the director of revenue and finance of the  
25 amounts due a county under this section. The director  
26 shall draw warrants on the relief fund payable to the  
27 county treasurer in the amount due to each county.  
28 The warrants shall be paid in a timely manner to  
29 enable the county to accrue the payment in the  
30 county's 1995-1996 fiscal year.

31 3. Notwithstanding section 8.33, moneys in the  
32 relief fund allocated for the adjustment payment which  
33 remain unobligated or unexpended at the close of the  
34 fiscal year ending June 30, 1996, shall not revert to  
35 the general fund of the state but shall remain  
36 available for adjustment payments in the succeeding  
37 fiscal year.

38 Sec. 64. INTERIM COMMITTEE CREATED. The  
39 legislative council is requested to establish an  
40 interim committee comprised of members of the general  
41 assembly with the charge of developing a system to  
42 regulate and contain county expenditures for mental  
43 health, mental retardation, and developmental  
44 disabilities services and to develop a formula for  
45 distribution of property tax relief moneys to counties  
46 under section 331.438A, subsection 2. In addition,  
47 the committee should consider proposals from counties  
48 and other interested persons for a distribution  
49 formula factor which rewards or provides incentives  
50 for economy and efficiency in providing mental health,

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1 mental retardation, and developmental disabilities  
2 services; and a mechanism for a county to appeal to  
3 the state if it is believed the county is unfairly  
4 treated under an established funding formula. The  
5 committee should be directed to report to the governor  
6 and the general assembly prior to the 1996 legislative  
7 session.

8 Sec. 65. EFFECTIVE DATES.

9 1. Sections 40, 41, 42, 43, and 44 of this  
10 division of this Act take effect July 1, 1996.

11 2. Sections 45, 46, 47, 54, and 56 take effect  
12 January 1, 1996, and are applicable to taxes paid in  
13 the fiscal year beginning July 1, 1996, and succeeding  
14 fiscal years.

15 3. The remainder of this division of this Act,  
16 being deemed of immediate importance, takes effect  
17 upon enactment."

18 2. Title page, by striking lines 1 through 4 and

19 inserting the following: "An Act relating to income  
20 tax relief, property tax relief, machinery and  
21 equipment phase-in exemption and reimbursement, levies  
22 for mental health, mental retardation, and  
23 developmental disabilities services, providing  
24 appropriations, and providing effective dates and  
25 applicability provisions."

S-3083

- 1 Amend Senate File 156 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "initial" the following: "private".
- 4 2. Page 1, line 27, by striking the word
- 5 "Maintains" and inserting the following: "Seeks
- 6 approval from the federal small business
- 7 administration to establish".
- 8 3. Page 2, line 9, by striking the figure "1995"
- 9 and inserting the following: "1996".
- 10 4. Page 2, line 20, by striking the word
- 11 "companies" and inserting the following:
- 12 "businesses".
- 13 5. Page 2, line 28, by striking the word
- 14 "taxpayer's" and inserting the following: "qualified
- 15 venture capital company's".
- 16 6. Page 2, line 29, by striking the word
- 17 "taxpayer" and inserting the following: "qualified
- 18 venture capital company".
- 19 7. Page 2, line 31, by striking the word
- 20 "taxpayer" and inserting the following: "qualified
- 21 venture capital company".
- 22 8. Page 2, line 34, by striking the word
- 23 "taxpayer's" and inserting the following: "qualified
- 24 venture capital company's".
- 25 9. Page 3, line 5, by striking the word
- 26 "taxpayers" and inserting the following: "qualified
- 27 venture capital companies".
- 28 10. Page 3, line 7, by striking the word "two"
- 29 and inserting the following: "one".
- 30 11. Page 3, line 8, by striking the words "five
- 31 hundred" and inserting the following: "two hundred
- 32 fifty".
- 33 12. Page 3, line 10, by striking the words
- 34 "twenty-five million" and inserting the following:
- 35 "twelve million five hundred thousand".
- 36 13. Page 3, line 16, by striking the word
- 37 "taxpayer" and inserting the following: "qualified
- 38 venture capital company".
- 39 14. Page 4, line 16, by inserting after the word
- 40 "transaction." the following: "The qualified venture

41 capital company may make additional proposals as often  
 42 as it desires to the shareholders of each business  
 43 development finance corporation that did not approve  
 44 the initial investment proposal. Except for the  
 45 requirement that a written proposal be presented to  
 46 the shareholders within ninety days of the  
 47 organization of the qualified venture capital company,  
 48 the provisions of this section shall apply to all  
 49 additional proposals."

TOM VILSACK

S-3084

1 Amend Senate File 160 as follows:

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

4 "Section 1. **NEW SECTION. 16.26A INTEREST ON**  
 5 **BONDS AND NOTES EXEMPT FROM STATE INCOME TAX.**

6 Interest on bonds and notes issued by the authority  
 7 under this chapter shall not be included in the  
 8 calculation of taxable income for purposes of the Iowa  
 9 individual or corporate income tax."

10 2. Page 1, by inserting after line 24 the  
 11 following:

12 "5. The exemption of bonds and notes from Iowa  
 13 income tax would be advantageous to the availability  
 14 of capital for housing and other infrastructure  
 15 investments."

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

18 "Notwithstanding any other provision of law,  
 19 interest earned on all other bonds and notes issued in  
 20 this state is exempt from state income tax."

21 4. Page 9, by inserting after line 7 the  
 22 following:

23 "Sec. \_\_\_\_ . Section 1 of this Act takes effect July  
 24 1, 1995, and applies to interest income received from  
 25 bonds and notes issued under chapter 16 on or after  
 26 July 1, 1995."

27 5. By renumbering as necessary.

MERLIN E. BARTZ

S-3085

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

3 1. Page 10, by inserting after line 33 the  
 4 following:

5 " \_\_\_\_ . If the evidence relied upon by the jury, or  
6 the court, if there is no jury, in reaching the  
7 verdict, finding that the defendant has been proven  
8 guilty beyond a reasonable doubt, in the initial  
9 proceeding does not include a confession by the  
10 defendant, a DNA profiling match, a fingerprint match,  
11 or the testimony of two eyewitnesses to the murder,  
12 the jury, or the court, if there is no jury, shall  
13 return a special verdict on the issue. If the jury,  
14 or the court, if there is no jury, did not rely upon a  
15 confession, a DNA profiling match, a fingerprint  
16 match, or the testimony of two eyewitnesses to the  
17 murder, the court shall enter a judgment of conviction  
18 and shall sentence the defendant to life imprisonment  
19 as provided in section 902.1, subsection 1, even if  
20 the jury or the court returns unanimous affirmative  
21 findings on each of the issues submitted under  
22 subsection 5. "DNA profiling" means as defined in  
23 section 13.10."

24 2. Page 19, by inserting after line 31 the  
25 following:

26 " \_\_\_\_ . If the evidence relied upon by the jury, or  
27 the court, if there is no jury, in reaching the  
28 verdict, finding that the defendant has been proven  
29 guilty beyond a reasonable doubt, in the initial  
30 proceeding does not include a confession by the  
31 defendant, a DNA profiling match, a fingerprint match,  
32 or the testimony of two eyewitnesses to the murder,  
33 the jury, or the court, if there is no jury, shall  
34 return a special verdict on the issue. If the jury,  
35 or the court, if there is no jury, did not rely upon a  
36 confession, a DNA profiling match, a fingerprint  
37 match, or the testimony of two eyewitnesses to the  
38 murder, the court shall enter a judgment of conviction  
39 and shall sentence the defendant to life imprisonment  
40 as provided in section 902.1, subsection 1, even if  
41 the jury or the court returns unanimous affirmative  
42 findings on each of the issues submitted under  
43 subsection 3. "DNA profiling" means as defined in  
44 section 13.10."

45 3. By numbering, renumbering, and correcting  
46 internal references as necessary.

ROD HALVORSON

S-3086

- 1 Amend Senate File 31 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "in" the following: "continuous".

- 4 2. Page 1, by inserting after line 11 the  
 5 following:  
 6 "Sec. \_\_\_\_ . WARNING CITATIONS. During the six-  
 7 month period from July 1, 1995, through December 31,  
 8 1995, peace officers shall issue only warning  
 9 citations for motor vehicles not displaying lighted  
 10 headlamps at any time when the windshield wipers are  
 11 in continuous operation as required by section  
 12 321.384, subsection 1, as amended in this Act."  
 13 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION  
 DON E. GETTINGS, Chairperson

S-3087

- 1 Amend Senate File 141 as follows:  
 2 1. Page 1, by striking lines 13 and 14 and  
 3 inserting the following: "certified mail, and shall  
 4 notify all property owners located outside the  
 5 boundary of a city and within one mile of the road by  
 6 regular mail."

COMMITTEE ON TRANSPORTATION  
 DON E. GETTINGS, Chairperson

S-3088

- 1 Amend House File 2 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. 13.32 DEATH PENALTY  
 6 TRAINING.  
 7 The attorney general, in conjunction with the  
 8 prosecuting attorneys training coordinator, shall  
 9 conduct or sponsor specialized training programs for  
 10 prosecutors who will or may be representing the state  
 11 in cases where a defendant may be executed. The  
 12 programs shall be free of charge to the program  
 13 participants. The costs of sponsoring the programs  
 14 shall be paid by the state under section 902.14."  
 15 2. Page 1, line 11, by inserting after the word  
 16 "imposed." the following: "The costs of providing or  
 17 contracting with the attorneys shall be paid by the  
 18 state under section 902.14."  
 19 3. Page 1, line 13, by inserting after the word  
 20 "executed." the following: "The programs shall be  
 21 free of charge to the program participants. The costs  
 22 of sponsoring or conducting the programs shall be paid

23 by the state under section 902.14."

24 4. Page 1, by inserting after line 33 the  
25 following:

26 "Sec. \_\_\_\_ . Section 331.757, subsection 1, Code  
27 1995, is amended to read as follows:

28 1. The county attorney may employ, with the  
29 approval of a judge of the district court, a temporary  
30 assistant to assist in the trial of a person charged  
31 with a felony. The temporary assistant shall be paid  
32 a reasonable compensation as determined by the board  
33 upon certification of the services rendered by the  
34 district judge before whom the defendant was tried.  
35 If the temporary assistant is employed for purposes of  
36 assisting in the trial of a person who has been  
37 charged with first degree murder, in which a notice of  
38 intent to seek the death penalty has been filed, the  
39 determination of the amount of compensation determined  
40 to be reasonable by the board shall be forwarded to  
41 the treasurer of state and the compensation shall be  
42 paid by the state under section 902.14.

43 Sec. \_\_\_\_ . Section 356.15, Code 1995, is amended to  
44 read as follows:

45 356.15 EXPENSES.

46 All charges and expenses for the safekeeping and  
47 maintenance of prisoners shall be allowed by the board  
48 of supervisors, except those committed or detained by  
49 the authority of the courts of the United States, in  
50 which eases case the United States must shall pay such

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1 expenses to the county, except those detained during a  
2 penalty proceeding in a first degree murder case in  
3 which a notice of intent to seek the death penalty has  
4 been filed, in which case the state shall pay the  
5 expenses to the county under section 902.14, and  
6 except those committed for violation of a city  
7 ordinance, in which case the city shall pay expenses  
8 to the county.

9 Sec. \_\_\_\_ . Section 669.14, Code 1995, is amended by  
10 adding the following new subsection:

11 **NEW SUBSECTION. 14.** A claim to compensate for  
12 miscarriages of justice for any person innocent of any  
13 homicidal act who is erroneously sentenced to death.  
14 For purposes of this section, damages shall include  
15 actual, nominal, and special damages, and may include,  
16 but are not limited to, claims for loss of income,  
17 consortium, medical expenses, emotional distress, loss  
18 of enjoyment of life, and any related legal fees or  
19 expenses.

20 Sec. \_\_\_\_ . NEW SECTION. 669.25 LIABILITY FOR  
 21 ERRONEOUS DEATH SENTENCES.

22 Notwithstanding any provision of this chapter to  
 23 the contrary, if a person establishes a claim against  
 24 the state for damages to compensate for miscarriages  
 25 of justice for any person innocent of any homicidal  
 26 act who is erroneously sentenced to death, the state's  
 27 liability to each such person shall be limited to one  
 28 million dollars. Claims against the state made under  
 29 this section may be filed directly in the district  
 30 court of the county in which the plaintiff is a  
 31 resident or in which the act or omission occurred and,  
 32 if allowed, shall be paid under section 902.14."

33 5. Page 4, by inserting after line 32 the  
 34 following:

35 "Sec. \_\_\_\_ . Section 815.13, Code 1995, is amended  
 36 to read as follows:

37 815.13 PAYMENT OF PROSECUTION COSTS.

38 1. The Except as provided in subsection 2, county  
 39 or city which has the duty to prosecute a criminal  
 40 action shall pay the costs of depositions taken on  
 41 behalf of the prosecution, the costs of transcripts  
 42 requested by the prosecution, and in criminal actions  
 43 prosecuted by the county or city under county or city  
 44 ordinance the fees that are payable to the clerk of  
 45 the district court for services rendered and the court  
 46 costs taxed in connection with the trial of the action  
 47 or appeals from the judgment. The county or city  
 48 shall pay witness fees and mileage in trials of  
 49 criminal actions prosecuted by the county or city  
 50 under county or city ordinance. These fees and costs

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1 are recoverable by the county or city from the  
 2 defendant unless the defendant is found not guilty or  
 3 the action is dismissed, in which case the state shall  
 4 pay the witness fees and mileage in cases prosecuted  
 5 under state law.

6 2. In a criminal action for first degree murder  
 7 under section 707.2, where a notice of intent to seek  
 8 the death penalty has been filed, the state shall pay  
 9 under section 902.14 the costs of depositions,  
 10 transcripts, the fees payable to the clerk of district  
 11 court, court costs taxed in connection with the trial  
 12 or appeal which are incurred by the county, as well as  
 13 any witness fees and mileage."

14 6. Page 15, by inserting after line 26, the  
 15 following:

16 "Sec. \_\_\_\_ . NEW SECTION. 902.14 DEATH PENALTY

## 17 EXPENSE FUND.

18 1. A death penalty expense fund is established as  
19 a separate fund in the state treasury to serve as a  
20 repository for the moneys received under the death  
21 penalty income surtax imposed pursuant to section  
22 902.15. There is appropriated to the department of  
23 management out of any moneys in the fund an amount, or  
24 so much thereof as may be necessary, to pay any claims  
25 against the fund for costs associated with the  
26 administration and imposition of the death penalty  
27 under the laws of this state.

28 2. If in any year, there are insufficient funds  
29 available in the death penalty expense fund to pay all  
30 of the costs associated with the administration and  
31 imposition of the death penalty, there is appropriated  
32 from funds in the state treasury not otherwise  
33 appropriated a sum sufficient to pay for the unpaid  
34 expenses associated with the administration and  
35 imposition of the death penalty. The moneys in the  
36 death penalty expense fund received during the next  
37 fiscal year shall be used to reimburse the state  
38 treasury for any moneys expended under this  
39 subsection.

40 Sec. — . NEW SECTION. 902.15 DEATH PENALTY --  
41 INCOME SURTAX.

42 1. Effective for each year beginning with the  
43 taxable year commencing on January 1, 1995, a death  
44 penalty income surtax is imposed on the state  
45 individual income tax. The department of management  
46 shall establish the amount of the death penalty income  
47 surtax to be imposed. During the first year of the  
48 imposition of the surtax, the department shall  
49 determine the amount of tax necessary to raise from  
50 the surtax based upon the most recent figures

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1 available from other states as to the costs associated  
2 with the administration and imposition of the death  
3 penalty which are in addition to the costs associated  
4 in this state with the trial of class "A" felonies.  
5 In subsequent years, the determination of the amount  
6 of tax necessary to raise from the surtax shall be  
7 based on the amount of the claims made against the  
8 fund in the previous year. The death penalty surtax  
9 shall be imposed on the state individual income tax on  
10 the last day of the applicable tax year. As used in  
11 this section, "state individual income tax" means the  
12 taxes computed under section 422.5, less the credits  
13 allowed in sections 422.11A, 422.11B, 422.11C, 422.12,

14 and 422.12B.

15 2. The director of revenue and finance shall  
16 administer the death penalty income surtax imposed  
17 under this chapter, and sections 422.20, 422.22 to  
18 422.31, 422.68, and 422.72 to 422.75 shall apply with  
19 respect to administration of the death penalty income  
20 surtax.

21 3. The death penalty income surtax shall be made a  
22 part of the Iowa individual income tax return subject  
23 to the conditions and restrictions set forth in  
24 section 422.21.

25 4. The director of revenue and finance shall  
26 deposit all moneys received as death penalty income  
27 surtax to the credit of the death penalty expense fund  
28 which is established in section 902.14.

29 5. On or before October 20 each year, the director  
30 of revenue and finance shall make an accounting of the  
31 death penalty income surtax collected under this  
32 chapter applicable to tax returns for the last  
33 preceding calendar year, and shall certify to the  
34 department of management the amount of total death  
35 penalty income surtax credited from the taxpayers."

36 7. By designating, redesignating, and correcting  
37 internal references as necessary.

MARY NEUHAUSER

S-3089

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

3 1. By striking page 13, line 35, through page 14,  
4 line 34.

5 2. By renumbering as necessary.

ANDY McKEAN

S-3090

1 Amend House File 2, 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 8.6, Code 1995, is amended by  
6 adding the following new subsection:

7 **NEW SUBSECTION. 16. DEATH PENALTY COSTS AND**  
8 **CLAIMS.** In a criminal action for first degree murder  
9 under section 707.2, where a notice of intent to seek  
10 the death penalty has been filed, determine the costs  
11 directly attributable to the administration and

12 imposition of the death penalty.”

13 2. Page 1, line 21, by striking the word  
14 “subsection” and inserting the following:  
15 “subsections”.

16 3. Page 1, by inserting after line 33 the  
17 following:

18 “NEW SUBSECTION. 9. In a criminal action for  
19 first degree murder under section 707.2, where a  
20 notice of intent to seek the death penalty has been  
21 filed, provide the department of management with  
22 information relating to the costs directly  
23 attributable to the administration and imposition of  
24 the death penalty.”

25 4. Page 16, by inserting after line 4 the  
26 following:

27 “Sec. \_\_\_\_ . NEW SECTION. 903B.2 EXECUTIONS --  
28 PAYMENT OF PROSECUTION COSTS.

29 1. In a criminal action for first degree murder  
30 under section 707.2, where a notice of intent to seek  
31 the death penalty has been filed, the state shall pay  
32 all costs directly attributable to the administration  
33 and imposition of the death penalty, which shall  
34 include all of the following:

35 a. The employment of temporary assistants by the  
36 county attorney under section 331.757, for purposes of  
37 assisting in the trial.

38 b. The expenses incurred by the county for the  
39 safekeeping and maintenance of prisoners detained in a  
40 county jail or other facility during a penalty  
41 proceeding.

42 c. The costs of depositions, transcripts, fees  
43 payable to the clerk of the district court, court  
44 costs taxed in connection with the trial of appeal,  
45 and witness fees and mileage.

46 d. Any other costs allowed by law.

47 2. The determination of whether a cost is directly  
48 attributable to the administration and imposition of  
49 the death penalty under subsection 1 shall be made by  
50 the department of management under section 8.6,

## Page 2

1 subsection 16, with information and assistance from  
2 the division of criminal and juvenile justice planning  
3 of the department of human rights, within one hundred  
4 twenty days of the completion of the trial  
5 proceedings. Within sixty days following the  
6 completion of a trial proceeding in which the death  
7 penalty was requested, the county may submit a written  
8 estimate of the costs attributable to the death

- 9 penalty which were incurred during the trial.”  
 10 5. By designating, redesignating, and correcting  
 11 internal references as necessary.

O. GENE MADDOX

S-3091

- 1 Amend Senate File 195 as follows:  
 2 1. Page 1, by striking line 31 through page 2,  
 3 line 33.  
 4 2. Title, by striking lines 3 and 4, and  
 5 inserting the following: “cases.”

MICHAEL E. GRONSTAL

S-3092

- 1 Amend House File 2 as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, by striking lines 19 and 20 and  
 4 inserting the following: “two attorneys to represent  
 5 the person in the murder”.  
 6 2. Page 4, by striking lines 31 and 32 and  
 7 inserting the following: “imposed are eligible for  
 8 appointment or assignment to a first degree murder  
 9 case.”  
 10 3. Page 5, lines 18 and 19, by striking the words  
 11 and figure “and section 902.12”.  
 12 4. Page 5, by inserting after line 26 the  
 13 following:  
 14 “For purposes of this subsection, “mentally  
 15 retarded” means significant subaverage general  
 16 intellectual functioning accompanied by significant  
 17 deficits or impairments in adaptive functioning  
 18 manifested in the developmental period, but no later  
 19 than the age of eighteen years, and accompanied by  
 20 deficits in adaptive behavior.”  
 21 5. Page 5, line 30, by striking the word  
 22 “penalty,” and inserting the following: “penalty”.  
 23 6. Page 5, by striking lines 31 through 33 and  
 24 inserting the following: “as part of the  
 25 information”.  
 26 7. Page 7, by striking lines 6 and 7 and  
 27 inserting the following: “relevant to any aggravating  
 28 circumstances other than juvenile”.  
 29 8. Page 7, by striking lines 14 through 16 and  
 30 inserting the following: “and society.”  
 31 9. Page 8, by striking lines 24 through 27 and  
 32 inserting the following: “be presented under the

- 33 rules of criminal procedure.”
- 34 10. Page 9, by striking lines 5 through 7.
- 35 11. Page 10, by striking lines 4 through 6.
- 36 12. Page 10, line 15, by striking the words “a”,
- 37 “b”, and “c” and inserting the following: “a” and
- 38 “b”.
- 39 13. Page 11, line 1, by striking the words “a”,
- 40 “b”, and “c” and inserting the following: “a” and
- 41 “b”.
- 42 14. By striking page 13, line 15, through page
- 43 15, line 13.
- 44 15. Page 17, line 11, by striking the words and
- 45 figure “and section 902.12”.
- 46 16. Page 17, by striking line 30 and inserting
- 47 the following: “presented as to”.
- 48 17. Page 17, line 31, by striking the words
- 49 “902.12 or”.
- 50 18. Page 17, by striking lines 32 through 34 and

**Page 2**

- 1 inserting the following: “exist. Presentation of
- 2 evidence”.
- 3 19. Page 18, by striking lines 14 and 15.
- 4 20. Page 18, by striking lines 22 and 23 and
- 5 inserting the following:
- 6 “4. The jury, or the”.
- 7 21. Page 19, by striking lines 1 through 3.
- 8 22. By renumbering and correcting internal
- 9 references as necessary.

TONY BISIGNANO  
BRAD BANKS  
BERL E. PRIEBE

**S-3093**

- 1 Amend Senate File 226 as follows:
- 2 1. Page 2, line 4, by inserting after the word
- 3 “home” the following: “park”.

EUGENE FRAISE

**S-3094**

- 1 Amend Senate File 209 as follows:
- 2 1. Page 1, by striking line 13 and inserting the
- 3 following:
- 4 “2. If principal and interest”.
- 5 2. Page 1, line 16, by striking the word “state”

- 6 the following: "state."
- 7 3. Page 1, by striking lines 17 through 19.
- 8 4. Page 8, line 9, by striking the figure "1"
- 9 5. Page 8, by striking lines 15 through 20 and
- 10 inserting the following: "cost of utilities".
- 11 6. Page 9, line 27, by striking the word
- 12 "election," and inserting the following: "election as
- 13 required in section 75.1.".
- 14 7. Page 9, by striking lines 29 through 34 and
- 15 inserting the following: "payment ~~thereof~~ of the
- 16 bonds."
- 17 8. Page 11, by striking lines 18 through 23 and
- 18 inserting the following: "election. ~~Whenever~~ If such
- 19 a proposition has been".
- 20 9. Page 12, by striking lines 12 through 16 and
- 21 inserting the following: "election as required in
- 22 section 75.1. If the proposition of".
- 23 10. Page 15, by striking lines 23 through 27 and
- 24 inserting the following: "election as required in
- 25 section 75.1. If the".

WILMER RENSINK

S-3095

- 1 Amend Senate File 178 as follows:
- 2 1. Page 2, by striking lines 30 through 34 and
- 3 inserting the following: "technician trainee; ~~only if~~
- 4 ~~an agreement is reached between such worker or~~
- 5 ~~employee and the employer for whom the volunteer~~
- 6 ~~services are provided that workers' compensation~~
- 7 ~~coverage under chapters 85, 85A, and 85B is to be~~
- 8 ~~provided by the employer. A basic or advanced An~~
- 9 ~~emergency medical care".~~
- 10 2. Page 6, by striking lines 19 through 30.

STEWART IVERSON, Jr.

S-3096

- 1 Amend Senate File 173 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 196.1, Code 1995, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 3A. "Department" means the
- 7 department of inspections and appeals, as established
- 8 in section 10A.102.
- 9 Sec. \_\_\_\_ . Section 196.1, subsection 9, Code 1995,
- 10 is amended to read as follows:

11 9. "Secretary", "department", and "package" have  
 12 the meanings ascribed to them. "Package" means the same  
 13 as defined in section 189.1.

14 Sec. \_\_\_\_ . Section 196.2, Code 1995, is amended to  
 15 read as follows:

16 196.2 ENFORCEMENT.

17 The secretary department shall enforce the  
 18 provisions of this chapter, and may make adopt rules  
 19 pursuant to chapter 17A and consistent with  
 20 regulations of the United States government as they  
 21 exist on July 1, 1985, pursuant to the Agricultural  
 22 Marketing Act of 1946, 7 U.S.C. § 1621 et seq., and  
 23 the Egg Products Inspection Act of 1970, 21 U.S.C. §  
 24 1044 et seq."

25 2. Page 8, line 15, by striking the word "board"  
 26 and inserting the following: "council".

27 3. By renumbering as necessary.

DENNIS H. BLACK

S-3097

1 Amend Senate File 232 as follows:

2 1. Page 1, by striking lines 3 and 4 and  
 3 inserting the following:

4 "A person under the age of eighteen shall not ride . . .  
 5 and an operator shall not allow a person under the age  
 6 of eighteen to ride on a motor".

RICHARD F. DRAKE

S-3098

1 Amend Senate File 174 as follows:

2 1. Page 1, by striking line 24 and inserting the  
 3 following: "in section 135C.1, by a caretaker  
 4 providing services to or employed by the health care  
 5 facility, whether within the health care facility or  
 6 at a location outside of the health care facility."

ROBERT DVORSKY

S-3099

1 Amend Senate File 204 as follows:

2 1. Page 1, line 9, by striking the words "six  
 3 a.m." and inserting the following: "a.m. twelve  
 4 o'clock noon".

5 2. Page 1, line 13, by striking the words "six  
 6 a.m." and inserting the following: "a.m. twelve

- 7 o'clock noon".
- 8 3. Page 1, line 30, by striking the words "six  
9 a.m." and inserting the following: "a.m. twelve  
10 o'clock noon".
- 11 4. Page 2, line 2, by striking the words "six  
12 a.m." and inserting the following: "a.m. twelve  
13 o'clock noon".
- 14 5. Page 2, line 10, by striking the words "six  
15 a.m." and inserting the following: "a.m. twelve  
16 o'clock noon".
- 17 6. Page 2, line 13, by striking the words "six  
18 a.m." and inserting the following: "a.m. twelve  
19 o'clock noon".
- 20 7. Page 2, line 25, by striking the words "six  
21 a.m." and inserting the following: "a.m. twelve  
22 o'clock noon".
- 23 8. Page 2, line 28, by striking the words "six  
24 a.m." and inserting the following: "a.m. twelve  
25 o'clock noon".

MERLIN E. BARTZ  
BRAD BANKS  
WILMER RENSINK  
ANDY McKEAN

S-3100

- 1 Amend Senate File 233 as follows:
- 2 1. Page 1, by inserting before line 1 the  
3 following:
- 4 "Section 1. Section 321.1, subsection 8, Code  
5 1995, is amended by adding the following new  
6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. If authorized to  
8 transport students or clients by the superintendent of  
9 the Iowa braille and sight saving school or of the  
10 Iowa school for the deaf, or the superintendent's  
11 respective designee, an employee of the Iowa braille  
12 and sight saving school or the Iowa school for the  
13 deaf is not a chauffeur when transporting the students  
14 or clients."
- 15 2. By renumbering as necessary.

MIKE CONNOLLY  
RICHARD F. DRAKE

S-3101

- 1 Amend Senate File 140 as follows:
- 2 1. Page 1, line 1, by inserting after the word

3 "the" the following: "administration and".  
 4 2. Title page, line 1, by inserting after the  
 5 words "by the" the following: "administration and".  
 6 3. Title page, line 15, by striking the words  
 7 "board of directors" and inserting the following:  
 8 "administration".  
 9 4. Title page, line 18, by inserting after the  
 10 words "WHEREAS, the" the following: "administration  
 11 and".

STEVEN D. HANSEN

S-3102

1 Amend Senate File 207 as follows:  
 2 1. Page 3, line 21, by adding after the word  
 3 "trade" the following: "and defined and interpreted  
 4 under section 554.2103".  
 5 2. Page 3, by inserting after line 21 the  
 6 following:  
 7 " —. "Manager" means an individual named or  
 8 designated by agreement between the brewer and  
 9 wholesaler, who is principally responsible for the  
 10 daily management of the wholesaler."  
 11 3. Page 11, line 17, by inserting after the word  
 12 "cancellation," the following: "nonrenewal,".  
 13 4. Page 11, by striking lines 21 and 22 and  
 14 inserting the following: "business, award equitable  
 15 relief, actual damages, court costs, and attorney's  
 16 fees."  
 17 5. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3103

1 Amend House File 132, 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. DEPARTMENT OF HUMAN SERVICES --  
 6 ADOPTION SERVICES. The department of human services  
 7 shall as expeditiously as possible increase the  
 8 quantity of services provided for the permanent  
 9 placement of children for whom parental rights have  
 10 been terminated and who are under the guardianship of  
 11 the department. The department shall utilize \$306,082  
 12 of the moneys appropriated to the department for child  
 13 and family services in 1994 Iowa Acts, chapter 1186,  
 14 section 10, for the services increase and for other

15 actions to address the permanent placement of children  
 16 under the department's guardianship, including  
 17 adoption activities and implementation of related  
 18 recommendations made by the committee on foster care  
 19 chaired by the lieutenant governor. The efforts to  
 20 increase services shall result in the employment of  
 21 8.5 FTEs for adoption services. The department's  
 22 authorized number of FTEs is increased by the number  
 23 of additional FTEs authorized by this section. The  
 24 department of human services, department of personnel,  
 25 and the department of management shall take all  
 26 necessary actions to expedite the employment of  
 27 persons in FTEs authorized by this section. Moneys  
 28 allocated by this section which remain unobligated or  
 29 unexpended at the close of the fiscal year shall not  
 30 revert to the general fund of the state but shall  
 31 remain available to be used in addition to other  
 32 funding provided for the same purposes in the  
 33 succeeding fiscal year. The performance measure for  
 34 implementing the provisions of this section is a  
 35 reduction of 205 children in the backlog of children  
 36 waiting for permanent placement."  
 37 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3104

- 1 Amend Senate File 266 as follows:  
 2 1. Page 23, line 10, by striking the figure  
 3 "260,000" and inserting the following: "150,000".

JOHN P. KIBBIE

S-3105

- 1 Amend Senate File 228 as follows:  
 2 1. Page 1, by striking lines 1 through 19.  
 3 2. Page 1, by striking lines 32 through 34 and  
 4 inserting the following: "select a vendor to provide  
 5 the notification service. The terms of the".  
 6 3. Page 2, by striking lines 8 through 12 and  
 7 inserting the following: "including a an annual audit  
 8 and review of the services provided by the".  
 9 4. Page 2, by striking lines 24 and 25 and  
 10 inserting the following: "at least once each year by  
 11 a certified public accountant. The notification  
 12 center shall not".

DENNIS BLACK

S-3106

1 Amend Senate File 208 as follows:

2 1. Page 1, by striking lines 19 and 20 and  
3 inserting the following:

4 "Sec. \_\_\_\_ . NEW SECTION. 135.43 IOWA CHILD DEATH  
5 REVIEW TEAM ESTABLISHED - DUTIES."

6 2. Page 1, line 23, by striking the words "and  
7 the department of human services".

8 3. Page 1, line 29, by striking the word "and"  
9 and inserting the following: "in consultation with".

10 4. Page 2, by striking lines 18 and 19 and  
11 inserting the following:

12 "\_\_\_\_ . A pediatrician who is knowledgeable  
13 concerning deaths of children.

14 \_\_\_\_ . A family practice physician who is  
15 knowledgeable concerning deaths of children."

16 5. Page 2, line 30, by striking the words "A  
17 nurse" and inserting the following: "An emergency  
18 room nurse".

19 6. Page 3, by striking lines 17 and 18 and  
20 inserting the following:

21 "\_\_\_\_ . Develop protocols for and establish a  
22 subcommittee to review child abuse investigations,".

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

25 "Sec. \_\_\_\_ . Section 232.71, subsection 1, Code  
26 1995, is amended to read as follows:

27 1. If a report is determined to constitute a child  
28 abuse allegation, the department of human services  
29 shall promptly commence an appropriate investigation.

30 The primary purpose of this investigation shall be the  
31 protection of the child named in the report. The  
32 department, within five working days of commencing the

33 investigation, shall provide written notification of  
34 the investigation to the child's parents. However, if  
35 the department shows the court to the court's

36 satisfaction that notification is likely to endanger  
37 the child or other persons, the court shall orally  
38 direct the department to withhold notification.

39 Within one working day of issuing an oral directive,  
40 the court shall issue a written order restraining the

41 notification. The department shall not reveal in the  
42 written notification to the parents or otherwise the  
43 identity of the reporter of child abuse during an  
44 investigation to a subject of a child abuse report  
45 listed in section 235A.15, subsection 2, paragraph

46 "a". If a report is determined not to constitute a  
47 child abuse allegation, but a criminal act harming a  
48 child is alleged, the department shall immediately

49 refer the matter to the appropriate law enforcement  
50 agency."

Page 2

1 8. Page 6, by striking lines 21 through 27 and  
2 inserting the following:  
3 " \_\_\_\_ . The department shall implement the pilot  
4 projects by January 15, 1996. The department shall  
5 report to the governor and the general assembly  
6 concerning the pilot projects on or before February  
7 29, 1996. The report shall include a description of  
8 successes and problems encountered in implementing the  
9 pilot projects. It is the intent of the general  
10 assembly to implement statewide an assessment-based  
11 approach to respond to child abuse reports commencing  
12 with the fiscal year beginning July 1, 1995."

13 9. Page 7, by inserting after line 13 the  
14 following:

15 "Sec. \_\_\_\_ . EMERGENCY RULES. The department of  
16 human services may adopt emergency rules under section  
17 17A.4, subsection 2, and section 17A.5, subsection 2,  
18 paragraph "b", to implement the provisions of section  
19 4 of this Act, relating to child abuse assessment  
20 pilot projects, and the rules shall be effective  
21 immediately upon filing unless a later date is  
22 specified in the rules. Any rules adopted in  
23 accordance with this section shall also be published  
24 as a notice of intended action as provided in section  
25 17A.4."

26 10. By renumbering as necessary.

ELAINE SZYMONIAK

S-3107

1 Amend Senate File 160 as follows:

2 1. Page 6, by inserting after line 29 the  
3 following:

4 " \_\_\_\_ . A loan agreement entered into by a  
5 municipality under this program shall contain a  
6 provision requiring the municipality to set aside ten  
7 percent of the loan amount in a maintenance and upkeep  
8 account. Funds in that account shall be used for  
9 repairs to the property while it is owned by the  
10 municipality. Prior to the sale of property all  
11 necessary repairs shall be made by the municipality.  
12 If the property is sold by the municipality, funds  
13 remaining in the account shall be used to repay the  
14 loan amount. Excess funds in the account after the

15 loan amount is repaid shall revert to the Iowa finance  
16 authority to be used for the purposes of this  
17 program."

18 2. Page 8, by inserting after line 34 the  
19 following:

20 "If the municipality has not sold housing units  
21 owned by the municipality by the fifth year following  
22 the construction of the housing units, the Iowa  
23 finance authority may bundle individual housing units  
24 for sale by public bid or auction."

25 3. By renumbering as necessary.

ALLEN BORLAUG

S-3108

1 Amend Senate File 160 as follows:

2 1. Page 1, lines 28 and 29, by striking the words  
3 "city, a county, or a municipal housing agency" and  
4 inserting the following: "municipal housing agency,  
5 city or county, where the county has a population of  
6 fewer than twenty thousand residents,".

7 2. Page 2, line 1, by inserting after the word  
8 "entity" the following: "in a county with a  
9 population under twenty thousand".

10 3. Page 2, line 5, by inserting after the word  
11 "entities." the following: "However, an entity  
12 organized under chapter 28E shall not have as one of  
13 its members a municipality from a county with a  
14 population of over twenty thousand."

ALLEN BORLAUG

HOUSE AMENDMENT TO  
SENATE CONCURRENT RESOLUTION 15

S-3109

1 Amend Senate Concurrent Resolution 15 as follows:

2 1. Page 2, line 17, by striking the word "for"  
3 and inserting the following: "that will promote".

S-3110

1 Amend the amendment, S-3084, to Senate File 160 as  
2 follows:

3 1. Page 1, line 19, by striking the words "all  
4 other".

5 2. Page 1, line 19, by inserting after the word

6 "issued" the following: "by a political subdivision  
7 for infrastructure needs".

MERLIN E. BARTZ  
TONY BISIGNANO

S-3111

1 Amend Senate File 160 as follows:  
2 1. Page 2, line 19, by inserting after the word  
3 "single-unit" the following: "housing which would  
4 sell for seventy-five thousand dollars or less".

STEWART IVERSON, Jr.

S-3112

1 Amend Senate File 160 as follows:  
2 1. Page 2, by inserting after line 21 the  
3 following:  
4 "3. A municipality shall not participate in this  
5 program unless it has completed a housing needs  
6 survey, which has been approved by the governing body  
7 of the city or county in which the municipality is  
8 located."

MARY NEUHAUSER  
TOM VILSACK

S-3113

1 Amend the amendment, S-3111, to Senate File 160, as  
2 follows:  
3 1. Page 1, line 4, by striking the words  
4 "seventy-five thousand dollars or less" and inserting  
5 the following: "an amount equal to or less than the  
6 maximum purchase amount for new homes under the first  
7 time home buyer program administered by the Iowa  
8 finance authority".

TOM VILSACK

S-3114

1 Amend Senate File 259 as follows:  
2 1. Page 3, by inserting after line 3 the  
3 following:  
4 "Sec. 3. Section 156.3, Code 1995, is amended to  
5 read as follows:  
6 156.3 ELIGIBILITY REQUIREMENTS.

7 To be eligible to take the examination for a  
 8 funeral director's license, a person must have  
 9 completed two academic years of instruction in a  
 10 recognized college or university in a course of study  
 11 approved by the board or have equivalent education as  
 12 defined by the board and have satisfactorily completed  
 13 a course of instruction in mortuary science in an  
 14 accredited school approved by the board. After July  
 15 1, 1997, to be eligible to take the examination for a  
 16 funeral director's license, a person must possess a  
 17 bachelor of arts or bachelor of science degree from a  
 18 regionally accredited college or university and must  
 19 also have satisfactorily completed a course of  
 20 instruction in mortuary science in an accredited  
 21 school approved by the board."

ALBERT SORENSEN

S-3115

1 Amend Senate File 160 as follows:  
 2 1. Page 2, line 21, by striking the word  
 3 "community." and inserting the following: "community,  
 4 approved in accordance with subsection 3.  
 5 3. The authority shall not enter into any  
 6 agreement with a municipality under this program  
 7 unless the project has been approved as follows:  
 8 a. The governing body of the city or county  
 9 containing the municipality shall hold a public  
 10 hearing on the proposed project not less than seven  
 11 days following the publishing of notice of the hearing  
 12 in a newspaper of general circulation in the city or  
 13 county in which the proposed project is to be located.  
 14 b. Following the public hearing, if the governing  
 15 body wishes to proceed with the project, the governing  
 16 body shall adopt a resolution approving the project.  
 17 The resolution shall provide for a reverse referendum  
 18 under paragraph "c".  
 19 c. Upon the petition of ten percent of the persons  
 20 who voted in the last election for members of the  
 21 governing body of the city or county, received within  
 22 thirty days of the date of adoption of the resolution  
 23 under paragraph "b", the governing body shall direct  
 24 that the proposal be submitted for a special election  
 25 to be held as early as practicable. Notice of the  
 26 election shall be given as provided in section 49.53,  
 27 for cities, or as provided in section 331.305, for  
 28 counties. The notice shall state the time and place  
 29 of holding the election and the hours when the polls  
 30 will open and close, the purpose of the election, and

31 a description of the proposed project. The project  
32 shall be considered approved if a majority of the  
33 votes cast favor the project."

H. KAY HEDGE

S-3116

1 Amend Senate File 160 as follows:

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

4 "Section 1. Section 16.107, Code 1995, is amended  
5 to read as follows:

6 16.107 INFRASTRUCTURE LOAN PROGRAM.

7 The authority may issue its bonds or notes for the  
8 purpose of pooling obligations of ~~two~~ one or more  
9 cities, counties, ~~or~~ sanitary districts ~~for the~~  
10 purpose of financing infrastructure, or other special  
11 districts authorized to provide for infrastructure and  
12 improvements, including housing, as defined by  
13 sections 15.284 and 15.285. Sections 16.103 through  
14 16.106 shall apply with respect to the issuance of  
15 these bonds or notes or the disposition of proceeds of  
16 these bonds or notes. All bonds or notes issued by  
17 the authority pursuant to this section are exempt from  
18 taxation by this state and the interest on the bonds  
19 or notes is exempt from state income tax."

20 2. Page 1, by inserting after line 24 the  
21 following:

22 "5. The exemption of bonds and notes from Iowa  
23 income tax would be advantageous to the availability  
24 of capital for housing."

25 3. Page 9, by inserting after line 7 the  
26 following:

27 "Sec. \_\_\_\_ . Section 1 of this Act takes effect July  
28 1, 1995, and applies to interest income received from  
29 bonds and notes issued under section 16.107 on or  
30 after July 1, 1995."

31 4. By renumbering as necessary.

MERLIN E. BARTZ

S-3117

1 Amend Senate File 106 as follows:

2 1. Page 1, line 3, by striking the words "a state  
3 agency" and inserting the following: "an appointing  
4 authority".

5 2. Page 1, line 9, by striking the word "agency"  
6 and inserting the following: "appointing authority".

7 3. Page 1, line 12, by striking the word "agency"  
8 and inserting the following: "appointing authority".  
9 4. Page 1, line 15, by inserting after the word  
10 "work." the following: "An employee deemed to be on  
11 leave under this section shall not be deemed to be an  
12 employee of the state for purposes of workers'  
13 compensation. An employee deemed to be on leave under  
14 this section shall not be deemed to be an employee of  
15 the state for purposes of the Iowa tort claims Act."

COMMITTEE ON STATE GOVERNMENT  
MICHAEL E. GRONSTAL, Chairperson

S-3118

1 Amend Senate File 232 as follows:  
2 1. Page 1, by striking lines 3 and 4 and  
3 inserting the following:  
4 "A person shall not ride and an operator shall not  
5 allow any other person to ride on a motor".  
6 2. Title page, by striking lines 1 through 3 and  
7 inserting the following: "An Act prohibiting persons  
8 from riding and prohibiting operators from allowing  
9 persons to ride on any portion of a motor vehicle".

JIM LIND

S-3119

1 Amend Senate File 296 as follows:  
2 1. Page 1, by striking lines 5 through 7 and  
3 inserting the following: "alcoholic liquor, wine, or  
4 beer to any person knowing or".  
5 2. By striking page 1, line 28, through page 2,  
6 line 30.  
7 3. Title page, line 2, by striking the words  
8 "twenty-one" and inserting the following: "eighteen".  
9 4. Title page, line 3, by striking the words "or  
10 on private property".

TOM VILSACK

S-3120

1 Amend Senate File 266 as follows:  
2 1. Page 22, lines 6 and 7, by striking the words  
3 "seven hundred fifty seventy-five" and inserting the  
4 following: "nine hundred fifty".

MICHAEL CONNOLLY

S-3121

1 Amend Senate File 266 as follows:  
 2 1. Page 3, by inserting after line 31 the  
 3 following:  
 4 "\_\_\_ . SCHOOL IMPROVEMENT FUND.  
 5 For the purpose of providing funds to local school  
 6 districts for various school improvements, including,  
 7 but not limited to the acquisition of educational  
 8 technology, the acquisition of educational software,  
 9 the provision of staff development related to the use  
 10 of educational technology, and other purposes deemed  
 11 appropriate by the local school district:  
 12 ..... \$ 15,000,000  
 13 The funds appropriated in this subsection shall be  
 14 allocated to each school district in proportion to  
 15 each district's basic enrollment for the budget year  
 16 as defined under section 257.6."  
 17 2. By renumbering as necessary.

MARY KRAMER  
 MARY LOU FREEMAN  
 JIM LIND  
 MARY A. LUNDBY  
 ALLEN BORLAUG  
 WILMER RENSINK  
 MERLIN E. BARTZ

S-3122

1 Amend Senate File 266 as follows:  
 2 1. Page 6, by inserting after line 13 the  
 3 following:  
 4 "Each community college shall award a percentage of  
 5 total financial aid grant funds to minority students  
 6 not less than the percentage of minority persons  
 7 residing in Iowa as indicated in current census  
 8 figures or not less than the percentage of minority  
 9 persons residing in the area served by the community  
 10 college as indicated in current census figures,  
 11 whichever is greater. "Minority" means, for purposes  
 12 of this paragraph, an individual who is African-  
 13 American, Hispanic, Asian, or a Pacific islander,  
 14 American Indian, or an Alaskan native American."

JIM LIND

S-3123

1 Amend Senate File 251 as follows:

- 2 1. Page 1, line 3, by striking the word "twenty-  
3 one" and inserting the following: "twenty-one  
4 eighteen".
- 5 2. Page 1, line 6, by striking the word "twenty-  
6 one" and inserting the following: "twenty-one  
7 eighteen".
- 8 3. Page 1, by striking lines 9 through 12 and  
9 inserting the following: "twenty-one eighteen, is  
10 guilty of a misdemeanor."
- 11 4. Page 1, line 15, by striking the word "twenty-  
12 one" and inserting the following: "twenty-one  
13 eighteen".
- 14 5. Page 1, by striking lines 16 through 18 and  
15 inserting the following: "make a pari-mutuel wager."
- 16 6. Page 1, line 22, by striking the word "twenty-  
17 one" and inserting the following: "twenty-one  
18 eighteen".
- 19 7. Page 1, by striking lines 23 through 25 and  
20 inserting the following: "simple misdemeanor."
- 21 8. Page 1, line 29, by striking the word "twenty-  
22 one" and inserting the following: "twenty-one  
23 eighteen".
- 24 9. Page 1, line 34, by striking the word "twenty-  
25 one" and inserting the following: "twenty-one  
26 eighteen".
- 27 10. Page 2, line 2, by striking the word "twenty-  
28 one" and inserting the following: "twenty-one  
29 eighteen".
- 30 11. Page 2, by striking lines 3 through 6 and  
31 inserting the following: "in violation of this  
32 subsection shall be forfeited."
- 33 12. Page 2, line 9, by striking the word "twenty-  
34 one" and inserting the following: "twenty-one  
35 eighteen".
- 36 13. Page 2, by striking lines 13 through 16 and  
37 inserting the following: "older may be employed to  
38 work in a gambling area."
- 39 14. Page 2, line 20, by striking the word  
40 "twenty-one" and inserting the following: "twenty-one  
41 eighteen".
- 42 15. Page 2, by striking lines 21 through 23 and  
43 inserting the following: "misdemeanor."
- 44 16. Page 2, line 24, by striking the words "-  
45 APPLICABILITY DATE".
- 46 17. Page 2, by striking line 26 and inserting the  
47 following: "enactment."
- 48 18. Title page, by striking lines 1 through 3 and

49 inserting the following: "An Act relating to the  
50 legal age for gambling and providing an effective

Page 2

1 date."

MERLIN E. BARTZ

S-3124

- 1 Amend the amendment, S-3122, to Senate File 266, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 and 7.
- 4 2. Page 1, line 8, by striking the words "figures
- 5 or".
- 6 3. Page 1, lines 10 and 11, by striking the words
- 7 " , whichever is greater".

ALLEN BORLAUG  
H. KAY HEDGE  
MARY LOU FREEMAN

S-3125

- 1 Amend Senate File 285 as follows:
- 2 1. Page 5, by striking lines 22 through 32.
- 3 2. By renumbering as necessary.

TOM VILSACK

S-3126

- 1 Amend Senate File 314 as follows:
- 2 1. Page 2, line 20, by striking the word
- 3 "another" and inserting the following: "a new".
- 4 2. Page 2, line 21, by striking the word "other"
- 5 and inserting the following: "new".
- 6 3. Page 2, line 22, by striking the word "other"
- 7 and inserting the following: "new".
- 8 4. Title, line 1, by striking the word "another"
- 9 and inserting the following: "a new".

COMMITTEE ON EDUCATION  
MIKE CONNOLLY, Chairperson

S-3127

- 1 Amend Senate File 120 as follows:
- 2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. NEW SECTION. 904.516 ACADEMIC  
5 ACHIEVEMENT OF INMATES -- LITERACY AND HIGH SCHOOL  
6 EQUIVALENCY PROGRAMS.

7 1. Effective July 1, 1997, a person who is  
8 committed to the custody of the director of the  
9 department of corrections may be evaluated for  
10 purposes of determining the level of achievement in  
11 the basic skills of arithmetic, the communicative arts  
12 of reading, writing, grammar, and spelling, social  
13 studies, and the sciences.

14 2. Persons who demonstrate functional literacy  
15 competence below the sixth grade level may be required  
16 to participate in literacy programs established by the  
17 department. Participation shall be voluntary, but  
18 shall be reflected as part of the person's record at  
19 the institution. Persons who are required to  
20 participate in literacy programs and who refuse to  
21 participate shall be subject to the following  
22 penalties:

- 23 a. Eligibility only for a minimum allowance.
- 24 b. Placement on idle status.
- 25 c. Ineligibility for work bonuses.
- 26 d. Ineligibility for minimum out or minimum live  
27 out status.
- 28 e. Ineligibility for other privileges as  
29 determined by the department.

30 3. Persons who have not completed the requirements  
31 for high school or a high school equivalency diploma  
32 may be required to complete the requirements for and  
33 to obtain a high school equivalency diploma under  
34 chapter 259A.

35 4. The department, in cooperation with the board  
36 of parole, shall adopt rules which establish a  
37 procedure for evaluation of inmates to determine basic  
38 skills achievement, and criteria for placement of  
39 inmates in educational programs. Rules adopted may  
40 include, but shall not be limited to, the  
41 establishment of standards for the development of  
42 appropriate programming, imposition of any applicable  
43 penalties, and for waiver of any educational  
44 requirements."

45 2. Page 1, line 3, by striking the word "shall"  
46 and inserting the following: "may, effective July 1,  
47 1997".

48 3. Page 1, line 5, by inserting after the word  
49 "capable" the following: "to demonstrate functional  
50 literacy competence at or above the sixth grade level

Page 2

1 or".

2 4. Page 1, by inserting after line 8 the

3 following:

4 "Sec. \_\_\_\_ . PROGRESS REPORTS -- BUDGET REQUEST.

5 The department of corrections shall submit, as part of

6 the department's budget request to the governor, plans

7 for the implementation of this Act by July 1, 1997.

8 The department shall also submit a report, in January

9 of 1996, to the general assembly which outlines the

10 progress made towards implementation of this Act."

11 5. Title page, line 1, by inserting after the

12 word "inmates" the following: "demonstrate functional

13 literacy competence at or above the sixth grade level

14 or".

15 6. Title page, line 2, by striking the word

16 "prior" and inserting the following: ", conditioning

17 receipt of certain privileges on participation in

18 education programs, and permitting the use of

19 educational competence as a precondition".

20 7. By renumbering as necessary.

COMMITTEE ON JUDICIARY

RANDAL J. GIANNETTO, Chairperson

S-3128

1 Amend Senate File 293 as follows:

2 1. Page 1, lines 3 and 4, by striking the words

3 "FIREARM DANGEROUS WEAPON" and inserting the

4 following: "FIREARM OR KNIFE".

5 2. Page 1, lines 9 and 10, by striking the words

6 "firearm dangerous weapon" and inserting the

7 following: "firearm or a knife".

8 3. Page 1, line 10, by striking the words

9 "firearm dangerous weapon" and inserting the

10 following: "firearm or a knife".

11 4. Page 1, line 11, by striking the words

12 "firearm dangerous weapon" and inserting the

13 following: "firearm or a knife".

14 5. Title page, line 2, by striking the words

15 "dangerous weapon" and inserting the following:

16 "knife".

ROD HALVORSON

S-3129

- 1 Amend Senate File 290 as follows:
- 2 1. Page 1, by inserting after line 7 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 321.1, subsection 76, Code
- 5 1995, is amended to read as follows:
- 6 76. A "~~special~~ Special truck" means a motor truck
- 7 or truck tractor not used for hire with a gross weight
- 8 registration of six through thirty-two tons used by a
- 9 person engaged in farming to transport commodities
- 10 produced only by the owner, or to transport
- 11 commodities purchased by the owner for use in the
- 12 owner's own farming operation or occasional use for
- 13 charitable purposes. "Special truck" also means a
- 14 motor truck or truck tractor not used for hire with a
- 15 gross weight registration of six through thirty-two
- 16 tons used by a person engaged in farming who assists
- 17 another person engaged in farming through an exchange
- 18 of services. A "special truck" does not include a
- 19 truck tractor operated more than seventy-five hundred
- 20 miles annually."
- 21 2. By renumbering as necessary.

ROD HALVORSON

S-3130

- 1 Amend Senate File 214 as follows:
- 2 1. Page 3, line 34, by inserting after the word
- 3 "vehicle." the following: "The stamped designation
- 4 shall be in red and shall be in letters no bigger than
- 5 twelve-point type. The stamped designation shall be
- 6 located on the certificate of title and on the
- 7 registration receipt."

COMMITTEE ON TRANSPORTATION  
DON E. GETTINGS, Chairperson

S-3131

- 1 Amend Senate Resolution 11 as follows:
- 2 1. Page 2, by inserting after line 28 the
- 3 following:
- 4 "BE IT FURTHER RESOLVED, That the secretary of the
- 5 senate send copies of this resolution to John Morrell

6 and Company and to the Governors of Iowa and South  
7 Dakota.”

COMMITTEE ON BUSINESS  
AND LABOR RELATIONS  
DICK L. DEARDEN, Chairperson

S-3132

1 Amend Senate File 196 as follows:

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

4 “Sec. \_\_\_\_ . Section 96.3, subsection 5, Code 1995,  
5 is amended to read as follows:

6 5. DURATION OF BENEFITS. The maximum total amount  
7 of benefits payable to an eligible individual during a  
8 benefit year shall not exceed the total of the wage  
9 credits accrued to the individual's account during the  
10 individual's base period, or twenty-six times the  
11 individual's weekly benefit amount, or for purposes of  
12 section 96.3A only twenty times the individual's  
13 weekly benefit amount, whichever is the lesser. The  
14 commissioner shall maintain a separate account for  
15 each individual who earns wages in insured work. The  
16 commissioner shall compute wage credits for each  
17 individual by crediting the individual's account with  
18 one-third of the wages for insured work paid to the  
19 individual during the individual's base period.

20 However, the commissioner shall recompute wage credits  
21 for an individual who is laid off due to the  
22 individual's employer going out of business at the  
23 factory, establishment, or other premises at which the  
24 individual was last employed, by crediting the  
25 individual's account with one-half, instead of one-  
26 third, of the wages for insured work paid to the  
27 individual during the individual's base period.

28 Benefits paid to an eligible individual shall be  
29 charged against the base period wage credits in the  
30 individual's account which have not been previously  
31 charged, in the inverse chronological order as the  
32 wages on which the wage credits are based were paid.

33 However if the state “off indicator” is in effect and  
34 if the individual is laid off due to the individual's  
35 employer going out of business at the factory,  
36 establishment, or other premises at which the  
37 individual was last employed, the maximum benefits  
38 payable shall be extended to thirty-nine times the  
39 individual's weekly benefit amount, or for purposes of  
40 section 96.3A only thirty-three times the individual's  
41 weekly benefit amount, but not to exceed the total of

42 the wage credits accrued to the individual's account."  
43 2. By renumbering as necessary.

COMMITTEE ON BUSINESS  
AND LABOR RELATIONS  
DICK L. DEARDEN, Chairperson

S-3133

1 Amend Senate File 21 as follows:  
2 1. Page 1, lines 6 and 7, by striking the words  
3 "School officials may conduct periodic inspections of  
4 all school lockers." and inserting the following:  
5 "School officials may conduct periodic inspections of  
6 all school lockers."  
7 2. Page 1, by inserting after line 10 the  
8 following:  
9 "Sec. \_\_\_\_ . Section 808A.2, subsection 1, Code  
10 1995, is amended to read as follows:  
11 1. A school official may conduct a search of a  
12 student or a protected student area only if all of the  
13 following apply in either of the following situations:  
14 a. The school official has a reasonable and  
15 articulable suspicion that a criminal offense or a  
16 school rule or regulation bearing on school order has  
17 been violated A school official may search a student  
18 or a protected student area if the official has  
19 reasonable grounds for suspecting that the search will  
20 produce evidence that a student has violated or is  
21 violating a law or a school rule or regulation.  
22 b. The school official has a reasonable and  
23 articulable belief that the search will produce  
24 evidence of such violation A school official may  
25 search more than one student or protected student area  
26 pursuant to a student search rule. A rule allowing  
27 searches of more than one student or protected student  
28 areas must be reasonable based on balancing the need  
29 for the search against the intrusion into a protected  
30 student area. A search conducted pursuant to this  
31 paragraph may include a search of all school lockers,  
32 however, all searches conducted pursuant to this  
33 paragraph shall be conducted in a manner reasonably  
34 related to the circumstances which justified the  
35 search.  
36 c. If the search is of an individual student, the  
37 suspicion and belief required by paragraphs "a" and  
38 "b" is particular to the student to be searched.  
39 d. If the search is of more than one student or of  
40 a protected student area, the search must be based  
41 upon and pursuant to a valid and reasonable student

42 search rule.”

43 3. Title page, by striking lines 1 and 2 and  
 44 inserting the following: “An Act relating to the  
 45 grounds upon which a school official may search  
 46 student lockers or protected student areas.”

COMMITTEE ON EDUCATION  
 MIKE CONNOLLY, Chairperson

S-3134

1 Amend Senate File 73 as follows:

2 1. Page 3, by striking lines 11 through 14 and  
 3 inserting the following: “management.”  
 4 2. Page 3, by striking lines 25 through 31 and  
 5 inserting the following: “interdisciplinary  
 6 consultation and collaboration.”  
 7 3. Page 4, by striking lines 15 through 18 and  
 8 inserting the following: “not use words or titles  
 9 which imply or represent that the person is a licensed  
 10 bachelor social worker, licensed master social worker,  
 11 or licensed independent social worker.”  
 12 4. Page 5, by striking line 30 and inserting the  
 13 following:  
 14 “(5) Supervision shall be provided in any of”.  
 15 5. Page 5, line 32, by striking the figure “(1)”  
 16 and inserting the following: “(a)”.  
 17 6. Page 5, line 35, by striking the figure “(2)”  
 18 and inserting the following: “(b)”.  
 19 7. Page 7, line 23, by striking the word “either”  
 20 and inserting the following: “any”.  
 21 8. Page 7, by inserting after line 29 the  
 22 following:  
 23 “c. That the applicant is employed performing  
 24 master level social work duties as defined in section  
 25 154C.1, subsection 3, paragraph “b”, as of July 1,  
 26 1995, and has four thousand hours of employment  
 27 experience in the practice of social work as of July  
 28 1, 1997.”

COMMITTEE ON STATE GOVERNMENT  
 MICHAEL E. GRONSTAL, Chairperson

S-3135

1 Amend Senate File 10 as follows:

2 1. Page 1, by striking lines 1 through 10 and  
 3 inserting the following:  
 4 “Section 1. NEW SECTION. 262.8A EXECUTIVE  
 5 DIRECTOR.”

6 The governor shall appoint an executive director,  
 7 subject to confirmation by the senate, who shall serve  
 8 at the pleasure of the governor. The executive  
 9 director is exempt from”.

JACK RIFE

S-3136

1 Amend Senate File 375 as follows:

2 1. Page 1, by inserting before line 1 the follow-  
 3 ing:

4 “Section 1. Section 556.1, Code 1995, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 5A. “Money order” includes an  
 7 express money order and a personal money order, on  
 8 which the remitter is the purchaser. “Money order”  
 9 does not include a bank money order or any other  
 10 instrument sold by a banking or financial organization  
 11 if the seller has obtained the name and address of the  
 12 payee.

13 Sec. 2. Section 556.2, subsection 4, Code 1995, is  
 14 amended to read as follows:

15 4. Any sum payable on checks certified in this  
 16 state or on written instruments issued in this state  
 17 on which a banking or financial organization or  
 18 business association is directly liable, including, by  
 19 way of illustration but not of limitation,  
 20 certificates of deposit, drafts, money orders, and  
 21 traveler's checks and money orders, that, with the  
 22 exception of traveler's checks, has been outstanding  
 23 for more than three years from the date it was  
 24 payable, or from the date of its issuance if payable  
 25 on demand, or, in the case of traveler's checks, that  
 26 has been outstanding for more than fifteen years from  
 27 the date of its issuance, or, in the case of money  
 28 orders, that has been outstanding for more than seven  
 29 years from the date of issuance, unless the owner has  
 30 within three years, or within fifteen years in the  
 31 case of traveler's checks or seven years in the case  
 32 of money orders, corresponded in writing with the  
 33 banking or financial organization or business  
 34 association concerned, or otherwise indicated an  
 35 interest as evidenced by a memorandum on file with the  
 36 banking or financial organization or business  
 37 association. The memorandum shall be dated and may  
 38 have been prepared by the banking or financial  
 39 organization or business association, in which case it  
 40 shall be signed by an officer of the banking or  
 41 financial organization, or a member of the business

42 association, or it may have been prepared by the  
43 owner."  
44 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3137

1 Amend the amendment, S-3087, to Senate File 141 as  
2 follows:  
3 1. Page 1, line 5, by striking the word "and".

MERLIN E. BARTZ

S-3138

1 Amend Senate File 258 as follows:  
2 1. Page 1, line 5, by inserting after the word  
3 "duplication" the following: "which includes but is  
4 not limited to the cost of preparation of the record  
5 for duplication".

ELAINE SZYMONIAK

S-3139

1 Amend Senate File 283 as follows:  
2 1. Page 2, by striking line 32.

DENNIS BLACK

S-3140

1 Amend Senate File 232 as follows:  
2 1. Page 1, by inserting after line 12 the  
3 following:  
4 "3. If there are more than three persons in the  
5 front seat of the motor vehicle."

BERL PRIEBE

S-3141

1 Amend Senate File 232 as follows:  
2 1. Page 1, by inserting after line 12 the  
3 following:  
4 "3. The motor vehicle is being operated between  
5 job sites."

BERL PRIEBE

S-3142

- 1 Amend Senate File 258 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "rules" the following: "under chapter 17A".

JOHN P. KIBBIE  
BERL E. PRIEBE

S-3143

- 1 Amend Senate File 286 as follows:
- 2 1. Page 2, by inserting after line 5 the
- 3 following:
- 4 "Sec. \_\_\_\_ . The state shall not pay any additional
- 5 costs incurred by a political subdivision as a result
- 6 of this Act."

O. GENE MADDOX

S-3144

- 1 Amend Senate File 178 as follows:
- 2 1. Page 7, line 3, by inserting after the word
- 3 "requirements." the following: "The department shall
- 4 adopt rules to recognize the previous EMS training and
- 5 experience of first responders and emergency medical
- 6 technicians certified prior to July 1, 1995, to
- 7 provide for an equitable transition to the EMT-basic
- 8 certification. The department may require additional
- 9 training and examinations as necessary and appropriate
- 10 to ensure that individuals seeking certification have
- 11 met the EMT-basic knowledge and skill requirements."

JOHNIE HAMMOND

S-3145

- 1 Amend Senate File 290 as follows:
- 2 1. Page 13, by inserting after line 12 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 321.463, Code 1995, is amended
- 5 by adding the following new unnumbered paragraph after
- 6 unnumbered paragraph 2:
- 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding other
- 8 provisions of this chapter to the contrary,
- 9 indivisible loads operating under the permit
- 10 requirements of sections 321E.7, 321E.8, and 321E.9
- 11 shall be allowed a maximum of twenty thousand pounds

12 per axle.”

13 2. By renumbering as necessary.

DON E. GETTINGS

S-3146

1 Amend Senate File 290 as follows:

2 1. Page 12, by inserting after line 20 the

3 following:

4 “Sec. \_\_\_\_ . Section 321.210A, subsection 3, Code

5 1995, is amended to read as follows:

6 3. Upon receipt of a report of a failure to pay  
7 the fine, penalty, surcharge, or court costs from the  
8 clerk of the district court, the department shall in  
9 accordance with its rules, suspend the person's motor  
10 vehicle license until the fine, penalty, surcharge, or  
11 court costs are paid, unless the person proves to the  
12 satisfaction of the department that the person cannot  
13 pay the fine, penalty, surcharge, or court costs. A  
14 suspension of a person's motor vehicle license under  
15 this section shall not, by itself, render the person  
16 ineligible for issuance of a temporary restricted  
17 license under section 321.215, subsection 1.

18 Sec. \_\_\_\_ . Section 321.215, subsection 2,  
19 unnumbered paragraph 1, Code 1995, is amended to read  
20 as follows:

21 Upon conviction and the suspension or revocation of  
22 a person's motor vehicle license under section  
23 321.209, subsection 5, 6, or 8; 321.210; ~~321.210A~~; or  
24 321.513; or upon the denial of issuance of a motor  
25 vehicle license under section 321.560, based solely on  
26 offenses enumerated in section 321.555, subsection 1,  
27 paragraph “c”, or section 321.555, subsection 2, and  
28 upon the denial by the director of an application for  
29 a temporary restricted license, a person may apply to  
30 the district court having jurisdiction for the  
31 residence of the person for a temporary restricted  
32 permit to operate a motor vehicle for the limited  
33 purpose or purposes specified in subsection 1. The  
34 application may be granted only if all of the  
35 following criteria are satisfied:

36 Sec. \_\_\_\_ . Section 321.215, subsection 2, paragraph  
37 d, unnumbered paragraph 1, Code 1995, is amended to  
38 read as follows:

39 Proof of financial responsibility is established as  
40 defined in chapter 321A. However, such proof is not  
41 required if the motor vehicle license was suspended  
42 under section ~~321.210A~~ or 321.513 or revoked under  
43 section 321.209, subsection 8.”

44 2. Page 13, by inserting after line 34 the  
45 following:

46 "Sec. \_\_\_\_ . Section 321.559, Code 1995, is amended  
47 to read as follows:

48 321.559 FINDING OF COURT.

49 If the court finds that the defendant is not the  
50 same person named in the abstract, or that the

Page 2

1 defendant is not ~~an~~ a habitual offender as provided in  
2 this division, the proceeding shall be dismissed. If  
3 the court finds that the defendant is ~~an~~ a habitual  
4 offender, the court shall by appropriate judgment  
5 direct that such person not operate a motor vehicle on  
6 the highways of this state for the period specified in  
7 section 321.560. In such case the defendant shall  
8 surrender to the court all licenses or permits to  
9 operate a motor vehicle upon the highways of this  
10 state. The clerk of the court shall transmit a copy  
11 of such judgment together with any licenses or permits  
12 surrendered to the department of transportation.  
13 However, the court shall provide that a person may  
14 operate upon the highways of the state if the person  
15 is granted a temporary restricted permit under section  
16 321.215, subsection 2.

17 Sec. \_\_\_\_ . Section 321.560, Code 1995, is amended  
18 to read as follows:

19 321.560 BARRED FOR SIX YEARS.

20 A license to operate a motor vehicle in this state  
21 shall not be issued to any person declared to be ~~an~~ a  
22 habitual offender under section 321.555, subsection 1  
23 for a period of not less than two years nor more than  
24 six years from the date of judgment as ordered by the  
25 court. However, a temporary restricted permit may be  
26 issued to a person declared to be a habitual offender  
27 under section 321.555, subsection 1, paragraph "c",  
28 pursuant to section 321.215, subsection 2. A license  
29 to operate a motor vehicle in this state shall not be  
30 issued to any person declared to be ~~an~~ a habitual  
31 offender under section 321.555, subsection 2, for a  
32 period of one year from the date of judgment.

33 Sec. \_\_\_\_ . Section 321.561, Code 1995, is amended  
34 to read as follows:

35 321.561 PUNISHMENT FOR VIOLATION.

36 It shall be unlawful for any person convicted as ~~an~~  
37 a habitual offender to operate any motor vehicle in  
38 this state during the period of time specified in  
39 section 321.560 except for a habitual offender who has  
40 been granted a temporary restricted permit pursuant to

41 section 321.215, subsection 2. This conviction shall  
 42 constitute an aggravated misdemeanor."  
 43 3. Page 14, by inserting after line 22 the  
 44 following:  
 45 "Sec. \_\_\_\_ . Section 321J.17, Code 1995, is amended  
 46 to read as follows:  
 47 321J.17 CIVIL PENALTY -- DISPOSITION --  
 48 REINSTATEMENT.  
 49 When the department revokes a person's motor  
 50 vehicle license or nonresident operating privilege

## Page 3

1 under this chapter, the department shall assess the  
 2 person a civil penalty of two hundred dollars. The  
 3 money collected by the department under this section  
 4 shall be transmitted to the treasurer of state who  
 5 shall deposit one-half of the money in the separate  
 6 fund established in section 912.14 and one-half of the  
 7 money shall be deposited in the general fund of the  
 8 state. A temporary restricted license shall not be  
 9 issued or a motor vehicle license or nonresident  
 10 operating privilege shall not be reinstated until the  
 11 civil penalty has been paid."  
 12 4. By renumbering as necessary.

JIM LIND  
 MARY LUNDBY  
 RICHARD F. DRAKE

## S-3147

1 Amend Senate File 367 as follows:  
 2 1. Page 8, by striking lines 20 through 29 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_ . Section 602.8105, subsection 1,  
 5 paragraph c, Code 1995, is amended to read as follows:  
 6 c. For entering a final decree of dissolution of  
 7 marriage, ~~thirty forty~~ dollars. It is the intent of  
 8 the general assembly that the funds generated from  
 9 thirty dollars of the dissolution fees ~~fee~~ be  
 10 appropriated and used for sexual assault and domestic  
 11 violence centers."  
 12 2. Page 8, line 31, by striking the words  
 13 "marriage license" and inserting the following:  
 14 "dissolution".

MERLIN E. BARTZ

S-3148

1 Amend Senate File 368 as follows:

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

4 "Section 1. Section 257.8, subsection 1, Code  
5 1995, is amended by striking the subsection and  
6 inserting in lieu thereof the following:

7 1. STATE PERCENT OF GROWTH.

8 a. The state percent of growth for the budget year  
9 beginning July 1, 1996, is three percent. The state  
10 percent of growth for subsequent budget years shall be  
11 set by statute enacted in the year preceding the base  
12 year.

13 b. The state percent of growth for the budget year  
14 set pursuant to paragraph "a" may be adjusted by  
15 statute enacted within thirty days of the beginning of  
16 the regular session of the general assembly held in  
17 the base year. If such statute is not enacted within  
18 thirty days, the state percent of growth for the  
19 budget year shall be as set pursuant to paragraph "a".

20 Sec. 2. There is appropriated from the general  
21 fund of the state to the department of education for  
22 the fiscal year beginning July 1, 1995, and ending  
23 June 30, 1996, the following amount, or so much  
24 thereof as is necessary, to be used for the purposes  
25 designated:

26 For the purpose of providing funds to local school  
27 districts for various school improvements, including,  
28 but not limited to, the acquisition of educational  
29 technology, the acquisition of educational software,  
30 the provision of staff development related to the use  
31 of educational technology, and other purposes deemed  
32 appropriate by the local school district:

33 ..... \$ 15,000,000

34 The funds appropriated in this subsection shall be  
35 allocated to each school district in proportion to  
36 each district's basic enrollment for the budget year  
37 as defined under section 257.6."

38 2. Title page, by striking lines 1 through 6 and  
39 inserting the following: "An Act relating to school  
40 finances by establishing the state percent of growth  
41 for the budget year beginning July 1, 1996, providing  
42 the manner in which the state percent of growth will  
43 be established for subsequent budget years, and making  
44 an appropriation for local school technology."

STEWART IVERSON, Jr.  
MAGGIE TINSMAN

S-3149

- 1 Amend Senate File 213 as follows:
- 2 1. Page 5, line 33, by striking the words
- 3 "furnish evidence" and inserting the following:
- 4 "certify".
- 5 2. Page 6, line 1, by inserting after the word
- 6 "handicapped." the following: "A person shall not be
- 7 required to submit a chiropractor's or physician's
- 8 statement at the time of renewal of the person's motor
- 9 vehicle license or nonoperator's identification card."
- 10 3. Page 11, lines 21 and 22, by striking the
- 11 words "by providing a physician's or chiropractor's
- 12 statement".

DICK L. DEARDEN

S-3150

- 1 Amend Senate File 311 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "licensee" the following: ", or a person renewing the
- 4 person's license by mail".
- 5 2. Page 1, line 4, by inserting after the word
- 6 "license" the following: ", or the validation
- 7 document issued to a person renewing by mail."
- 8 3. Title page, by striking line 1 and inserting
- 9 the following: "An Act relating to symbols indicating
- 10 medical directives on a validation document for
- 11 license renewal by mail and on a".

JOANN DOUGLAS

S-3151

- 1 Amend Senate File 214 as follows:
- 2 1. Page 5, line 29, by inserting after the word
- 3 "lease." the following: "A lessee who purchases the
- 4 motor vehicle at the termination of the lease shall
- 5 not be required to provide a damage disclosure
- 6 statement."

MERLIN E. BARTZ

S-3152

- 1 Amend Senate File 178 as follows:
- 2 1. Page 5, by striking lines 5 and 6 and
- 3 inserting the following: "determined in rules in

4 accordance with chapter 17A by the director and  
5 subject to the approval of the state board of health."

BERL E. PRIEBE  
STEWART IVERSON, Jr.

S-3153

- 1 Amend Senate File 283 as follows:
- 2 1. Page 1, by striking lines 9 through 20.
- 3 2. Page 1, line 21, by inserting after the word
- 4 and figure "subsection 1," the following: "unnumbered
- 5 paragraph 1,"
- 6 3. Page 1, line 23, by striking the figure "1."
- 7 4. By striking page 1, line 26, through page 2,
- 8 line 2, and inserting the following: "under either of
- 9 the following circumstances:"
- 10 5. Page 2, line 28, by striking the word and
- 11 figure "section 321.234A" and inserting the following:
- 12 "section 321.234A,"
- 13 6. Page 2, by striking line 32.
- 14 7. By renumbering as necessary.

DENNIS H. BLACK

S-3154

- 1 Amend the amendment, S-3130, to Senate File 214 as
- 2 follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 "\_\_\_ . Page 1, line 5, by striking the words "and
- 6 the registration receipt" and inserting the following:
- 7 "~~and the registration receipt~~".
- 8 \_\_\_ . Page 1, line 6, by striking the words "or
- 9 and" and inserting the following: "or".
- 10 \_\_\_ . Page 1, line 8, by striking the words
- 11 "~~stamped and printed~~".
- 12 \_\_\_ . Page 1, line 9, by striking the words "~~the~~
- 13 ~~face of~~".
- 14 \_\_\_ . Page 1, lines 10 and 11, by striking the
- 15 words "and registration receipts" and inserting the
- 16 following: "~~and registration receipts~~".
- 17 \_\_\_ . Page 1, line 11, by inserting after the word
- 18 "vehicle." the following: "If the prior certificate
- 19 of title is from another state and indicates that the
- 20 vehicle was rebuilt the registration receipt shall
- 21 contain the designation of "REBUILT" stamped and
- 22 printed on its face. The stamped designation of
- 23 "REBUILT" shall be located on the center of the right

24 side of the registration receipt in black letters no  
 25 bigger than sixteen point type. The designation shall  
 26 be retained on the face of all subsequent registration  
 27 receipts for the vehicle."

28 \_\_\_\_ . Page 3, by striking line 29 and inserting  
 29 the following: "stamped or printed on the face of the  
 30 title and stamped and printed on the center of the  
 31 right side of the."

32 2. Page 1, line 4, by striking the word "red" and  
 33 inserting the following: "black".

34 3. Page 1, by striking lines 5 through 7 and  
 35 inserting the following: "sixteen point type."

EUGENE S. FRAISE

S-3155

1 Amend Senate File 213 as follows:

2 1. Page 4, line 29, by inserting after the figure  
 3 "321L.8." the following: "If the person is applying  
 4 for a temporary handicapped permit, the physician's or  
 5 chiropractor's statement shall state the period of  
 6 time during which the person is expected to be  
 7 handicapped and the period of time for which the  
 8 permit should be issued, not to exceed three months."

9 2. Page 5, line 19, by striking the words "six  
 10 months" and inserting the following: "up to three  
 11 months, as determined by the physician's or  
 12 chiropractor's statement under this subsection."

13 3. Page 5, line 27, by striking the word "six-  
 14 month" and inserting the following: "subsequent".

TONY BISIGNANO

S-3156

1 Amend Senate File 290 as follows:

2 1. Page 11, lines 10 through 12, by striking the  
 3 words "and personalized registration plates issued  
 4 under section 321.34, subsection 5," and inserting the  
 5 following: ", including any plate issued pursuant to  
 6 section 321.34."

7 2. Page 18, by inserting after line 6 the  
 8 following:

9 "Sec. \_\_\_\_ . APPLICABILITY DATE. Section 13 of this  
 10 Act, amending section 321.166, subsection 2, applies  
 11 only to new registration plates issued to owners on or  
 12 after January 1, 1996."

13 3. Title page, line 10, by striking the words "an

14 effective date" and inserting the following:

15 "effective and applicability dates".

ANDY McKEAN

S-3157

1 Amend Senate File 290 as follows:

2 1. Page 12, by inserting after line 20 the  
3 following:

4 "Sec. \_\_\_\_ . Section 321.319, Code 1995, is amended  
5 to read as follows:

6 321.319 ENTERING INTERSECTIONS FROM DIFFERENT  
7 HIGHWAYS.

8 When two vehicles enter an intersection from  
9 different highways or public streets at approximately  
10 the same time, the driver of the vehicle on the left  
11 shall yield the right of way to the vehicle on the  
12 right. The appropriate authorities, when determining  
13 whether the driver on the left has violated this  
14 section, shall consider, in addition to the direction  
15 in which the vehicles were operating, any other  
16 relevant factors, such as whether the vehicle on the  
17 right was being operated within the speed limit and  
18 whether the vehicle on the right was being operated  
19 recklessly.

20 ~~The foregoing rule~~ This section is modified at  
21 through highways and as otherwise ~~as hereinafter~~  
22 stated in this chapter."

23 2. Page 12, by inserting after line 20 the  
24 following:

25 "Sec. \_\_\_\_ . NEW SECTION. 321.253B METRIC SIGNS  
26 RESTRICTED.

27 The department shall not place a sign relating to a  
28 speed limit, distance, or measurement on a highway if  
29 the sign establishes the speed limit, distance, or  
30 measurement solely by using the metric system, unless  
31 specifically required by federal law."

32 3. Page 12, by inserting after line 20 the  
33 following:

34 "Sec. \_\_\_\_ . Section 321.266, subsections 2 and 3,  
35 Code 1995, are amended to read as follows:

36 2. The driver of a vehicle involved in an accident  
37 resulting in injury to or death of any person, or  
38 total property damage to an apparent extent of five  
39 hundred dollars ~~or more shall also, within seventy-two~~  
40 ~~hours after the accident, forward a written report of~~  
41 ~~the accident to the department a law enforcement~~  
42 ~~officer.~~

43 3. Every law enforcement officer who, in the

44 regular course of duty, investigates a motor vehicle  
 45 accident of which report must be made as required in  
 46 subsections 1 to 3 of this section and 2, either at  
 47 the time of and at the scene of the accident or  
 48 thereafter by interviewing participants or witnesses  
 49 shall, within twenty-four hours after completing such  
 50 the investigation, forward a written report of such

Page 2

1 the accident to the department. The written report  
 2 shall include information regarding liability  
 3 insurance coverage of the drivers involved. A copy of  
 4 the report shall be given to the driver of each  
 5 vehicle involved in the accident. The law enforcement  
 6 officer shall not be liable for any false information  
 7 contained in the accident report.

8 Sec. \_\_\_\_ . Section 321.269, Code 1995, is amended  
 9 to read as follows:

10 321.269 ACCIDENT REPORT FORMS.

11 The department shall ~~prepare and upon request~~  
 12 ~~supply to provide~~ police departments, coroners,  
 13 sheriffs, and other suitable agencies or individuals,  
 14 forms for accident reports required hereunder, which  
 15 ~~under section 321.266. The reports shall each for~~  
 16 ~~require~~ sufficiently detailed information to disclose  
 17 ~~with reference to a traffic accident the cause,~~  
 18 ~~condition then the existing conditions, and the~~  
 19 ~~persons and vehicles involved, and the existence of~~  
 20 ~~liability insurance coverage of the drivers.~~

21 Every required accident report shall be made on a  
 22 form approved by the department if said form is  
 23 available.

24 Sec. \_\_\_\_ . Section 321.271, Code 1995, is amended  
 25 to read as follows:

26 321.271 REPORTS CONFIDENTIAL -- WITHOUT PREJUDICE  
 27 -- EXCEPTIONS.

28 All accident reports filed by a driver of a vehicle  
 29 involved in an accident as required under section  
 30 ~~321.266 shall be in writing. The report Accident~~  
 31 ~~reports filed by a law enforcement officer under~~  
 32 ~~section 321.266 shall be without prejudice to the~~  
 33 ~~individual so reporting driver of a vehicle and shall~~  
 34 be for the confidential use of the department, except  
 35 that upon the request of any person involved in the  
 36 accident, the person's insurance company or its agent,  
 37 or the attorney for such ~~the person, or the attorney~~  
 38 ~~general,~~ the department shall disclose the identity  
 39 and address of the person involved in the accident.  
 40 The department, upon written request of the person

41 making the report, and payment of a four dollar fee,  
 42 shall provide the person with a copy of that person's  
 43 the report to any party to an accident, the party's  
 44 insurance company or its agent, the party's attorney,  
 45 or the attorney general. The written report filed  
 46 with the department shall not be admissible in or used  
 47 in evidence in any civil or criminal case arising out  
 48 of the facts on which the report is based.  
 49 All written reports filed by a law enforcement  
 50 officer as required under section 321.266 shall be

Page 3

1 made available to any party to an accident, the  
 2 party's insurance company or its agent, the party's  
 3 attorney, or the attorney general, on written request  
 4 to the department and the payment of a fee of four  
 5 dollars for each copy. If a copy of an investigating  
 6 officer's report of a motor vehicle accident filed  
 7 with the department is retained by the law enforcement  
 8 agency of the officer who filed the report, a copy  
 9 shall be made available to any party to the accident,  
 10 the party's insurance company or its agent, the  
 11 party's attorney, or the attorney general, on written  
 12 request and the payment of a fee. The attorney  
 13 general shall not be required by the department or the  
 14 law enforcement agency to pay a fee for a copy of a  
 15 report filed by a law enforcement or investigating  
 16 officer.

17 Sec. \_\_\_\_ . Section 321.273, Code 1995, is amended  
 18 to read as follows:

19 321.273 CITY MAY REQUIRE REPORTS.

20 Any An incorporated city or other municipality may  
 21 by ordinance require that the driver of a vehicle  
 22 involved in law enforcement officer reporting an  
 23 accident shall to also file the accident report with a  
 24 designated city department a report of such accident  
 25 or a copy of any report herein required to be filed  
 26 with the department. All such reports shall be for  
 27 the confidential use of the city department and  
 28 subject to the provisions of section 321.271."

29 4. By striking page 13, line 35 through page 14,  
 30 line 13.

31 5. Page 18, by striking line 3 and inserting the  
 32 following:

33 "Sec. \_\_\_\_ . Sections 321.268 and 321F.7, Code 1995,  
 34 are repealed."

35 6. By renumbering as necessary.

MERLIN E. BARTZ

S-3158

- 1 Amend Senate File 290 as follows:  
 2 1. By striking page 11, line 34, through page 12,  
 3 line 20, and inserting the following:  
 4 "Sec. 100. Section 321.189, subsection 7,  
 5 paragraphs a and b, Code 1995, are amended to read as  
 6 follows:  
 7 a. An operator who has been issued a class M  
 8 license prior to ~~July 1, 1994~~ May 1, 1997.  
 9 b. An operator who is renewing the operator's  
 10 class M license issued prior to ~~July 1, 1994~~ May 1,  
 11 1997."  
 12 2. Page 18, by inserting after 3 the following:  
 13 "Sec. 101. 1994 Iowa Acts, chapter 1102, section  
 14 4, as amended by 1994 Iowa Acts, chapter 1199, section  
 15 52, is amended to read as follows:  
 16 SEC. 4. EFFECTIVE DATE. The provisions of this  
 17 Act which amend section 321.189, take effect May 1,  
 18 ~~1995~~ 1997."  
 19 3. Page 18, by inserting after line 6 the follow-  
 20 ing:  
 21 "Sec. \_\_\_\_ . EFFECTIVE DATE AND APPLICABILITY.  
 22 Sections 100 and 101 of this Act, being deemed of  
 23 immediate importance, take effect upon enactment and  
 24 apply retroactively to May 1, 1995, in order to delay  
 25 the effective date of the amendments to section  
 26 321.189, subsection 7, Code 1993, to May 1, 1997."

JACK RIFE

S-3159

- 1 Amend Senate File 320 as follows:  
 2 1. Page 17, line 13, by striking the word  
 3 "published" and inserting the following: "published".  
 4 2. Page 17, line 16, by striking the word  
 5 "published" and inserting the following: "published".  
 6 3. Page 22, line 30, by striking the word  
 7 "published" and inserting the following: "published".  
 8 4. Page 22, line 32, by striking the word  
 9 "published" and inserting the following: "published".  
 10 5. Page 31, line 31, by inserting after the word  
 11 "or" the following: "in".  
 12 6. Page 85, line 29, by striking the word  
 13 "published" and inserting the following: "published".  
 14 7. Page 85, line 34, by striking the word  
 15 "published" and inserting the following: "published".  
 16 8. Page 99, line 2, by striking the word  
 17 "published" and inserting the following: "published".

- 18 9. Page 99, line 7, by striking the word  
 19 "~~published~~" and inserting the following: "published".  
 20 10. Page 107, line 15, by striking the word  
 21 "~~published~~" and inserting the following: "published".  
 22 11. Page 107, line 18, by striking the word  
 23 "~~published~~" and inserting the following: "published".

MICHAEL GRONSTAL

S-3160

- 1 Amend Senate File 290 as follows:  
 2 1. Page 11, lines 10 through 12, by striking the  
 3 words "and personalized registration plates issued  
 4 under section 321.34, subsection 5," and inserting the  
 5 following: "including any plate issued pursuant to  
 6 section 321.34."  
 7 2. Page 18, by inserting after line 6 the  
 8 following:  
 9 "Sec. \_\_\_\_ . APPLICABILITY DATE. Section 13 of this  
 10 Act, amending section 321.166, subsection 2, applies  
 11 only to new registration plates issued to owners on or  
 12 after January 1, 1997."  
 13 3. Title page, line 10, by striking the words "an  
 14 effective date" and inserting the following:  
 15 "effective and applicability dates".

ANDY McKEAN  
 RICHARD F. DRAKE  
 DON GETTINGS

S-3161

- 1 Amend Senate File 344 as follows:  
 2 1. Page 1, by inserting after line 20 the  
 3 following:  
 4 "Sec. \_\_\_\_ . EFFECTIVE DATE. Section 1 of this Act  
 5 shall not become effective until the general assembly  
 6 enacts legislation authorizing statewide referenda by  
 7 the state electorate."  
 8 2. Title page, line 4, by inserting after the  
 9 word "referendum" the following: ", and providing an  
 10 effective date".

O. GENE MADDOX

S-3162

- 1 Amend Senate File 344 as follows:  
 2 1. Page 1, by striking line 9 and inserting the

- 3 following: "safety services without approval of at  
 4 least sixty percent or more of the members of the city  
 5 council. If a".  
 6 2. Page 1, line 12, by inserting after the word  
 7 "adopt" the following: ", by at least a sixty percent  
 8 majority,".  
 9 3. Page 1, line 15, by striking the word  
 10 "However,".  
 11 4. Page 1, by striking lines 16 through 20.  
 12 5. Title page, line 3, by striking the word "a".  
 13 6. Title page, by striking line 4 and inserting  
 14 the following: "approval of at least sixty percent of  
 15 a city council."

O. GENE MADDOX

S-3163

- 1 Amend the amendment, S-3149, to Senate File 213 as  
 2 follows:  
 3 1. Page 1, line 9, by inserting after the word  
 4 "card." the following: "However, if the department  
 5 has reason to believe that the person is no longer  
 6 eligible for a handicapped parking permit, the  
 7 department may require that the person submit a  
 8 physician's or chiropractor's statement indicating  
 9 that the person is still eligible for a handicapped  
 10 parking permit."

BRAD BANKS  
DICK L. DEARDEN

S-3164

- 1 Amend Senate File 290 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Sec. 1000. Section 285.8, Code 1995, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 9. Administer and distribute  
 7 moneys credited to the Iowa education transportation  
 8 enhancement fund established pursuant to section  
 9 285.8A.  
 10 Sec. 2. NEW SECTION. 285.8A IOWA EDUCATION  
 11 TRANSPORTATION ENHANCEMENT FUND.  
 12 1. An Iowa education transportation enhancement  
 13 fund is created in the office of the treasurer of  
 14 state. The fund consists of all revenues and all  
 15 other moneys lawfully credited or transferred to the  
 16 fund. The department shall certify monthly the

17 portions of the fund that are distributed as provided  
18 by this section.

19 2. The department shall establish a procedure for  
20 the distribution of moneys in the fund to local school  
21 boards to be used for the purpose of providing  
22 transportation for pupils.

23 3. The auditor of state or a certified public  
24 accountant firm appointed by the auditor of state  
25 shall conduct annual audits of all accounts and  
26 transactions of the fund.

27 4. Notwithstanding section 12C.7, interest or  
28 earnings on investments or time deposits of the moneys  
29 in the Iowa education transportation enhancement fund  
30 or any of its accounts shall be credited to the Iowa  
31 education transportation enhancement fund.

32 5. Section 8.33 does not apply to moneys  
33 appropriated under this section."

34 2. Page 4, by inserting after line 26 the  
35 following:

36 "Sec. 1010. Section 321.34, Code 1995, is amended  
37 by adding the following new subsection:

38 NEW SUBSECTION. 18. EDUCATION PLATES.

39 a. Upon application and payment of the proper  
40 fees, the director may issue education plates to the  
41 owner of a motor vehicle subject to registration under  
42 section 321.109, subsection 1, light delivery truck,  
43 panel delivery truck, pickup, motor home, multipurpose  
44 vehicle, or travel trailer.

45 b. Education plates shall be designed by the  
46 department in cooperation with the department of  
47 education which design shall include on the plate a  
48 depiction of a school building and a flag and the name  
49 of the county where the vehicle is registered.

50 c. The special school transportation fee for

## Page 2

1 letter number designated education plates is thirty-  
2 five dollars. The fee for personalized education  
3 plates is twenty-five dollars which shall be paid in  
4 addition to the special school transportation fee of  
5 thirty-five dollars. The fees collected by the  
6 director under this subsection shall be paid monthly  
7 to the treasurer of state and credited to the road use  
8 tax fund. Notwithstanding section 423.24, and prior  
9 to the crediting of revenues to the road use tax fund  
10 under section 423.24, subsection 1, paragraph "d", the  
11 treasurer of state shall credit monthly from those  
12 revenues to the Iowa education transportation  
13 enhancement fund created pursuant to section 285.8A,

14 the amount of the special school transportation fees  
15 collected in the previous month for the education  
16 plates.  
17 d. Upon receipt of the special registration  
18 plates, the applicant shall surrender the current  
19 registration receipt and plates to the county  
20 treasurer. The county treasurer shall validate the  
21 special registration plates in the same manner as  
22 regular registration plates are validated under this  
23 section. The annual special school transportation fee  
24 for letter number designated plates is ten dollars,  
25 which shall be paid in addition to the regular annual  
26 registration fee. The annual fee for personalized  
27 education plates is five dollars, which shall be paid  
28 in addition to the annual special school  
29 transportation fee and the regular annual registration  
30 fee. The annual special school transportation fee  
31 shall be credited as provided under paragraph "c."  
32 3. Page 18, by inserting after line 6 the  
33 following:  
34 "Sec. 30. EFFECTIVE DATE. Sections 1000 and 1010  
35 take effect on January 1, 1996."  
36 4. By renumbering as necessary.

BRAD BANKS

S-3165

1 Amend Senate File 398 as follows:  
2 1. Page 1, line 6, by inserting after the word  
3 "may," the following: "no more frequently than".

JOHNNIE HAMMOND

S-3166

1 Amend Senate File 437 as follows:  
2 1. Page 2, by striking lines 8 and 9 and  
3 inserting the following: "has terminated all  
4 employment covered under the chapter or formerly  
5 covered under the chapter pursuant to section 97B.42."  
6 2. Page 4, line 23, by inserting after the word  
7 "chapter" the following: "or formerly covered under  
8 the chapter pursuant to section 97B.42".

JOHN P. KIBBIE

## S-3167

- 1 Amend Senate File 429 as follows:  
2 1. Page 1, line 2, by inserting after the word  
3 "PRACTITIONERS" the following: "OR LICENSED PHYSICIAN  
4 ASSISTANTS".  
5 2. Page 1, line 7, by inserting after the figure  
6 "152," the following: "or a physician assistant  
7 licensed pursuant to chapters 147 and 148C,".  
8 3. Page 1, line 9, by inserting after the word  
9 "license" the following: "or the licensed physician  
10 assistant's license, as applicable,".  
11 4. Page 1, line 15, by inserting after the word  
12 "practitioner" the following: "or a licensed  
13 physician assistant".  
14 5. Title page, line 1, by inserting after the  
15 word "practitioners" the following: "and licensed  
16 physician assistants".

ROBERT DVORSKY  
PATTY JUDGE  
MERLIN E. BARTZ  
ELAINE SZYMONIAK

## S-3168

- 1 Amend Senate File 348 as follows:  
2 1. Page 1, line 10, by inserting after the word  
3 "altered" the following: "; or as otherwise defined  
4 or interpreted by rule of the examining board of the  
5 respective health-related profession".  
6 2. Page 1, by striking line 13 and inserting the  
7 following: "treatments, or other actions defined or  
8 interpreted by the examining board of the respective  
9 health-related profession to be within the".  
10 3. Page 1, line 14, by striking the word "any"  
11 and inserting the following: "the".

MICHAEL E. GRONSTAL  
BILL FINK  
MERLIN E. BARTZ  
JOHN W. JENSEN  
RANDAL J. GIANNETTO

## S-3169

- 1 Amend Senate File 64 as follows:  
2 1. Page 1, line 19, by inserting after the word  
3 "sale." the following: "A bona fide clearance sale  
4 shall include only inventory product possessed at the

5 commencement of the sale and the same product shall  
6 not be purchased by the licensee for one year after  
7 the conclusion of the sale."

TONY BISIGNANO

S-3170

1 Amend Senate File 432 as follows:  
2 1. Page 2, line 17, by striking the word  
3 "resources" and inserting the following: "services".

JOHNIE HAMMOND

S-3171

1 Amend Senate File 375 as follows:  
2 1. Page 1, by inserting before line 1 the follow-  
3 ing:  
4 "Section 1. Section 556.1, Code 1995, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 5A. "Money order" includes an  
7 express money order and a personal money order, on  
8 which the remitter is the purchaser. "Money order"  
9 does not include a bank money order or any other  
10 instrument sold by a banking or financial organization  
11 if the seller has obtained the name and address of the  
12 payee.  
13 Sec. 2. Section 556.2, subsection 4, Code 1995, is  
14 amended to read as follows:  
15 4. Any sum payable on checks certified in this  
16 state or on written instruments issued in this state  
17 on which a banking or financial organization or  
18 business association is directly liable, including, by  
19 way of illustration but not of limitation,  
20 certificates of deposit, drafts, money orders, and  
21 traveler's checks, that, with the exception of  
22 traveler's checks and money orders, has been  
23 outstanding for more than three years from the date it  
24 was payable, or from the date of its issuance if  
25 payable on demand, or, in the case of traveler's  
26 checks, that has been outstanding for more than  
27 fifteen years from the date of its issuance, or, in  
28 the case of money orders, that has been outstanding  
29 for more than seven years from the date of issuance,  
30 unless the owner has within three years, or within  
31 fifteen years in the case of traveler's checks or  
32 seven years in the case of money orders, corresponded  
33 in writing with the banking or financial organization  
34 or business association concerned, or otherwise

35 indicated an interest as evidenced by a memorandum on  
 36 file with the banking or financial organization or  
 37 business association. The memorandum shall be dated  
 38 and may have been prepared by the banking or financial  
 39 organization or business association, in which case it  
 40 shall be signed by an officer of the banking or  
 41 financial organization, or a member of the business  
 42 association, or it may have been prepared by the  
 43 owner."

44 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3172

1 Amend the House amendment, S-3082, to Senate File  
 2 69, as passed by the Senate, as follows:

3 1. By striking page 4, line 47, through page 7,  
 4 line 24.

5 2. By striking page 7, line 25, through page 14,  
 6 line 35.

7 3. Page 44, lines 20 and 21, by striking the  
 8 words "machinery and equipment phase-in exemption and  
 9 reimbursement,".

JIM LIND

S-3173

1 Amend Senate File 371 as follows:

2 1. Page 1, line 19, by striking the words "or  
 3 witness".

RANDAL J. GIANNETTO

S-3174

1 Amend Senate File 416 as follows:

2 1. Page 4, by inserting after line 18 the  
 3 following:

4 "4. A structured fines operation in a county shall  
 5 terminate within sixty days of notice from the chief  
 6 judge of the judicial district containing the pilot  
 7 site that it is the intent of the court to cease  
 8 ordering structured fines. The notice shall be  
 9 submitted to the governmental entity having overall  
 10 responsibility for the operation of the structured  
 11 fines program in the pilot site, the division of

12 criminal and juvenile justice planning of the  
13 department of human rights, and the legislative fiscal  
14 bureau."

RANDAL J. GIANNETTO

S-3175

- 1 Amend Senate File 367 as follows:
- 2 1. Page 3, by striking lines 15 through 31.
- 3 2. By striking page 7, line 30 through page 8,
- 4 line 19.
- 5 3. By renumbering as necessary.

RANDAL J. GIANNETTO

S-3176

- 1 Amend Senate File 353, as follows:
- 2 1. Page 1, by striking line 4, and inserting the
- 3 following:
- 4 "1. Inmates of the institutions may An inmate of
- 5 an institution shall be required to."
- 6 2. Page 1, line 11, by inserting after the word
- 7 "director." the following: "Substantially equivalent
- 8 hard labor programs shall be available to both male
- 9 and female inmates."
- 10 3. Page 1, line 15, by striking the word "shall"
- 11 and inserting the following: "may".
- 12 4. Page 1, by striking line 30, and inserting the
- 13 following: "physical or mental labor which is
- 14 performed for a period of time which shall average, as
- 15 nearly as possible, forty hours".
- 16 5. Page 1, line 31, by striking the word "which"
- 17 and inserting the following: "and".
- 18 6. Page 1, line 32, by striking the words "chain
- 19 gangs" and inserting the following: "including highly
- 20 secured work groups".
- 21 7. Page 1, line 35, by striking the word "that"
- 22 and inserting the following: "which".
- 23 8. Page 2, line 1, by striking the words "unduly
- 24 painful, or" and inserting the following: "is unduly
- 25 painful, or is".
- 26 9. Page 2, line 8, by striking the word "risk"
- 27 and inserting the following: "status".
- 28 10. Page 2, by inserting after line 11, the
- 29 following:
- 30 "Sec. \_\_\_\_ . DEVELOPMENT OF PLAN AND TRANSITION TO
- 31 FULL WORK PROGRAMMING BY DEPARTMENT. Notwithstanding
- 32 section 1 of this Act, the department of corrections

33 shall not be required to fully implement the  
34 requirements of section 904.701, until July 1, 1997.  
35 However, the department shall develop and implement a  
36 plan in consultation with state and local agencies and  
37 members of the private sector, which provides for the  
38 incremental implementation of the hard labor  
39 requirements contained in section 904.701, for each  
40 inmate who is physically and mentally able to perform  
41 hard labor and does not present an unreasonable  
42 security status, and who is not currently engaged in  
43 labor meeting the requirements. The plan shall  
44 provide for the full implementation of the  
45 requirements of section 904.701 by July 1, 1997, and  
46 may provide for the performance of work by inmates  
47 both inside and outside of the institutions under the  
48 control of the department. The plan shall include a  
49 procedure for the determination of suitability of an  
50 inmate for the performance of hard labor and, if an

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1 inmate is found to be suitable, the placement of the  
2 inmate in an appropriate hard labor program. In  
3 selecting and developing work programs which are  
4 included within the plan, the department shall choose  
5 work programs which would require minimal additional  
6 administrative costs, which minimize the need for  
7 additional personnel, and which minimize the security  
8 risks to the general public. The department shall  
9 submit reports to the general assembly on January 1,  
10 1996, and January 1, 1997, outlining the progress made  
11 towards implementation of this Act. The department  
12 shall also file a copy of the completed plan with the  
13 general assembly on July 1, 1997.”  
14 11. Title page, line 2, by inserting after the  
15 word “labor” the following: “, and providing  
16 transition provisions”.  
17 12. By numbering and renumbering, as necessary.

TONY BISIGNANO

S-3177

- 1 Amend Senate File 178 as follows:
- 2 1. Page 6, by inserting after line 30 the
- 3 following:
4. “An ambulance service operating on or before July

5 1, 1995, is not subject to the requirements of this  
6 chapter."

STEWART IVERSON, Jr.

S-3178

- 1 Amend House File 215 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 17, by striking the word "may"
- 4 and inserting the following: "shall".
- 5 2. Page 1, by striking lines 32 and 33 and
- 6 inserting the following: "physical labor performed by
- 7 an inmate for at least forty hours".
- 8 3. By striking page 1, line 35 through page 2,
- 9 line 1 and inserting the following: "educational or
- 10 treatment programs, chain gangs, menial labor, any
- 11 training necessary to perform".
- 12 4. By striking page 2, line 16 through page 3,
- 13 line 10.
- 14 5. Title page, by striking lines 2 and 3 and
- 15 inserting the following: "control of the department
- 16 of corrections perform hard labor."

TONY BISIGNANO

S-3179

- 1 Amend Senate File 384 as follows:
- 2 1. Page 3, by inserting after line 9 the
- 3 following:
- 4 "m. Premises covered by a current class "A" beer
- 5 permit as provided in chapter 123."
- 6 2. Page 3, by inserting after line 12 the
- 7 following: "'Food processing plant" does not include
- 8 a premises covered by a class "A" beer permit as
- 9 provided in chapter 123."

MIKE CONNOLLY

S-3180

- 1 Amend House File 215, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "labor" the following: "at a location other than
- 5 within or on the grounds of a correctional
- 6 institution".

JOHNIE HAMMOND

S-3181

- 1 Amend the amendment, S-3178, to House File 215, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, lines 9 and 10, by striking the words  
 5 "educational or treatment programs."

RANDAL J. GIANNETTO

S-3182

- 1 Amend Senate File 178 as follows:  
 2 1. Page 15, by inserting after line 12 the  
 3 following:  
 4 "Sec. \_\_\_\_ . COSTS PAID BY IOWA DEPARTMENT OF PUBLIC  
 5 HEALTH. The Iowa department of public health shall  
 6 pay any additional costs incurred by a political  
 7 subdivision after the effective date of this Act and  
 8 as a result of this Act."  
 9 2. By renumbering as necessary.

O. GENE MADDOX

S-3183

- 1 Amend Senate File 406 as follows:  
 2 1. Page 1, lines 3 and 4, by striking the words  
 3 "Schools and school districts Accredited nonpublic  
 4 schools" and inserting the following: "Schools and  
 5 school districts".  
 6 2. Page 1, line 11, by striking the words "or  
 7 school district" and inserting the following: "or  
 8 school district".  
 9 3. Page 1, lines 14 and 15, by striking the words  
 10 "the board of directors of a school district or" and  
 11 inserting the following: "the board of directors of a  
 12 school district or".  
 13 4. Page 1, lines 18 and 19, by striking the words  
 14 "board of directors of a school district, or" and  
 15 inserting the following: "board of directors of a  
 16 school district, or".  
 17 5. Page 1, line 23, by striking the words  
 18 "district or" and inserting the following: "district  
 19 or".  
 20 6. Page 1, lines 26 and 27, by striking the words  
 21 "the board of directors of a school district or" and  
 22 inserting the following: "the board of directors of a  
 23 school district or".  
 24 7. Title page, lines 1 and 2, by striking the

- 25 words "an accredited nonpublic school" and inserting  
 26 the following: "a school or school district".  
 27 8. Title page, line 3, by inserting after the  
 28 word "school" the following: "or school district".  
 29 9. Title page, line 5, by inserting after the  
 30 word "school" the following: "or school district".

MIKE CONNOLLY

S-3184

- 1 Amend Senate File 179 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 24.6, Code 1995, is amended to  
 5 read as follows:  
 6 24.6 EMERGENCY FUND -- LEVY.  
 7 A municipality may include in the estimate  
 8 required, an estimate for an emergency fund. A  
 9 municipality may assess and levy a tax for the  
 10 emergency fund at a rate not to exceed twenty-seven  
 11 cents per thousand dollars of assessed value of  
 12 taxable property of the municipality, provided that an  
 13 emergency tax levy shall not be made until the  
 14 municipality has first petitioned the state board and  
 15 received its approval. Transfers of moneys may be  
 16 made from the emergency fund to any other fund of the  
 17 municipality for the purpose of meeting deficiencies  
 18 in a fund arising from any cause, provided that a  
 19 transfer shall not be made except upon the written  
 20 approval of the state board, and then only when that  
 21 approval is requested by a two-thirds vote of the  
 22 governing body of the municipality. However, a county  
 23 hospital located in a county having a population of  
 24 two hundred twenty-five thousand or over shall not  
 25 levy a tax under this section.  
 26 2. Title page, line 1, by striking the word  
 27 "increasing" and inserting the following: "relating  
 28 to".  
 29 3. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-3185

- 1 Amend Senate File 367 as follows:  
 2 1. Page 8, by striking lines 20 through 29 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_ . Section 602.8105, subsection 1,

5 paragraph c, Code 1995, is amended to read as follows:  
 6 c. For entering a final decree of dissolution of  
 7 marriage, ~~thirty forty~~ dollars. It is the intent of  
 8 the general assembly that the funds generated from  
 9 thirty dollars of the dissolution fees ~~fee~~ be  
 10 appropriated and used for sexual assault and domestic  
 11 violence centers.”  
 12 2. Page 8, line 31, by striking the words  
 13 “marriage license” and inserting the following:  
 14 “dissolution”.

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-3186

1 Amend Senate File 181 as follows:  
 2 1. Page 1, line 14, by inserting after the word  
 3 “operation.” the following: “This subsection applies  
 4 only to sales, rentals, and services in counties with  
 5 populations of twenty thousand or less.”  
 6 2. Page 1, line 19, by striking the figure  
 7 “1995.” and inserting the following: “1995 and shall  
 8 be limited to twenty-five thousand dollars in the  
 9 aggregate, notwithstanding any other provision of law.  
 10 If the amount of claims totals more than twenty-five  
 11 thousand dollars in the aggregate, the department of  
 12 revenue and finance shall prorate the twenty-five  
 13 thousand dollars among all claimants in relation to  
 14 the amounts of the claimants’ valid claims.”  
 15 3. Title page, line 1, by inserting after the  
 16 word “aircraft” the following: “, limiting the amount  
 17 of refunds,”.

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-3187

1 Amend Senate File 290 as follows:  
 2 1. Page 13, line 12, by inserting after the word  
 3 “expiration” the following: “or upon a determination  
 4 by the fire chief or the department that the  
 5 authorization should be revoked”.

RICHARD F. DRAKE  
 DON GETTINGS

S-3188

- 1 Amend Senate File 369 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "services," the following: "other appropriate state
- 4 agencies or departments,".

ELAINE SZYMONIAK

S-3189

- 1 Amend Senate File 291 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "basis." the following: "The department shall certify
- 4 the county treasurers in the permanent counties to
- 5 issue commercial driver's licenses."
- 6 2. Page 1, line 18, by inserting after the figure
- 7 "50,000" the following: "and the remaining 20
- 8 counties shall have a population of less than 35,000".
- 9 3. Page 2, by inserting after line 10 the
- 10 following:
- 11 "e. The department shall certify the county
- 12 treasurers in each designated county to issue
- 13 commercial driver's licenses."

EUGENE FRAISE

S-3190

- 1 Amend Senate File 403 as follows:
- 2 1. Page 2, by inserting after line 8 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 331.756, subsection 5,
- 5 unnumbered paragraph 4, Code 1995, is amended to read
- 6 as follows:
- 7 All fines, penalties, court costs, fees, and
- 8 restitution for court-appointed attorney fees or
- 9 expenses of a public defender which are delinquent as
- 10 defined in section 602.8107 may be collected by the
- 11 county attorney or the person procured or designated
- 12 by the county attorney. In order to receive a
- 13 percentage of the amounts collected pursuant to
- 14 section 602.8107, the county attorney must file
- 15 annually with the clerk of the district court on or
- 16 before July 1 a notice of full commitment to collect
- 17 delinquent obligations and must file on the first day
- 18 of each month a list of the cases in which the county
- 19 attorney or the person procured or designated by the
- 20 county attorney is pursuing the collection of
- 21 delinquent obligations. The annual notice shall

22 contain a list of procedures which will be initiated  
 23 by the county attorney. Amounts collected by the  
 24 county attorney or the person procured or designated  
 25 by the county attorney shall be distributed in  
 26 accordance with section 602.8107.

27 Sec. \_\_\_\_ . Section 421.17, subsection 25,  
 28 unnumbered paragraph 1, Code 1995, is amended to read  
 29 as follows:

30 To establish and maintain a procedure to set off  
 31 against a debtor's income tax refund or rebate any  
 32 debt which is in the form of a liquidated sum due,  
 33 owing, and payable to the clerk of the district court  
 34 ~~as a civil penalty or restitution as defined and~~  
 35 ~~ordered under sections 910.1 and 910.2 incurred as a~~  
 36 ~~result of services provided under chapters 13B and~~  
 37 ~~815, and section 232.141.~~ The procedure shall meet  
 38 the following conditions:

39 Sec. \_\_\_\_ . Section 421.17, subsection 25, paragraph  
 40 f, Code 1995, is amended to read as follows:

41 f. The department shall set off the debt ~~against,~~  
 42 ~~and deduct,~~ plus a fee established by rule to reflect  
 43 the cost of processing ~~from,~~ against the debtor's  
 44 income tax refund or rebate. The department shall  
 45 transfer ninety percent of the amount set off to the  
 46 treasurer of state for deposit in the general fund of  
 47 the state. The remaining ten percent shall be  
 48 remitted to the judicial department and used to defray  
 49 the costs of this procedure. If the debtor gives  
 50 timely written notice of intent to contest the amount

## Page 2

1 of the claim, the department shall hold the refund or  
 2 rebate until final determination of the correct amount  
 3 of the claim."

4 2. Page 2, line 11, by inserting after the figure  
 5 "910.1" the following: "and all other fines,  
 6 penalties, fees, court costs, and surcharges owing and  
 7 payable to the clerk".

8 3. Page 2, by striking lines 19 through 22 and  
 9 inserting the following: "may be paid from receipts  
 10 collected by credit card."

11 4. Page 2, by inserting after line 22 the  
 12 following:

13 "Sec. \_\_\_\_ . Section 602.8107, subsection 4,  
 14 unnumbered paragraphs 1 and 2, Code 1995, are amended  
 15 to read as follows:

16 All fines, penalties, court costs, fees,  
 17 surcharges, and restitution for court-appointed  
 18 attorney fees or for expenses of a public defender

19 which are delinquent may be collected by the county  
 20 attorney or the county attorney's designee. Thirty-  
 21 five percent of the amounts collected by the county  
 22 attorney or the person procured or designated by the  
 23 county attorney shall be deposited in the general fund  
 24 of the county if the county attorney has filed the  
 25 notice required in section 331.756, subsection 5,  
 26 unless the county attorney has discontinued collection  
 27 efforts on a particular delinquent amount ~~and has~~  
 28 ~~transferred collection responsibilities to the~~  
 29 ~~department of revenue and finance~~. The remainder  
 30 shall be paid to the clerk for distribution under  
 31 section 602.8108.

32 This subsection does not apply to amounts collected  
 33 for victim restitution, the victim compensation fund,  
 34 criminal penalty surcharge, or amounts collected as a  
 35 result of procedures initiated under subsection 5 or  
 36 under section 421.17, subsection 25."

37 5. Page 2, line 25, by striking the words "does  
 38 not file a" and inserting the following: "a does not  
 39 file the".

40 6. Page 2, lines 26 and 27, by striking the words  
 41 "of commitment to collect delinquent obligations  
 42 pursuant to" and inserting the following: "of  
 43 ~~commitment to collect delinquent obligations pursuant~~  
 44 ~~to and list of cases required in~~".

45 7. By striking page 2, line 35, through page 3,  
 46 line 1, and inserting the following: "fund of the  
 47 state, the judicial department may assign".

48 8. Page 3, line 4, by inserting before the word  
 49 "debts" the following: "delinquent".

50 9. Page 3, by inserting after line 28 the

### Page 3

1 following:

2 "Sec. \_\_\_\_ . Section 666.6, Code 1995, is amended to  
 3 read as follows:

4 666.6 ANNUAL REPORT OF OUTSTANDING FINES,  
 5 PENALTIES, FORFEITURES, AND RECOGNIZANCES.

6 The clerk of the district court shall make an  
 7 annual report in writing to the state court  
 8 administrator no later than January August 15 of the  
 9 fines, penalties, forfeitures, and recognizances which  
 10 have not been paid, remitted, canceled, or otherwise  
 11 satisfied during the previous ~~calendar~~ fiscal year.

12 Sec. \_\_\_\_ . EFFECTIVE DATE. This Act takes effect  
 13 January 1, 1996."

14 10. Title page, line 1, by inserting after the  
 15 word "payments" the following: "and providing an

16 effective date".

17 11. By renumbering as necessary.

TOM VILSACK

S-3191

1 Amend Senate File 434 as follows:

2 1. Page 3, line 23, by striking the word and  
3 figure "or (3)".

ROD HALVORSON

S-3192

1 Amend the amendment, S-3106, to Senate File 208 as  
2 follows:

3 1. Page 2, line 12, by striking the figure "1995"  
4 and inserting the following: "1996".

ELAINE SZYMONIAK

S-3193

1 Amend Senate File 352 as follows:

2 1. Page 3, by striking lines 13 through 35.  
3 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3194

1 Amend Senate File 396 is amended to read as  
2 follows:

3 1. Page 2, by inserting after line 15 the  
4 following:

5 "Sec. \_\_\_\_ . Section 490A.1501, subsection 4, Code  
6 1995, is amended to read as follows:

7 4. "Profession" means the profession of certified  
8 public accountancy, architecture, chiropractic,  
9 dentistry, physical therapy, psychology, professional  
10 engineering, land surveying, landscape architecture,  
11 law, medicine and surgery, optometry, osteopathy,  
12 osteopathic medicine and surgery, accounting  
13 practitioner, podiatry, speech pathology, audiology,  
14 veterinary medicine, pharmacy, ~~and nursing, and~~  
15 marriage and family therapy, provided that the  
16 marriage and family therapist is licensed under

- 17 chapters 147 and 154D."  
 18 2. By renumbering as necessary.

MARY LUNDBY  
 MICHAEL E. GRONSTAL

S-3195

- 1 Amend Senate File 409 as follows:  
 2 1. Page 2, by striking lines 22 through 35.  
 3 2. By renumbering as necessary.

ANDY McKEAN

S-3196

- 1 Amend Senate File 399 as follows:  
 2 1. Page 1, by striking lines 16 through 18 and  
 3 inserting the following: "required by section 805.2;  
 4 ~~a promise to appear as provided in section 805.3 and a~~  
 5 ~~place where the cited person may sign the promise to~~  
 6 ~~appear; a warning which states "I hereby swear and"~~.  
 7 2. Page 1, by inserting after line 34 the  
 8 following:  
 9 "Sec. \_\_\_\_ . Section 805.6, subsection 1, paragraph  
 10 b, Code 1995, is amended to read as follows:  
 11 b. The uniform citation and complaint shall  
 12 contain the following:  
 13 (1) A promise to appear as provided in section  
 14 805.3.  
 15 (2) The following statement with a space  
 16 immediately below it for the signature of the person  
 17 being charged:  
 18 I hereby give my unsecured appearance bond in the  
 19 amount of ..... dollars and enter my written  
 20 appearance. I agree that if I fail to appear in  
 21 person or by counsel to defend against the offense  
 22 charged in this citation the court is authorized to  
 23 enter a conviction and render judgment against me for  
 24 the amount of my appearance bond in satisfaction of  
 25 the penalty plus court costs.  
 26 (3) A space immediately below the items in  
 27 subparagraphs (1) and (2) for the signature of the  
 28 person being charged which shall serve for each of the  
 29 items in subparagraphs (1) and (2).  
 30 Sec. \_\_\_\_ . Section 805.6, subsection 4, Code 1995,  
 31 is amended to read as follows:  
 32 4. The uniform citation and complaint shall  
 33 contain a place for the verification of the officer  
 34 issuing the complaint. The complaint may be verified

35 before the chief officer of the law enforcement  
 36 agency, or the chief officer's designee, and the chief  
 37 officer of each law enforcement agency of the state is  
 38 authorized to designate specific individuals to  
 39 administer oaths and certify verifications in  
 40 accordance with section 622.1.  
 41 Sec. \_\_\_\_ . Section 805.6, Code 1995, is amended by  
 42 adding the following new subsection:  
 43 NEW SUBSECTION. 6. Supplies of uniform citation  
 44 and complaint forms existing or on order on July 1,  
 45 1995, may be used until exhausted."  
 46 3. Title page, line 1, by striking the words  
 47 "providing false information on".  
 48 4. By renumbering as necessary.

RANDAL J. GIANNETTO

S-3197

1 Amend Senate File 417 as follows:  
 2 1. Page 1, by striking lines 13 through 16.

RANDAL J. GIANNETTO

S-3198

1 Amend Senate File 367 as follows:  
 2 1. Page 1, by inserting after line 19 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 232.8, subsection 1, Code 1995,  
 5 is amended by adding the following new paragraph:  
 6 NEW PARAGRAPH. c. Violations by a child of  
 7 section 708.2A are excluded from the jurisdiction of  
 8 the juvenile court, subject to being transferred to  
 9 juvenile court under section 803.6."  
 10 2. Page 6, by inserting after line 24 the  
 11 following:  
 12 "Sec. \_\_\_\_ . NEW SECTION. 236.21 MUTUAL PROTECTIVE  
 13 ORDERS PROHIBITED -- EXCEPTIONS.  
 14 A court in an action under this chapter shall not  
 15 issue mutual protective orders against the victim and  
 16 the abuser unless both file a petition requesting a  
 17 protective order."  
 18 3. Page 9, by inserting after line 19 the  
 19 following:  
 20 "Sec. \_\_\_\_ . NEW SECTION. 803.6 TRANSFER OF  
 21 JURISDICTION -- JUVENILE.  
 22 1. The court, in the case of a juvenile who is  
 23 alleged to have committed the criminal offense listed  
 24 in section 232.8, subsection 1, paragraph "c", may

25 direct a juvenile court officer to provide a report  
 26 regarding whether the child should be transferred to  
 27 juvenile court for adjudication and disposition as a  
 28 juvenile.

29 2. If the court believes that transfer may be  
 30 appropriate the court shall hold a hearing on whether  
 31 the child should be transferred. A notice of the time  
 32 and place of the transfer hearing shall be given to  
 33 all parties to the case. Prior to the hearing, the  
 34 court shall provide the defendant's counsel and the  
 35 county attorney with access to the report provided by  
 36 the juvenile court officer and to all written material  
 37 to be considered by the court.

38 3. After the hearing, the court may transfer  
 39 jurisdiction to the juvenile court if the court  
 40 determines that waiver to the criminal court would be  
 41 inappropriate under the criteria set forth in section  
 42 232.45, subsection 6, paragraph "c", and section  
 43 232.45, subsection 7.

44 4. If after the hearing the court transfers  
 45 jurisdiction over the defendant to the juvenile court  
 46 for the alleged commission of the public offense, the  
 47 court shall forward the transfer order together with  
 48 all papers, documents, and a transcript of all  
 49 testimony filed or admitted into evidence in  
 50 connection with the case to the clerk of the juvenile

**Page 2**

1 court in the same manner as provided in section 232.8,  
 2 subsection 2."

3 4. Page 9, by inserting after line 31 the  
 4 following:

5 "Sec. \_\_\_\_ . The commissioner of insurance shall  
 6 evaluate model legislation which will be proposed by  
 7 the national association of insurance commissioners  
 8 regarding using domestic abuse as a factor in  
 9 determining whether a person shall be offered  
 10 insurance coverage and make recommendations to the  
 11 general assembly regarding adopting the model  
 12 legislation."

ELAINE SZYMONIAK

S-3199

1 Amend Senate File 232 as follows:

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

4 "3. The motor vehicle is being operated on private

5 property.

6 4. If the person is riding in an enclosed portion  
7 of the motor vehicle."

PATRICK J. DELUHERY  
RICHARD F. DRAKE  
MAGGIE TINSMAN  
DON GETTINGS  
TOM FLYNN  
MARY A. LUNDBY

S-3200

1 Amend Senate File 377 as follows:

2 1. Page 1, line 18, by inserting after the word  
3 "outstanding." the following: "Notwithstanding the  
4 twenty percent allocation limitation, the directors of  
5 a cooperative association or the articles of  
6 incorporation or bylaws of the association may specify  
7 any percentage or amount to be currently paid in cash  
8 to the estates of deceased natural persons who were  
9 members."

BERL E. PRIEBE  
JOHN P. KIBBIE

S-3201

1 Amend Senate File 459 as follows:

2 1. Page 8, line 35, by striking the words "at the  
3 Fort Madison correctional facility".

STEWART IVERSON, Jr.  
ANDY McKEAN

S-3202

1 Amend Senate File 410 as follows:

2 1. Page 4, by striking lines 19 through 26.  
3 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3203

1 Amend Senate File 431 as follows:

2 1. Page 8, by inserting after line 29 the  
3 following:  
4 "2A. The supreme court shall prescribe rules for  
5 admission of persons to practice as attorneys and

6 counselors pursuant to chapter 602, article 10, which  
 7 include provisions, as specified in this chapter, for  
 8 the denial, suspension, or revocation of the admission  
 9 for failure to comply with a child support order.”  
 10 2. By renumbering as necessary.

MARY NEUHAUSER

S-3204

1 Amend Senate File 422 as follows:  
 2 1. Page 1, by striking line 15 and inserting the  
 3 following: “The clerk of the district court or, if  
 4 approved by the board of supervisors in counties  
 5 having a population of one hundred thousand or more,  
 6 the county recorder is the”.  
 7 2. Page 4, line 7, by striking the word  
 8 “subsection” and inserting the following:  
 9 “subsections”.  
 10 3. Page 4, by inserting before line 12 the  
 11 following:  
 12 “NEW SUBSECTION. 5. With approval of the board of  
 13 supervisors in counties having a population of one  
 14 hundred thousand or more, the recorder shall serve as  
 15 the county registrar. If the recorder does not serve  
 16 as the county registrar, section 331.602, subsection  
 17 40, section 331.605, subsection 6, and section 331.611  
 18 do not apply to that county.”  
 19 4. Page 4, line 23, by striking the word “The”  
 20 and inserting the following: “If approved by the  
 21 board, the”.  
 22 5. Page 8, line 33, by inserting after the word  
 23 “Act.” the following: “This section does not apply to  
 24 counties where the recorder does not serve as county  
 25 registrar.”  
 26 6. Page 9, line 3, by inserting after the word  
 27 “counties.” the following: “This section does not  
 28 apply to counties where the recorder does not serve as  
 29 county registrar.”

MARY LUNDBY

S-3205

1 Amend Senate File 440 as follows:  
 2 1. Page 4, line 6, by striking the word “may” and  
 3 inserting the following: “may shall”.

DONALD B. REDFERN

S-3206

- 1 Amend Senate File 296 as follows:
- 2 1. Page 4, by striking lines 12 through 14 and
- 3 inserting the following:
- 4 "Sec. \_\_\_\_ . The state shall not pay any additional
- 5 costs incurred by a political subdivision as a result
- 6 of this Act."
- 7 2. By renumbering as necessary.

RANDAL J. GIANNETTO  
O. GENE MADDOX

S-3207

- 1 Amend Senate File 431 as follows:
- 2 1. Page 2, line 23, by striking the words "one
- 3 month" and inserting the following: "ninety days".

MARY E. NEUHAUSER  
STEVEN D. HANSEN

S-3208

- 1 Amend Senate File 456 as follows:
- 2 1. Page 1, by striking lines 14 through 17 and
- 3 inserting the following: "of residence of the person.
- 4 The fee and expenses of the county medical examiner".
- 5 2. Page 1, by striking lines 24 through 33.

SHELDON RITTMER

S-3209

- 1 Amend Senate File 414 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 483A.1, subsection 1, Code
- 5 1995, is amended by adding the following new lettered
- 6 paragraph:
- 7 NEW LETTERED PARAGRAPH. e. Lifetime license for
- 8 legal residents permanently disabled or sixty-five
- 9 years of age or older
- 10 ..... \$
- 11 25.00
- 12 Sec. 2. Section 483A.1, subsection 2, Code 1995,
- 13 is amended by adding the following new lettered
- 14 paragraph:
- 15 NEW LETTERED PARAGRAPH. g. Lifetime hunting
- 16 license for legal residents permanently disabled or

- 17 sixty-five years of age or older
- 18 ..... \$ 25.00
- 19 Sec. 3. Section 483A.1, subsection 3, Code 1995,
- 20 is amended to read as follows:
- 21 3. Hunting and fishing combined licenses:
- 22 a. Legal residents except as otherwise provided .....
- 23 \$ 23.50
- 24 b. Lifetime license for residents permanently
- 25 disabled or sixty-five years of age or older
- 26 ..... \$ 50.00".
- 27 2. Title page, line 1, by inserting after the
- 28 word "Act" the following: "relating to hunting,
- 29 fishing, and fur harvesting activities by providing
- 30 for lifetime hunting, fishing, and combined hunting
- 31 and fishing licenses and fees, and by".
- 32 3. By renumbering as necessary.

SHELDON RITTMER

S-3210

- 1 Amend Senate File 459 as follows:
- 2 1. Page 26, line 18, by inserting after the word
- 3 "~~auditing~~" the following: "salaries for".
- 4 2. Page 26, by striking lines 22 through 24 and
- 5 inserting the following: "salary costs shall be
- 6 limited to the salaries for personnel assigned to
- 7 excursion gambling boats who enforce laws and rules
- 8 adopted by the".

EUGENE FRAISE

S-3211

- 1 Amend Senate File 459 as follows:
- 2 1. Page 26, line 9, by inserting after the word
- 3 "division," the following: "including the state's
- 4 contribution to the peace officers' retirement,
- 5 accident, and disability system provided in chapter
- 6 97A in the amount of 18 percent of the salaries for
- 7 which the funds are appropriated."

EUGENE FRAISE

S-3212

- 1 Amend Senate File 358 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 321.215, subsection 2,

5 unnumbered paragraph 1, Code 1995, is amended to read  
6 as follows:

7 Upon conviction and the suspension or revocation of  
8 a person's motor vehicle license under section  
9 321.209, subsection 5, 6, or 8; 321.210; 321.210A; or  
10 321.513; or upon the denial of issuance of a motor  
11 vehicle license under section 321.560, based solely on  
12 offenses enumerated in section 321.555, subsection 1,  
13 paragraph "c", or section 321.555, subsection 2, and  
14 upon the denial by the director of an application for  
15 a temporary restricted license, a person may apply to  
16 the district court having jurisdiction for the  
17 residence of the person for a temporary restricted  
18 permit to operate a motor vehicle for the limited  
19 purpose or purposes specified in subsection 1. The  
20 application may be granted only if all of the  
21 following criteria are satisfied."

22 2. Page 2, line 30, by inserting after the word  
23 "later." the following: "However, a temporary  
24 restricted license may be issued to a person declared  
25 to be a habitual offender under section 321.555,  
26 subsection 1, paragraph "c", pursuant to section  
27 321.215, subsection 2."

28 3. Page 3, line 11, by inserting after the figure  
29 "321.560" the following: "except for a habitual  
30 offender who has been granted a temporary restricted  
31 license pursuant to section 321.215, subsection 2".

32 4. Page 3, by inserting after line 13 the  
33 following:

34 "Sec. \_\_\_\_ . Section 321J.17, Code 1995, is amended  
35 to read as follows:

36 321J.17 CIVIL PENALTY -- DISPOSITION --  
37 REINSTATEMENT.

38 When the department revokes a person's motor  
39 vehicle license or nonresident operating privilege  
40 under this chapter, the department shall assess the  
41 person a civil penalty of two hundred dollars. The  
42 money collected by the department under this section  
43 shall be transmitted to the treasurer of state who  
44 shall deposit one-half of the money in the separate  
45 fund established in section 912.14 and one-half of the  
46 money shall be deposited in the general fund of the  
47 state. A ~~temporary restricted license shall not be~~  
48 ~~issued or a motor vehicle license or nonresident~~  
49 ~~operating privilege shall not be~~ reinstated until the  
50 civil penalty has been paid."

Page 2

1 5. By renumbering as necessary.

JIM LIND  
ANDY McKEAN  
MARY LUNDBY  
RICHARD DRAKE

S-3213

1 Amend Senate Concurrent Resolution 20 as follows:  
2 1. Page 2, by striking line 21 and inserting the  
3 following: "Corp of Engineers; the Missouri River  
4 Division Commander, United States Army Corps of  
5 Engineers; the United".

BRAD BANKS

S-3214

1 Amend Senate File 431 as follows:  
2 1. Page 11, by inserting after line 3, the  
3 following:  
4 "Sec. \_\_\_\_ . Section 252B.4, subsection 2,  
5 paragraphs a and b, Code 1995, are amended by striking  
6 the paragraphs and inserting in lieu thereof the  
7 following:  
8 a. The fee shall be an automatic judgment against  
9 the person responsible to pay support or determined to  
10 be the father through paternity determination  
11 services. The fee shall not be paid by the applicant  
12 for services unless the applicant is the obligor or  
13 alleged father.  
14 b. This subsection shall serve as constructive  
15 notice that the fee is a debt due and owing, is an  
16 automatic judgment against the person responsible for  
17 support or the person determined to be the father  
18 through paternity determination services, and is  
19 assessed on and after the date of application for  
20 services by the recipient of services. The fee shall  
21 be collected in addition to any support payments or  
22 support judgment ordered, and no further notice or  
23 hearing is required prior to collecting the fee.  
24 c. Notwithstanding any provision to the contrary,  
25 the unit may collect the fee through any legal means  
26 by which support payments may be collected, including  
27 but not limited to income withholding under chapter  
28 252D or income tax refund setoffs, unless prohibited  
29 under federal law.

- 30 d. The unit is not required to file these  
31 judgments with the clerk of the district court, but  
32 shall maintain an accurate accounting of the fee  
33 assessed, the amount of the fee, and the collection of  
34 the fee.  
35 e. Support payments collected shall not be applied  
36 to the fee until all other support obligations under  
37 the support order being enforced, which have accrued  
38 through the end of the current calendar month, have  
39 been paid or satisfied in full.”  
40 2. Title page, line 1, by inserting after the  
41 word “including” the following: “the payment of fees  
42 for services provided by the child support recovery  
43 unit.”  
44 3. By renumbering as necessary.

TONY BISIGNANO

S-3215

- 1 Amend Senate File 458 as follows:  
2 1. Page 10, by inserting after line 30 the  
3 following:  
4 “Sec. \_\_\_\_ . POLITICAL SUBDIVISIONS RESPONSIBLE FOR  
5 ADDED COSTS. Except as otherwise provided in this  
6 Act, the state shall not pay any additional costs  
7 incurred by a political subdivision as a result of  
8 this Act.”

O. GENE MADDOX

S-3216

- 1 Amend Senate File 178 as follows:  
2 1. Page 15, by inserting after line 12 the  
3 following:  
4 “Sec. \_\_\_\_ . COSTS PAID BY IOWA DEPARTMENT OF PUBLIC  
5 HEALTH. The Iowa department of public health shall  
6 pay any additional training and equipment costs,  
7 excluding vehicle costs, incurred by a political  
8 subdivision after the effective date of this Act and  
9 as a result of this Act.”  
10 2. By renumbering as necessary.

O. GENE MADDOX

S-3217

- 1 Amend Senate File 446 as follows:  
2 1. Page 1, by inserting after line 12, the

3 following:

4 "Sec. \_\_\_\_ . Section 321.89, subsection 1, paragraph  
5 b, Code 1995, is amended by adding the following new  
6 subparagraph:

7 NEW SUBPARAGRAPH. (6) A vehicle that has been  
8 impounded pursuant to section 321J.4B by order of the  
9 court and whose owner has not paid the impoundment  
10 fees after notification by the person or agency  
11 responsible for carrying out the impoundment order."

12 2. Page 8, by inserting after line 32 the  
13 following:

14 "\_\_\_\_ . Upon receipt of the court order for  
15 impoundment or immobilization and seizure of the motor  
16 vehicle, if the agency responsible for carrying out  
17 the order determines that the motor vehicle is to be  
18 impounded, the agency shall review the value of the  
19 vehicle in relation to the costs associated with the  
20 period of impoundment of the motor vehicle specified  
21 in the order. If the agency determines that the costs  
22 of impoundment of the motor vehicle exceed the actual  
23 wholesale value of the motor vehicle, the agency may  
24 treat the vehicle as an abandoned vehicle pursuant to  
25 section 321.89. If the agency elects to treat the  
26 motor vehicle as abandoned, the agency shall notify  
27 the registered owner of the motor vehicle that the  
28 vehicle shall be deemed abandoned and shall be sold in  
29 the manner provided in section 321.89 if payment of  
30 the total cost of impoundment is not received within  
31 twenty-one days of the mailing of the notice. The  
32 agency shall provide documentation regarding the  
33 valuation of the vehicle and the costs of impoundment.  
34 This paragraph shall not apply to vehicles that are  
35 immobilized pursuant to this section or if subsection  
36 14 or 15 applies."

37 2. By numbering and renumbering as necessary.

ROD HALVORSON

S-3218

1 Amend Senate File 446 as follows:

2 1. Page 7, line 14, by striking the word "may"  
3 and inserting the following: "shall".

4 2. Page 7, line 14, by striking the words "and  
5 any" and inserting the following: "and used to commit  
6 the offense and any other".

7 3. Page 7, line 15, by striking the words  
8 "operated by the person" and inserting the following:  
9 "used by the person in the commission of the offense".

10 4. Page 7, line 16, by inserting after the word

11 "immobilized." the following: "For purposes of this  
 12 section, "immobilized" means the installation of a  
 13 device that completely prevents a motor vehicle from  
 14 being operated, or the installation of an ignition  
 15 interlock device, of a type approved by the  
 16 commissioner of public safety, in a motor vehicle."

17 5. Page 12, by inserting after line 2 the follow-  
 18 ing:

19 "\_\_\_\_. Notwithstanding the requirements of this  
 20 section, any of the following persons may make  
 21 application to the court for permission to operate a  
 22 motor vehicle, which is impounded or immobilized  
 23 pursuant to this section, during the period of im-  
 24 poundment or immobilization, if the applicant's motor  
 25 vehicle license or operating privilege has not been  
 26 suspended, denied, or revoked, and an ignition  
 27 interlock device of a type approved by the  
 28 commissioner of public safety is installed in the  
 29 motor vehicle prior to operation:

30 a. A person, other than the person who committed  
 31 the offense which resulted in the impoundment or  
 32 immobilization, who is not a member of the immediate  
 33 family of the person who committed the offense but is  
 34 a joint owner of the motor vehicle.

35 b. A member of the immediate family of the person  
 36 who committed the offense which resulted in the  
 37 impoundment or immobilization, if the member  
 38 demonstrates that the motor vehicle that is subject to  
 39 the order for impoundment or immobilization is the  
 40 only motor vehicle possessed by the family.

41 For purposes of this section, "a member of the  
 42 immediate family" means a spouse, child, or parent of  
 43 the person who committed the offense."

44 6. By numbering and renumbering as necessary.

ROD HALVORSON  
 O. GENE MADDOX

S-3219

1 Amend Senate File 459 as follows:

2 1. Page 26, by inserting after line 12 the  
 3 following:

4 "Sec. 1000. The governor's traffic safety bureau  
 5 of the department of public safety shall maximize  
 6 funding to the division of health delivery systems of  
 7 the Iowa department of public health during the fiscal  
 8 year beginning July 1, 1995, from the moneys received  
 9 from the federal highway administration due to the  
 10 state's failure to enact a mandatory motorcycle helmet

11 law pursuant to the federal Intermodal Surface  
 12 Transportation Efficiency Act of 1991. The funds  
 13 shall be allocated to emergency medical services  
 14 associations for training of emergency medical  
 15 services personnel and for the purchase of emergency  
 16 medical equipment. Funding for emergency medical  
 17 services shall be maximized to the extent that federal  
 18 highway traffic safety funds are not jeopardized."

19 2. Page 29, by inserting after line 32 the  
 20 following:

21 "5. Section 1000 of this Act, dealing with the  
 22 governor's traffic safety bureau, takes effect upon  
 23 enactment."

24 3. By renumbering as necessary.

EUGENE FRAISE

S-3220

1 Amend Senate File 405 as follows:

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

4 "Sec. \_\_\_\_ . Section 455B.151, subsection 2,  
 5 paragraph c, Code 1995, is amended to read as follows:  
 6 c. "Waste" means toxic or hazardous waste as  
 7 identified and included in the consolidated chemical  
 8 list pursuant to Title III of the federal Superfund  
 9 Amendments and Reauthorization Act of 1986, or  
 10 substances which have been treated with a toxic or  
 11 hazardous waste or infectious waste as defined in  
 12 section 455B.501. "Waste" does not include waste oil  
 13 which is burned under federal environmental protection  
 14 agency guidelines for purposes of volume reduction,  
 15 heat production, or energy cogeneration."

16 2. By renumbering as necessary.

PATTY JUDGE  
 MICHAEL E. GRONSTAL

S-3221

1 Amend Senate File 402 as follows:

2 1. Page 1, line 8, by inserting after the word  
 3 "brand" the following: "or tattoo".

4 2. Page 1, line 14, by inserting after the word  
 5 "cattle," the following: "swine."

PATTY JUDGE

S-3222

- 1 Amend Senate File 431 as follows:  
2 1. Page 11, by inserting after line 35 the  
3 following:  
4 "Sec. \_\_\_\_ . NONPUBLIC ASSISTANCE RECIPIENTS CHILD  
5 SUPPORT RECOVERY COSTS -- EVALUATION AND  
6 RECOMMENDATIONS. The child support recovery unit  
7 shall evaluate the costs of services provided by the  
8 unit to nonpublic assistance recipients of services  
9 and shall submit a report to the general assembly on  
10 or before January 1, 1996, which includes  
11 recommendations and budget requests for coverage of  
12 these costs which are alternatives to payment of any  
13 fees by nonpublic assistance recipients of child  
14 support. An alternative to payment of fees by  
15 nonpublic assistance recipients of child support shall  
16 be implemented on or before July 1, 1996."  
17 2. Title page, line 1, by inserting after the  
18 word "including" the following: "alternative measures  
19 for payment of costs for nonpublic assistance  
20 services,".  
21 3. By renumbering as necessary.

TONY BISIGNANO

S-3223

- 1 Amend Senate File 347 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. PREVENTIVE CARE SERVICES AND MENTAL  
5 HEALTH AND SUBSTANCE ABUSE TREATMENT STUDY.  
6 1. a. The commissioner, pursuant to section  
7 513B.37, subsection 1, shall conduct a study to  
8 determine the following:  
9 (1) Whether expanded preventive care services are  
10 cost-effective and whether such services should be  
11 included in the basic health benefit plan and the  
12 standard health benefit plan as established by the  
13 commissioner under section 513B.14.  
14 (2) Whether expanded mental health and substance  
15 abuse treatment coverage is cost-effective and whether  
16 such coverage should be included in the basic health  
17 benefit plan and the standard health benefit plan as  
18 established by the commissioner under section 513B.14.  
19 b. In determining whether such services and  
20 coverage under paragraph "a", subparagraphs (1) and  
21 (2), should be included, the commissioner, in addition  
22 to considering the cost-effectiveness and other

23 appropriate factors, shall also consider the increase,  
 24 if any, in premium necessary to fund the expanded  
 25 services or coverage, as applicable, and whether any  
 26 savings may be realized as a result of such inclusion.

27 2. The commissioner shall file a written report  
 28 with the general assembly on or before January 15,  
 29 1996, concerning the results of the study.

30 Sec. 2. This Act shall only be effective if the  
 31 general assembly appropriates \$25,000 to the insurance  
 32 division of the department of commerce for the purpose  
 33 of completing the study identified in section 1 of  
 34 this Act."

35 2. Title page, line 1, by striking the words  
 36 "relating to the third-party payment" and inserting  
 37 the following: "establishing a study regarding the  
 38 inclusion".

39 3. Title page, line 3, by inserting after the  
 40 word "services" the following: "under basic and  
 41 standard health benefit plans, and providing for  
 42 conditional effectiveness".

TOM VILSACK

S-3224

1 Amend Senate File 431 as follows:

2 1. Page 11, by inserting after line 3 the  
 3 following:

4 "Sec. 100. Section 252H.10, Code 1995, is amended  
 5 by adding the following new unnumbered paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. If a child support  
 7 arrearage has not accrued on or after the date that  
 8 the notice was successfully served pursuant to section  
 9 252H.19, payment of support under the modified order  
 10 shall not be due until the due date, established under  
 11 the prior order, which is subsequent to the date of  
 12 issuance of the modified order. A modified order  
 13 shall not be applied in a manner which results in  
 14 payment of a child support obligation during the  
 15 period of time between two consecutive payment due  
 16 dates which require payment of the child support  
 17 obligation established under both the prior and  
 18 modified orders."

19 2. Page 11, by inserting after line 35 the  
 20 following:

21 "Sec. 200. Section 598.21, subsection 8, Code  
 22 1995, is amended by adding the following new  
 23 unnumbered paragraph:  
 24 NEW UNNUMBERED PARAGRAPH. If a child support  
 25 arrearage has not accrued on or after the date that

26 the notice of the pending petition for modification of  
 27 a child support order is served on the opposing party,  
 28 payment of child support under the modified order  
 29 shall not be due until the due date, established under  
 30 the prior order, which is subsequent to the date of  
 31 issuance of the modified order. A modified order  
 32 shall not be applied in a manner which results in  
 33 payment of a child support obligation during the  
 34 period of time between two consecutive payment due  
 35 dates which require payment of the child support  
 36 obligation established under both the prior and  
 37 modified orders."

38 3. Page 12, by inserting after line 6 the  
 39 following:

40 "Sec. 300. RETROACTIVE EFFECTIVE DATE. Sections  
 41 100 and 200 of this Act apply retroactively to any  
 42 child support order modified on or after July 1,  
 43 1994."

44 4. Title page, line 3, by inserting after the  
 45 word "younger," the following: "payment of a child  
 46 support obligation under a modified order,".

47 5. Title page, by striking line 6 and inserting  
 48 the following: "pay support, a retroactivity  
 49 provision, and implementation provisions."

JIM LIND

S-3225

1 Amend Senate File 459 as follows:

2 1. Page 26, by inserting after line 12 the  
 3 following:

4 "Sec. \_\_\_\_ . Section 16.177, subsection 10, Code  
 5 1995, is amended by striking the subsection."

6 2. By renumbering and correcting internal  
 7 references as necessary.

MICHAEL GRONSTAL

S-3226

1 Amend Senate File 459 as follows:

2 1. Page 4, by inserting after line 31 the  
 3 following:

4 "11. If Senate File 410 or similar legislation is  
 5 enacted into law by the Seventy-sixth General  
 6 Assembly, 1995 Regular Session, which establishes a  
 7 health education and advocacy program in the  
 8 department of justice, then, in addition to the funds  
 9 appropriated in subsection 1, there is appropriated

- 10 from the general fund of the state to the department  
 11 of justice for the fiscal year beginning July 1, 1995,  
 12 and ending June 30, 1996, the following amount, or so  
 13 much thereof as is necessary, to be used for the  
 14 purpose designated:  
 15 For a health education and advocacy program:  
 16 ..... \$ 200,000".

MICHAEL E. GRONSTAL

S-3227

- 1 Amend the amendment, S-3144, to Senate File 178, as  
 2 follows:  
 3 1. Page 1, line 6, by striking the words and  
 4 figures "certified prior to July 1, 1995".

STEWART IVERSON, Jr.

S-3228

- 1 Amend Senate File 178 as follows:  
 2 1. Page 6, line 27, by inserting after the word  
 3 "compliance" the following: "during a period not to  
 4 exceed seven years".

STEWART IVERSON, Jr.

S-3229

- 1 Amend Senate File 18 as follows:  
 2 1. Page 2, line 3, by inserting after the word  
 3 "exemption." the following: "'Printer" means a person  
 4 engaged in printing that completes a finished printed  
 5 product for ultimate sale at retail or means that  
 6 portion of a person's business used to complete a  
 7 finished printed packaging material used to package a  
 8 product for ultimate sale at retail."

STEWART IVERSON, Jr.

S-3230

- 1 Amend Senate File 433 as follows:  
 2 1. Page 1, by inserting after line 22 the  
 3 following:  
 4 "a. "Eligible group" means a group of individuals  
 5 receiving a family investment program grant under  
 6 chapter 239 and includes individuals whose income is  
 7 considered by the department under the family

- 8 investment program.”
- 9 2. Page 1, line 23, by striking the letter “a”  
10 and inserting the following: “b”.
- 11 3. Page 1, line 26, by striking the letter “b”  
12 and inserting the following: “c”.
- 13 4. Page 1, line 26, by striking the words  
14 “twelve-month period” and inserting the following:  
15 “period of time specified in this section”.
- 16 5. Page 1, line 30, by striking the letter “c”  
17 and inserting the following: “d”.
- 18 6. Page 1, line 33, by striking the word “If” and  
19 inserting the following:  
20 “3. If”.
- 21 7. Page 1, line 35, by inserting after the word  
22 “to” the following: “sign or”.
- 23 8. Page 2, line 2, by striking the word  
24 “eligibility” and inserting the following:  
25 “eligible”.
- 26 9. Page 2, line 4, by striking the words “be  
27 twelve months in length” and inserting the following:  
28 “apply for the period of time specified in this  
29 section”.
- 30 10. Page 2, line 5, by striking the words  
31 “twelve-month period” and inserting the following:  
32 “limited benefit plan”.
- 33 11. Page 2, line 22, by striking the word  
34 “eligibility” and inserting the following:  
35 “eligible”.
- 36 12. Page 2, line 23, by striking the word “nine-  
37 month” and inserting the following: “six-month”.
- 38 13. Page 2, line 25, by striking the word  
39 “twelve-month” and inserting the following: “six-  
40 month”.
- 41 14. Page 2, line 27, by striking the words “nine-  
42 month or twelve-month” and inserting the following:  
43 “six-month”.
- 44 15. Page 2, line 28, by striking the words  
45 “whichever is applicable.”.
- 46 16. Page 3, by striking lines 4 through 12 and  
47 inserting the following: “benefit plan is ineligible  
48 for nine months from the effective date of the limited  
49 benefit plan. For a second or subsequent limited  
50 benefit plan chosen by the same individual

## Page 2

- 1 participant, a subsequent six-month period of  
2 ineligibility applies, and”.
- 3 17. Page 4, by striking line 9 and inserting the  
4 following: “group is eligible for reduced benefits

- 5 during the child's limited benefit plan."  
6 18. Page 4, line 11, by striking the words  
7 "twelve months" and inserting the following: "nine  
8 months for a first limited benefit plan and six months  
9 for a second or subsequent limited benefit plan".  
10 19. Page 5, line 4, by striking the word  
11 "participating" and inserting the following:  
12 "volunteering to participate".  
13 20. Page 5, line 7, by striking the word "twelve-  
14 month" and inserting the following: "six-month".  
15 21. Page 5, line 21, by striking the word  
16 "twelve-month" and inserting the following: "six-  
17 month".  
18 22. Page 6, line 4, by striking the words "nine-  
19 month or twelve-month" and inserting the following:  
20 "six-month".  
21 23. Page 6, lines 4 and 5, by striking the words  
22 ", whichever is applicable".  
23 24. Page 6, line 29, by inserting after the word  
24 "shall" the following: "not".  
25 25. Page 7, by striking lines 27 and 28 and  
26 inserting the following: "limited benefit plan."  
27 26. Page 7, by striking lines 34 and 35 and  
28 inserting the following: "the well-being of the  
29 eligible group during month four of the limited  
30 benefit plan."  
31 27. Page 8, line 13, by striking the word "nine-  
32 month" and inserting the following: "six-month".  
33 28. Page 8, line 17, by striking the word  
34 "twelve-month" and inserting the following: "six-  
35 month".  
36 29. Page 9, line 3, by striking the words  
37 "assistance for" and inserting the following:  
38 "assistance beginning the date that timely and  
39 adequate notice is issued establishing the limited  
40 benefit plan through".  
41 30. Page 9, line 4, by inserting after the word  
42 "period" the following: "to which"

ELAINE SZYMONIAK

S-3231

- 1 Amend Senate File 459 as follows:  
2 1. Page 9, by inserting after line 31 the  
3 following:  
4 "It is the intent of the general assembly that as a  
5 condition of receiving the appropriation provided in  
6 this subsection, the department of corrections shall  
7 not enter into a contract for the expenditure of

8 moneys in excess of one hundred thousand dollars  
 9 during the fiscal year beginning July 1, 1995, for the  
 10 privatization of services performed by the department  
 11 without prior approval by the general assembly."

ROBERT DVORSKY  
 EUGENE FRAISE  
 JIM LIND  
 MARY KRAMER  
 DICK DEARDEN  
 DERRYL McLAREN

S-3232

1 Amend Senate File 459 as follows:  
 2 1. Page 24, by inserting after line 11 as  
 3 follows:  
 4 "3. The Iowa law enforcement academy may annually  
 5 select at least five automobiles of the department of  
 6 public safety, division of highway safety, uniformed  
 7 force, and radio communications, prior to turning over  
 8 the automobiles to the state vehicle dispatcher to be  
 9 disposed of by public auction and the Iowa law  
 10 enforcement academy may exchange any automobile owned  
 11 by the academy for each automobile selected if the  
 12 selected automobile is used in training law  
 13 enforcement officers at the academy. However, any  
 14 automobile exchanged by the academy shall be  
 15 substituted for the selected vehicle of the department  
 16 of public safety and sold by public auction with the  
 17 receipts being deposited in the depreciation fund to  
 18 the credit of the department of public safety,  
 19 division of highway safety, uniformed force, and radio  
 20 communications."

EUGENE FRAISE

S-3233

1 Amend Senate File 178 as follows:  
 2 1. Page 11, by striking lines 19 and 20 and  
 3 inserting the following: "certified ~~advanced~~  
 4 emergency medical care provider, registered nurse, or  
 5 licensed practical nurse at the scene of an emergency,  
 6 and an".  
 7 2. Page 11, by striking line 22 and inserting the  
 8 following: "provider, registered nurse, or licensed  
 9 practical nurse following the orders, are not".  
 10 3. Page 11, line 28, by inserting after the words  
 11 "registered nurse," the following "licensed

12 practical nurse."

13 4. Page 12, line 3, by inserting after the word  
14 "nurse." the following: "licensed practical nurse."

15 5. Page 12, line 8, by inserting after the word  
16 "nurse." the following: "licensed practical nurse."

STEWART IVERSON, Jr.

S-3234

1 Amend Senate File 400 as follows:

2 1. Page 1, by striking lines 2 through 15, and  
3 inserting the following:

4 "Notwithstanding section 504A.64, if the term of  
5 incorporation of a domestic corporation organized or  
6 existing under chapter 504, as the chapter existed  
7 prior to July 1, 1990, or a predecessor chapter has  
8 expired, or if a permit held by a foreign corporation  
9 under the provisions of chapter 504, as the chapter  
10 existed prior to July 1, 1990, is no longer valid, but  
11 the corporation has continued to act as a nonprofit  
12 corporation as provided in the chapter under which it  
13 was organized, the trustees, directors, or members of  
14 the corporation may reincorporate under this chapter  
15 and thus become subject to its provisions, and all the  
16 property and rights of the corporation shall vest in  
17 the corporation as reincorporated for the use and  
18 benefit of the corporation. The corporation shall  
19 reincorporate in the same manner as though voluntarily  
20 electing to adopt the provisions of this chapter in  
21 accordance with section 504A.100. This section shall  
22 not apply to a corporation which has been dissolved  
23 pursuant to section 504A.87."

24 2. Page 1, by inserting before line 16 the  
25 following:

26 "Sec. \_\_\_\_ . REPEAL. Section 504A.30A is repealed  
27 July 1, 2000."

DONALD B. REDFERN

S-3235

1 Amend Senate File 360 as follows:

2 1. Page 1, line 5, by striking the words "ten  
3 dollars" and inserting the following: "dollars a fee  
4 determined by the auditor".

5 2. Page 1, line 7, by inserting after the word  
6 "court." the following: "The auditor shall determine

- 7 the transfer fee at an amount which does not exceed
- 8 the cost of processing the transfer."

BERL E. PRIEBE

S-3236

1 Amend Senate File 459 as follows:

2 1. Page 26, by inserting after line 12 the  
3 following:

4 "6. For the division of highway safety, uniformed  
5 force, and radio communications to be used for  
6 salaries, support, maintenance, and miscellaneous  
7 purposes, including the state's contribution to the  
8 peace officers' retirement, accident, and disability  
9 system provided in chapter 97A in the amount of 18  
10 percent of the salaries for which the funds are  
11 appropriated, and for not more than the following  
12 full-time equivalent positions:

13 ..... \$ 32,960,467

14 ..... FTEs 553.50

15 7. For costs associated with the maintenance of  
16 the automated fingerprint information system (AFIS):

17 ..... \$ 211,576

18 8. For salaries, support, maintenance, and  
19 miscellaneous purposes of the pari-mutuel law  
20 enforcement agents, including the state's contribution  
21 to the peace officers' retirement, accident, and  
22 disability system provided in chapter 97A in the  
23 amount of 18 percent of the salaries for which the  
24 funds are appropriated:

25 ..... \$ 308,602".

26 2. By renumbering as necessary.

LARRY MURPHY  
EUGENE FRAISE

S-3237

1 Amend Senate File 422 as follows:

2 1. Page 3, line 12, by inserting after the word  
3 "month" the following: "and the fees collected by the  
4 county registrar on behalf of the state for  
5 applications for a license to marry in accordance with  
6 section 331.605, subsection 7".

7 2. Page 4, line 16, by striking the word  
8 "subsection" and inserting the following:  
9 "subsections".

10 3. Page 4, by inserting after line 21 the  
11 following:

12 "NEW SUBSECTION. 7. For filing an application for  
 13 the license to marry, thirty dollars. For issuing an  
 14 application for an order of the district court  
 15 authorizing the issuance of a license to marry before  
 16 the expiration of three days from the date of filing  
 17 the application for the license, five dollars. The  
 18 district court shall authorize the issuance of a  
 19 marriage license without the payment of any fees  
 20 imposed in this subsection upon showing that the  
 21 applicant is unable to pay the fees."

22 4. Page 8, by inserting after line 28 the  
 23 following:

24 "Sec. \_\_\_\_ . Section 602.8105, subsection 2,  
 25 paragraph a, Code 1995, is amended by striking the  
 26 paragraph."

27 5. By renumbering as necessary.

ALBERT SORENSEN

S-3238

1 Amend Senate File 459 as follows:

2 1. Page 26, by inserting after line 12 the  
 3 following:

4 "Sec. \_\_\_\_ . There is appropriated from the general  
 5 fund of the state to the historical division of the  
 6 department of cultural affairs for the fiscal year  
 7 beginning July 1, 1995, and ending June 30, 1996, the  
 8 following amount, or so much thereof as is necessary,  
 9 to be used for the purpose designated:

10 For security services for the state historical  
 11 building:

12 ..... \$ 90,000".

13 2. By renumbering as necessary.

JIM LIND  
 LARRY MURPHY

S-3239

1 Amend the amendment, S-3236, to Senate File 459 as  
 2 follows:

3 1. Page 1, line 6, by inserting after the word  
 4 "maintenance," the following: "workers' compensation  
 5 costs,".

JIM LIND  
 LARRY MURPHY  
 EUGENE FRAISE

S-3240

- 1 Amend Senate File 459 as follows:
- 2 1. Page 26, line 18, by striking the words "full  
3 cost of auditing" and inserting the following: "cost  
4 of auditing salaries for no more than two special  
5 agents and no more than four gaming enforcement  
6 officers for each excursion gambling boat for".
- 7 2. Page 26, by striking lines 22 through 24 and  
8 inserting the following: "salary costs shall be  
9 limited to sixty-five percent of the salary costs for  
10 special agents and sixty-five percent of the salary  
11 costs for gaming enforcement for personnel assigned to  
12 excursion gambling boats who enforce laws and rules  
13 adopted by the".
- 14 3. Page 29, by inserting after line 16 the  
15 following:  
16 "Sec. \_\_\_\_ . INTERIM STUDY COMMITTEE. The  
17 legislative council is requested to authorize an  
18 interim study committee concerning the enforcement of  
19 activities on excursion gambling boats."
- 20 4. By renumbering as necessary.

LARRY MURPHY

S-3241

- 1 Amend Senate File 459 as follows:
- 2 1. Page 8, by striking lines 13 through 17 and  
3 inserting the following:  
4 "4. The department of corrections shall conduct a  
5 study to determine the feasibility, including the  
6 costs, of constructing a residential facility and  
7 office in Fort Dodge for use by the second judicial  
8 district department of correctional services, of  
9 adapting or modifying a current building in Fort Dodge  
10 for such use, or of extending the current lease of a  
11 building in Fort Dodge for such use. The department  
12 of corrections shall report its findings to the  
13 general assembly by January 15, 1996."

TONY BISIGNANO

S-3242

- 1 Amend the amendment, S-3236, to Senate File 459 as  
2 follows:
- 3 1. Page 1, by inserting after line 14 the  
4 following:  
5 "An employee of the department of public safety who

6 retires after the effective date of this Act but prior  
 7 to June 30, 1996, is eligible for payment of life or  
 8 health insurance premiums as provided for in the  
 9 collective bargaining agreement covering the public  
 10 safety bargaining unit at the time of retirement if  
 11 that employee previously served in a position which  
 12 would have been covered by the agreement. The  
 13 employee shall be given credit for the service in that  
 14 prior position as though it were covered by that  
 15 agreement. The provisions of this paragraph shall not  
 16 operate to reduce any retirement benefits an employee  
 17 may have earned under other collective bargaining  
 18 agreements or retirement programs."

EUGENE FRAISE

S-3243

1 Amend the amendment, S-3241, to Senate File 459, as  
 2 follows:  
 3 1. Page 1, by striking lines 2 through 13 and  
 4 inserting the following:  
 5 "\_\_\_ . Page 8, line 15, by inserting after the  
 6 words "Fort Dodge" the following: "or remodel or  
 7 renovate an existing building for use as a residential  
 8 facility and office in Fort Dodge,"."

ROD HALVORSON

S-3244

1 Amend the amendment, S-3240, to Senate File 459 as  
 2 follows:  
 3 1. Page 1, by striking lines 2 through 13.

ANDY McKEAN  
 JOHNIE HAMMOND  
 MARY NEUHAUSER  
 BRAD BANKS  
 STEWART IVERSON, JR.

S-3245

1 Amend Senate File 459 as follows:  
 2 1. Page 8, by striking lines 10 through 17 and  
 3 inserting the following: "the site of the facility.  
 4 Bonds shall be issued under the provisions of sections  
 5 16.177 and 602.8108A to finance the construction of  
 6 the facility. The cost of constructing the facility,  
 7 exclusive of financing costs, shall not exceed

8 \$36,000,000.  
 9 4. The department of corrections is authorized to  
 10 construct a residential facility and office in Fort  
 11 Dodge for use by the second judicial district  
 12 department of correctional services. Bonds may be  
 13 issued under the provisions of sections 16.177 and  
 14 602.8108A to finance the construction of the facility.  
 15 The cost of constructing the facility, exclusive of  
 16 financing costs, shall not exceed \$1,845,071."

MICHAEL E. GRONSTAL  
 LARRY MURPHY

S-3246

1 Amend House File 132, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 21 through 33.  
 4 2. By renumbering as necessary.

ROBERT DVORSKY  
 DERRYL McLAREN  
 JIM LIND  
 LARRY MURPHY

S-3247

1 Amend the amendment, S-3245, to Senate File 459 as  
 2 follows:  
 3 1. Page 1, line 9, by inserting after the word  
 4 "corrections" the following: "shall issue a request  
 5 for proposals for the construction of, or the  
 6 remodeling or renovation of a building for use as a  
 7 residential facility and office in Fort Dodge by the  
 8 second judicial district department of corrections.  
 9 If the proposal is accepted by the department, but in  
 10 no event earlier than January 30, 1996, the department  
 11 of corrections".  
 12 2. Page 1, line 11, by inserting after the word  
 13 "Dodge" the following: "or remodel or renovate an  
 14 existing building for use as a residential facility  
 15 and office in Fort Dodge,".

ROD HALVORSON  
 TONY BISIGNANO  
 MICHAEL E. GRONSTAL

S-3248

- 1 Amend Senate File 405 as follows:
- 2 1. Page 3, line 28, by striking the word
- 3 "disposal." and inserting the following: "disposal;
- 4 however, body parts being transported off site for
- 5 pathological analysis shall be exempt from this
- 6 paragraph."

MICHAEL E. GRONSTAL

S-3249

- 1 Amend Senate File 441 as follows:
- 2 1. Page 1, line 30, by striking the word
- 3 "licensed".

ELAINE SZYMONIAK

S-3250

- 1 Amend Senate File 420 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 256.17 CAREER PATHWAYS
- 5 PROGRAM.
- 6 1. If the general assembly appropriates moneys for
- 7 the establishment of a career pathways program, the
- 8 department of education shall develop a career
- 9 pathways grant program, criteria for the formation of
- 10 ongoing career pathways consortia in each merged area,
- 11 and guidelines and a process to be used in selecting
- 12 career pathways consortium grant recipients, including
- 13 a requirement that grant recipients shall provide
- 14 matching funds or match grant funds with in-kind
- 15 resources on a dollar-for-dollar basis. A consortium
- 16 shall include one or more school districts and may
- 17 include, but is not limited to, parents and parent
- 18 organizations, representatives from elementary,
- 19 secondary, postsecondary, and vocational education
- 20 institutions, appropriate state agencies and
- 21 departments, and business, labor, community service,
- 22 and nonprofit organizations. The department shall
- 23 provide assistance to consortia in planning and
- 24 implementing career pathways program efforts.
- 25 2. To be eligible for a career pathways grant, a
- 26 career pathways consortium shall develop a career
- 27 pathways program that includes, but is not limited to,
- 28 the following:
- 29 a. Provision for an employability skills

30 assessment to public or nonpublic school students at  
31 the eighth and twelfth grade levels. The  
32 employability skills assessment shall measure  
33 employability skills that include, but are not limited  
34 to, reading for information, applied mathematics,  
35 listening, and writing.

36 b. Commitment to develop and implement,  
37 strengthen, and enhance a relevant curriculum for the  
38 world of work, which includes career paths leading to  
39 baccalaureate or associate degrees, apprenticeships,  
40 or employment. The completed set of courses for the  
41 career path should articulate with postsecondary  
42 institutions. This curriculum shall be based on the  
43 results of the employability skills assessment to  
44 ensure student success in achieving basic skills for  
45 the workplace. The commitment shall include a plan to  
46 alter the curriculum in order to address deficiencies  
47 in the basic skills for the workplace identified by  
48 the employability skills assessment.

49 c. Curricula designed to integrate academic and  
50 work-based learning to achieve high employability

**Page 2**

1 skills by all students related to career pathways.  
2 The curricula shall be designed through the  
3 cooperative efforts of members of the consortia.

4 d. Involvement and recognition of local business,  
5 labor, and community organizations as partners in the  
6 career pathways program.

7 e. Provision for program accountability.

8 f. Provision for career guidance and exploration  
9 by the tenth grade level.

10 g. Encouragement of team teaching within the  
11 school or in partnership with postsecondary schools,  
12 and business, labor, community, and nonprofit  
13 organizations.

14 h. Service learning opportunities for students.

15 2. Business, labor, and community organizations  
16 are encouraged to market the career pathways program  
17 to the local community and provide students with  
18 mentors, shadow professionals, speakers, field trip  
19 sites, summer jobs, internships, and job offers for  
20 students who graduate with high performance records.  
21 Students are encouraged to volunteer their time to  
22 community organizations in exchange for workplace  
23 learning opportunities that do not displace current  
24 employees.

25 3. In developing career pathways program efforts,  
26 each consortium shall make every effort to cooperate

27 with the juvenile courts, the department of economic  
28 development, the department of employment services,  
29 the department of human services, and the new Iowa  
30 schools development corporation.

31 4. The area education agency and community college  
32 within each merged area shall provide support services  
33 to assist the planning and implementation of career  
34 pathways programs.

35 5. Not later than August 1, for the school year  
36 beginning the preceding July 1, the board of directors  
37 of a school district, or the authorities in charge of  
38 a nonpublic school, or the board of directors of a  
39 community college may annually file a written request  
40 with the department of education that the department  
41 waive rules relating to vocational education that have  
42 been adopted by the state board since the enactment of  
43 the 1989 Iowa Acts, chapter 278. A request for a  
44 waiver filed by the board of directors of a school  
45 district, the authorities in charge of a nonpublic  
46 school, or board of directors of a community college  
47 shall describe actions being taken by the district,  
48 school, or community college to meet the requirement  
49 for which the district, school, or community college  
50 has requested a waiver.

Page 3

1 6. The department of education shall direct and  
2 monitor the progress of each career pathways  
3 consortium in developing career pathways programs. By  
4 January 15, 1998, the department shall submit to the  
5 general assembly any findings and recommendations of  
6 the career pathways consortia, along with the  
7 department's recommendations for specific career  
8 pathways program efforts and for appropriate funding  
9 levels to implement and sustain the recommended  
10 programs.

11 7. Notwithstanding section 8.33, unencumbered or  
12 unobligated funds remaining on June 30 of the fiscal  
13 year for which the funds were appropriated shall not  
14 revert but shall be available for expenditure for the  
15 following fiscal year for the purposes of this  
16 section.

17 8. A career pathways program is a comprehensive  
18 school transformation program under section 294A.14."

19 2. Title page, by striking lines 1 and 2 and  
20 inserting the following: "An Act relating to the  
21 establishment of a career pathways program to

22 encourage career pathways program efforts by local  
23 consortia.”

JOHN P. KIBBIE

S-3251

1 Amend Senate File 431 as follows:

2 1. Page 11, by inserting after line 3, the  
3 following:

4 “Sec. \_\_\_\_ . Section 252H.10, Code 1995, is amended  
5 by adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. The periodic due date  
7 established under a prior order for payment of child  
8 support shall not be changed in any order modified as  
9 a result of an action initiated under this chapter,  
10 unless the child support recovery unit or the court  
11 determines that good cause exists to change the  
12 periodic due date. If the unit or the court  
13 determines that good cause exists, the unit or the  
14 court shall include the rationale for the change in  
15 the modified order and shall address the issue of  
16 reconciliation of any payments due or made under a  
17 prior order which would result in payment of the child  
18 support obligation under both the prior and the  
19 modified orders.”

20 2. Page 11, by inserting after line 35, the  
21 following:

22 “Sec. \_\_\_\_ . Section 598.21, subsection 8, Code  
23 1995, is amended by adding the following new  
24 unnumbered paragraph:  
25 NEW UNNUMBERED PARAGRAPH. The periodic due date  
26 established under a prior order for payment of child  
27 support shall not be changed in any modified order  
28 under this section, unless the court determines that  
29 good cause exists to change the periodic due date. If  
30 the court determines that good cause exists, the court  
31 shall include the rationale for the change in the  
32 modified order and shall address the issue of  
33 reconciliation of any payments due or made under a  
34 prior order which would result in payment of the child  
35 support obligation under both the prior and the  
36 modified orders.”

37 3. Title page, line 3, by inserting after the word  
38 “younger,” the following: “payment of a child support  
39 obligation under a modified order.”

JIM LIND

S-3252

1 Amend Senate File 83 as follows:

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

4 "Section 1. Section 257.1, subsection 2, Code  
5 1995, is amended by adding the following new  
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. For the budget year  
8 commencing July 1, 1996, the department of management  
9 shall add the amount of the additional budget  
10 adjustment computed in section 257.14, subsection 2,  
11 to the combined foundation base.

12 Sec. 2. Section 257.14, unnumbered paragraph 1,  
13 Code 1995, is amended to read as follows:

14 1. For the budget years commencing July 1, 1991,  
15 July 1, 1992, July 1, 1993, July 1, 1994, and July 1,  
16 1995, and July 1, 1996, if the department of

17 management determines that the regular program  
18 district cost of a school district for a budget year  
19 is less than the total of the regular program district  
20 cost plus any adjustment added under this section for  
21 the base year for that school district, the department  
22 of management shall provide a budget adjustment for  
23 that district for that budget year that is equal to  
24 the difference.

25 2. For the budget year beginning July 1, 1996, if  
26 the department of management determines that the  
27 regular program district cost plus the budget  
28 adjustment computed under subsection 1 of a school  
29 district is less than one hundred one percent of the  
30 total of the regular program district cost plus any  
31 adjustment added under this section for the base year  
32 for that school district, the department of management  
33 shall provide an additional budget adjustment for that  
34 budget year that is equal to the difference."

35 2. Title page, line 2, by inserting after the  
36 word "districts" the following: "and increasing the  
37 amount of that guarantee".

MIKE CONNOLLY

S-3253

1 Amend Senate File 389 as follows:

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

4 "Sec. \_\_\_\_ . NEW SECTION. 294B.4A IOWA CENTER FOR  
5 EDUCATION TECHNOLOGY.

6 An Iowa center for education technology is

7 established at the university of northern Iowa to  
 8 serve as a focal point for coordination,  
 9 communication, study, and dissemination of training  
 10 and support services for assuring that each educator  
 11 has the opportunity to become competent in the use of  
 12 information technology and is able to integrate  
 13 information technology into the educator's teaching  
 14 and administrative duties, and into the learning  
 15 processes of the educator's students.

16 The center shall have no formal organization but  
 17 shall be a virtual center using a temporary team  
 18 leader approach. Members of the teams may be public  
 19 and private entities of higher education, information  
 20 technology companies, school districts, individual  
 21 educators, employees of the state department of  
 22 education and the area education agencies,  
 23 consultants, parents, students, and other interested  
 24 public and private persons and organizations."

25 2. By renumbering as necessary.

ROBERT DVORSKY  
 DONALD B. REDFERN

S-3254

1 Amend Senate File 452 as follows:

2 1. Page 1, line 10, by inserting after the word  
 3 "drawee." the following: "If the check, draft, or  
 4 order was presented twice or the maker does not have  
 5 an account with the drawee, the amount of the  
 6 surcharge shall not exceed one hundred dollars."

7 2. Page 1, line 22, by inserting after the word  
 8 "drawee." the following: "If the check, draft, or  
 9 order was presented twice or the maker does not have  
 10 an account with the drawee, the amount of the  
 11 surcharge shall not exceed one hundred dollars."

ANDY McKEAN

S-3255

1 Amend Senate File 422 as follows:

2 1. Page 1, by striking line 15 and inserting the  
 3 following: "The clerk of the district court or, if  
 4 approved by the board of supervisors, the county  
 5 recorder is the".

6 2. Page 4, line 7, by striking the word  
 7 "subsection" and inserting the following:  
 8 "subsections".

9 3. Page 4, by inserting before line 12 the

10 following:

11 NEW SUBSECTION. 5. With approval of the board of  
12 supervisors, the recorder shall serve as the county  
13 registrar. If the recorder does not serve as the  
14 county registrar, section 331.602, subsection 40,  
15 section 331.605, subsection 6, and section 331.611 do  
16 not apply to that county."

17 4. Page 4, line 23, by striking the word "The"  
18 and inserting the following: "If approved by the  
19 board, the".

20 5. Page 8, line 33, by inserting after the word  
21 "Act." the following: "This section does not apply to  
22 counties where the recorder does not serve as county  
23 registrar."

24 6. Page 9, line 3, by inserting after the word  
25 "counties." the following: "This section does not  
26 apply to counties where the recorder does not serve as  
27 county registrar."

ANDY McKEAN

S-3256

1 Amend Senate File 358 as follows:

2 1. Page 3, by inserting after line 35 the  
3 following:

4 "Sec. \_\_\_\_ . REPORT BY DEPARTMENT OF TRANSPORTATION.

5 The department of transportation shall, by January 15,  
6 1996, submit a report to the general assembly  
7 regarding the number of habitual offender contested  
8 cases which take place on or after the effective date  
9 of this Act. The report shall also contain  
10 information regarding the average length and cost of  
11 conducting the hearings."

12 2. By renumbering as necessary.

ANDY McKEAN

S-3257

1 Amend Senate File 358 as follows:

2 1. Page 2, line 19, by inserting after the word  
3 "department." the following: "A person who is found  
4 to be an habitual offender may be assessed a fee by  
5 the department to cover the costs of the habitual  
6 offender proceedings. Fees assessed shall be paid  
7 before the person may be issued a license or permit to  
8 operate a motor vehicle in this state."

9 2. Title page, line 3, by inserting after the

10 word "status" the following: ", and providing for the  
11 payment of fees".

ANDY McKEAN

S-3258

1 Amend House File 132, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 10 the  
4 following:

5 "Sec. \_\_\_\_ . CAPITOL BUILDING. There is  
6 appropriated from the general fund of the state to the  
7 department of general services for the fiscal year  
8 beginning July 1, 1994, and ending June 30, 1995, the  
9 following amounts, or so much thereof as is necessary,  
10 to be used for the purposes designated:

11 1. For capitol building restoration, including  
12 installation of stone on the state capitol building:  
13 ..... \$ 250,000

14 2. For costs associated with installation of a  
15 sprinkler system in the state capitol building:  
16 ..... \$ 200,000

17 Notwithstanding section 8.33, moneys appropriated  
18 in this section which remain unexpended or unobligated  
19 at the close of the fiscal year shall not revert to  
20 the general fund of the state but shall remain  
21 available for expenditure for the designated purposes  
22 in the succeeding fiscal year."

23 2. By renumbering as necessary.

JOHN W. JENSEN

S-3259

1 Amend Senate File 451 as follows:

2 1. Page 2, lines 6 and 7, by striking the words  
3 "-- REASONS FOR DENIAL STATED -- REVIEW".

4 2. Page 3, by striking lines 2 through 11.

5 3. Title, lines 4 and 5, by striking the words  
6 "the review of denials of permits to carry weapons,".

EMIL J. HUSAK

S-3260

1 Amend Senate File 427 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. Section 602.9203, subsection 2,  
5 unnumbered paragraph 1, Code 1995, is amended to read  
6 as follows:

7 A judicial officer referred to in subsection 1  
8 ~~qualifies for a senior judgeship may be appointed, at~~  
9 ~~the discretion of the supreme court, for a two-year~~  
10 ~~term as a senior judge~~ if the judicial officer meets  
11 all of the following requirements:

12 Sec. 2. Section 602.9203, subsection 5, Code 1995,  
13 is amended by striking the subsection and inserting in  
14 lieu thereof the following:

15 5. A senior judge may be reappointed to additional  
16 two-year terms, at the discretion of the supreme  
17 court, if the judicial officer meets the requirements  
18 of subsection 2.

19 Sec. 3. Section 602.9204, subsection 1, Code 1995,  
20 is amended to read as follows:

21 1. A senior judge ~~or a retired senior judge~~  
22 ~~retiring on or after July 1, 1994, shall not be paid a~~  
23 ~~salary as determined by the general assembly. A~~  
24 ~~senior judge or retired senior judge shall be paid an~~  
25 ~~annuity under the judicial retirement system in the~~  
26 ~~manner provided in section 602.9109, but computed~~  
27 ~~under this section in lieu of section 602.9107, as~~  
28 ~~follows: The annuity paid to a senior judge or~~  
29 ~~retired senior judge shall be an amount equal to three~~  
30 ~~percent of the basic senior judge salary, multiplied~~  
31 ~~by the judge's years of service prior to retirement as~~  
32 ~~a judge of one or more of the courts included under~~  
33 ~~this article, for which contributions were made to the~~  
34 ~~system, except the annuity of the senior judge or~~  
35 ~~retired senior judge shall not exceed fifty percent of~~  
36 ~~the basic senior judge salary used in calculating the~~  
37 ~~annuity. However, following the twelve-month period~~  
38 ~~during which the senior judge or retired senior judge~~  
39 ~~attains seventy-eight years of age, the annuity paid~~  
40 ~~to the person shall be an amount equal to three~~  
41 ~~percent of the basic senior judge salary cap,~~  
42 ~~multiplied by the judge's years of service prior to~~  
43 ~~retirement as a judge of one or more of the courts~~  
44 ~~included under this article, for which contributions~~  
45 ~~were made to the system, except that the annuity shall~~  
46 ~~not exceed fifty percent of the basic senior judge~~  
47 ~~salary cap. A senior judge or retired senior judge~~  
48 ~~shall not receive benefits calculated using a basic~~  
49 ~~senior judge salary established after the twelve-month~~  
50 ~~period in which the senior judge or retired senior~~

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1 judge attains seventy-eight years of age. In  
2 addition, if a senior judge is under sixty-five years  
3 of age at the time the judge becomes a senior judge,  
4 the state shall pay the state's share of the senior  
5 judge's medical insurance premium until the judge  
6 attains age sixty-five.

7 Sec. 4. Section 602.9204, subsection 2, paragraphs  
8 a and c, Code 1995, are amended to read as follows:

9 a. "Basic senior judge salary" means the ~~average~~  
10 annual basic salary for the senior judge's or retired  
11 senior judge's last three years as a judge of one or  
12 more of the courts included in this article ~~basic~~  
13 annual salary which the judge is receiving at the time  
14 the judge becomes separated from full-time service, as  
15 would be used in computing an annuity pursuant to  
16 section 602.9107 without service as a senior judge,  
17 plus seventy-five percent of the escalator.

18 c. "Escalator" means the difference between the  
19 current basic salary, as of the time each payment is  
20 made up to and including the twelve-month period  
21 during which the senior judge or retired senior judge  
22 attains seventy-eight years of age, of the office in  
23 which the senior judge last served as a judge before  
24 retirement as a judge or senior judge, and the ~~average~~  
25 annual basic salary for the senior judge's or retired  
26 senior judge's last three years ~~basic annual salary~~  
27 which the judge is receiving at the time the judge  
28 becomes separated from full-time service as a judge of  
29 one or more of the courts included in this article, as  
30 would be used in computing an annuity pursuant to  
31 section 602.9107 without service as a senior judge.

32 Sec. 5. Section 602.9208, subsection 3, Code 1995,  
33 is amended to read as follows:

34 3. A person who relinquishes a senior judgeship in  
35 the manner provided in subsection 1 or who is not  
36 reappointed shall be paid a retirement annuity that  
37 commences on the effective date of the relinquishment  
38 or the date of the completion of the term or  
39 appointment and shall be based upon the number of  
40 years the person served as a senior judge. A person  
41 who serves six or more years as a senior judge shall  
42 be paid a retirement annuity that is in an amount  
43 equal to the amount of the annuity the person is  
44 receiving on the effective date of the relinquishment  
45 or the date of the completion of the term or  
46 appointment in lieu of an amount determined according  
47 to section 602.9204. If the person serves less than  
48 six years as a senior judge, the person shall be paid

49 a retirement annuity that is in an amount equal to an  
50 amount determined according to section 602.9107 added

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1 to an amount equal to the number of years the person  
2 served as a senior judge, divided by six, multiplied  
3 by the difference between the amount of the annuity  
4 the person is receiving on the effective date of the  
5 relinquishment and the amount determined according to  
6 section 602.9107. A person who is removed from a  
7 senior judgeship as provided in subsection 2 shall be  
8 paid a retirement annuity that commences on the  
9 effective date of the removal and is in an amount  
10 determined according to section 602.9107 in lieu of  
11 section 602.9204, and any service and annuity of the  
12 person as a senior judge is disregarded.

13 Sec. 6. EFFECTIVE DATE. This Act, being deemed of  
14 immediate importance, takes effect upon enactment."

15 2. Title page, line 3, by inserting after the  
16 word "judges," the following: "affecting senior judge  
17 retirement benefits, the appointment of judges to  
18 senior judge status,".

JOHN P. KIBBIE

S-3261

1 Amend Senate File 451 as follows:

2 1. Page 2, line 19, by striking the words "ten  
3 dollars" and inserting the following: "ten twelve  
4 dollars and fifty cents".

5 2. Page 2, line 24, by striking the words "five  
6 dollars" and inserting the following: "five seven  
7 dollars and fifty cents".

COMMITTEE ON WAYS AND MEANS  
WILLIAM D. PALMER, Chairperson

S-3262

1 Amend Senate File 181 as follows:

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

4 "Section 1. Section 422.45, Code 1995, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 38A. The gross receipts from the  
7 sale or rental of".

8 2. Page 1, lines 16 and 17, by striking the words  
9 "this amendment to".

- 10 3. Page 1, line 17, by striking the figure "38"  
 11 and inserting the following: "38A".

JOHN P. KIBBIE

S-3263

- 1 Amend Senate File 450 as follows:  
 2 1. Page 1, line 4, by striking the word "forty"  
 3 and inserting the following: "fifty".

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-3264

- 1 Amend Senate File 83 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 257.1, subsection 2, Code  
 5 1995, is amended by adding the following new  
 6 unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. For the budget year  
 8 commencing July 1, 1995, the department of management  
 9 shall add the amount of the additional budget  
 10 adjustment computed in section 257.14, subsection 2,  
 11 to the combined foundation base.  
 12 Sec. 2. Section 257.14, unnumbered paragraph 1,  
 13 Code 1995, is amended to read as follows:  
 14 1. For the budget years commencing July 1, 1991,  
 15 July 1, 1992, July 1, 1993, July 1, 1994, and July 1,  
 16 1995, and July 1, 1996, if the department of  
 17 management determines that the regular program  
 18 district cost of a school district for a budget year  
 19 is less than the total of the regular program district  
 20 cost plus any adjustment added under this section for  
 21 the base year for that school district, the department  
 22 of management shall provide a budget adjustment for  
 23 that district for that budget year that is equal to  
 24 the difference.  
 25 2. For the budget year beginning July 1, 1995, if  
 26 the department of management determines that the  
 27 regular program district cost plus the budget  
 28 adjustment computed under subsection 1 of a school  
 29 district is less than one hundred one percent of the  
 30 total of the regular program district cost plus any  
 31 adjustment added under this section for the base year  
 32 for that school district, the department of management  
 33 shall provide an additional budget adjustment for that  
 34 budget year that is equal to the difference.

35 Sec. 3. This Act, being deemed of immediate  
 36 importance, takes effect upon enactment.”  
 37 2. Title page, line 2, by inserting after the  
 38 word “districts” the following: “and increasing the  
 39 amount of that guarantee and providing an effective  
 40 date”.

MIKE CONNOLLY

S-3265

1 Amend Senate File 101 as follows:  
 2 1. Page 6, line 2, by striking the word “fifty”  
 3 and inserting the following: “sixty”.  
 4 2. Page 6, line 6, by striking the word “fifty”  
 5 and inserting the following: “sixty”.

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-3266

1 Amend the amendment, S-3186, to Senate File 181 as  
 2 follows:  
 3 1. Page 1, by striking lines 2 through 5.  
 4 2. By renumbering as necessary.

MARY KRAMER  
 MARY A. LUNDBY

S-3267

1 Amend House File 113, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by striking lines 3 through 5 and  
 4 inserting the following:  
 5 “NEW SUBSECTION. 4. “Resident” means a natural  
 6 person who:  
 7 a. Meets any of the elements specified in section  
 8 321.1A, subsections 1 through 6 only.  
 9 b. Is a full-time student at an educational  
 10 institution located in this state and resides in this  
 11 state while attending the educational institution. A  
 12 student qualifies as a resident pursuant to this  
 13 paragraph only for the purpose of purchasing any  
 14 resident license specified in section 483A.1 or  
 15 484A.2.  
 16 c. Is a nonresident under eighteen years of age  
 17 whose parent is a resident of this state.  
 18 Sec. 2. Section 483A.26, Code 1995, is amended to

19 read as follows:

20 483A.26 FALSE CLAIMS.

21 A nonresident shall not obtain a resident license  
 22 by falsely claiming residency in the state. ~~The~~  
 23 ~~presumptions and provisions of section 321-1A relating~~  
 24 ~~to residency apply to licenses under this chapter.~~  
 25 The use of a license by a person other than the person  
 26 to whom the license is issued is unlawful and  
 27 nullifies the license."

28 2. Title page, line 3, by inserting after the  
 29 word "animals" the following: "and providing for  
 30 other properly related matters".

DENNIS BLACK

S-3268

1 Amend Senate File 10 as follows:

2 1. Page 1, by striking lines 1 through 10 and  
 3 inserting the following:

4 "Section 1. Section 262.8, Code 1995, is amended  
 5 to read as follows:

6 262.8 MEETINGS.

7 The board shall meet four times a year. Special  
 8 meetings may be called by the board, by the president  
 9 of the board, or by the ~~secretary~~ executive director  
 10 of the board upon written request of ~~any five~~ board  
 11 ~~members thereof.~~

12 Sec.     . NEW SECTION. 262.8A EXECUTIVE  
 13 DIRECTOR.

14 The governor shall appoint an executive director,  
 15 subject to confirmation by the senate, who shall serve  
 16 at the pleasure of the governor. The executive  
 17 director is exempt from".

18 2. Page 1, by inserting after line 15 the  
 19 following:

20 "Sec.     . Section 262.58, Code 1995, is amended  
 21 to read as follows:

22 262.58 RATES AND TERMS OF BONDS OR NOTES.

23 Such bonds or notes may bear such date or dates,  
 24 may bear interest at such rate or rates, payable  
 25 semiannually, may mature at such time or times, may be  
 26 in such form, carry such registration privileges, may  
 27 be payable at such place or places, may be subject to  
 28 such terms of redemption prior to maturity with or  
 29 without premium, if so stated on the face thereof, and  
 30 may contain such terms and covenants all as may be  
 31 provided by the resolution of the board authorizing  
 32 the issuance of the bonds or notes. In addition to  
 33 the estimated cost of construction, the cost of the

34 project shall be deemed to include interest upon the  
35 bonds or notes during construction and for six months  
36 after the estimated completion date, the compensation  
37 of a fiscal agent or adviser, and engineering,  
38 administrative and legal expenses. Such bonds or  
39 notes shall be executed by the president of the state  
40 board of regents and attested by the secretary  
41 executive director thereof and the coupons thereto  
42 attached shall be executed with the original or  
43 facsimile signatures of said president and secretary  
44 executive director. Any bonds or notes bearing the  
45 signatures of officers in office on the date of the  
46 signing thereof shall be valid and binding for all  
47 purposes, notwithstanding that before delivery thereof  
48 any or all such persons whose signatures appear  
49 thereon shall have ceased to be such officers. Each  
50 such bond or note shall state upon its face the name

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1 of the institution on behalf of which it is issued,  
2 that it is payable solely and only from the net rents,  
3 profits and income derived from the operation of  
4 residence halls or dormitories, including dining and  
5 other incidental facilities, at such institution as  
6 hereinbefore provided, and that it does not constitute  
7 a charge against the state of Iowa within the meaning  
8 or application of any constitutional or statutory  
9 limitation or provision. The issuance of such bonds  
10 or notes shall be recorded in the office of the  
11 treasurer of the institution on behalf of which the  
12 same are issued, and a certificate by such treasurer  
13 to this effect shall be printed on the back of each  
14 such bond or note."

JACK RIFE

S-3269

1 Amend Senate File 389 as follows:  
2 1. Page 3, by striking lines 15 and 16 and  
3 inserting the following:  
4 "Sec. 7. Implementation of this Act is contingent  
5 upon an appropriation to fund this chapter."

O. GENE MADDOX  
MIKE CONNOLLY

S-3270

1 Amend Senate File 420 as follows:

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

4 "Section 1. NEW SECTION. 256.17 CAREER PATHWAYS  
5 PROGRAM.

6 1. If the general assembly appropriates moneys for  
7 the establishment of a career pathways program, the  
8 department of education shall develop a career  
9 pathways grant program, criteria for the formation of  
10 ongoing career pathways consortia in each merged area,  
11 and guidelines and a process to be used in selecting  
12 career pathways consortium grant recipients, including  
13 a requirement that grant recipients shall provide  
14 matching funds or match grant funds with in-kind  
15 resources on a dollar-for-dollar basis. A consortium  
16 shall include one or more school districts and may  
17 include, but is not limited to, parents and parent  
18 organizations, representatives from elementary,  
19 secondary, postsecondary, and vocational education  
20 institutions, appropriate state agencies and  
21 departments, and business, labor, community service,  
22 and nonprofit organizations. The department shall  
23 provide assistance to consortia in planning and  
24 implementing career pathways program efforts.

25 2. To be eligible for a career pathways grant, a  
26 career pathways consortium shall develop a career  
27 pathways program that includes, but is not limited to,  
28 the following:

29 a. Provision for an employability skills  
30 assessment to public or nonpublic school students at  
31 the eighth and twelfth grade levels. The  
32 employability skills assessment shall measure  
33 employability skills that include, but are not limited  
34 to, reading for information, applied mathematics,  
35 listening, and writing.

36 b. Commitment to develop and implement,  
37 strengthen, and enhance a relevant curriculum for the  
38 world of work, which includes career paths leading to  
39 baccalaureate or associate degrees, apprenticeships,  
40 or employment. The completed set of courses for the  
41 career path should articulate with postsecondary  
42 institutions. This curriculum shall be based on the  
43 results of the employability skills assessment to  
44 ensure student success in achieving basic skills for  
45 the workplace. The commitment shall include a plan to  
46 alter the curriculum in order to address deficiencies  
47 in the basic skills for the workplace identified by  
48 the employability skills assessment.

49 c. Curricula designed to integrate academic and  
50 work-based learning to achieve high employability

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1 skills by all students related to career pathways.

2 The curricula shall be designed through the  
3 cooperative efforts of members of the consortia.

4 d. Involvement and recognition of local business,  
5 labor, and community organizations as partners in the  
6 career pathways program.

7 e. Provision for program accountability.

8 f. Provision for career guidance and exploration  
9 by the tenth grade level.

10 g. Encouragement of team teaching within the  
11 school or in partnership with postsecondary schools,  
12 and business, labor, community, and nonprofit  
13 organizations.

14 h. Service learning opportunities for students.

15 2. Business, labor, and community organizations  
16 are encouraged to market the career pathways program  
17 to the local community and provide students with  
18 mentors, shadow professionals, speakers, field trip  
19 sites, summer jobs, internships, and job offers for  
20 students who graduate with high performance records.  
21 Students are encouraged to volunteer their time to  
22 community organizations in exchange for workplace  
23 learning opportunities that do not displace current  
24 employees.

25 3. In developing career pathways program efforts,  
26 each consortium shall make every effort to cooperate  
27 with the juvenile courts, the department of economic  
28 development, the department of employment services,  
29 the department of human services, and the new Iowa  
30 schools development corporation.

31 4. The area education agency and community college  
32 within each merged area shall provide support services  
33 to assist the planning and implementation of career  
34 pathways programs.

35 5. Not later than August 1, for the school year  
36 beginning the preceding July 1, the board of directors  
37 of a school district, or the authorities in charge of  
38 a nonpublic school, or the board of directors of a  
39 community college may annually file a written request  
40 with the department of education that the department  
41 waive rules relating to vocational education that have  
42 been adopted by the state board since the enactment of  
43 the 1989 Iowa Acts, chapter 278. A request for a  
44 waiver filed by the board of directors of a school  
45 district, the authorities in charge of a nonpublic

46 school, or board of directors of a community college  
 47 shall describe actions being taken by the district,  
 48 school, or community college to meet the requirement  
 49 for which the district, school, or community college  
 50 has requested a waiver.

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1 6. The department of education shall direct and  
 2 monitor the progress of each career pathways  
 3 consortium in developing career pathways programs. By  
 4 January 15, 1998, the department shall submit to the  
 5 general assembly any findings and recommendations of  
 6 the career pathways consortia, along with the  
 7 department's recommendations for specific career  
 8 pathways program efforts and for appropriate funding  
 9 levels to implement and sustain the recommended  
 10 programs.

11 7. Notwithstanding section 8.33, unencumbered or  
 12 unobligated funds remaining on June 30 of the fiscal  
 13 year for which the funds were appropriated shall not  
 14 revert but shall be available for expenditure for the  
 15 following fiscal year for the purposes of this  
 16 section.

17 8. A career pathways program is a comprehensive  
 18 school transformation program under section 294A.14."

19 2. Title page, by striking lines 1 and 2 and  
 20 inserting the following: "An Act relating to the  
 21 establishment of a career pathways program to  
 22 encourage career pathways program efforts by local  
 23 consortia."

COMMITTEE ON APPROPRIATIONS  
 LARRY MURPHY, Chairperson

S-3271

1 Amend House File 132, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Sec. \_\_\_\_ DEPARTMENT OF HUMAN SERVICES --  
 6 ADOPTION SERVICES. The department of human services  
 7 shall as expeditiously as possible increase the  
 8 quantity of services provided for the permanent  
 9 placement of children for whom parental rights have  
 10 been terminated and who are under the guardianship of  
 11 the department. The department shall utilize \$306,082  
 12 of the moneys appropriated to the department for child  
 13 and family services in 1994 Iowa Acts, chapter 1186,

14 section 10, for the services increase and for other  
15 actions to address the permanent placement of children  
16 under the department's guardianship, including  
17 adoption activities and implementation of related  
18 recommendations made by the committee on foster care  
19 chaired by the lieutenant governor. The efforts to  
20 increase services shall result in the employment of  
21 8.5 FTEs for adoption services. The department's  
22 authorized number of full-time equivalent positions is  
23 increased by the number of additional full-time  
24 equivalent positions authorized by this section. The  
25 department of human services, department of personnel,  
26 and the department of management shall take all  
27 necessary actions to expedite the employment of  
28 persons in full-time equivalent positions authorized  
29 by this section. Moneys allocated by this section  
30 which remain unobligated or unexpended at the close of  
31 the fiscal year shall not revert to the general fund  
32 of the state but shall remain available to be used in  
33 addition to other funding provided for the same  
34 purposes in the succeeding fiscal year. The  
35 performance measure for implementing the provisions of  
36 this section is a reduction of 205 children in the  
37 backlog of children waiting for permanent placement.

38 Sec. \_\_\_\_ . DEPARTMENT OF HUMAN SERVICES --  
39 REHABILITATIVE TREATMENT PROGRAM FOR CHILDREN.

40 1. The department of human services shall adopt  
41 rules applicable to agencies providing services under  
42 the department's rehabilitative treatment program for  
43 children and their families. The rules shall modify  
44 the service utilization reimbursement rates under the  
45 program to include the time a child is away from the  
46 agency for good cause, to eliminate reimbursement rate  
47 limits on service components which are within a  
48 category of cost which itself has a reimbursement rate  
49 limit, and to adjust rates prospectively for  
50 inflation. Notwithstanding section 8.33, up to

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1 \$1,700,000 of moneys appropriated pursuant to 1994  
2 Iowa Acts, chapter 1186, section 10, which remain  
3 unobligated or unencumbered at the close of the fiscal  
4 year ending June 30, 1995, shall not revert to the  
5 general fund of the state but shall remain available  
6 in the succeeding fiscal year and used to adjust rates  
7 in accordance with the rules required by this section.

8 2. The department of human services shall adopt  
9 emergency rules under section 17A.4, subsection 2, and  
10 section 17A.5, subsection 2, paragraph "b", to

11 implement the provisions of this section on or before  
 12 July 1, 1995, and the rules shall be effective  
 13 immediately upon filing unless a later date is  
 14 specified in the rules. Any rules adopted in  
 15 accordance with this section shall also be published  
 16 as a notice of intended action as provided in section  
 17 17A.4.”

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

20 “Sec. \_\_\_\_ JUDICIAL DEPARTMENT -- IOWA COURT  
 21 INFORMATION SYSTEM. There is appropriated from the  
 22 general fund of the state to the judicial department  
 23 for the fiscal year beginning July 1, 1994, and ending  
 24 June 30, 1995, to supplement the appropriation made in  
 25 1994 Iowa Acts, chapter 1196, section 7, the following  
 26 amount, or so much thereof as is necessary, to be used  
 27 for the purpose designated:

28 For completion of the Iowa court information  
 29 system:

30 ..... \$ 4,000,000

31 Notwithstanding section 8.33, moneys appropriated  
 32 in this section which remain unencumbered or  
 33 unobligated at the close of the fiscal year shall not  
 34 revert to the general fund of the state but shall  
 35 remain available for the purpose designated in the  
 36 succeeding fiscal year.

37 Sec. \_\_\_\_ DEPARTMENT OF GENERAL SERVICES --  
 38 TERRACE HILL. There is appropriated from the general  
 39 fund of the state to the department of general  
 40 services for the fiscal year beginning July 1, 1994,  
 41 and ending June 30, 1995, the following amount, or so  
 42 much thereof as is necessary, to be used for the  
 43 purpose designated:

44 For installation of fire safety equipment and  
 45 devices at Terrace Hill:

46 ..... \$ 36,451

47 Notwithstanding section 8.33, moneys appropriated  
 48 in this section which remain unencumbered or  
 49 unobligated at the close of the fiscal year shall not  
 50 revert to the general fund of the state but shall

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1 remain available for the purpose designated in the  
 2 succeeding fiscal year.”

3 3. Page 1, by striking lines 21 through 33.

4 4. Page 2, by inserting after line 8 the  
 5 following:

6 “The director of the department of economic  
 7 development shall develop a proposed decision-making

8 process for managing the community economic betterment  
9 program so that moneys available to the program for a  
10 fiscal year are sufficient for the entire fiscal year  
11 and a supplemental appropriation for the program is  
12 not requested. The director shall submit the proposed  
13 decision-making process to the general assembly and  
14 the economic development board on or before April 14,  
15 1995.

16 Sec. \_\_\_\_ . DEPARTMENT OF CORRECTIONS --  
17 CORRECTIONAL FACILITY. The department of corrections  
18 shall construct a 750-bed medium security correctional  
19 facility for men on state-owned land. In reviewing  
20 the merits of proposals to construct the facility, the  
21 department of corrections shall consider the speed of  
22 project completion as its top criteria in selecting  
23 the site of the facility. Bonds shall be issued under  
24 the provisions of sections 16.177 and 602.8108A in an  
25 amount not to exceed \$36,000,000. The cost of  
26 constructing the facility, exclusive of financing  
27 costs, shall not exceed \$36,000,000.

28 Sec. \_\_\_\_ . SUBSTANCE ABUSE MANAGED CARE SYSTEM.  
29 For the fiscal year beginning July 1, 1994, and  
30 succeeding fiscal years, if the Iowa department of  
31 public health, division of substance abuse, implements  
32 an integrated managed care system for substance abuse,  
33 the system shall use outcome measures and shall be  
34 developed to promote competition among providers and,  
35 if possible, provide a preference to Iowa providers.  
36 The managed care system shall allow substance abuse  
37 providers to participate in regional provider networks  
38 and the division shall encourage providers to develop  
39 creative approaches to substance abuse services.

40 Sec. \_\_\_\_ . Section 16.177, subsection 10, Code  
41 1995, is amended by striking the subsection.

42 Sec. \_\_\_\_ . Section 602.8108A, subsection 1, is  
43 amended to read as follows:

44 1. The Iowa prison infrastructure fund is created  
45 and established as a separate and distinct fund in the  
46 state treasury. Notwithstanding any other provision  
47 of this chapter to the contrary, the first ~~four~~ eight  
48 million dollars of moneys remitted to the treasurer of  
49 state from fines, fees, costs, and forfeited bail  
50 collected by the clerks of the district court in

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1 criminal cases, including those collected for both  
2 scheduled and nonscheduled violations, collected in  
3 each fiscal year commencing with the fiscal year  
4 beginning July 1, 1995, shall be deposited in the

5 fund. Interest and other income earned by the fund  
6 shall be deposited in the fund. If the treasurer of  
7 state determines pursuant to 1994 Iowa Acts, chapter  
8 1196, that bonds can be issued pursuant to this  
9 section and section 16.177, then the moneys in the  
10 fund are appropriated to and for the purpose of paying  
11 the principal of, premium, if any, and interest on  
12 bonds issued by the Iowa finance authority under  
13 section 16.177. Except as otherwise provided in  
14 subsection 2, amounts in the funds shall not be  
15 subject to appropriation for any purpose by the  
16 general assembly, but shall be used only for the  
17 purposes set forth in this section. The treasurer of  
18 state shall act as custodian of the fund and disburse  
19 amounts contained in it as directed by the department  
20 of corrections including the automatic disbursement of  
21 funds pursuant to the terms of bond indentures and  
22 documents and security provisions to trustees and  
23 custodians. The treasurer of state is authorized to  
24 invest the funds deposited in the fund subject to any  
25 limitations contained in any applicable bond  
26 proceedings. Any amounts remaining in the fund at the  
27 end of each fiscal year shall be transferred to the  
28 general fund.

29 **Sec. 100. MEDICAL ASSISTANCE COSTS FOR SERVICES TO**  
30 **MINORS WITH MENTAL RETARDATION.** There is appropriated  
31 from the general fund of the state to the department  
32 of human services for the fiscal year beginning July  
33 1, 1994, and ending June 30, 1995, the following  
34 amount, or so much thereof as is necessary, to be used  
35 for the purposes designated:

36 For the nonfederal share of the costs of services  
37 provided to minors with mental retardation under  
38 medical assistance to meet the requirements of the  
39 provisions of section 249A.12, subsection 4:  
40 ..... \$ 6,600,000

41 Notwithstanding section 8.33, moneys appropriated  
42 in this section which remain unexpended or unobligated  
43 at the close of the fiscal year shall not revert to  
44 the general fund of the state but shall remain  
45 available for the purposes designated in the  
46 succeeding fiscal year.

47 **Sec. \_\_\_\_ . FUNDING OF SESSION LAW REQUIREMENTS.** If  
48 section 100 of this Act is enacted on or before March  
49 31, 1995, the requirements of 1994 Iowa Acts, chapter  
50 1163, section 8, subsection 1, to enact an

## Page 5

- 1 appropriation to fully fund the provisions of section
- 2 249A.12, subsection 4, shall be considered to be met
- 3 and the repeals contained in 1994 Iowa Acts, chapter
- 4 1163, section 8, subsection 1, shall be void."
- 5 5. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

S-3272

- 1 Amend Senate File 18 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 422.45, subsection 21, Code
- 5 1995, is amended by striking the subsection and
- 6 inserting in lieu thereof the following:
- 7 21. The gross receipts from sales or rentals to a
- 8 printer or publisher of the following: acetate; anti-
- 9 halation backing; anti-static spray; back lining; base
- 10 material used as a carrier for light sensitive
- 11 emulsions; blankets; blow-ups; bronze powder; carbon
- 12 tissue; codas; color filters; color separations;
- 13 contacts; continuous tone separations; creative art;
- 14 custom dies and die cutting materials; dampener
- 15 sleeves; dampening solution; design and styling; diazo
- 16 coating; dot etching; dot etching solutions; drawings;
- 17 drawsheets; driers; duplicate films or prints;
- 18 electronically digitized images; electrotypes; end
- 19 product of image modulation; engravings; etch
- 20 solutions; film; finished art or final art; fix;
- 21 fixative spray; flats; flying pasters; foils;
- 22 goldenrod paper; gum; halftones; illustrations; ink;
- 23 ink paste; keylines; lacquer; lasering images;
- 24 layouts; lettering; line negatives and positives;
- 25 linotypes; lithographic offset plates; magnesium and
- 26 zinc etchings; masking paper; masks; masters; mats;
- 27 mat service; metal toner; models, modeling; mylar;
- 28 negatives; nonoffset spray; opaque film process paper;
- 29 opaquing; padding compound; paper stock; photographic
- 30 materials: acids, plastic film, desensitizer
- 31 emulsion, exposure chemicals, fix, developers, paper;
- 32 photography, day rate; photopolymer coating;
- 33 photographs; photostats; photo-display tape;
- 34 phototypesetter materials; ph-indicator sticks;
- 35 positives; press pack; printing cylinders; printing
- 36 plates, all types; process lettering; proof paper;
- 37 proofs and proof processes, all types; pumice powder;

38 purchased author alterations; purchased composition;  
 39 purchased phototypesetting; purchased stripping and  
 40 paste-ups; red litho tape; reducers; roller covering;  
 41 screen tints; sketches; stepped plates; stereotypes;  
 42 strip types; substrate; tints; tissue overlays;  
 43 toners; transparencies; tympan; typesetting;  
 44 typography; varnishes; veloxes; wood mounts; and any  
 45 other items used in a like capacity to any of the  
 46 above enumerated items by the printer or publisher to  
 47 complete a finished product for sale at retail.  
 48 Expendable tools and supplies which are not enumerated  
 49 in this subsection are excluded from the exemption.  
 50 Sec. 2. Refunds of taxes, interests, or penalties

Page 2

1 which arise from claims resulting from the enactment  
 2 of the amendment to section 422.45, subsection 21, of  
 3 this Act, for sales and rentals occurring between July  
 4 1, 1983, and June 30, 1995, shall be limited to  
 5 twenty-five thousand dollars in the aggregate and  
 6 shall not be allowed unless refund claims are filed  
 7 prior to October 1, 1995, notwithstanding any other  
 8 provision of law. If the amount of claims totals more  
 9 than twenty-five thousand dollars in the aggregate,  
 10 the department of revenue and finance shall prorate  
 11 the twenty-five thousand dollars among all claimants  
 12 in relation to the amounts of the claimants' valid  
 13 claims.

14 Sec. 3. This Act, being deemed of immediate  
 15 importance, takes effect upon enactment and applies  
 16 retroactively to July 1, 1983, for sales and rentals  
 17 made on or after that date."

18 2. Title page, by striking lines 1 and 2 and  
 19 inserting the following: "An Act relating to the  
 20 sales, services, and use tax exemption for items used  
 21 by printers and publishers, limiting the amount of  
 22 refunds, and providing retroactive and applicability  
 23 date provisions."

WILLIAM D. PALMER  
 MARY A. LUNDBY  
 SHELDON RITTMER  
 TOM VILSACK

S-3273

1 Amend Senate File 168 as follows:  
 2 1. Page 1, by striking lines 5 through 9 and  
 3 inserting the following: "of child abuse, In

4 addition, the classes of persons shall make a report  
 5 of cases of abuse of a child who is thirteen years of  
 6 age or younger and may make a report of cases of abuse  
 7 of a child who is fourteen years of age or older,  
 8 which would be defined as child abuse under section  
 9 232.68, subsection 2, paragraph "c" or "e", except  
 10 that the abuse resulted from the acts or omissions of  
 11 a person other than a person responsible for the care  
 12 of the child."

13 2. Page 1, line 26, by inserting after the word  
 14 "abuse" the following: "of a child who is thirteen  
 15 years of age or younger".

JOHNIE HAMMOND

S-3274

1 Amend House File 185, as passed by the House, as  
 2 follows:

3 1. Page 2, line 5, by inserting after the word  
 4 "exemption." the following: "'Printer" means a person  
 5 engaged in printing that completes a finished printed  
 6 product for ultimate sale at retail or means that  
 7 portion of a person's business used to complete a  
 8 finished printed packaging material used to package a  
 9 product for ultimate sale at retail."

STEWART IVERSON, Jr.

S-3275

1 Amend House File 185, as passed by the House, as  
 2 follows:

3 1. Page 2, by striking lines 6 through 20.  
 4 2. Title page, by striking lines 2, 3, and 4, and  
 5 inserting the following: "items used by printers and  
 6 publishers."

STEWART IVERSON, Jr.

S-3276

1 Amend Senate File 404 as follows:

2 1. Page 2, by inserting after line 22 the  
 3 following:

4 "Sec. \_\_\_\_ . **CONDITIONAL EFFECTIVE DATE.** Sections 1  
 5 through 6 of this Act do not take effect until at  
 6 least ninety-five percent of the domestic wine and  
 7 alcoholic liquor beverage containers offered for sale  
 8 within this state are made of clear glass, color-

9 coated clear glass, or other recyclable materials, as  
 10 determined by the department of natural resources.  
 11 For purposes of this section, "recyclable materials"  
 12 shall not include green or brown glass. The  
 13 department shall notify the secretary of state, the  
 14 Iowa Code editor, and other appropriate persons of its  
 15 determination under this section."  
 16 2. Title page, line 5, by inserting after the  
 17 word "state" the following: "and providing a  
 18 conditional effective date".

BILL FINK

S-3277

1 Amend Senate File 462 as follows:  
 2 1. By striking page 6, line 22, through page 7,  
 3 line 12.  
 4 2. By renumbering as necessary.

LARRY MURPHY  
 JIM LIND  
 MERLIN E. BARTZ

S-3278

1 Amend the amendment, S-3271, to House File 132, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 3, lines 14 and 15, by striking the words  
 5 "April 14, 1995" and inserting the following:  
 6 "January 15, 1996".  
 7 2. Page 3, lines 24 and 25, by striking the words  
 8 and figure "in an amount not to exceed \$36,000,000"  
 9 and inserting the following: "to finance the  
 10 construction of the facility".

LARRY MURPHY  
 TOM VILSACK  
 EUGENE FRAISE

S-3279

1 Amend Senate File 462 as follows:  
 2 1. Page 38, line 30, by striking the figure  
 3 "21.32" and inserting the following: "21.90".

- 4 2. Page 38, line 32, by striking the figure  
5 "15.25" and inserting the following: "15.65".

MERLIN E. BARTZ  
ANDY McKEAN

S-3280

- 1 Amend Senate File 462 as follows:  
2 1. Page 41, line 6, by striking the word "If" and  
3 inserting the following:  
4 "1. The department of human services shall perform  
5 a review of the uses of the state institutions  
6 administered by the department and develop a proposal  
7 for future uses, including alternative uses, of the  
8 institutions. The proposal shall address the effects  
9 of any alternative uses on the community, clients, and  
10 employees of an institution and the potential fiscal  
11 impact on counties, the area in which the institution  
12 is located, and the state, which may result from a  
13 proposed alternative use. The department shall submit  
14 the proposal to the governor and the general assembly  
15 on or before January 15, 1996.  
16 2. If".

JOHNIE HAMMOND  
MAGGIE TINSMAN

S-3281

- 1 Amend Senate File 447 as follows:  
2 1. Page 1, by striking lines 23 and 24 and  
3 inserting the following: "deposited in the general  
4 fund of the state."  
5 2. By striking page 1, line 25, through page 2,  
6 line 8.  
7 3. Title page, lines 2 and 3, by striking the  
8 words "and for the appropriation and use of the civil  
9 penalties".

BRAD BANKS

S-3282

- 1 Amend House File 113, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 483A.1, subsection 1, Code  
6 1995, is amended by adding the following new lettered

7 paragraph:  
 8 NEW LETTERED PARAGRAPH. e. Lifetime license for  
 9 legal residents permanently disabled or seventy years  
 10 of age or older  
 11 ..... \$  
 12 25.00  
 13 Sec. 2. Section 483A.1, subsection 2, Code 1995,  
 14 is amended by adding the following new lettered  
 15 paragraph:  
 16 NEW LETTERED PARAGRAPH. g. Lifetime hunting  
 17 license for legal residents permanently disabled or  
 18 seventy years of age or older  
 19 ..... \$ 25.00  
 20 Sec. 3. Section 483A.1, subsection 3, Code 1995,  
 21 is amended to read as follows:  
 22 3. Hunting and fishing combined licenses:  
 23 a. Legal residents except as otherwise provided .....  
 24 \$ 23.50  
 25 b. Lifetime license for residents permanently  
 26 disabled or seventy years of age or older  
 27 ..... \$ 50.00".  
 28 2. Title page, line 3, by inserting after the  
 29 word "animals" the following: "and by providing for  
 30 lifetime hunting, fishing, and combined hunting and  
 31 fishing licenses and fees".  
 32 3. By renumbering as necessary.

SHELDON RITTMER  
WAYNE BENNETT

S-3283

1 Amend Senate File 404 as follows:  
 2 1. Page 2, by striking lines 18 through 22.  
 3 2. Title page, lines 2 and 3, by striking the  
 4 words "requesting the allocation of landfill  
 5 alternative grant moneys,".

MARY LUNDBY  
BILL FINK

S-3284

1 Amend Senate File 447 as follows:  
 2 1. Page 1, line 20, by inserting after the word  
 3 "order." the following: "A civil penalty shall not be  
 4 assessed under this paragraph if a person required to  
 5 obtain a permit under chapter 455B for storm water  
 6 discharge has been assessed a penalty pursuant to  
 7 division III, part 1, of chapter 455B for a violation

- 8 involving stormwater discharge."  
9 2. Page 1, by striking lines 23 and 24 and  
10 inserting the following: "deposited in the general  
11 fund of the state."  
12 3. By striking page 1, line 25, through page 2,  
13 line 8.  
14 4. Title page, lines 2 and 3, by striking the  
15 words "and for the appropriation and use of the civil  
16 penalties".

DENNIS H. BLACK

S-3285

- 1 Amend Senate File 456 as follows:  
2 1. Page 1, by striking lines 14 through 17 and  
3 inserting the following: "of residence of the person,  
4 except that any payment made by the county for the fee  
5 and expenses for a murder victim shall be reimbursed  
6 by the person convicted of murdering the victim. The  
7 fee and expenses of the county medical examiner".  
8 2. Page 1, by striking lines 24 through 33.

SHELDON RITTNER  
RANDAL J. GIANNETTO

S-3286

- 1 Amend Senate File 354 as follows:  
2 1. Page 1, by inserting after line 23 the  
3 following:  
4 "In those death investigations where religious  
5 objections are raised, the medical examiner shall  
6 still assume jurisdiction and perform noninvasive  
7 investigative procedures upon the body of the child,  
8 including but not limited to the following: total  
9 body X-rays; photography, including ultraviolet and  
10 infrared, if appropriate; and venipuncture with  
11 drawing of blood for toxicological examinations."

STEVEN D. HANSEN

S-3287

- 1 Amend Senate File 462 as follows:  
2 1. Page 10, line 12, by striking the figure  
3 "8,747,259" and inserting the following: "8,782,259".  
4 2. Page 12, by inserting after line 17 the  
5 following:  
6 "10. Of the funds appropriated in this section,

7 \$35,000 is allocated for use by the united Mexican-  
 8 American center in Des Moines for the center's child  
 9 day care program."

TONY BISIGNANO

S-3288

1 Amend Senate File 447 as follows:

- 2 1. Page 1, line 16, by striking the words "one  
 3 thousand" and inserting the following: "five  
 4 hundred".
- 5 2. Page 1, line 20, by inserting after the word  
 6 "order." the following: "A civil penalty shall not be  
 7 assessed under this paragraph if a person is required  
 8 to obtain a permit under chapter 455B for stormwater  
 9 discharge."
- 10 3. Page 1, by striking lines 23 and 24 and  
 11 inserting the following: "deposited in the general  
 12 fund of the state."
- 13 4. By striking page 1, line 25, through page 2,  
 14 line 8.
- 15 5. Title page, lines 2 and 3, by striking the  
 16 words "and for the appropriation and use of the civil  
 17 penalties".

DENNIS H. BLACK  
 PATRICK J. DELUHERY

S-3289

1 Amend Senate File 360 as follows:

- 2 1. Page 1, line 5, by striking the words "ten  
 3 dollars" and inserting the following: "dollars a fee  
 4 determined by the auditor".
- 5 2. Page 1, line 7, by inserting after the word  
 6 "court." the following: "The auditor shall determine  
 7 the transfer fee at an amount which does not exceed  
 8 the cost of processing the transfer."

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-3290

1 Amend Senate File 462 as follows:

- 2 1. Page 41, by inserting after line 4 the  
 3 following:  
 4 "100. For the period beginning on the effective  
 5 date of this subsection and ending June 30, 1996, the

- 6 department shall not reduce the percentile amount used  
 7 to calculate reimbursement rates for intermediate care  
 8 facilities for the mentally retarded.”  
 9 2. Page 45, line 9, by inserting after the word  
 10 “authorization,” the following: “section 25,  
 11 subsection 100, relating to reimbursement rates for  
 12 intermediate care facilities for the mentally  
 13 retarded.”  
 14 3. By renumbering and revising internal  
 15 references as necessary.

WILMER RENSINK  
 JOHN P. KIBBIE

S-3291

- 1 Amend Senate File 410 as follows:  
 2 1. Page 1, line 1, by striking the figure “13.35”  
 3 and inserting the following: “5141.1”.  
 4 2. Page 1, line 4, by striking the words  
 5 “department of justice” and inserting the following:  
 6 “insurance division in the department of commerce”.  
 7 3. Page 1, by striking lines 19 and 20 and  
 8 inserting the following: “entities.”  
 9 4. Page 1, by striking lines 27 through 32 and  
 10 inserting the following:  
 11 “c. The program shall work with the appropriate  
 12 state”.  
 13 5. By striking page 2, line 4, through page 5,  
 14 line 28, and inserting the following:  
 15 “b. The program shall make an annual report to the  
 16 general assembly concerning the program’s activities.  
 17 The legislative council shall appoint an advisory  
 18 committee to monitor the activities and progress of  
 19 the program in satisfying the objectives established  
 20 in this section. The advisory committee shall consist  
 21 of seven members of which one member shall represent a  
 22 small employer providing health care coverage to its  
 23 employees; two members shall represent employees, at  
 24 least one of whom shall be a member of a statewide  
 25 labor organization; and four members shall represent  
 26 consumers, at least one of whom shall be a member of a  
 27 statewide consumer organization. The committee shall  
 28 meet with program staff on a regular basis to receive  
 29 reports on the activities of the program.  
 30 Sec. 2. This Act shall only be effective if the  
 31 general assembly appropriates \$200,000 for 4 FTEs in  
 32 the insurance division of the department of commerce  
 33 to be used to staff the program established in this  
 34 Act.”

35 6. Title page, by striking lines 2 through 5 and  
 36 inserting the following: "establishing a health  
 37 education and advocacy program, and providing for the  
 38 Act's conditional effectiveness."

COMMITTEE ON HUMAN RESOURCES  
 ELAINE SZYMONIAK, Chairperson

S-3292

1 Amend Senate File 462 as follows:  
 2 1. Page 10, line 15, by striking the figure  
 3 "3,930,934" and inserting the following: "3,895,934".  
 4 2. Page 12, by inserting after line 17 the  
 5 following:  
 6 "10. Of the funds appropriated in this section,  
 7 \$35,000 is allocated for use by the united Mexican-  
 8 American center in Des Moines for the center's child  
 9 day care program."

TONY BISIGNANO

S-3293

1 Amend Senate File 462 as follows:  
 2 1. Page 38, line 10, by striking the figure  
 3 "70th" and inserting the following: "71st".

LYLE E. ZIEMAN

S-3294

1 Amend House File 395 as follows:  
 2 1. Page 2, by inserting after line 22 the  
 3 following:  
 4 "Sec. \_\_\_\_ . CONDITIONAL EFFECTIVE DATE. Sections 1  
 5 through 6 of this Act do not take effect until at  
 6 least ninety percent of the domestic wine and  
 7 alcoholic liquor beverage containers offered for sale  
 8 within this state are made of clear glass, color-  
 9 coated clear glass, or other recyclable materials, as  
 10 determined by the department of natural resources.  
 11 For purposes of this section, "recyclable materials"  
 12 shall not include green or brown glass. The  
 13 department shall notify the secretary of state, the  
 14 Iowa Code editor, and other appropriate persons of its  
 15 determination under this section."  
 16 2. Title page, line 5, by inserting after the

17 word "state" the following: "and providing a  
18 conditional effective date".

BILL FINK

S-3295

- 1 Amend Senate File 404 as follows:
- 2 1. Page 2, by striking lines 19 through 21 and
- 3 inserting the following: "may use landfill
- 4 alternative financial assistance moneys under section
- 5 455E.11 to provide incentives with the goal of
- 6 locating an end manufacturer or processor for crushed
- 7 recycled glass in a central location within".
- 8 2. Title page, line 2, by striking the words "as
- 9 mandatory deposit beverages" and inserting the
- 10 following: "from the definition of beverage in the
- 11 mandatory beverage container deposit law".
- 12 3. Title page, line 3, by striking the word
- 13 "grant" and inserting the following: "financial
- 14 assistance".

BILL FINK

S-3296

- 1 Amend House File 395 as follows:
- 2 1. Page 2, by striking lines 18 through 22.
- 3 2. Title page, lines 3 and 4, by striking the
- 4 words "requesting the allocation of landfill
- 5 alternative grant moneys,".

MARY LUNDBY  
BILL FINK

S-3297

- 1 Amend Senate File 458 as follows:
- 2 1. Page 2, by striking lines 14 through 19.
- 3 2. By renumbering as necessary.

RICHARD F. DRAKE  
ELAINE SZYMONIAK

S-3298

- 1 Amend Senate File 291 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "basis." the following: "The department shall certify
- 4 the county treasurers in the permanent counties to

5 issue commercial driver's licenses provided that all  
6 of the following occur:

7 1. The driving skills test is the same as that  
8 which would otherwise be administered by the state.

9 2. The county examiner contractually agrees to  
10 comply with the requirements of 49 C.F.R. § 85.75,  
11 adopted as of a specific date by rule by the  
12 department."

13 2. Page 1, line 18, by inserting after the figure  
14 "50,000" the following: "and the remaining 20  
15 counties shall have a population of less than 35,000".

16 3. Page 2, by inserting after line 10 the  
17 following:

18 "e. The department shall certify the county  
19 treasurers in each designated county to issue  
20 commercial driver's licenses provided that all of the  
21 following occur:

22 (1) The driving skills test is the same as that  
23 which would otherwise be administered by the state.

24 (2) The county examiner contractually agrees to  
25 comply with the requirements of 49 C.F.R. § 85.75,  
26 adopted as of a specific date by rule by the  
27 department."

EUGENE FRAISE

S-3299

1 Amend the amendment, S-3196, to Senate File 399 as  
2 follows:

3 1. Page 1, by inserting after line 45 the  
4 following:

5 "\_\_\_\_. By striking page 1, line 35, through page  
6 2, line 4."

RANDAL J. GIANNETTO

S-3300

1 Amend Senate File 444 as follows:

2 1. Page 2, line 32, by inserting after the word  
3 "corrections," the following: "Persons confined in  
4 institutions under the control of the department of  
5 corrections under this paragraph shall be eligible for  
6 parole during their period of confinement."

RANDAL J. GIANNETTO

S-3301

1 Amend the amendment, S-3261, to Senate File 451 as  
2 follows:

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

5 " \_\_\_. Page 1, lines 19 and 20, by striking the  
6 words "or twenty-four"."

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

9 " \_\_\_. Page 2, line 22, by striking the words  
10 "thirteen months to"."

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

13 " \_\_\_. Page 2, line 26, by striking the words  
14 "thirteen months to"."

15 4. Title page, line 6, by inserting after the  
16 word "weapons" the following: "for reserve peace  
17 officers".

RANDAL J. GIANNETTO

S-3302

1 Amend Senate File 291 as follows:

2 1. Page 2, by striking line 10 and inserting the  
3 following: "be required to offer hours and days of  
4 service to the public equal to or greater than the  
5 hours and days of service provided by the state  
6 department of transportation in the designated county  
7 immediately prior to the start of the county's  
8 provision of the service."

JIM LIND

S-3303

1 Amend Senate File 291 as follows:

2 1. Page 1, by striking lines 7 and 8 and  
3 inserting the following: "the county treasurers of  
4 all counties shall be authorized to issue motor  
5 vehicle licenses on a".

6 2. Page 1, lines 12 and 13, by striking the words  
7 "those counties referenced in section 321.179, as  
8 created in this Act" and inserting the following:  
9 "the counties of Adams, Cass, Fremont, Mills,  
10 Montgomery, and Page".

11 3. Page 1, by inserting after line 24 the  
12 following:

13 "1A. Of the 69 counties not designated pursuant to

- 14 subsection 1 to issue motor vehicle licenses, the  
15 state department of transportation shall designate 33  
16 of those counties on July 1, 1996, and the remaining  
17 36 counties on July 1, 1997, to be included with the  
18 motor vehicle license issuance pilot project  
19 established pursuant to 1993 Iowa Acts, chapter 169,  
20 section 14.”
- 21 4. Page 2, lines 21 and 22, by striking the words  
22 “thirty counties designated as either permanent or”  
23 and inserting the following: “counties designated  
24 as”.
- 25 5. Page 2, by inserting after line 26 the  
26 following:  
27 “Sec. 4. EFFECTIVE DATE. Section 1 of this Act  
28 takes effect on July 1, 1997.”
- 29 6. By renumbering as necessary.

JIM LIND

S-3304

- 1 Amend Senate File 64 as follows:  
2 1. Page 1, line 7, by striking the word “ten” and  
3 inserting the following: “seven”.

RANDAL J. GIANNETTO  
JIM LIND

S-3305

- 1 Amend Senate File 451 as follows:  
2 1. Page 1, lines 19 and 20, by striking the words  
3 “or twenty-four”.
- 4 2. Page 2, by striking lines 20 through 26 and  
5 inserting the following: “correctional officer, for  
6 each permit issued. Renewal permits or duplicate  
7 permits shall be issued for a fee of five dollars.  
8 The issuing”.
- 9 3. Title page, line 5, by striking the words “and  
10 fees charged for”.
- 11 4. Title page, line 6, by inserting after the  
12 word “weapons” the following: “for reserve peace  
13 officers”.

RANDAL J. GIANNETTO

S-3306

- 1 Amend Senate File 405 as follows:  
2 1. Page 3, line 14, by inserting after the word

- 3 "sterilization" the following: "or disinfection".  
 4 2. Page 3, line 16, by striking the word  
 5 "sterilants" and inserting the following:  
 6 "treatment".  
 7 3. Page 3, line 34, by inserting after the word  
 8 "sterilization" the following: "or disinfection".  
 9 4. Page 5, by inserting after line 28 the  
 10 following:  
 11 "e. Proof of pollution liability insurance."

MICHAEL E. GRONSTAL

S-3307

- 1 Amend Senate File 463 as follows:  
 2 1. Page 23, by striking line 34.

TOM VILSACK  
MAGGIE TINSMAN

S-3308

- 1 Amend Senate File 101 as follows:  
 2 1. Page 1, by striking line 13 and inserting the  
 3 following:  
 4 "2. If principal and interest".  
 5 2. Page 1, line 16, by striking the word "state"  
 6 the following: "state".  
 7 3. Page 1, by striking lines 17 through 20, and  
 8 inserting the following: "A bond issuance proposition  
 9 proposing imposition of an".  
 10 4. Page 7, line 19, by striking the figure "1".  
 11 5. Page 7, by striking lines 25 through 30 and  
 12 inserting the following: "cost of utilities".  
 13 6. Page 9, line 2, by striking the word  
 14 "election," and inserting the following: "election as  
 15 required in section 75.1".  
 16 7. Page 9, by striking lines 4 through 9 and  
 17 inserting the following: "payment thereof of the  
 18 bonds".  
 19 8. Page 10, by striking lines 28 through 33 and  
 20 inserting the following: "election. Whenever If such  
 21 a proposition has been".  
 22 9. Page 11, by striking lines 22 through 26 and  
 23 inserting the following: "election as required in  
 24 section 75.1. If the proposition of".  
 25 10. By striking page 14, line 33, through page

26 15, line 2, and inserting the following: "election as  
27 required in section 75.1. If the".

STEWART IVERSON, Jr.  
EMIL J. HUSAK

S-3309

1 Amend Senate File 210 as follows:

2 1. Page 1, by inserting after line 22 the  
3 following:

4 "\_\_\_ . "Custom cattle feedlot operator" means the  
5 owner of a custom cattle feedlot or a person managing  
6 the custom cattle feedlot, if the person is authorized  
7 by the owner to file and enforce a lien under this  
8 chapter."

9 2. Page 1, by inserting after line 23 the  
10 following:

11 "\_\_\_ . "Processor" means the same as defined in  
12 section 9H.1."

13 3. By striking page 1, line 26, through page 2,  
14 line 6, and inserting the following:

15 "1. A custom cattle feedlot operator shall have a  
16 lien upon the cattle and the identifiable cash  
17 proceeds from the sale of the cattle for the amount of  
18 the contract price for the feed and care of the  
19 livestock at the custom cattle feedlot agreed upon by  
20 the custom cattle feedlot operator and the person who  
21 owns the cattle, which may be enforced as provided in  
22 section 579A.3.

23 2. The lien is created at the time the cattle  
24 arrive at the custom cattle feedlot and continues for  
25 one year after the cattle have left the custom cattle  
26 feedlot. In order to preserve the lien, the custom  
27 cattle feedlot operator must, within twenty days after  
28 the cattle arrive at the custom cattle feedlot, file  
29 in the office of the secretary of state, a lien  
30 statement on a form prescribed by the secretary of  
31 state. The secretary of state shall charge a fee of  
32 not more than ten dollars for filing the statement.  
33 The secretary of state may adopt rules pursuant to  
34 chapter 17A for the electronic filing of the  
35 statements. The statement must include all of the  
36 following:

37 a. An estimate of the amount of feed and care  
38 provided to the cattle pursuant to the contract.

39 b. The estimated duration of the period when the  
40 cattle are subject to feed and care at the custom  
41 cattle feedlot.

42 c. The name of the party to the contract whose

43 cattle are subject to feed and care at the custom  
44 cattle feedlot.  
45 d. The description of the location of the custom  
46 cattle feedlot, by county and township.  
47 e. The signature of the person filing the form.  
48 3. Except as provided in chapter 581, a lien  
49 created under this section until preserved and a lien  
50 preserved under this section is superior to and shall

**Page 2**

1 have priority over a conflicting lien or security  
2 interest in the cattle, including a lien that was  
3 perfected prior to the creation of the lien provided  
4 under this section.”  
5 4. Page 2, by striking lines 8 through 17 and  
6 inserting the following:  
7 “While the cattle are located at the custom cattle  
8 feedlot, the custom cattle feedlot operator may  
9 foreclose a lien created in section 579A.2 in the  
10 manner provided for the foreclosure of secured  
11 transactions as provided in sections 554.9504,  
12 554.9506, and 554.9507. After the cattle have left  
13 the custom cattle feedlot, the custom cattle feedlot  
14 operator may enforce the lien by commencing an action  
15 at law for the amount of the lien against either of  
16 the following:  
17 1. The identifiable cash proceeds from the sale of  
18 the cattle which are held by a party to the contract  
19 provided in section 579A.2.  
20 2. The assets of a processor who has purchased the  
21 cattle within three days after the cattle have left  
22 the custom cattle feedlot.”  
23 5. By renumbering as necessary.

RANDAL J. GIANNETTO

S-3310

1 Amend Senate File 463 as follows:  
2 1. By striking page 18, line 20, through page 23,  
3 line 13.  
4 2. By renumbering as necessary.

RANDAL J. GIANNETTO

S-3311

- 1 Amend Senate File 313 as follows:  
2 1. Page 3, line 23, by inserting after the word  
3 "inspection" the following: ", and which would be  
4 discovered by a reasonably prudent person under like  
5 or similar circumstances".  
6 2. Page 3, by inserting after line 25 the  
7 following:  
8 "(4) Material adverse facts that are known to a  
9 person who conducts an inspection on behalf of the  
10 party."  
11 3. Page 4, by inserting after line 8 the  
12 following:  
13 "d. Disclose to a client any financial interests  
14 the licensee or the brokerage has in any business  
15 entity to which the licensee or brokerage refers a  
16 client for any service or product related to the  
17 transaction."  
18 4. Page 9, by striking lines 11 through 14.

ROD HALVORSON

S-3312

- 1 Amend Senate File 180 as follows:  
2 1. Page 1, line 18, by inserting after the word  
3 "subsection." the following: "This subsection does  
4 not apply to deputy sheriffs who are subject to  
5 collective bargaining agreements negotiated pursuant  
6 to chapter 20."

ALBERT SORENSEN

S-3313

- 1 Amend Senate File 463 as follows:  
2 1. Page 5, by inserting after line 5 the  
3 following:  
4 "In establishing the community voice mail program,  
5 all of the following shall apply:  
6 (1) A homeless or emergency shelter shall be  
7 provided the service for three months with an  
8 extension for an additional three months.  
9 (2) The primary use of the voice mail shall be  
10 employment and emergency-related.  
11 (3) Messages on voice mail may be monitored at  
12 anytime without prior notice or approval.  
13 (4) The service shall be terminated at the shelter

14 if any illegal activity occurs there. Once service  
15 has been terminated, it shall not be reinstated."

JIM LIND

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 132

S-3314

1 Amend the Senate amendment, H-3603, to House File  
2 132, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 3, line 39, by striking the words "on  
5 state-owned land".

6 2. Page 3, line 41, by inserting after the word  
7 "speed" the following: "and cost-effectiveness".

8 3. Page 4, by striking lines 4 and 5 and  
9 inserting the following: "developed to promote  
10 competition among providers."

11 4. Page 5, by striking line 3 and inserting the  
12 following: "1, 1995, and ending June 30, 1996, the  
13 following".

14 5. Page 5, by striking lines 11 through 16.

15 6. Page 5, by inserting after line 24 the  
16 following:

17 " — . Title page, by striking lines 1 and 2 and  
18 inserting the following: "An Act relating to and  
19 making appropriations for the fiscal years beginning  
20 July 1, 1994, and July 1, 1995, and providing an  
21 effective date.""

S-3315

1 Amend Senate File 443 as follows:

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

4 "Section 1. Section 708.2A, subsection 2,  
5 paragraph b, Code 1995, is amended to read as follows:

6 b. A serious misdemeanor, if the domestic abuse  
7 assault is committed without the intent to inflict a  
8 serious injury upon another, and the assault causes  
9 bodily injury or disabling mental illness.

10 Sec. — . Section 708.2C, subsection 3, Code 1995,  
11 is amended to read as follows:

12 3. A person who commits an assault in violation of  
13 individual rights without the intent to inflict a  
14 serious injury upon another, and who causes bodily  
15 injury or disabling mental illness, is guilty of an

- 16 aggravated misdemeanor.”  
 17 2. Page 1, by striking lines 17 and 18 and  
 18 inserting the following: “or volunteer, who knows  
 19 that the person against whom the”.  
 20 3. Page 1, line 19, by striking the word  
 21 “fighter” and inserting the following: “fighter.”.  
 22 4. By numbering and renumbering as necessary.

DONALD B. REDFERN

S-3316

- 1 Amend Senate File 463 as follows:  
 2 1. Page 1, line 17, by inserting after the word  
 3 “purposes,” the following: “and”.  
 4 2. Page 1, line 22, by striking the words and  
 5 figure “allocating \$50,000 for regulatory assistance  
 6 programs” and inserting the following: “not more than  
 7 the following full-time equivalent positions”.  
 8 3. Page 1, line 23, by striking the figure  
 9 “900,000” and inserting the following: “850,000”.  
 10 4. Page 2, line 6, by inserting after the word  
 11 “purposes,” the following: “for allocating \$50,000  
 12 for regulatory assistance programs.”.  
 13 5. Page 2, line 9, by striking the figure  
 14 “2,950,000” and inserting the following: “3,000,000”.  
 15 6. Page 2, line 23, by inserting after the word  
 16 “charges” the following: “, if appropriate,”.  
 17 7. Page 9, lines 17 and 18, by striking the words  
 18 “created in the office of the treasurer of state to”,  
 19 and inserting the following: “in”.  
 20 8. Page 17, by striking lines 18 and 19 and  
 21 inserting the following:  
 22 “3. Any additional penalty and interest revenue  
 23 may be used to accomplish the mission of the  
 24 department.”  
 25 9. Page 23, lines 29 and 30, by striking the  
 26 words “self-employment loan”, and inserting the  
 27 following: “financial assistance”.

TOM VILSACK

S-3317

- 1 Amend Senate File 463 as follows:  
 2 1. Page 2, by inserting after line 3 the  
 3 following:  
 4 “c. Film office  
 5 For salaries, support, maintenance, miscellaneous  
 6 purposes, and for not more than the following full-

7 time equivalent positions:  
 8 ..... \$ 188,000  
 9 ..... FTEs 2.00".  
 10 2. Page 6, line 22, by striking the words "and  
 11 film office".  
 12 3. Page 6, line 28, by striking the figure  
 13 "875,000" and inserting the following: "715,000".  
 14 4. Page 6, line 29, by striking the figure  
 15 "19.27" and inserting the following: "17.77".

JOANN DOUGLAS

S-3318

1 Amend Senate File 393 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. **NEW SECTION. 257.50 TRANSPORTATION**  
 5 **ASSISTANCE AID TO DISTRICTS.**  
 6 1. The department shall pay transportation  
 7 assistance aid to a school district from funds  
 8 appropriated in this section to school districts whose  
 9 average transportation costs per pupil exceed the  
 10 state average transportation costs per pupil  
 11 determined under subsection 2 by one hundred percent.  
 12 2. A district's average transportation costs per  
 13 pupil shall be determined by dividing the district's  
 14 actual cost for all children transported in all school  
 15 buses for a school year pursuant to section 285.1,  
 16 subsection 12, less the amount received for  
 17 transporting nonpublic school pupils under section  
 18 285.1, by the district's actual enrollment for the  
 19 school year, less the shared-time enrollment for the  
 20 school year, as defined in section 257.6. The state  
 21 average transportation costs per pupil shall be  
 22 determined by dividing the total actual costs for all  
 23 children transported in all districts for a school  
 24 year, by the total of all districts' actual  
 25 enrollments for the school year.  
 26 3. To be eligible for transportation assistance  
 27 aid, a school district shall annually certify its  
 28 actual cost for all children transported in all school  
 29 buses not later than July 31 after each school year on  
 30 forms prescribed by the department of education.  
 31 4. If a school district's average transportation  
 32 costs per pupil exceed the state average  
 33 transportation costs per pupil by one hundred percent,  
 34 the department of education shall pay transportation  
 35 assistance aid equal to the amount of the difference  
 36 multiplied by the district's actual enrollment for the

37 school year less the shared-time enrollment for the  
38 school year as defined in section 257.6.

39 5. There is appropriated from the general fund of  
40 the state to the department of education, for each  
41 fiscal year, an amount necessary to pay transportation  
42 assistance aid pursuant to this section.

43 Transportation assistance aid is miscellaneous income  
44 for purposes of chapter 257.

45 Sec. 2. Section 285.3, code 1995, is amended by  
46 striking the section and inserting in lieu thereof the  
47 following:

48 285.3 PARENTAL REIMBURSEMENT FOR NONPUBLIC SCHOOL  
49 STUDENT TRANSPORTATION.

50 1. A parent or legal guardian of a nonpublic

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1 school student, who furnishes transportation to the  
2 student pursuant to section 285.1, shall notify the  
3 resident public school district that the child is  
4 enrolled and attending an accredited nonpublic school.  
5 In addition, the parent or legal guardian shall  
6 provide the name, age, and grade level of the student,  
7 and the name of the accredited nonpublic school and  
8 its location. The resident district shall submit  
9 claims on behalf of a parent or legal guardian of a  
10 nonpublic school student by February 1 and July 15 of  
11 each school year unless the parent or legal guardian  
12 fails to notify the district pursuant to this  
13 subsection.

14 2. A parent or legal guardian of a nonpublic  
15 school student who furnishes transportation for the  
16 child pursuant to section 285.1 is entitled to  
17 reimbursement equal to an amount calculated under the  
18 provisions of section 285.1, subsection 3. In  
19 addition, nonpublic school parents or legal guardians  
20 who transport one or more family members more than  
21 four miles to their accredited nonpublic schools of  
22 attendance shall be entitled to one supplemental  
23 mileage payment per family, per claim period, equal to  
24 fifteen percent of the parental reimbursement amount,  
25 rounded to the nearest whole dollars, when calculated  
26 under the provisions of section 285.1, subsection 3."

27 2. Title page, by striking lines 1 through 8 and  
28 inserting the following: "An Act relating to  
29 transportation assistance aid to a school district and  
30 making an appropriation."

S-3319

1 Amend Senate File 443 as follows:

2 1. Page 1, line 4, by inserting after the word  
3 "officer" the following: ", basic emergency medical  
4 care provider under chapter 147, an advanced emergency  
5 medical care provider under chapter 147A,".

6 2. Page 1, line 6, by inserting after the word  
7 "officer" the following: ", basic emergency medical  
8 care provider under chapter 147, an advanced emergency  
9 medical care provider under chapter 147A,".

10 3. Page 1, line 8, by inserting after the word  
11 "officer" the following: ", basic emergency medical  
12 care provider under chapter 147, an advanced emergency  
13 medical care provider under chapter 147A,".

14 4. Page 1, line 10, by inserting after the word  
15 "officer" the following: ", basic emergency medical  
16 care provider under chapter 147, an advanced emergency  
17 medical care provider under chapter 147A,".

18 5. Page 1, line 12, by inserting after the word  
19 "officer" the following: ", basic emergency medical  
20 care provider under chapter 147, an advanced emergency  
21 medical care provider under chapter 147A,".

22 6. Page 1, line 16, by inserting after the word  
23 "officer" the following: ", basic emergency medical  
24 care provider under chapter 147, an advanced emergency  
25 medical care provider under chapter 147A,".

26 7. Page 1, line 19, by inserting after the word  
27 "officer" the following: ", basic emergency medical  
28 care provider under chapter 147, an advanced emergency  
29 medical care provider under chapter 147A,".

30 8. Page 1, line 23, by inserting after the word  
31 "officer" the following: ", basic emergency medical  
32 care provider under chapter 147, an advanced emergency  
33 medical care provider under chapter 147A,".

34 9. Page 1, line 25, by striking the word "of" and  
35 inserting the following: ", basic emergency medical  
36 care provider under chapter 147, an advanced emergency  
37 medical care provider under chapter 147A, or".

38 10. Page 1, line 30, by inserting after the word  
39 "officer" the following: ", basic emergency medical  
40 care provider under chapter 147, an advanced emergency  
41 medical care provider under chapter 147A,".

42 11. Page 1, line 33, by inserting after the word  
43 "officer" the following: ", basic emergency medical  
44 care provider under chapter 147, an advanced emergency  
45 medical care provider under chapter 147A,".

46 12. Title page, line 1, by inserting after the  
47 word "officers" the following: ", basic emergency  
48 medical care providers, advanced emergency medical

49 care providers.”

50 13. Title page, line 3, by inserting after the

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1 word “officers” the following: “, basic emergency  
2 medical care providers, advanced emergency medical  
3 care providers.”

**EUGENE FRAISE**

**S-3320**

1 Amend Senate File 454 as follows:

2 1. Page 2, by striking lines 7 through 14 and  
3 inserting the following:

4 “3. “Health-related care” means services provided  
5 by a registered nurse or a licensed practical nurse,  
6 on a part-time or intermittent basis, and services  
7 provided by other licensed health care professionals,  
8 on a part-time or intermittent basis, as defined by  
9 rule.”

10 2. Page 2, line 26, by striking the words  
11 “skilled nursing” and inserting the following:  
12 “health-related care”.

13 3. Page 2, line 29, by striking the words  
14 “skilled nursing” and inserting the following:  
15 “health-related care”.

16 4. Page 4, line 14, by inserting after the figure  
17 “135C,” the following: “a licensed health care  
18 professional providing health-related care or personal  
19 care through contractual agreement.”

**MAGGIE TINSMAN**

**S-3321**

1 Amend Senate File 463 as follows:

2 1. Page 3, line 2, by striking the figure  
3 “5,000,000” and inserting the following: “5,656,000”.

**ALLEN BORLAUG**

**S-3322**

1 Amend Senate File 463 as follows:

2 1. Page 10, line 20, by striking the figure  
3 “508,000” and inserting the following: “658,000”.

**ALLEN BORLAUG**

S-3323

- 1 Amend Senate File 463 as follows:
- 2 1. Page 6, line 8, by striking the figure
- 3 "200,000" and inserting the following: "367,000".

ALLEN BORLAUG

S-3324

- 1 Amend Senate Fiel 463 as follows:
- 2 1. Page 6, line 20, by striking the figure
- 3 "50,000" and inserting the following: "100,000".

ALLEN BORLAUG

S-3325

- 1 Amend Senate File 463 as follows:
- 2 1. Page 5, by striking lines 1 through 5.
- 3 2. By relettering as necessary.

ALLEN BORLAUG

S-3326

- 1 Amend Senate File 450 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "program." the following: "The appropriation of
- 4 surcharge moneys to the displaced homemaker program
- 5 under this paragraph is in addition to any other
- 6 appropriation made to the program from the general
- 7 fund of the state and shall not be interpreted to
- 8 replace or supplant any other appropriation to the
- 9 program."

JOHNIE HAMMOND

S-3327

- 1 Amend Senate File 306 as follows:
- 2 1. Page 3, line 7, by inserting after the word
- 3 "meeting." the following: "At least two requests for
- 4 proposals must be received before a governmental unit
- 5 may enter into a guaranteed energy cost-savings
- 6 contract."
- 7 2. Page 4, by inserting after line 22 the
- 8 following:
- 9 "5. TAX-EXEMPT INTEREST. A governmental unit
- 10 contracting through an installment payment contract or

11 lease-purchase agreement may designate interest on the  
12 installment payment contract or lease-purchase  
13 agreement as tax-exempt if the governmental unit  
14 complies with the tax-exempt reporting requirements of  
15 the Internal Revenue Code. A state agency,  
16 department, institution, legislative body, or other  
17 establishment or official of the executive, judicial,  
18 or legislative branches of this state authorized by  
19 law to enter into contracts shall obtain the approval  
20 of the treasurer of state and director of the  
21 department of management before entering into a  
22 contract and making such tax-exempt designation. A  
23 college or university shall obtain the approval of the  
24 state board of regents before entering into a contract  
25 and making such tax-exempt designation. A technical  
26 school shall obtain the approval of the department of  
27 education and the treasurer of state before making  
28 such tax-exempt designation.

29 6. AUDIT. The auditor of state, or a certified or  
30 registered public accountant, shall, as part of the  
31 audit of a governmental unit, independently audit the  
32 energy or operational cost-savings of an energy cost-  
33 savings measure under a guaranteed energy cost-savings  
34 contract.

35 7. INDEBTEDNESS. A guaranteed energy cost-savings  
36 contract shall be designated as long-term debt on the  
37 balance sheet of the governmental unit, and shall be  
38 included annually on the report to the treasurer of  
39 state of indebtedness of the governmental unit.

40 8. HEARING. Prior to entering into a guaranteed  
41 energy cost-savings contract, a local political  
42 subdivision such as a county, city, public school  
43 district, or public service or special purpose  
44 district shall hold a hearing pursuant to section  
45 73A.2.

46 9. CHAPTER 573. A guaranteed energy cost-savings  
47 contract shall be subject to the provisions of chapter  
48 573, and the contractor shall provide a bond as  
49 provided in chapter 573.

50 10. ENERGY SAVINGS CALCULATIONS. Before entering

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1 into a guaranteed energy cost-savings contract, a  
2 governmental unit shall obtain verification by the  
3 department of natural resources of the energy savings  
4 calculations, which shall be available at the time of  
5 the public hearing."

BILL FINK

S-3328

1 Amend House File 185, as passed by the House, as  
2 follows:  
3 1. Page 2, line 5, by inserting after the word  
4 "exemption." the following: "'Printer" means that  
5 portion of a person's business engaged in printing  
6 that completes a finished product for ultimate sale at  
7 retail or means that portion of a person's business  
8 used to complete a finished printed packaging material  
9 used to package a product for ultimate sale at retail.  
10 "Printer" does not mean an in-house printer who prints  
11 or copyrights its own materials."

STEWART IVERSON, Jr.

S-3329

1 Amend Senate File 64 as follows:  
2 1. Page 1, line 7, by striking the word "ten" and  
3 inserting the following: "five".  
4 2. Page 1, line 7, by inserting after the word  
5 "price." the following: "However, this subsection  
6 applies only to sales of an alcoholic liquor product  
7 to the holder of a class "A", class "B", class "C", or  
8 class "D" liquor control license."

MICHAEL E. GRONSTAL

S-3330

1 Amend the amendment, S-3186, to Senate File 181, as  
2 follows:  
3 1. Page 1, by striking lines 2 through 5 and  
4 inserting the following:  
5 " — . Page 1, by striking lines 1 through 4 and  
6 inserting the following:  
7 "Section 1. Section 422.45, Code 1995, is amended  
8 by adding the following new subsection:  
9 **NEW SUBSECTION. 38A.** The gross receipts from the  
10 sale or rental of".  
11 — . Page 1, by striking lines 12 through 14 and  
12 inserting the following: "purposes of this exemption,  
13 "aircraft" means aircraft scheduled in interstate  
14 federal aviation administration certified air carrier  
15 operations which is designed primarily for carrying  
16 fifty passengers or less and is primarily used to  
17 carry passengers in a scheduled operation."  
18 — . Page 1, lines 16 and 17, by striking the  
19 words and figures "this amendment to section 422.45,

- 20 subsection 38" and inserting the following: "section  
 21 422.45, subsection 38A".  
 22 2. By renumbering as necessary.

JOHN P. KIBBIE

S-3331

- 1 Amend Senate File 463 as follows:  
 2 1. Page 7, by inserting after line 28 the  
 3 following:  
 4 "\_\_\_ . Job retraining program  
 5 To the community college job training fund created  
 6 in section 260F.6, including salaries and support for  
 7 not more than the following full-time equivalent  
 8 positions:  
 9 ..... \$ 362,000  
 10 ..... FTEs 1.31"  
 11 2. By relettering as necessary.

DERRYL McLAREN

S-3332

- 1 Amend the amendment, S-3167, to Senate File 429 as  
 2 follows:  
 3 1. Page 1, line 3, by inserting before the word  
 4 "OR" the following: ", LICENSED CHIROPRACTORS,  
 5 LICENSED OPTOMETRISTS,".  
 6 2. Page 1, line 6, by inserting before the word  
 7 "or" the following: ", a chiropractor licensed  
 8 pursuant to chapters 147 and 151, an optometrist  
 9 licensed pursuant to chapters 147 and 154,".  
 10 3. Page 1, line 9, by inserting before the word  
 11 "or" the following: ", the licensed chiropractor's  
 12 license, the licensed optometrist's license,".  
 13 4. Page 1, line 12, by inserting before the word  
 14 "or" the following: ", a licensed chiropractor, a  
 15 licensed optometrist,".  
 16 5. Page 1, line 15, by inserting before the word  
 17 "and" the following: ", licensed chiropractors,  
 18 licensed optometrists,".

JIM LIND

S-3333

- 1 Amend Senate File 299 as follows:  
 2 1. Page 1, by inserting after line 10 the  
 3 following:

4 "In addition, the general assembly highly  
 5 recommends that the state university of Iowa schedule  
 6 a football competition with Morningside college to be  
 7 played at the state university of Iowa in Iowa City."  
 8 2. Title page, line 4, by inserting after the  
 9 word "teams" the following: ", and recommending the  
 10 scheduling of a football competition between the state  
 11 university of Iowa and Morningside college".

STEVEN D. HANSEN

S-3334

1 Amend Senate File 429 as follows:  
 2 1. Page 1, line 15, by striking the word  
 3 "practitioner" and inserting the following:  
 4 "practitioner."  
 5 2. Page 1, by striking line 16.  
 6 3. Page 1, line 17, by striking the word  
 7 "services."

JIM LIND  
 TOM FLYNN

S-3335

1 Amend Senate File 335 as follows:  
 2 1. Page 1, line 3, by striking the word "ten" and  
 3 inserting the following: "six".

DICK L. DEARDEN  
 MICHAEL E. GRONSTAL

S-3336

1 Amend Senate File 466 as follows:  
 2 1. Page 23, by inserting after line 29 the  
 3 following:  
 4 "DIVISION V  
 5 SUBCHAPTER S CORPORATIONS  
 6 Sec. \_\_\_\_ . Section 422.5, subsection 1, paragraph  
 7 j, Code 1995, is amended by adding the following new  
 8 unnumbered paragraph:  
 9 NEW UNNUMBERED PARAGRAPH. The tax imposed upon the  
 10 taxable income of a resident shareholder in a  
 11 corporation which has in effect for the tax year an  
 12 election under subchapter S of the Internal Revenue  
 13 Code and carries on business within and without the  
 14 state shall be computed by reducing the amount  
 15 determined pursuant to paragraphs "a" through "i" by

16 the amounts of nonrefundable credits under this  
17 division and by multiplying this resulting amount by a  
18 fraction of which the resident's net income allocated  
19 to Iowa, as determined in section 422.8, subsection 2,  
20 paragraph "b", is the numerator and the resident's  
21 total net income computed under section 422.7 is the  
22 denominator. This paragraph also applies to  
23 individuals who are residents of Iowa for less than  
24 the entire tax year.

25 Sec. \_\_\_\_ . Section 422.5, subsection 1, paragraph  
26 k, unnumbered paragraph 4, Code 1995, is amended to  
27 read as follows:

28 In the case of a resident, including a resident  
29 estate or trust, the state's apportioned share of the  
30 state alternative minimum tax is one hundred percent  
31 of the state alternative minimum tax computed in this  
32 subsection. In the case of a resident or part year  
33 resident shareholder in a corporation which has in  
34 effect for the tax year an election under subchapter S  
35 of the Internal Revenue Code and carries on business  
36 within and without the state, a nonresident, including  
37 a nonresident estate or trust, or an individual,  
38 estate, or trust that is domiciled in the state for  
39 less than the entire tax year, the state's apportioned  
40 share of the state alternative minimum tax is the  
41 amount of tax computed under this subsection, reduced  
42 by the applicable credits in sections 422.10 through  
43 422.12 and this result multiplied by a fraction with a  
44 numerator of the sum of state net income allocated to  
45 Iowa as determined in section 422.8, subsection 2,  
46 paragraph "a" or "b" as applicable, plus tax  
47 preference items, adjustments, and losses under  
48 subparagraph (1) attributable to Iowa and with a  
49 denominator of the sum of total net income computed  
50 under section 422.7 plus all tax preference items,

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1 adjustments, and losses under subparagraph (1). In  
2 computing this fraction, those items excludable under  
3 subparagraph (1) shall not be used in computing the  
4 tax preference items. Married taxpayers electing to  
5 file separate returns or separately on a combined  
6 return must allocate the minimum tax computed in this  
7 subsection in the proportion that each spouse's  
8 respective preference items, adjustments, and losses  
9 under subparagraph (1) bear to the combined preference  
10 items, adjustments, and losses under subparagraph (1)  
11 of both spouses.

12 Sec. \_\_\_\_ . Section 422.8, subsection 2, Code 1995,

13 is amended to read as follows:

14 2. a. Nonresident's net income allocated to Iowa  
15 is the net income, or portion thereof, which is  
16 derived from a business, trade, profession, or  
17 occupation carried on within this state or income from  
18 any property, trust, estate, or other source within  
19 Iowa. However, income derived from a business, trade,  
20 profession, or occupation carried on within this state  
21 and income from any property, trust, estate, or other  
22 source within Iowa shall not include distributions  
23 from pensions, including defined benefit or defined  
24 contribution plans, annuities, individual retirement  
25 accounts, and deferred compensation plans or any  
26 earnings attributable thereto so long as the  
27 distribution is directly related to an individual's  
28 documented retirement and received while the  
29 individual is a nonresident of this state. If a  
30 business, trade, profession, or occupation is carried  
31 on partly within and partly without the state, only  
32 the portion of the net income which is fairly and  
33 equitably attributable to that part of the business,  
34 trade, profession, or occupation carried on within the  
35 state is allocated to Iowa for purposes of section  
36 422.5, subsection 1, paragraph "j", and section 422.13  
37 and income from any property, trust, estate, or other  
38 source partly within and partly without the state is  
39 allocated to Iowa in the same manner, except that  
40 annuities, interest on bank deposits and interest-  
41 bearing obligations, and dividends are allocated to  
42 Iowa only to the extent to which they are derived from  
43 a business, trade, profession, or occupation carried  
44 on within the state.

45 b. A resident's income allocable to Iowa is the  
46 income determined under section 422.7 reduced by items  
47 of income and expenses from a subchapter S corporation  
48 which pass directly to the shareholders under  
49 provisions of the Internal Revenue Code and increased  
50 by the greater of the following:

Page 3

- 1 (1) The net income or loss of the corporation
- 2 which is fairly and equitably attributable to this
- 3 state under section 422.33, subsections 2 and 3.
- 4 (2) The taxpayer's pro rata share of an amount
- 5 deemed distributed to shareholders which when added to
- 6 the salaries, wages, or other compensation for
- 7 services performed by all shareholders will equal ten
- 8 percent of the net income of the corporation computed
- 9 in accordance with section 422.35 and considering

10 items of income and expense which pass directly to the  
 11 shareholders under provisions of the Internal Revenue  
 12 Code before deduction of shareholder's salaries,  
 13 wages, or other compensation for services performed.  
 14 (3) Any cash or the value of any property  
 15 distributions made to the extent they are paid from  
 16 income upon which Iowa income tax has not been paid as  
 17 determined under rules of the director.  
 18 Sec. \_\_\_\_ . Section 422.8, Code 1995, is amended by  
 19 adding the following new subsection:  
 20 NEW SUBSECTION. 6. If the resident or part year  
 21 resident is a shareholder of a corporation which has  
 22 in effect an election under subchapter S of the  
 23 Internal Revenue Code, subsections 1 and 3 do not  
 24 apply to any income taxes paid to another state or  
 25 foreign country on the income from the corporation  
 26 which has in effect an election under subchapter S of  
 27 the Internal Revenue Code.  
 28 Sec. \_\_\_\_ . This division of this Act, being deemed  
 29 of immediate importance, takes effect upon enactment  
 30 and applies retroactively to January 1, 1995, for tax  
 31 years beginning on or after that date."  
 32 2. Title page, line 1, by inserting after the  
 33 word "tax," the following: "including treatment of  
 34 income from subchapter S corporations."

WAYNE BENNETT

S-3337

1 Amend Senate File 466 as follows:  
 2 1. By striking page 2, line 17, through page 4,  
 3 line 18, and inserting the following:  
 4 "Machinery, Equipment, and Computers  
 5 Property Tax Exemption  
 6 Sec. \_\_\_\_ . Section 427B.17, Code 1995, is amended  
 7 to read as follows:  
 8 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.  
 9 1. For property defined in section 427A.1,  
 10 subsection 1, paragraphs "e" and "j", acquired or  
 11 initially leased on or after January 1, 1982, the  
 12 taxpayer's valuation shall be limited to thirty  
 13 percent of the net acquisition cost of the property.  
 14 For purposes of this section, "net acquisition cost"  
 15 means the acquired cost of the property including all  
 16 foundations and installation cost less any excess cost  
 17 adjustment.  
 18 2. For purposes of this section:  
 19 ~~±~~ a. Property assessed by the department of  
 20 revenue and finance pursuant to sections 428.24 to

21 428.29, or chapters 433, 434 and 436 to 438 shall not  
22 receive the benefits of this section.

23 2. b. Property acquired before January 1, 1982,  
24 which was owned or used before January 1, 1982, by a  
25 related person shall not receive the benefits of this  
26 section.

27 3. c. Property acquired on or after January 1,  
28 1982, which was owned and used by a related person  
29 shall not receive any additional benefits under this  
30 section.

31 4. d. Property which was owned or used before  
32 January 1, 1982, and subsequently acquired by an  
33 exchange of like property shall not receive the  
34 benefits of this section.

35 5. e. Property which was acquired on or after  
36 January 1, 1982, and subsequently exchanged for like  
37 property shall not receive any additional benefits  
38 under this section.

39 6. f. Property acquired before January 1, 1982,  
40 which is subsequently leased to a taxpayer or related  
41 person who previously owned the property shall not  
42 receive the benefits of this section.

43 7. g. Property acquired on or after January 1,  
44 1982, which is subsequently leased to a taxpayer or  
45 related person who previously owned the property shall  
46 not receive any additional benefits under this  
47 section.

48 h. For purposes of this section, "related Related  
49 person" means a person who owns or controls the  
50 taxpayer's business and another business entity from

Page 2

1 which property is acquired or leased or to which  
2 property is sold or leased. Business entities are  
3 owned or controlled by the same person if the same  
4 person directly or indirectly owns or controls fifty  
5 percent or more of the assets or any class of stock or  
6 who directly or indirectly has an interest of fifty  
7 percent or more in the ownership or profits.

8 3. Property assessed pursuant to this section  
9 shall not be eligible to receive a partial exemption  
10 under sections 427B.1 to 427B.6.

11 4. a. A city council or county board of  
12 supervisors may provide by ordinance an exemption from  
13 taxation for property defined in this section whose  
14 valuation is computed pursuant to subsection 1, and  
15 which is acquired after December 31, 1994. The  
16 ordinance may be enacted not less than thirty days  
17 after a public hearing on the ordinance is held.

18 Notice of the hearing shall be published in accordance  
 19 with section 331.305 in the case of a county, or  
 20 section 362.3 in the case of a city. The exemption  
 21 shall not apply to any property acquired or initially  
 22 leased prior to the enactment of the ordinance unless  
 23 the ordinance specifically allows for retroactive  
 24 application.

25 b. If in the opinion of the city council or the  
 26 county board of supervisors continuation of the  
 27 exemption granted under this subsection ceases to be  
 28 of benefit to the city or county, the city council or  
 29 the county board of supervisors may repeal the  
 30 ordinance authorized by this subsection. Exemptions  
 31 allowed prior to repeal of the ordinance shall  
 32 continue until their expiration."

33 2. Title page, line 2, by striking the word  
 34 "reimbursement" and inserting the following:  
 35 "exemption".

36 3. By renumbering as necessary.

ALLEN BORLAUG  
 JACK RIFE  
 MAGGIE TINSMAN

S-3338

1 Amend Senate File 408 as follows:

2 1. Page 3, by inserting after line 14 the  
 3 following:

4 "\_\_\_ . A violation of section 321J.4B, subsection  
 5 12, if enacted by Senate File 446.

6 \_\_\_ . Notwithstanding subsections 1 through 4,  
 7 violations of chapter 321 or 321J, except section  
 8 321J.4B, subsection 12, if enacted by Senate File 446,  
 9 shall not be considered conduct giving rise to  
 10 forfeiture."

11 2. Page 4, by inserting after line 32 the  
 12 following:

13 "\_\_\_ . As used in this section, "facilitate" means  
 14 to have a substantial connection between the property  
 15 and the conduct giving rise to forfeiture."

16 3. Page 6, line 29, by inserting after the word  
 17 "seized" the following: "and to any person who has a  
 18 security interest in the property".

19 4. Page 15, line 29, by striking the word "may"  
 20 and inserting the following: "shall".

21 5. Page 16, line 15, by striking the words "this  
 22 chapter" and inserting the following: "law".

23 6. Page 18, line 2, by inserting after the word  
 24 "guilty." the following: "A defendant whose

25 conviction is overturned on appeal may file a motion  
26 to correct, vacate, or modify a judgment of forfeiture  
27 under this subsection."

28 7. Page 19, by striking lines 23 through 25 and  
29 inserting the following:

30 "15. For good cause shown, on motion by either  
31 party, the court may stay discovery in civil  
32 forfeiture".

33 8. Page 25, line 10, by inserting after the word  
34 "less," the following: "as established by affidavit  
35 provided by the prosecuting attorney,".

36 9. By striking page 27, line 29, through page 28,  
37 line 3.

38 10. Page 31, line 30, by striking the word  
39 "seven" and inserting the following: "five".

40 11. Page 49, by striking lines 27 through 35.

41 12. Page 50, by striking lines 7 through 11 and  
42 inserting the following:

43 "3. All persons engaged in a trade or business who  
44 are required to file a report pursuant to 26".

45 13. Page 50, line 14, by inserting after the word  
46 "business" the following: ", shall file a copy of the  
47 report with the department of public safety".

48 14. Page 50, lines 23 and 24, by striking the  
49 words "on request at any time" and inserting the  
50 following: "pursuant to a prosecuting attorney

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1 subpoena".

2 15. By striking page 50, line 25, through page  
3 51, line 16.

4 16. Page 52, by striking line 26.

5 17. Page 54, by striking line 1 and inserting the  
6 following:

7 "2. Upon presentation of a subpoena from a  
8 prosecuting attorney,".

9 18. Page 54, line 18, by inserting after the word  
10 "law" the following: "and to make the reporting  
11 requirements regarding financial transactions under  
12 Iowa law uniform with the reporting requirements  
13 regarding financial transactions under federal law".

14 19. By renumbering, relettering, redesignating,  
15 and correcting internal references as necessary.

S-3339

- 1 Amend Senate File 466 as follows:
- 2 1. Page 1, line 34, by striking the word "forty"
- 3 and inserting the following: "fifty-five".

JIM LIND

S-3340

- 1 Amend Senate File 466 as follows:
- 2 1. Page 11, line 4, by striking the figure "1995"
- 3 and inserting the following: "1996".
- 4 2. Page 11, line 13, by striking the figure
- 5 "1995" and inserting the following: "1996".
- 6 3. Page 11, line 20, by striking the figure
- 7 "1995" and inserting the following: "1996".
- 8 4. Page 21, line 19, by striking the figures and
- 9 word "June 1, 1995," and inserting the following:
- 10 "February 15, 1996,".
- 11 5. Page 23, by inserting after line 21 the
- 12 following:
- 13 "Sec. \_\_\_\_ . PROPERTY TAX RELIEF -- FISCAL YEAR
- 14 1995-1996. For the fiscal year beginning July 1,
- 15 1995, the department of management shall reduce the
- 16 amount of a county's certified budget to be raised by
- 17 property tax, for that fiscal year by an amount equal
- 18 to the amount the county will receive from the
- 19 property tax relief fund for property tax relief
- 20 pursuant to section 426B.2, subsection 1 and the
- 21 department of management shall determine the rate of
- 22 taxation necessary to raise the reduced amount."
- 23 6. Page 23, line 23, by striking the figure
- 24 "1995" and inserting the following: "1996".
- 25 7. Page 23, line 29, by striking the figure
- 26 "1995" and inserting the following: "1996".
- 27 8. By renumbering as necessary.

SHELDON RITTMER

S-3341

- 1 Amend Senate File 466 as follows:
- 2 1. Page 1, line 23, by striking the words "and
- 3 for all subsequent tax years,".
- 4 2. Page 1, line 28, by inserting after the word
- 5 "dollars." the following: "For a tax year beginning
- 6 in the 1998 calendar year, subtract, to the extent
- 7 included, the total amount for a person who files a
- 8 separate state income tax return up to a maximum of

9 six thousand dollars, and for a husband and wife who  
10 file a joint state income tax return up to a maximum  
11 of twelve thousand dollars. For a tax year beginning  
12 in the 1999 calendar year, subtract, to the extent  
13 included, the total amount for a person who files a  
14 separate state income tax return up to a maximum of  
15 twelve thousand dollars, and for a husband and wife  
16 who file a joint state income tax return up to a  
17 maximum of twenty-four thousand dollars. For a tax  
18 year beginning in the 2000 calendar year, and for all  
19 subsequent tax years, subtract, to the extent  
20 included, the total amount."

MAGGIE TINSMAN  
SHELDON RITTMER

S-3342

1 Amend Senate File 466 as follows:

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

4 "Sec. \_\_\_\_ . Section 427B.17, unnumbered paragraph

5 1, Code 1995, is amended to read as follows:

6 For property defined in section 427A.1, subsection

7 1, paragraphs "e" and "j", acquired or initially

8 leased on or after January 1, 1982, and on or before

9 June 30, 1995, the taxpayer's valuation shall be

10 limited to thirty percent of the net acquisition cost

11 of the property. Such property acquired or initially

12 leased on or after July 1, 1995, shall be exempt from

13 taxation. For purposes of this section, "net

14 acquisition cost" means the acquired cost of the

15 property including all foundations and installation

16 cost less any excess cost adjustment.

17 2. Page 4, by inserting after line 18 the

18 following:

19 "5. Property taxes paid on property defined in

20 section 427A.1, subsection 1, paragraphs "e" and "j",

21 and assessed under section 427B.17, which property is

22 located in an urban renewal area on or after July 1,

23 1995, for which there is a division of taxes under

24 section 403.19, shall not be eligible to receive

25 reimbursement under this section.

26 6. Property taxes paid on property defined in

27 section 427A.1, subsection 1, paragraphs "e" and "j",

28 and assessed under section 427B.17, which taxes are

29 being used to fund a new jobs training program on or

30 after July 1, 1995, under section 260E.4 or 260F.4,

31 shall not be eligible to receive reimbursement under

32 this section."

- 33 3. Title page, line 2, by inserting after the  
 34 word "reimbursement" the following: "and exemption".  
 35 4. By renumbering as necessary.

STEWART IVERSON, JR.  
 WAYNE BENNETT

S-3343

- 1 Amend Senate File 466 as follows:  
 2 1. Page 13, line 9, by inserting after the figure  
 3 "331.438," the following: "and for property tax  
 4 relief payments under section 426B.2, subsections 1  
 5 and 3,".  
 6 2. By striking page 13, line 31, through page 14,  
 7 line 5, and inserting the following:  
 8 "(1) For mental health service management, the  
 9 county must contract with a state-approved managed  
 10 mental health care contractor or provide a comparable  
 11 system of managed care. For the fiscal year beginning  
 12 July 1, 1995, this part of the plan shall be submitted  
 13 by January 5, 1996, and the county shall implement the  
 14 approved plan by March 1, 1996. For subsequent fiscal  
 15 years, this part of the plan shall be submitted to the  
 16 department by April 1 for the succeeding fiscal year."

SHELDON RITTMER

S-3344

- 1 Amend Senate File 466 as follows:  
 2 1. Page 4, by inserting after line 18 the  
 3 following:  
 4 "DIVISION \_\_\_\_  
 5 PROPERTY TAX VALUATIONS  
 6 Sec. \_\_\_\_ . Section 441.21, subsection 5, Code 1995,  
 7 is amended by adding the following new unnumbered  
 8 paragraph:  
 9 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
 10 computations and limitations in this subsection the  
 11 percentage of actual value at which residential  
 12 property shall be assessed for valuations established  
 13 on or after January 1, 1995, shall not exceed the  
 14 percentage of actual value at which residential  
 15 property was assessed for valuations established as of  
 16 January 1, 1994.  
 17 Sec. \_\_\_\_ . This division of this Act, being deemed  
 18 of immediate importance, takes effect upon enactment."

WAYNE BENNETT

S-3345

- 1 Amend Senate File 466 as follows:  
 2 1. Page 3, line 33, by inserting after the word  
 3 "to," the following: "copies of".  
 4 2. Page 3, line 34, by inserting after the word  
 5 "checks." the following: "The claimant shall pay the  
 6 taxes on the industrial machinery, equipment and  
 7 computers by a separate check."

H. KAY HEDGE

S-3346

- 1 Amend Senate File 466 as follows:  
 2 1. Page 23, by inserting after line 29 the  
 3 following:  
 4 "DIVISION ——  
 5 INTERITANCE TAX  
 6 Sec. \_\_\_\_ . Section 450.2, Code 1995, is amended by  
 7 adding the following new unnumbered paragraph:  
 8 NEW UNNUMBERED PARAGRAPH. Property passing from  
 9 estates of decedents dying on or after July 1, 1999,  
 10 is not subject to tax under this chapter. This  
 11 chapter is repealed July 1, 1999, for property of  
 12 estates of decedents dying on or after July 1, 1999.  
 13 Sec. \_\_\_\_ . Section 450.10, Code 1995, is amended by  
 14 adding the following new subsection:  
 15 NEW SUBSECTION. 8. For property, interest in  
 16 property, or income from property passing from estates  
 17 of decedents dying during the following fiscal years  
 18 the tax rates under subsections 1 through 6 shall be a  
 19 percentage of those specified as follows:  
 20 a. For the fiscal year beginning July 1, 1995,  
 21 eighty percent.  
 22 b. For the fiscal year beginning July 1, 1996,  
 23 sixty percent.  
 24 c. For the fiscal year beginning July 1, 1997,  
 25 forty percent.  
 26 d. For the fiscal year beginning July 1, 1998,  
 27 twenty percent.  
 28 e. For fiscal years beginning on or after July 1,  
 29 1999, zero percent.  
 30 Sec. \_\_\_\_ . This division of this Act applies to  
 31 estates of decedents dying on or after July 1, 1995."  
 32 2. Title page, line 1, by inserting after the  
 33 word "tax" the following: "and inheritance tax".

BRAD BANKS  
MAGGIE TINSMAN

STEWART IVERSON, JR.  
MARY LOU FREEMAN

S-3347

1 Amend Senate File 466 as follows:

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

4 "Section 1. NEW SECTION. 331.424A MENTAL HEALTH,  
5 MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES  
6 SERVICES FUND.

7 1. For the purposes of this chapter, unless the  
8 context otherwise requires, "services fund" means the  
9 county mental health, mental retardation, and  
10 developmental disabilities services fund created in  
11 subsection 2.

12 2. For the fiscal year beginning July 1, 1996, and  
13 succeeding fiscal years, county revenues from taxes  
14 and other sources designated for mental health, mental  
15 retardation, and developmental disabilities services  
16 shall be credited to the mental health, mental  
17 retardation, and developmental disabilities services  
18 fund of the county. The board may make appropriations  
19 from the fund for payment of services provided under  
20 the county management plan approved pursuant to  
21 section 331.439.

22 3. For the fiscal year beginning July 1, 1996, and  
23 succeeding fiscal years, receipts from the state or  
24 federal government for such services shall be credited  
25 to the services fund, including moneys allotted to the  
26 county from the state payment made pursuant to section  
27 331.439 and moneys allotted to the county for property  
28 tax relief pursuant to section 426B.1.

29 4. For the fiscal year beginning July 1, 1996, and  
30 for each subsequent fiscal year, the county may  
31 certify a levy for payment of services. Unless  
32 otherwise provided by state law, for each fiscal year,  
33 county revenues from taxes imposed by the county  
34 credited to the services fund shall not exceed an  
35 amount equal to the amount of base year expenditures  
36 for services in the fiscal year beginning July 1,  
37 1993, and ending June 30, 1994, as defined in section  
38 331.438 less the amount of property tax relief to be  
39 received pursuant to section 426B.2, subsections 1 and  
40 3, in the fiscal year for which the budget is  
41 certified.

42 5. Appropriations specifically authorized to be  
43 made from the mental health, mental retardation, and  
44 developmental disabilities services fund shall not be  
45 made from the general fund of the county.

46 Sec. 2. Section 331.438, subsection 1, paragraph  
47 b, Code 1995, is amended to read as follows:

48 b. "State payment" means the payment made by the  
49 state to a county determined to be eligible for the  
50 payment in accordance with section 331.439.

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1 1A. Except as modified based upon the actual  
2 amount of the appropriation for purposes of state  
3 payment under section 331.439; the amount of the state  
4 payment for a fiscal year shall be calculated as fifty  
5 one hundred percent of the amount by which the  
6 county's qualified expenditures during the immediately  
7 preceding fiscal year were in excess of the amount of  
8 the county's base year expenditures. Any state  
9 funding received by a county for property tax relief  
10 in accordance with section 426B.2, subsections 1 and  
11 3, is not a state payment and shall not be included in  
12 the state payment calculation made pursuant to this  
13 subsection.

14 Sec. 3. Section 331.438, subsection 3, paragraph  
15 c, Code 1995, is amended by adding the following new  
16 subparagraph:

17 NEW SUBPARAGRAPH. (15) On or before December 1,  
18 1995, submit to the governor and the general assembly  
19 any recommended changes in the formula for  
20 distributing property tax relief moneys to counties  
21 under section 426B.2, subsections 1 through 3.

22 Sec. 4. Section 331.439, Code 1995, is amended by  
23 adding the following new subsection:

24 NEW SUBSECTION. 5. The county's mental health,  
25 mental retardation, and developmental disabilities  
26 assistance expenditures are limited to a fixed budget  
27 amount. The amount of the fixed budget shall be the  
28 total of the county's base year expenditures plus  
29 state moneys paid to the county for such assistance.

30 Sec. 5. NEW SECTION. 426B.1 PROPERTY TAX RELIEF  
31 FUND.

32 1. For the purposes of this chapter, unless the  
33 context otherwise requires, "property tax relief fund"  
34 means the property tax relief fund created in section  
35 8.57A.

36 2. There is appropriated to the property tax  
37 relief fund for the indicated fiscal years from the  
38 general fund of the state the following amounts:

39 a. For the fiscal year beginning July 1, 1995,  
40 seventy-five million dollars.

41 b. For the fiscal year beginning July 1, 1996, one  
42 hundred million dollars.

- 43 c. For the fiscal year beginning July 1, 1997, one  
44 hundred twenty-five million dollars.
- 45 d. For the fiscal year beginning July 1, 1998, one  
46 hundred fifty million dollars.
- 47 e. For the fiscal year beginning July 1, 1999, and  
48 succeeding fiscal years, one hundred seventy-five  
49 million dollars.
- 50 3. In each fiscal year, the amount appropriated

**Page 3**

1 pursuant to subsection 2 shall be reduced by the  
2 amount of the moneys in the property tax relief fund  
3 which were carried forward from the previous fiscal  
4 year.

5 **Sec. 6. NEW SECTION. 426B.2 PROPERTY TAX RELIEF**  
6 **FUND DISTRIBUTIONS.**

7 Moneys in the property tax relief fund shall be  
8 utilized in each fiscal year as follows in the order  
9 listed:

10 1. The first seventy-five million dollars plus the  
11 amount paid pursuant to subsection 3 in the previous  
12 fiscal year in the property tax relief fund shall be  
13 paid to each county for property tax relief in the  
14 same proportion that the county's base year  
15 expenditure bears to the total of all counties' base  
16 year expenditures as defined in section 331.438.

17 2. Payment of moneys to eligible counties of the  
18 state payment in accordance with the provisions of  
19 sections 331.438 and 331.439.

20 3. The department of human services shall estimate  
21 the amount of moneys required for the state payment  
22 pursuant to subsection 2. Moneys remaining in the  
23 expenditure relief fund following the payment made  
24 pursuant to subsection 1 and the estimated amount of  
25 the state payment pursuant to subsection 2 shall be  
26 paid to counties for property tax relief in the same  
27 manner as provided in subsection 1. These payments  
28 shall continue until the combined amount of the  
29 payments made under this subsection and subsection 1  
30 are equal to fifty percent of the total of all  
31 counties' base year expenditures as defined in section  
32 331.438. The amount of moneys paid to a county  
33 pursuant to this subsection shall be added in  
34 subsequent fiscal years to the amount of moneys paid  
35 under subsection 1.

36 4. Moneys remaining in the property tax relief  
37 fund following the payments made pursuant to  
38 subsections 1, 2, and 3 shall be transferred to the  
39 homestead credit fund created in section 425.1. This

40 transfer shall continue until the homestead credit is  
41 fully funded.

42 5. Moneys remaining in the property tax relief  
43 fund following the payments made pursuant to  
44 subsections 1, 2, and 3, and the transfer made  
45 pursuant to subsection 4, shall be transferred to the  
46 low-income tax credit and reimbursement fund created  
47 in section 425.40. This transfer shall continue until  
48 the low-income credit is fully funded.

49 6. Moneys remaining in the property tax relief  
50 fund following the payments made pursuant to

Page 4

1 subsections 1, 2, and 3, and the transfers made  
2 pursuant to subsections 4 and 5, shall be transferred  
3 to the agricultural land credit fund created in  
4 section 426.1. This transfer shall continue until the  
5 agricultural land credit is fully funded.  
6 7. The director of revenue and finance shall draw  
7 warrants on the property tax relief fund, payable to  
8 the county treasurer in the amount due to a county in  
9 accordance with subsections 1 and 3 and mail the  
10 warrants to the county auditors in September and March  
11 of each year. Warrants for the state payment in  
12 accordance with subsection 2 shall be mailed in  
13 January of each year. The director shall initiate the  
14 transfers required by this section.

15 Sec. 7. NEW SECTION. 426B.3 NOTIFICATION OF  
16 MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES  
17 EXPENDITURE RELIEF FUND PAYMENT.

18 1. Before June 1, 1995, and before June 1 of each  
19 succeeding fiscal year, the director of revenue and  
20 finance shall notify the county auditor of each county  
21 of the amount of moneys the county will receive from  
22 the property tax relief fund pursuant to section  
23 426B.2, subsections 1 and 3, for the succeeding fiscal  
24 year. The county auditor shall reduce the certified  
25 budget amount received from the board of supervisors  
26 for the succeeding fiscal year by an amount equal to  
27 the amount the county will receive and the auditor  
28 shall determine the rate of taxation necessary to  
29 raise the adjusted amount. On the tax list, the  
30 county auditor shall compute the amount of taxes due  
31 and payable on each parcel before and after the amount  
32 received from the expenditure relief fund is used to  
33 reduce the county budget.

34 2. The amount of property tax dollars reduced on  
35 each parcel as a result of the moneys received from  
36 the property tax relief fund pursuant to section

37 426B.2, subsections 1 and 3, shall be noted on each  
38 tax statement prepared by the county treasurer  
39 pursuant to section 445.23.

40 Sec. 8. NEW SECTION. 426B.4 RULES.

41 The director of revenue and finance shall prescribe  
42 forms and adopt rules pursuant to chapter 17A to  
43 administer this chapter.

44 Sec. 9. FUNDING OF SESSION LAW REQUIREMENTS. If  
45 the appropriations in section 426B.1, subsection 2, as  
46 created in this Act, are enacted by this Act, the  
47 requirements of 1994 Iowa Acts, chapter 1163, section  
48 8, subsection 2, to fully fund provisions of sections  
49 331.438 and 331.439 shall be considered to be met and  
50 the repeals contained in 1994 Iowa Acts, chapter 1163,

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1 section 8, subsection 2, shall be void.

2 Sec. 10. PILOT PROJECT FOR A MANAGED SYSTEM OF  
3 INDIVIDUALIZED SERVICES.

4 1. The department of human services, in  
5 cooperation with a county or consortium of counties,  
6 shall develop, test, and evaluate a pilot project for  
7 a managed system of individualized services and  
8 support for individuals with mental retardation and  
9 developmental disabilities in at least two areas of  
10 the state. One area shall be urban and one rural.  
11 The system shall be designed to provide the  
12 individuals being served with a choice of services and  
13 other support that will assist the individuals to be  
14 as independent, productive, and integrated into the  
15 community as possible.

16 2. In implementing the managed system pilot  
17 project, the department and the county or consortium  
18 of counties may directly manage the system and  
19 contract with service providers and others for needed  
20 services or support after identifying the type and  
21 level of services and support needed by the  
22 individual. The pilot project shall provide a  
23 reasonable rate of reimbursement. If costs are equal  
24 or less than providing vouchers or cash payments to  
25 the individuals and the individuals served so desire,  
26 vouchers or cash payments may be provided to the  
27 individuals to allow them to arrange for their own  
28 services or support. The department and the county or  
29 consortium of counties may enter into a contract with  
30 a private entity to manage this individualized system  
31 provided all pilot project requirements are met  
32 through the private entity.

33 3. The department and the county or consortium of

34 counties shall seek the advice of persons with mental  
35 retardation and disabilities and their family members  
36 in designing the pilot project. The state-county  
37 management committee created in section 331.438 shall  
38 also have an opportunity to make recommendations  
39 regarding the pilot project.

40 4. The department shall apply for all necessary  
41 federal waivers so that in addition to state and  
42 county funds, federal moneys available for these  
43 services may also be flexibly used in the pilot  
44 project. The planning for the pilot project shall be  
45 completed prior to January 1, 1996, and the pilot  
46 project shall commence on or before March 1, 1996.

47 Sec. 11. EFFECTIVE DATE. This Act, being deemed  
48 of immediate importance, takes effect upon enactment."

49 2. Title page, by striking lines 1 through 6 and  
50 inserting the following: "An Act relating to county

**Page 6**

1 expenditures of property taxes for mental health and  
2 developmental disabilities costs by providing for  
3 reduction of property taxes, making appropriations,  
4 and providing an effective date."

MARY LOU FREEMAN

S-3348

1 Amend Senate File 466 as follows:

2 1. Page 3, by striking lines 14 through 22 and  
3 inserting the following: "partment of revenue and  
4 finance. There is appropriated in each of the  
5 following fiscal years from the general fund of the  
6 state to the machinery, equipment and computers  
7 investment reimbursement fund the following amounts to  
8 be used to pay property tax reimbursement claims filed  
9 pursuant to this section:

10 a. For the fiscal year beginning July 1, 1996,  
11 eight million, one hundred thousand dollars.

12 b. For the fiscal year beginning July 1, 1997,  
13 fifteen million, two hundred thousand dollars.

14 c. For the fiscal year beginning July 1, 1998,  
15 twenty-one million, one hundred thousand dollars.

16 d. For the fiscal year beginning July 1, 1999,  
17 twenty-three million, four hundred thousand dollars.

18 e. For the fiscal year beginning July 1, 2000,  
19 twenty-one million, one hundred thousand dollars.

20 f. For the fiscal year beginning July 1, 2001,  
21 eighteen million, one hundred thousand dollars.

- 22 g. For the fiscal year beginning July 1, 2002,  
23 twenty-four million dollars.  
24 h. For the fiscal year beginning July 1, 2003,  
25 twenty-five million, six hundred thousand dollars.  
26 i. For the fiscal year beginning July 1, 2004,  
27 twenty million, four hundred thousand dollars.  
28 j. For the fiscal year beginning July 1, 2005,  
29 fourteen million, five hundred thousand dollars.”  
30 2. Page 3, line 28, by inserting after the figure  
31 “1997” the following: “, and on or before January 1  
32 of each subsequent fiscal year”.  
33 3. Page 4, line 7, by inserting after the figure  
34 “1997,” the following: “and by June 1 of each  
35 subsequent fiscal year.”  
36 4. By renumbering as necessary.

STEWART IVERSON, JR.

S-3349

- 1 Amend Senate File 466 as follows:  
2 1. Page 3, line 15, by inserting after the figure  
3 “1996,” the following: “and succeeding fiscal  
4 years,”.  
5 2. Page 3, line 17, by striking the words “eight  
6 million dollars to be used” and inserting the  
7 following: “the amount necessary”.  
8 3. Page 3, line 20, by inserting after the figure  
9 “1995,” the following: “and succeeding fiscal  
10 years,”.  
11 4. Page 3, line 23, by inserting after the word  
12 “paid” the following: “in the previous fiscal year”.  
13 5. Page 3, line 28, by striking the figure “,  
14 1997” and inserting the following: “of the succeeding  
15 fiscal year”.  
16 6. Page 4, by striking lines 7 through 11 and  
17 inserting the following:  
18 “3. By June 1, 1997, and by June 1 of each  
19 succeeding fiscal year the department shall reimburse  
20 claimants for claims filed under this section in that  
21 fiscal year. Moneys remaining in”.

JIM LIND

S-3350

- 1 Amend Senate File 466 as follows:  
2 1. Page 17, by inserting after line 31 the  
3 following:  
4 “Sec. 65. Section 425.1, subsection 2, Code 1995,

5 is amended to read as follows:

6 2. The homestead credit fund shall be apportioned  
7 each year so as to give a credit against the tax on  
8 each eligible homestead in the state with an assessed  
9 valuation of less than one hundred thousand dollars in  
10 an amount equal to the actual levy on the first four  
11 thousand eight hundred fifty dollars of actual value  
12 for each homestead.

13 Sec. 66. Section 425.11, Code 1995, is amended by  
14 adding the following new subsection:  
15 NEW SUBSECTION. 1A. "Eligible homestead" means a  
16 homestead with an assessed valuation of less than one  
17 hundred thousand dollars."

18 2. Page 23, line 29, by inserting after the  
19 figure "1995" the following: "and the provisions of  
20 sections 65 and 66, relating to the homestead credit,  
21 are applicable to property taxes payable in the fiscal  
22 year beginning July 1, 1995".

JIM LIND

S-3351

1 Amend Senate File 466 as follows:

2 1. By striking page 2, line 17 through page 4,  
3 line 18 and inserting the following:

4 "MACHINERY AND EQUIPMENT  
5 EXEMPTION AND REPLACEMENT FUNDS

6 Sec. \_\_\_\_ . Section 427B.17, Code 1995, is amended  
7 by striking the section and inserting in lieu thereof  
8 the following:

9 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

10 1. Property defined in section 427A.1, subsection  
11 1, paragraphs "e" and "j", shall be valued by the  
12 local assessor as follows:

13 a. For the assessment year beginning January 1,  
14 1995, at twenty-six percent of the net acquisition  
15 cost.

16 b. For the assessment year beginning January 1,  
17 1996, at twenty-two percent of the net acquisition  
18 cost.

19 c. For the assessment year beginning January 1,  
20 1997, at eighteen percent of the net acquisition cost.

21 d. For the assessment year beginning January 1,  
22 1998, at fourteen percent of the net acquisition cost.

23 e. For the assessment year beginning January 1,  
24 1999, at ten percent of the net acquisition cost.

25 f. For the assessment year beginning January 1,  
26 2000, at six percent of the net acquisition cost.

27 g. For the assessment year beginning January 1,

28 2001, and all subsequent assessment years, at zero  
29 percent of the net acquisition cost.

30 2. For purposes of this section:

31 a. Property assessed by the department of revenue  
32 and finance pursuant to sections 428.24 to 428.29, or  
33 chapters 433, 434, and 436 to 438 shall not receive  
34 the benefits of this section.

35 Any electric power generating plant which operated  
36 during the preceding assessment year at a net capacity  
37 factor of more than twenty percent, shall not receive  
38 the benefits of this section. For purposes of this  
39 section, "electric power generating plant" means any  
40 name plate rated electric power generating plant, in  
41 which electric energy is produced from other forms of  
42 energy, including all taxable land, buildings, and  
43 equipment used in the production of such energy. "Net  
44 capacity factor" means net actual generation divided  
45 by the product of net maximum capacity times the  
46 number of hours the unit was in the active state  
47 during the assessment year. Upon commissioning, a  
48 unit is in the active state until it is de-  
49 commissioned. "Net actual generation" means net  
50 electrical megawatt hours produced by the unit during

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1 the preceding assessment year. "Net maximum capacity"  
2 means the capacity the unit can sustain over a  
3 specified period when not restricted by ambient  
4 conditions or equipment deratings, minus the losses  
5 associated with station service or auxiliary loads.

6 b. The net acquisition cost of property acquired  
7 before January 1, 1995, which was owned or used by a  
8 related person shall be the net acquisition cost of  
9 the transferor of the property.

10 c. "Related person" means a person who owns or  
11 controls the taxpayer's business and another business  
12 entity from which property is acquired or leased or to  
13 which property is sold or leased. Business entities  
14 are owned or controlled by the same person if the same  
15 person directly or indirectly owns or controls fifty  
16 percent or more of the assets or any class of stock or  
17 who directly or indirectly has an interest of fifty  
18 percent or more in the ownership or profits.

19 d. "Net acquisition cost" means the acquired cost  
20 of the property, including all foundations and  
21 installation cost less any excess cost adjustment.

22 3. Property assessed pursuant to this section  
23 shall not be eligible to receive a partial exemption  
24 under sections 427B.1 to 427B.6.

25 4. The taxpayer's valuation of property defined in  
26 section 427A.1, subsection 1, paragraphs "e" and "j",  
27 and located in an urban renewal area for which an  
28 urban renewal plan provides for the division of taxes  
29 as provided in section 403.19 to pay the principal and  
30 interest on loans, advances, bonds issued under the  
31 authority of section 403.9, subsection 1, or  
32 indebtedness incurred by a city or county to finance  
33 an urban renewal project within the urban renewal  
34 area, if such loans, advances, or bonds were issued or  
35 indebtedness incurred, on or after January 1, 1982,  
36 and on or before June 30, 1995, shall be limited to  
37 thirty percent of the net acquisition cost of the  
38 property. Such property located in an urban renewal  
39 area shall not be valued pursuant to subsection 1  
40 until the assessment year following the calendar year  
41 in which the obligations created by any loans,  
42 advances, bonds, or indebtedness payable from the  
43 division of taxes as provided in section 403.19 have  
44 been retired. The taxpayer's valuation for such  
45 property shall then be the valuation specified in  
46 subsection 1 for the applicable assessment year. If  
47 the loans, advances, or bonds issued, or indebtedness  
48 incurred between January 1, 1982, and June 30, 1995,  
49 are refinanced or refunded after June 30, 1995, the  
50 valuation of such property shall then be the valuation

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1 specified in subsection 1 for the applicable  
2 assessment year beginning with the assessment year  
3 following the calendar year in which any of those  
4 loans, advances, bonds, or other indebtedness are  
5 refinanced or refunded after June 30, 1995.  
6 5. For the purpose of dividing taxes under section  
7 260E.4 or 260F.4, the employer's or business's  
8 valuation of property defined in section 427A.1,  
9 subsection 1, paragraphs "e" and "j", and used to fund  
10 a new jobs training project which project's first  
11 written agreement providing for a division of taxes as  
12 provided in section 403.19, is approved on or before  
13 June 30, 1995, shall be limited to thirty percent of  
14 the net acquisition cost of the property. An  
15 employer's or business's taxable property used to fund  
16 a new jobs training project shall not be valued  
17 pursuant to subsection 1 until the assessment year  
18 following the calendar year in which the certificates  
19 or other funding obligations have been retired or  
20 escrowed. The taxpayer's valuation for such property  
21 shall then be the valuation specified in subsection 1

22 for the applicable assessment year. If the  
 23 certificates issued, or other funding obligations  
 24 incurred, between January 1, 1982, and June 30, 1995,  
 25 are refinanced or refunded after June 30, 1995, the  
 26 valuation of such property shall then be the valuation  
 27 specified in subsection 1 for the applicable  
 28 assessment year beginning with the assessment year  
 29 following the calendar year in which those  
 30 certificates or other funding obligations are  
 31 refinanced or refunded after June 30, 1995.

32 Sec. \_\_\_\_ . NEW SECTION. 427B.18 ASSESSOR AND  
 33 COUNTY AUDITOR DUTIES.

34 1. On or before July 1 of each year, the assessor  
 35 shall determine the taxpayer's valuation of the  
 36 property specified in section 427B.17 for that year  
 37 and the valuation of the property if the property were  
 38 valued, for assessment purposes, at thirty percent of  
 39 net acquisition cost and shall report the valuations  
 40 to the county auditor.

41 2. On or before July 1, 1996, and on or before  
 42 July 1 of each subsequent year, the county auditor  
 43 shall prepare a statement listing for each taxing  
 44 district in the county:

45 a. Beginning with the assessment year beginning  
 46 January 1, 1995, the difference between the assessed  
 47 valuation of property defined in section 427A.1,  
 48 subsection 1, paragraphs "e" and "j", and assessed  
 49 pursuant to section 427B.17 and the valuation of the  
 50 property if the property were valued, for assessment

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1 purposes, at thirty percent of net acquisition cost.

2 b. The tax levy rate for each taxing district  
 3 levied against assessments made as of January 1 of the  
 4 previous year.

5 c. The industrial machinery, equipment and  
 6 computers tax replacement claim for each taxing  
 7 district, which is equal to the amount determined  
 8 pursuant to paragraph "a", multiplied by the tax rate  
 9 specified in paragraph "b".

10 3. The county auditor shall certify and forward  
 11 one copy of the statement to the department of revenue  
 12 and finance not later than July 1 of each year.

13 Sec. \_\_\_\_ . NEW SECTION. 427B.19 REPLACEMENT.

14 Each county treasurer shall be paid an amount equal  
 15 to the following percentages of the industrial  
 16 machinery, equipment and computers tax replacement  
 17 claim for that county determined pursuant to section  
 18 427B.18, subsection 2:

- 19 1. For the fiscal year beginning July 1, 1996,  
20 ninety percent.
- 21 2. For the fiscal year beginning July 1, 1997,  
22 seventy-five percent.
- 23 3. For the fiscal year beginning July 1, 1998,  
24 sixty percent.
- 25 4. For the fiscal year beginning July 1, 1999,  
26 forty-five percent.
- 27 5. For the fiscal year beginning July 1, 2000,  
28 thirty percent.
- 29 6. For the fiscal year beginning July 1, 2001,  
30 twenty percent.
- 31 7. For the fiscal year beginning July 1, 2002,  
32 twenty percent.
- 33 8. For the fiscal year beginning July 1, 2003,  
34 twenty percent.
- 35 9. For the fiscal year beginning July 1, 2004,  
36 fifteen percent.
- 37 10. For the fiscal year beginning July 1, 2005,  
38 ten percent.
- 39 Sec. \_\_\_\_ . NEW SECTION. 427B.19A FUND CREATED.
- 40 1. The industrial machinery, equipment and  
41 computers property tax replacement fund is created.  
42 There is appropriated annually from the general fund  
43 of the state to the department of revenue and finance  
44 to be credited to the industrial machinery, equipment  
45 and computers property tax replacement fund, the  
46 amounts specified in section 427B.19B.
- 47 2. Each county treasurer shall be paid from the  
48 fund created in this section the amount calculated  
49 pursuant to section 427B.19. The payment shall be  
50 made in two equal installments on or before September

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- 1 30 and March 30 of each year. The county treasurer  
2 shall apportion the payment in the manner provided in  
3 section 445.57.
- 4 3. If an amount appropriated in section 427B.19B  
5 for a fiscal year is insufficient to pay all claims  
6 according to the replacement schedule in section  
7 427B.19, the director shall prorate the disbursements  
8 from the fund to the county treasurers and shall  
9 notify the county auditors of the pro rata percentage  
10 on or before August 1. If an amount appropriated in  
11 section 427B.19B for a fiscal year is in excess of the  
12 amount necessary to pay all claims according to the  
13 replacement schedule in section 427B.19, the director  
14 shall prorate the disbursements from the fund to the  
15 county treasurers, notwithstanding the amount

16 calculated pursuant to section 427B.19, and shall  
 17 notify the county auditors of the pro rata percentage  
 18 on or before August 1.

19 4. The replacement amount paid to each school  
 20 district shall be regarded as property tax for the  
 21 purposes of the school foundation property tax levy in  
 22 section 257.3 and the additional property tax levy in  
 23 section 257.4. The department of management shall  
 24 annually make the adjustments necessary to implement  
 25 this subsection.

26 Sec. \_\_\_\_ . NEW SECTION. 427B.19B APPROPRIATION.

27 There is appropriated in each of the following  
 28 fiscal years from the general fund of the state to the  
 29 industrial machinery, equipment and computers property  
 30 tax replacement fund the following amounts:

31 1. For the fiscal year beginning July 1, 1996,  
 32 eight million, one hundred thousand dollars.

33 2. For the fiscal year beginning July 1, 1997,  
 34 fifteen million, two hundred thousand dollars.

35 3. For the fiscal year beginning July 1, 1998,  
 36 twenty-one million, one hundred thousand dollars.

37 4. For the fiscal year beginning July 1, 1999,  
 38 twenty-three million, four hundred thousand dollars.

39 5. For the fiscal year beginning July 1, 2000,  
 40 twenty-one million, one hundred thousand dollars.

41 6. For the fiscal year beginning July 1, 2001,  
 42 eighteen million, one hundred thousand dollars.

43 7. For the fiscal year beginning July 1, 2002,  
 44 twenty-four million dollars.

45 8. For the fiscal year beginning July 1, 2003,  
 46 twenty-five million, six hundred thousand dollars.

47 9. For the fiscal year beginning July 1, 2004,  
 48 twenty million, four hundred thousand dollars.

49 10. For the fiscal year beginning July 1, 2005,  
 50 fourteen million, five hundred thousand dollars.

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1 Sec. \_\_\_\_ . NEW SECTION. 427B.19C PHASEOUT OF TAX.

2 Effective on July 1, 2002, all property taxes on  
 3 property defined in section 427A.1, subsection 1,  
 4 paragraphs "e" and "j", are repealed. For assessment  
 5 years beginning on or after January 1, 2005, such  
 6 property shall not be listed or assessed. This  
 7 section shall prevail over all inconsistent statutes.

8 Sec. \_\_\_\_ . NEW SECTION. 427B.19D GUARANTEE OF  
 9 STATE REPLACEMENT FUNDS.

10 If for any reason an appropriation specified in  
 11 section 427B.19B is not made or the appropriation made  
 12 is less than that specified in section 427B.19B for

13 the applicable fiscal year, the director of revenue  
14 and finance shall compute for each county the  
15 difference between the total of all replacement claims  
16 for taxing districts within the county and the amount  
17 paid to the county treasurer for disbursement to the  
18 taxing districts in the county. The department shall  
19 divide that difference by the consolidated tax levy  
20 rate in each county computed for the fiscal year in  
21 which the specified appropriation should have been  
22 made and shall certify the amount of taxable value  
23 necessary to raise the difference at that tax rate.  
24 The department shall notify the local assessor of such  
25 amount of taxable value. The assessor, for the  
26 assessment year beginning January 1 preceding the  
27 fiscal year for which the specified appropriation was  
28 not made, shall reassess all taxable property  
29 described in section 427B.17 in the county at a  
30 percentage of net acquisition cost which will yield  
31 such taxable value and the property shall be assessed  
32 and taxed in such manner for taxes due and payable in  
33 the following fiscal year in addition to being  
34 assessed and taxed in the applicable manner under  
35 section 427B.17. Property tax dollar amounts  
36 certified pursuant to this section shall not be  
37 considered property tax dollars certified for purposes  
38 of the property tax limitation in chapter 444.  
39 Sec. —. **NEW SECTION. 427B.19E INDUSTRIAL**  
40 **MACHINERY, EQUIPMENT AND COMPUTERS RELIEF FUND.**  
41 1. The industrial machinery, equipment and  
42 computers relief fund is created. There is  
43 appropriated annually from the general fund of the  
44 state to the department of revenue and finance to be  
45 credited to the relief fund, the following amounts:  
46 a. For the fiscal year beginning July 1, 1996, one  
47 million, nine hundred thousand dollars.  
48 b. For the fiscal year beginning July 1, 1997, one  
49 million, eight hundred thousand dollars.  
50 c. For the fiscal year beginning July 1, 1998, one

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1 million, nine hundred thousand dollars.  
2 Moneys in the fund at the end of a fiscal year  
3 shall not revert to the general fund of the state,  
4 notwithstanding section 8.33.  
5 2. a. The purpose of the industrial machinery,  
6 equipment and computers relief fund is to provide  
7 funds to those taxing districts in which an increase  
8 in property tax revenue has not been realized as a  
9 result of the elimination of the property tax on

10 property assessed pursuant to section 427B.17.  
11 Beginning with the fiscal year beginning July 1, 1996,  
12 a taxing district may apply for funds under this  
13 section by filing an application with the director of  
14 the department of management not later than March 1  
15 preceding the fiscal year in which the funds will be  
16 distributed. The state appeal board shall approve,  
17 disapprove, or reduce the amount of funds requested by  
18 the taxing district.

19 b. On forms provided by the department of  
20 management, the taxing district shall request an  
21 amount not exceeding the product of the decrease in  
22 assessed valuation for the fiscal year for which the  
23 application is filed compared to the assessed  
24 valuation in the previous fiscal year, as determined  
25 pursuant to subsection 3, and the property tax rate  
26 applied in the previous fiscal year, less any property  
27 tax replacement funds received pursuant to section  
28 427B.19A in the previous fiscal year. The taxing  
29 district shall also submit with the application the  
30 district's plan to improve its future budget position.

31 c. Claims approved by the state appeal board shall  
32 be paid to the taxing district by October 1 following  
33 submission of the application for funds.

34 3. To be eligible to receive funds under this  
35 section, a taxing district must show that there has  
36 been a decrease of more than three percent in the  
37 assessed valuation for taxes payable in the fiscal  
38 year for which the application is submitted compared  
39 to the assessed valuation for taxes payable in the  
40 previous fiscal year, which decrease is attributable  
41 to the elimination of the property tax on industrial  
42 machinery, equipment and computers pursuant to section  
43 427B.17. The taxing district, to be eligible for  
44 funds, must also show that the district has exhausted  
45 all other lawful alternatives for improving the  
46 district's budget position.

47 4. If the amount appropriated in this section is  
48 insufficient to pay all applications approved, the  
49 director of revenue and finance shall prorate the  
50 disbursements from the relief fund and shall report

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1 the amount of the shortfall to the director of the  
2 department of management. By January 1 of the  
3 following year, the director of the department of  
4 management shall submit to the general assembly a plan  
5 for the funding of approved applications that were not  
6 fully funded in that fiscal year.

- 7 5. Amounts received pursuant to this section shall  
8 not be considered property tax dollars certified for  
9 purposes of the property tax limitation in chapter  
10 444.
- 11 6. The department of revenue and finance and the  
12 department of management shall adopt rules necessary  
13 to implement this section."
- 14 2. Title page, line 2, by inserting after the  
15 word "reimbursement" the following: "and exemption".
- 16 3. By renumbering as necessary.

ALLEN BORLAUG  
BRAD BANKS  
ANDY McKEAN  
MARY A. LUNDBY

S-3352

- 1 Amend Senate File 466 as follows:
- 2 1. Page 1, line 19, by striking the figure "1996"  
3 and inserting the following: "1995".
- 4 2. Page 1, line 21, by striking the figure "1996"  
5 and inserting the following: "1995".
- 6 3. Page 1, line 22, by striking the figure "1997"  
7 and inserting the following: "1996".
- 8 4. Page 1, line 23, by striking the words "and  
9 for all subsequent tax years."
- 10 5. Page 1, line 28, by inserting after the word  
11 "dollars." the following: "For a tax year beginning  
12 in the 1997 calendar year, subtract, to the extent  
13 included, the total amount for a person who files a  
14 separate state income tax return up to a maximum of  
15 six thousand dollars, and for a husband and wife who  
16 file a joint state income tax return up to a maximum  
17 of twelve thousand dollars. For a tax year beginning  
18 in the 1998 calendar year, subtract, to the extent  
19 included, the total amount for a person who files a  
20 separate state income tax return up to a maximum of  
21 twelve thousand dollars, and for a husband and wife  
22 who file a joint state income tax return up to a  
23 maximum of twenty-four thousand dollars. For a tax  
24 year beginning in the 1999 calendar year, and for all  
25 subsequent tax years, subtract, to the extent  
26 included, the total amount."
- 27 6. Page 2, line 13, by striking the words and  
28 figure "Section 2 of this" and inserting the  
29 following: "This".

MAGGIE TINSMAN

S-3353

- 1 Amend the amendment, S-3333, to Senate File 299 as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "City" the following: ", provided that the senator
- 5 from the first senatorial district acts as the
- 6 Morningside college quarterback".

JIM LIND

S-3354

- 1 Amend Senate File 464 as follows:
- 2 1. Page 2, by striking lines 7 through 9 and
- 3 inserting the following: "amounts quarterly to the
- 4 county treasurer for use by the county attorney in
- 5 providing legal assistance to pro se plaintiffs in
- 6 domestic abuse actions under section 236.3 or in
- 7 contempt actions under section 236.8."
- 8 2. Title page, lines 2 and 3, by striking the
- 9 words "community grant fund" and inserting the
- 10 following: "use by county attorneys in certain
- 11 domestic abuse actions".

TOM VILSACK

S-3355

- 1 Amend Senate File 453 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 135.104, subsection 3, Code
- 5 1995, is amended to read as follows:
- 6 3. A screening program for children, with emphasis
- 7 on children less than ~~five~~ six years of age.
- 8 Sec. 2. LEAD-POISONED PERSONS -- STUDY. The Iowa
- 9 department of public health shall organize a coalition
- 10 to consider federal requirements concerning lead
- 11 poisoning and develop recommendations for submission
- 12 to the general assembly on or before January 1, 1996,
- 13 for proposed legislation regarding lead-poisoned
- 14 persons. The coalition formed shall include, but is
- 15 not limited to, representatives of real estate agents,
- 16 landlords, painting contractors, lead inspectors,
- 17 local public health officials, and consumers."
- 18 2. Title page, by striking lines 2 and 3, and
- 19 inserting the following: "involving lead poisoning

20 screening and requiring a study of lead poisoning by  
21 the Iowa department of public health."

ROBERT DVORSKY  
BRAD BANKS

S-3356

1 Amend Senate File 344 as follows:  
2 1. Page 1, by inserting after line 20 the  
3 following:  
4 "3. The state shall reimburse a city for any  
5 additional costs incurred as a result of compliance  
6 with this section. The director of revenue and  
7 finance shall pay the additional costs upon receipt of  
8 a certified claim from funds appropriated for that  
9 purpose."

O. GENE MADDOX

S-3357

1 Amend Senate File 238 as follows:  
2 1. Page 1, line 12, by inserting after the word  
3 "broadcast." the following: "The vendor which  
4 produces or is responsible for the production of such  
5 printed material shall include information on the  
6 material which identifies the person causing the  
7 publication of the material in the manner required by  
8 this section."

STEVEN D. HANSEN

S-3358

1 Amend House File 128, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 331.555, subsection 6, Code  
6 1995, is amended to read as follows:  
7 6. The treasurer shall keep all funds invested to  
8 the extent practicable and may invest the funds  
9 jointly with one or more counties, judicial district  
10 departments of correctional services, cities, or city  
11 utilities, or rural water districts created under  
12 chapter 357A pursuant to a joint investment agreement.  
13 All investments of funds shall be subject to sections  
14 12B.10 and 12B.10A and other applicable law."  
15 2. Page 1, by inserting after line 15 the

16 following:

17 "Sec. \_\_\_\_ . Section 357A.11, Code 1995, is amended  
18 by adding the following new subsection:

19 NEW SUBSECTION. 12. Place all funds in  
20 investments to the extent practicable and may invest  
21 the funds jointly with one or more counties, judicial  
22 district departments of correctional services, cities,  
23 or city utilities pursuant to a joint investment  
24 agreement. All investments of funds shall be subject  
25 to sections 12B.10 and 12B.10A and other applicable  
26 law."

27 3. Page 1, by inserting after line 31 the  
28 following:

29 "Sec. \_\_\_\_ . Section 384.21, Code 1995, is amended  
30 to read as follows:

31 384.21 JOINT INVESTMENT OF FUNDS.  
32 A city or a city utility board shall keep all funds  
33 invested to the extent practicable and may invest the  
34 funds jointly with one or more cities, utility boards,  
35 judicial district departments of correctional  
36 services, ~~or counties, or rural water districts~~  
37 created under chapter 357A pursuant to a joint  
38 investment agreement. All investments of funds shall  
39 be subject to sections 12B.10 and 12B.10A and other  
40 applicable law.

41 Sec. \_\_\_\_ . Section 905.6, subsection 4, Code 1995,  
42 is amended to read as follows:

43 4. Prepare all budgets and fiscal documents, and  
44 certify for payment all expenses and payrolls lawfully  
45 incurred by the district department. The director may  
46 invest funds which are not needed for current  
47 expenses, jointly with one or more cities, city  
48 utilities, ~~or counties, or rural water districts~~  
49 created under chapter 357A pursuant to a joint  
50 investment agreement. All investment of funds shall

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1 be subject to sections 12B.10 and 12B.10A and other  
2 applicable law."

3 4. Title page, line 1, by inserting after the  
4 word "procedures" the following: "and the joint  
5 investment of funds".

6 5. By renumbering as necessary.

ALBERT SORENSEN

S-3359

1 Amend House File 288, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 1, line 28, through page 2,  
4 line 19.

5 2. Page 2, by inserting after line 24 the  
6 following:

7 "Sec. 201. Section 275.55A, Code 1995, is amended  
8 to read as follows:

9 275.55A ATTENDANCE IN OTHER DISTRICT.

10 A pupil student enrolled in ninth, tenth, or  
11 eleventh grade during the school year preceding the  
12 effective date of a dissolution proposal, who was a  
13 resident of the school district that dissolved, may  
14 enroll in ~~any~~ a school district to which territory of  
15 the school district that dissolved was attached until  
16 ~~that pupil's the student's~~ graduation from high  
17 school, unless the student was expelled or suspended  
18 from school and the conditions of expulsion or  
19 suspension have not been met. The student under  
20 expulsion or suspension shall not be enrolled until  
21 the board of directors of the school district to which  
22 territory of the dissolved school district was  
23 attached approves, by majority vote, the enrollment of  
24 the student. Notwithstanding section 282.24, the  
25 district of residence of the pupil student, determined  
26 in the dissolution proposal, shall pay tuition to the  
27 school district selected by the pupil student in an  
28 amount not to exceed the district cost per pupil of  
29 the district of residence and the school district  
30 selected by the pupil student shall accept that  
31 tuition payment and enroll the pupil student."

32 3. Page 2, line 35, through page 3, line 1, by  
33 striking the words "requires students to wear specific  
34 attire or".

35 4. Page 3, line 5, by striking the words  
36 "Adoption and".

37 5. By striking page 3, line 6, through page 4,  
38 line 3.

39 6. Page 4, by inserting after line 24 the  
40 following:

41 "Sec. 202. Section 282.4, Code 1995, is amended to  
42 read as follows:

43 282.4 SUSPENSION -- EXPULSION -- DISMISSAL.

44 1. The board may, by a majority vote, expel any  
45 pupil student from school for a violation of the  
46 regulations or rules established by the board, or when  
47 the presence of the pupil student is detrimental to  
48 the best interests of the school. The board may

49 confer upon any teacher, principal, or superintendent  
50 the power temporarily to ~~dismiss~~ suspend a ~~pupil~~

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1 student, notice of such ~~dismissal~~ the suspension being  
2 at once given in writing to the president of the  
3 board.

4 2. A ~~pupil~~ student who commits an assault, as  
5 defined under section 708.1, against a school employee  
6 in a school building, on school grounds, or at a  
7 school-sponsored function shall be suspended for a  
8 time to be determined by the principal. Notice of the  
9 suspension shall be immediately sent to the president  
10 of the board. By special meeting or at the next  
11 regularly scheduled board meeting, the board shall  
12 review the suspension and decide whether to hold a  
13 disciplinary hearing to determine whether or not to  
14 order further sanctions against the ~~pupil~~ student,  
15 which may include expelling the ~~pupil~~ student. In  
16 making its decision, the board shall consider the best  
17 interests of the school district, which shall include  
18 what is best to protect and ensure the safety of the  
19 school employees and ~~pupils~~ students from the ~~pupil~~  
20 student committing the assault.

21 A ~~pupil~~ student shall not be suspended or expelled  
22 pursuant to this section if the suspension or  
23 expulsion would violate the federal Individuals with  
24 Disabilities Education Act.

25 3. Notwithstanding section 282.6, if a student has  
26 been expelled or suspended from school and has not met  
27 the conditions of the expulsion or suspension and if  
28 the student, or the parent or guardian of the student,  
29 changes district of residence, the student shall not  
30 be enrolled in the new district of residence until the  
31 board of directors of the new district of residence  
32 approves, by a majority vote, the enrollment of the  
33 student.

34 Sec. 203. Section 282.5, Code 1995, is amended to  
35 read as follows:

36 282.5 READMISSION OF STUDENT.

37 When a student is ~~dismissed~~ suspended by a teacher,  
38 principal, or superintendent, pursuant to section  
39 282.4, the student may be readmitted by the teacher,  
40 principal, or superintendent, but when expelled by the  
41 board the student may be readmitted only by the board  
42 or in the manner prescribed by the board."

43 7. Page 5, by striking lines 6 through 16 and  
44 inserting the following:

45 "Sec. \_\_\_\_ . Section 808A.1, subsection 1, paragraph

46 d, Code 1995, is amended to read as follows:  
47 d. A school locker, desk, or other facility or  
48 space issued or assigned to, or chosen by, the student  
49 for the storage of personal belongings of any kind,  
50 which the student locks or is permitted to lock.

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1 School officials may conduct periodic inspections of  
2 all school lockers. However, the school district  
3 shall provide notice to the students, at least twenty-  
4 four hours prior to the inspection, of the date and  
5 time of the inspection.

6 Sec. \_\_\_\_ . Section 808A.2, subsection 1, Code 1995,  
7 is amended to read as follows:

8 1. A school official may conduct a search of a  
9 student or a protected student area only if all of the  
10 following apply in either of the following situations:

11 a. The school official has a reasonable and  
12 articulable suspicion that a criminal offense or a  
13 school rule or regulation bearing on school order has  
14 been violated A school official may search a student  
15 or a protected student area if the official has  
16 reasonable grounds for suspecting that the search will  
17 produce evidence that a student has violated or is  
18 violating a law or a school rule or regulation.

19 b. The school official has a reasonable and  
20 articulable belief that the search will produce  
21 evidence of such violation A school official may  
22 search more than one student or protected student area  
23 pursuant to a student search rule. A rule allowing  
24 searches of more than one student or protected student  
25 areas must be reasonable based on balancing the need  
26 for the search against the intrusion into a protected  
27 student area. A search conducted pursuant to this  
28 paragraph may include a search of all school lockers,  
29 however, all searches conducted pursuant to this  
30 paragraph shall be conducted in a manner reasonably  
31 related to the circumstances which justified the  
32 search.

33 c. If the search is of an individual student, the  
34 suspicion and belief required by paragraphs "a" and  
35 "b" is particular to the student to be searched.

36 d. If the search is of more than one student or of  
37 a protected student area, the search must be based  
38 upon and pursuant to a valid and reasonable student  
39 search rule."

40 8. Page 5, line 17, by striking the word and  
41 figure "Section 7" and inserting the following:  
42 "Sections 201, 7, 202, and 203".

- 43 9. Page 5, line 18, by striking the word "takes"  
 44 and inserting the following: "take".  
 45 10. Title page, line 5, by striking the words  
 46 "eliminating the".  
 47 11. Title page, by striking lines 6 through 8 and  
 48 inserting the following: "the grounds upon which a  
 49 school official may search student lockers or  
 50 protected student areas, the enrollment of a suspended

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- 1 or expelled student who changes district of residence,  
 2 access to juvenile court records, and providing".  
 3 12. By renumbering and correcting internal  
 4 references as necessary.

COMMITTEE ON EDUCATION  
 MIKE CONNOLLY, Chairperson

**S-3360**

- 1 Amend the amendment, S-3347, to Senate File 466 as  
 2 follows:  
 3 1. By striking page 1, line 2 through page 6,  
 4 line 4 and inserting the following:  
 5 " . By striking everything after the enacting  
 6 clause and inserting the following:  
 7 "DIVISION I  
 8 MENTAL HEALTH EXPENDITURES, PROPERTY TAX REDUCTIONS,  
 9 AND PROPERTY TAX CREDITS  
 10 Section 1. NEW SECTION. 24.49 EMERGENCY NEEDS  
 11 FUNDS.  
 12 For budget years commencing on or after July 1,  
 13 1996, the state board shall review requests and  
 14 authorize payment to a county for emergency needs  
 15 funds from the property tax relief fund, in accordance  
 16 with the provisions of section 426B.1, subsection 3.  
 17 Payment of the funds shall be authorized if the  
 18 request is for expenditures above a county's fixed  
 19 budget amount for services provided in accordance with  
 20 the requesting county's management plan for mental  
 21 health and mental retardation services approved under  
 22 section 331.439.  
 23 Sec. 2. Section 123.38, unnumbered paragraph 2,  
 24 Code 1995, is amended to read as follows:  
 25 Any licensee or permittee, or the licensee's or  
 26 permittee's executor or administrator, or any person  
 27 duly appointed by the court to take charge of and  
 28 administer the property or assets of the licensee or  
 29 permittee for the benefit of the licensee's or

30 permittee's creditors, may voluntarily surrender a  
31 license or permit to the division. When a license or  
32 permit is surrendered the division shall notify the  
33 local authority, and the division or the local  
34 authority shall refund to the person surrendering the  
35 license or permit, a proportionate amount of the fee  
36 received by the division or the local authority for  
37 the license or permit as follows: If a license or  
38 permit is surrendered during the first three months of  
39 the period for which it was issued, the refund shall  
40 be three-fourths of the amount of the fee; if  
41 surrendered more than three months but not more than  
42 six months after issuance, the refund shall be one-  
43 half of the amount of the fee; if surrendered more  
44 than six months but not more than nine months after  
45 issuance, the refund shall be one-fourth of the amount  
46 of the fee. No refund shall be made, however, for any  
47 special liquor permit, nor for a liquor control  
48 license, wine permit, or beer permit surrendered more  
49 than nine months after issuance. For purposes of this  
50 paragraph, any portion of license or permit fees used

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1 for the purposes authorized in section 331.424,  
2 subsection 1, paragraphs "a"; and "b"; "c"; "d"; "e";  
3 "f"; "g"; and "h", and in section 331.424A, shall not  
4 be deemed received either by the division or by a  
5 local authority. No refund shall be made to any  
6 licensee or permittee, upon the surrender of the  
7 license or permit, if there is at the time of  
8 surrender, a complaint filed with the division or  
9 local authority, charging the licensee or permittee  
10 with a violation of this chapter. If upon a hearing  
11 on a complaint the license or permit is not revoked or  
12 suspended, then the licensee or permittee is eligible,  
13 upon surrender of the license or permit, to receive a  
14 refund as provided in this section; but if the license  
15 or permit is revoked or suspended upon hearing the  
16 licensee or permittee is not eligible for the refund  
17 of any portion of the license or permit fee.

18 Sec. 3. Section 218.99, Code 1995, is amended to  
19 read as follows:

20 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'  
21 PERSONAL ACCOUNTS.

22 The administrator of a division of the department  
23 of human services in control of a state institution  
24 shall direct the business manager of each institution  
25 under the administrator's jurisdiction which is  
26 mentioned in section 331.424, subsection 1, paragraphs

27 "a" through "g" and "b" and for which services are  
28 paid under section 331.424A to quarterly inform the  
29 auditor of the county of legal settlement of any  
30 patient or resident who has an amount in excess of two  
31 hundred dollars on account in the patients' personal  
32 deposit fund and the amount on deposit. The  
33 administrators shall direct the business manager to  
34 further notify the auditor of the county at least  
35 fifteen days before the release of funds in excess of  
36 two hundred dollars or upon the death of the patient  
37 or resident. If the patient or resident has no county  
38 of legal settlement, notice shall be made to the  
39 director of the department of human services and the  
40 administrator of the division of the department in  
41 control of the institution involved.

42 Sec. 4. Section 225C.4, subsection 2, paragraph b,  
43 Code 1995, is amended to read as follows:

44 b. Establish mental health and mental retardation  
45 services for all institutions under the control of the  
46 director of human services and establish an autism  
47 unit, following mutual planning with and consultation  
48 from the medical director of the state psychiatric  
49 hospital, at an institution or a facility administered  
50 by the administrator to provide psychiatric and

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1 related services and other specific programs to meet  
2 the needs of autistic persons as defined in section  
3 ~~331.424~~, subsection 1, and to furnish appropriate  
4 diagnostic evaluation services.

5 Sec. 5. Section 331.301, subsection 12, Code 1995,  
6 is amended to read as follows:

7 12. The board of supervisors may credit funds to a  
8 reserve for the purposes authorized by subsection 11  
9 of this section; section 331.424, subsection 1,  
10 paragraph ~~"f"~~; and section 331.441, subsection 2,  
11 paragraph "b". Moneys credited to the reserve, and  
12 interest earned on such moneys, shall remain in the  
13 reserve until expended for purposes authorized by  
14 subsection 11 of this section; section 331.424,  
15 subsection 1, paragraph ~~"f"~~; or section 331.441,  
16 subsection 2, paragraph "b".

17 Sec. 6. Section 331.424, subsection 1, Code 1995,  
18 is amended to read as follows:

19 1. For general county services, an amount  
20 sufficient to pay the charges for the following:

21 a. To the extent that the county is obligated by  
22 statute to pay the charges for:

23 (1) Care and treatment of patients by a state

24 mental health institute.

25 (2) Care and treatment of patients by either of  
26 the state hospital-schools or by any other facility  
27 established under chapter 222 and diagnostic  
28 evaluation under section 222.31.

29 (3) Care and treatment of patients under chapter  
30 225.

31 (4) (1) Care and treatment of persons at the  
32 alcoholic treatment center at Oakdale. However, the  
33 county may require that an admission to the center  
34 shall be reported to the board by the center within  
35 five days as a condition of the payment of county  
36 funds for that admission.

37 (5) (2) Care of children admitted or committed to  
38 the Iowa juvenile home at Toledo.

39 (6) (3) Clothing, transportation, medical, or  
40 other services provided persons attending the Iowa  
41 braille and sight saving school, the Iowa school for  
42 the deaf, or the state hospital-school for severely  
43 handicapped children at Iowa City, for which the  
44 county becomes obligated to pay pursuant to sections  
45 263.12, 269.2, and 270.4 through 270.7.

46 b. To the extent that the board deems it advisable  
47 to pay, the charges for professional evaluation,  
48 treatment, training, habilitation, and care of persons  
49 who are mentally retarded, autistic persons, or  
50 persons who are afflicted by any other developmental

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1 disability, at a suitable public or private facility  
2 providing inpatient or outpatient care in the county.  
3 As used in this paragraph:

4 (1) "Developmental disability" has the meaning  
5 assigned that term by 42 U.S.C. sec. 6001(7) (1976),  
6 Supp. II, 1978, and Supp. III, 1979.

7 (2) "Autistic persons" means persons, regardless  
8 of age, with severe communication and behavior  
9 disorders that became manifest during the early stages  
10 of childhood development and that are characterized by  
11 a severely disabling inability to understand,  
12 communicate, learn, and participate in social  
13 relationships. "Autistic persons" includes but is not  
14 limited to those persons afflicted by infantile  
15 autism, profound aphasia, and childhood psychosis.

16 c. Care and treatment of persons placed in the  
17 county hospital, county care facility, a health care  
18 facility as defined in section 135C.1, subsection 6,  
19 or any other public or private facility, which  
20 placement is in lieu of admission or commitment to or

21 is upon discharge, removal, or transfer from a state  
22 mental health institute, hospital-school, or other  
23 facility established pursuant to chapter 222.  
24 d. Amounts budgeted by the board for the cost of  
25 establishment and initial operation of a community  
26 mental health center in the manner and subject to the  
27 limitations provided by state law.

28 e. b. Foster care and related services provided  
29 under court order to a child who is under the  
30 jurisdiction of the juvenile court, including court-  
31 ordered costs for a guardian ad litem under section  
32 232.71.

33 f. The care, admission, commitment, and  
34 transportation of mentally ill patients in state  
35 hospitals, to the extent that expenses for these  
36 services are required to be paid by the county,  
37 including compensation for the advocate appointed  
38 under section 229.19.

39 g. Amounts budgeted by the board for mental health  
40 services or mental retardation services furnished to  
41 persons on either an outpatient or inpatient basis, to  
42 a school or other public agency, or to the community  
43 at large, by a community mental health center or other  
44 suitable facility located in or reasonably near the  
45 county, provided that services meet the standards of  
46 the mental health and developmental disabilities  
47 commission created in section 225C.5 and are  
48 consistent with the annual plan for services approved  
49 by the board.

50 h. Reimbursement on behalf of mentally retarded

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1 persons under section 249A.12.

2 i. c. Elections, and voter registration pursuant  
3 to chapter 48A.

4 j. d. Employee benefits under chapters 96, 97B,  
5 and 97C, which are associated with salaries for  
6 general county services.

7 k. e. Joint county and city building authorities  
8 established under section 346.27, as provided in  
9 subsection 22 of that section.

10 l. f. Tort liability insurance, property  
11 insurance, and any other insurance that may be  
12 necessary in the operation of the county, costs of a  
13 self-insurance program, costs of a local government  
14 risk pool, and amounts payable under any insurance  
15 agreements to provide or procure such insurance, self-  
16 insurance program, or local government risk pool.

17 m. g. The maintenance and operation of the courts,

18 including but not limited to the salary and expenses  
 19 of the clerk of the district court and other employees  
 20 of the clerk's office, and bailiffs, court costs if  
 21 the prosecution fails or if the costs cannot be  
 22 collected from the person liable, costs and expenses  
 23 of prosecution under section 189A.17, salaries and  
 24 expenses of juvenile court officers under chapter 602,  
 25 court-ordered costs in domestic abuse cases under  
 26 section 236.5, the county's expense for confinement of  
 27 prisoners under chapter 356A, temporary assistance to  
 28 the county attorney, county contributions to a  
 29 retirement system for bailiffs, reimbursement for  
 30 judicial magistrates under section 602.6501, claims  
 31 filed under section 622.93, interpreters' fees under  
 32 section 622B.7, uniform citation and complaint  
 33 supplies under section 805.6, and costs of prosecution  
 34 under section 815.13.

35 n. h. Court-ordered costs of conciliation  
 36 procedures under section 598.16.

37 o. i. Establishment and maintenance of a joint  
 38 county indigent defense fund pursuant to an agreement  
 39 under section 28E.19.

40 p. j. The maintenance and operation of a local  
 41 emergency management agency established pursuant to  
 42 chapter 29C.

43 The board may require a public or private facility,  
 44 as a condition of receiving payment from county funds  
 45 for services it has provided, to furnish the board  
 46 with a statement of the income, assets, and legal  
 47 residence including township and county of each person  
 48 who has received services from that facility for which  
 49 payment has been made from county funds under  
 50 paragraphs "a" through "h" and "b". However, the

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1 facility shall not disclose to anyone the name or  
 2 street or route address of a person receiving services  
 3 for which commitment is not required, without first  
 4 obtaining that person's written permission.  
 5 Parents or other persons may voluntarily reimburse  
 6 the county or state for the reasonable cost of caring  
 7 for a patient or an inmate in a county or state  
 8 facility.

9 Sec. 7. NEW SECTION. 331.424A COUNTY MENTAL  
 10 HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL  
 11 DISABILITIES SERVICES FUND.

12 1. For the purposes of this chapter, unless the  
 13 context otherwise requires, "services fund" means the  
 14 county mental health, mental retardation, and

15 developmental disabilities services fund created in  
16 subsection 2. The county finance committee created in  
17 section 333A.2 shall adopt rules and prescribe forms  
18 for administering the services fund.

19 2. For the fiscal year beginning July 1, 1995, and  
20 succeeding fiscal years, county revenues from taxes  
21 and other sources designated for mental health, mental  
22 retardation, and developmental disabilities services  
23 shall be credited to the mental health, mental  
24 retardation, and developmental disabilities services  
25 fund of the county. The board may make appropriations  
26 from the fund for payment of services provided under  
27 the county management plan approved pursuant to  
28 section 331.439.

29 3. For the fiscal year beginning July 1, 1995, and  
30 succeeding fiscal years, receipts from the state or  
31 federal government for such services shall be credited  
32 to the services fund, including moneys allotted to the  
33 county from the state payment made pursuant to section  
34 331.439 and moneys allotted to the county for property  
35 tax relief pursuant to section 426B.1.

36 4. For the fiscal year beginning July 1, 1995, and  
37 for each subsequent fiscal year, the county shall  
38 certify a levy for payment of services. Unless  
39 otherwise provided by state law, for each fiscal year,  
40 county revenues from taxes imposed by the county  
41 credited to the services fund shall not exceed an  
42 amount equal to the amount of base year expenditures  
43 for services in the fiscal year beginning July 1,  
44 1993, and ending June 30, 1994, as defined in section  
45 331.438 less the amount of property tax relief to be  
46 received pursuant to section 426B.2, subsections 1 and  
47 3, in the fiscal year for which the budget is  
48 certified. The county auditor and the board of  
49 supervisors shall reduce the amount of the levy  
50 certified for the services fund by the amount of

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1 property tax relief to be received.

2 5. Appropriations specifically authorized to be  
3 made from the mental health, mental retardation, and  
4 developmental disabilities services fund shall not be  
5 made from the general fund of the county.

6 Sec. 8. Section 331.438, subsection 1, paragraph  
7 b, Code 1995, is amended to read as follows:

8 b. "State payment" means the payment made by the  
9 state to a county determined to be eligible for the  
10 payment in accordance with section 331.439.

11 1A. Except as modified based upon the actual

12 amount of the appropriation for purposes of state  
 13 payment under section 331.439, the amount of the state  
 14 payment for a fiscal year shall be calculated as ~~fifty~~  
 15 one hundred percent of the amount by which the  
 16 county's qualified expenditures during the immediately  
 17 preceding fiscal year were in excess of the amount of  
 18 the county's base year expenditures. A state payment  
 19 is the state funding a county receives pursuant to  
 20 section 426B.2, subsection 2. Any state funding  
 21 received by a county for property tax relief in  
 22 accordance with section 426B.2, subsections 1 and 3,  
 23 is not a state payment and shall not be included in  
 24 the state payment calculation made pursuant to this  
 25 subsection.

26 Sec. 9. Section 331.438, subsection 3, paragraph  
 27 c, subparagraph (9), Code 1995, is amended to read as  
 28 follows:

29 (9) Make recommendations to the council on human  
 30 services for administrative rules for the county  
 31 ~~single entry point~~ central point of coordination and  
 32 clinical assessment processes required under section  
 33 331.440 and other rules necessary for the  
 34 implementation of county management plans and  
 35 expenditure reports required for state payment  
 36 pursuant to section 331.439.

37 Sec. 10. Section 331.438, subsection 3, paragraph  
 38 c, Code 1995, is amended by adding the following new  
 39 subparagraph:

40 NEW SUBPARAGRAPH. (15) On or before December 1,  
 41 1995, submit to the governor and the general assembly  
 42 any recommended changes in the formula for  
 43 distributing property tax relief moneys to counties  
 44 under section 426B.2, subsections 1 through 3.

45 Sec. 11. Section 331.439, Code 1995, is amended by  
 46 striking the section and inserting in lieu thereof the  
 47 following:

48 **331.439 ELIGIBILITY FOR STATE PAYMENT.**

49 1. The state payment to eligible counties under  
 50 this section shall be made as provided in sections

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1 331.438 and 426B.2. A county is eligible for the  
 2 state payment, as defined in section 331.438, for the  
 3 fiscal year beginning July 1, 1995, and for subsequent  
 4 fiscal years if the director of human services, in  
 5 consultation with the state-county management  
 6 committee, determines for a specific fiscal year that  
 7 all of the following conditions are met:  
 8 a. The county accurately reported by December 1

9 the county's expenditures for mental health, mental  
10 retardation, and developmental disabilities services  
11 for the previous fiscal year on forms prescribed by  
12 the department of human services.

13 b. The county developed and implemented a county  
14 management plan for the county's mental health and  
15 mental retardation services in accordance with the  
16 provisions of this paragraph. The plan shall comply  
17 with the administrative rules adopted for this purpose  
18 by the council on human services and is subject to the  
19 approval of the director of human services in  
20 consultation with the state-county management  
21 committee created in section 331.438. The plan shall  
22 include a description of the county's service  
23 management provision for mental health, mental  
24 retardation, and developmental disabilities services.  
25 The plan shall have the following two parts:

26 (1) For mental health service management, the  
27 county may either directly implement a system of  
28 service management and contract with service  
29 providers, or contract with a private entity to manage  
30 the system, provided all requirements of this  
31 subparagraph are met by the private entity. For the  
32 fiscal year beginning July 1, 1995, the county shall  
33 submit the plan for approval by January 1, 1996, and  
34 implement the approved plan on or before July 1, 1996.  
35 For subsequent fiscal years, this part of the plan  
36 shall be submitted to the department by April 1 for  
37 the succeeding fiscal year.

38 (2) For mental retardation and developmental  
39 disabilities service management, the plan shall  
40 describe the county's development and implementation  
41 of a managed system of cost-effective individualized  
42 services and other support to assist the individuals  
43 to be served to be as independent, productive, and  
44 integrated with the community as possible. The plan  
45 shall provide for consideration of the type and level  
46 of services and support needed and desired by the  
47 individual. The plan may allow the provision of  
48 services through vouchers or cash payments to allow  
49 individuals to arrange for their own services or  
50 support, if these methods are appropriate and cost-

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1 effective. The county may directly implement the  
2 system and contract with service providers, or  
3 contract with a private entity to manage the system,  
4 provided all requirements of this subparagraph are met  
5 by the private entity. For the fiscal year beginning

6 July 1, 1996, this part of the plan shall be submitted  
7 to the department of human services by January 1,  
8 1996. For subsequent fiscal years, this part of the  
9 plan shall be submitted prior to April 1 for the  
10 succeeding fiscal year.

11 c. Changes to the approved plan are submitted at  
12 least sixty days prior to the proposed change and are  
13 not to be implemented prior to the director of human  
14 services' approval, following the director's  
15 consultation with the state-county management  
16 committee.

17 2. A county may provide services to service  
18 populations with disabilities who are not included in  
19 the service management provisions required under  
20 subsection 1, subject to the availability of funding.

21 3. a. For the fiscal year beginning July 1, 1996,  
22 and succeeding fiscal years, the county's mental  
23 health, mental retardation, and developmental  
24 disabilities service expenditures for a fiscal year  
25 are limited to a fixed budget amount. The fixed  
26 budget amount shall be the amount identified in the  
27 county's management plan and budget for the fiscal  
28 year. The county shall be allowed an inflation factor  
29 adjustment for services paid from the county's  
30 services fund under section 331.424A which is in  
31 accordance with the county's management plan and  
32 budget, implemented pursuant to this section.

33 b. Based upon information contained in county  
34 management plans and budgets, the state-county  
35 management committee shall recommend an inflation  
36 factor adjustment by January 1 for the succeeding  
37 fiscal year. The inflation factor adjustment shall  
38 address costs associated with new consumers of  
39 service, service cost inflation, and investments for  
40 economy and efficiency.

41 4. A county's implementation of the service  
42 management provisions required under subsection 1 for  
43 mental health and mental retardation shall incorporate  
44 the central point of coordination process described in  
45 section 331.440.

46 5. The basis for determining whether a managed  
47 care system for mental health proposed by a county is  
48 comparable to a mental health managed care contractor  
49 approved by the department of human services shall  
50 include but is not limited to all of the following

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1 elements which shall be specified in administrative  
2 rules adopted by the council on human services in

3 consultation with the state-county management  
4 committee:

- 5 a. The enrollment and eligibility process.
- 6 b. The scope of services included.
- 7 c. The method of plan administration.
- 8 d. The process for managing utilization and access  
9 to services and other assistance.
- 10 e. The quality assurance process.
- 11 f. The risk management provisions and fiscal  
12 viability of the provisions, if the county contracts  
13 with a private managed care entity.

14 6. Notwithstanding any other provision of law to  
15 the contrary, a county shall have no obligation to pay  
16 for or provide mental health, mental retardation, or  
17 developmental disabilities services for any person  
18 that applies through the county's central point of  
19 coordination and clinical assessment processes after  
20 the moneys in the county services fund under section  
21 331.424A are expended. If a county has expended its  
22 fixed budget amount for services pursuant to the  
23 management plan approved under subsection 1, the state  
24 shall assume financial responsibility and the county  
25 may apply to the state appeal board for emergency  
26 funds reserved in section 426B.1, subsection 3.

27 7. The director's approval of a county's mental  
28 health, mental retardation, and developmental  
29 disabilities services management plan shall not be  
30 construed to constitute certification of the county's  
31 budget.

32 Sec. 12. Section 331.440, Code 1995, is amended to  
33 read as follows:

34 331.440 MENTAL HEALTH, MENTAL RETARDATION, AND  
35 DEVELOPMENTAL DISABILITIES SERVICES -- SINGLE ENTRY  
36 CENTRAL POINT OF COORDINATION PROCESS.

37 1. a. For the purposes of this section, unless  
38 the context otherwise requires, "single entry central  
39 point of coordination process" means a single entry  
40 central point of coordination process established by a  
41 county or consortium of counties for the delivery of  
42 mental health, mental retardation, and developmental  
43 disabilities services which are paid for in whole or  
44 in part by county funds. The single entry central  
45 point of coordination process may include but is not  
46 limited to reviewing a person's eligibility for  
47 services, determining the appropriateness of the type,  
48 level, and duration of services, and performing  
49 periodic review of the person's continuing eligibility  
50 and need for services. Any recommendations developed

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1 concerning a person's plan of services shall be  
2 consistent with the person's unique strengths,  
3 circumstances, priorities, concerns, abilities, and  
4 capabilities. For those services funded under the  
5 medical assistance program, the single entry central  
6 point of coordination process shall be used to assure  
7 that the person is aware of the appropriate service  
8 options available to the person.

9 b. The single entry central point of coordination  
10 process may include a clinical assessment process to  
11 identify a person's service needs and to make  
12 recommendations regarding the person's plan for  
13 services. The clinical assessment process shall  
14 utilize qualified mental health professionals and  
15 qualified mental retardation professionals.  
16 2. The department of human services shall seek  
17 federal approval as necessary for the single entry  
18 central point of coordination and clinical assessment  
19 processes to be eligible for federal financial  
20 participation under medical assistance. A county may  
21 implement the single entry central point of  
22 coordination process as part of a consortium of  
23 counties and may implement the process beginning with  
24 the fiscal year ending June 30, 1995.

25 3. The council on human services shall consider  
26 the recommendations of the state-county management  
27 committee established in section 331.438 in adopting  
28 rules outlining standards and requirements for  
29 implementation of the single entry central point of  
30 coordination and clinical assessment processes on the  
31 date required by subsection 2. The rules shall permit  
32 counties options in implementing the process based  
33 upon a county's consumer population and available  
34 service delivery system.

35 Sec. 13. NEW SECTION. 426B.1 APPROPRIATIONS --  
36 PROPERTY TAX RELIEF FUND.

37 1. A property tax relief fund is created in the  
38 state treasury under the authority of the department  
39 of revenue and finance. The fund shall be separate  
40 from the general fund of the state and shall not be  
41 considered part of the general fund of the state  
42 except in determining the cash position of the state  
43 for payment of state obligations. The moneys in the  
44 fund are not subject to the provisions of section 8.33  
45 and shall not be transferred, used, obligated,  
46 appropriated, or otherwise encumbered except as  
47 provided in this section. Moneys in the fund may be  
48 used for cash flow purposes, provided that any moneys

49 so allocated are returned to the fund by the end of  
50 each fiscal year. However, the fund shall be

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1 considered a special account for the purposes of  
2 section 8.53, relating to elimination of any GAAP  
3 deficit. For the purposes of this chapter, unless the  
4 context otherwise requires, "property tax relief fund"  
5 means the property tax relief fund created in this  
6 section.

7 2. There is appropriated to the property tax  
8 relief fund for the indicated fiscal years from the  
9 general fund of the state the following amounts:

10 a. For the fiscal year beginning July 1, 1995,  
11 sixty-five million dollars.

12 b. For the fiscal year beginning July 1, 1996,  
13 eighty-five million dollars.

14 c. For the fiscal year beginning July 1, 1997, one  
15 hundred five million dollars.

16 d. For the fiscal year beginning July 1, 1998, one  
17 hundred twenty-five million dollars.

18 e. For the fiscal year beginning July 1, 1999, one  
19 hundred forty-five million dollars.

20 f. For the fiscal year beginning July 1, 2000, and  
21 succeeding fiscal years, one hundred sixty-five  
22 million dollars.

23 3. In the fiscal year beginning July 1, 1996, and  
24 in each subsequent fiscal year, of the funds  
25 appropriated to the property tax relief fund, the  
26 amount necessary to reserve one million dollars shall  
27 be set aside in the fund. The reserved moneys shall  
28 be used for payment of county emergency needs for  
29 funds in excess of the fixed budget amount for  
30 services provided in accordance with the county's  
31 management plan approved under section 331.439. Any  
32 reserved moneys remaining unexpended or unobligated at  
33 the close of the fiscal year shall remain available in  
34 the succeeding fiscal year to be combined with the  
35 amount of funds appropriated in the succeeding fiscal  
36 year necessary to reach the one million dollar reserve  
37 amount. The director of revenue and finance shall pay  
38 a county's request for funds reserved under this  
39 subsection upon the approval of the request by the  
40 state appeal board pursuant to section 24.49.

41 Sec. 14. NEW SECTION. 426B.2 PROPERTY TAX RELIEF  
42 FUND DISTRIBUTIONS.

43 Moneys in the property tax relief fund shall be  
44 utilized in each fiscal year as follows in the order  
45 listed:

46 1. The first sixty-five million dollars plus the  
47 amount paid pursuant to subsection 3 in the previous  
48 fiscal year in the property tax relief fund shall be  
49 paid to each county for property tax relief in the  
50 same proportion that the county's base year

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1 expenditure bears to the total of all counties' base  
2 year expenditures as defined in section 331.438.

3 2. Payment of moneys to eligible counties of the  
4 state payment in accordance with the provisions of  
5 sections 331.438 and 331.439. Moneys provided to a  
6 county for property tax relief in a fiscal year in  
7 accordance with this section shall not be less than  
8 the amount provided for property tax relief in the  
9 previous fiscal year.

10 3. The department of human services shall estimate  
11 the amount of moneys required for the state payment  
12 pursuant to subsection 2. Moneys remaining in the  
13 property tax relief fund following the payment made  
14 pursuant to subsection 1 and the estimated amount of  
15 the state payment pursuant to subsection 2 shall be  
16 paid to counties for property tax relief in the same  
17 manner as provided in subsection 1. These payments  
18 shall continue until the combined amount of the  
19 payments made under this subsection and subsection 1  
20 are equal to fifty percent of the total of all  
21 counties' base year expenditures as defined in section  
22 331.438. The amount of moneys paid to a county  
23 pursuant to this subsection shall be added in  
24 subsequent fiscal years to the amount of moneys paid  
25 under subsection 1.

26 4. Moneys remaining in the property tax relief  
27 fund following the payments made pursuant to  
28 subsections 1, 2, and 3 shall be transferred to the  
29 homestead credit fund created in section 425.1. This  
30 transfer shall continue until the homestead credit is  
31 fully funded.

32 5. Moneys remaining in the property tax relief  
33 fund following the payments made pursuant to  
34 subsections 1, 2, and 3, and the transfer made  
35 pursuant to subsection 4, shall be transferred to the  
36 appropriation made in section 426A.1 for funding the  
37 military service tax credit. This transfer shall  
38 continue until the combination of the appropriation  
39 made in section 426A.1 and the funds transferred are  
40 sufficient to fully fund the military service tax  
41 credit.

42 6. Moneys remaining in the property tax relief

43 fund following the payments made pursuant to  
 44 subsections 1, 2, and 3, and the transfers made  
 45 pursuant to subsections 4 and 5, shall be transferred  
 46 to the extraordinary property tax credit and re-  
 47 imbursement fund created in section 425.39. This  
 48 transfer shall continue until the combination of the  
 49 appropriation made in section 425.39 and the funds  
 50 transferred are sufficient to fully fund all claims on

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1 the extraordinary property tax credit and  
 2 reimbursement fund.

3 7. Moneys remaining in the property tax relief  
 4 fund following the payments made pursuant to  
 5 subsections 1, 2, and 3, and the transfers made  
 6 pursuant to subsections 4, 5, and 6, shall be  
 7 transferred to the low-income tax credit and  
 8 reimbursement fund created in section 425.40. This  
 9 transfer shall continue until the low-income tax  
 10 credit is fully funded.

11 8. Moneys remaining in the property tax relief  
 12 fund following the payments made pursuant to  
 13 subsections 1, 2, and 3, and the transfers made  
 14 pursuant to subsections 4, 5, 6, and 7, shall be  
 15 transferred to the agricultural land credit fund  
 16 created in section 426.1. This transfer shall  
 17 continue until the agricultural land tax credit is  
 18 fully funded.

19 9. The director of revenue and finance shall draw  
 20 warrants on the property tax relief fund, payable to  
 21 the county treasurer in the amount due to a county in  
 22 accordance with subsections 1 and 3 and mail the  
 23 warrants to the county auditors in September and March  
 24 of each year. Warrants for the state payment in  
 25 accordance with subsection 2 shall be mailed in  
 26 January of each year. The director shall initiate the  
 27 transfers required by this section.

28 Sec. 15. NEW SECTION. 426B.3 NOTIFICATION OF  
 29 MENTAL HEALTH, MENTAL RETARDATION, AND  
 30 DEVELOPMENTAL

31 1. Before June 1, 1995, and before February 15 of  
 32 each succeeding fiscal year, the director of revenue  
 33 and finance shall notify the county auditor of each  
 34 county of the amount of moneys the county will receive  
 35 from the property tax relief fund pursuant to section  
 36 426B.2, subsections 1 and 3, for the succeeding fiscal  
 37 year. The county auditor shall reduce the certified  
 38 budget amount received from the board of supervisors

39 for the succeeding fiscal year for the county mental  
40 health, mental retardation, and development  
41 disabilities services fund created in section 331.424A  
42 by an amount equal to the amount the county will  
43 receive and the auditor shall determine the rate of  
44 taxation necessary to raise the reduced amount. On  
45 the tax list, the county auditor shall compute the  
46 amount of taxes due and payable on each parcel before  
47 and after the amount received from the property tax  
48 relief fund is used to reduce the county budget.  
49 2. The amount of property tax dollars reduced on  
50 each parcel as a result of the moneys received from

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1 the property tax relief fund pursuant to section  
2 426B.2, subsections 1 and 3, shall be noted on each  
3 tax statement prepared by the county treasurer  
4 pursuant to section 445.23.

5 Sec. 16. NEW SECTION. 426B.4 RULES.

6 The director of revenue and finance shall prescribe  
7 forms and adopt rules pursuant to chapter 17A to  
8 administer this chapter.

9 Sec. 17. PILOT PROJECT FOR A MANAGED SYSTEM OF  
10 INDIVIDUALIZED SERVICES.

11 1. The department of human services, in  
12 cooperation with a county or consortium of counties,  
13 shall develop, test, and evaluate a pilot project for  
14 a managed system of individualized services and  
15 support for individuals with mental retardation and  
16 developmental disabilities in at least two areas of  
17 the state. One area shall be urban and one rural.  
18 The system shall be designed to provide the  
19 individuals being served with a choice of services and  
20 other support that will assist the individuals to be  
21 as independent, productive, and integrated into the  
22 community as possible.

23 2. In implementing the managed system pilot  
24 project, the department and the county or consortium  
25 of counties may directly manage the system and  
26 contract with service providers and others for needed  
27 services or support after identifying the type and  
28 level of services and support needed by the  
29 individual. The pilot project shall provide a  
30 reasonable rate of reimbursement. If costs are equal  
31 to or less than providing vouchers or cash payments to  
32 the individuals and the individuals served so desire,  
33 vouchers or cash payments may be provided to the  
34 individuals to allow them to arrange for their own  
35 services or support. The department and the county or

36 consortium of counties may enter into a contract with  
37 a private entity to manage this individualized system  
38 provided all pilot project requirements are met  
39 through the private entity.

40 3. The department and the county or consortium of  
41 counties shall seek the advice of persons with mental  
42 retardation and developmental disabilities and their  
43 family members in designing the pilot project. The  
44 state-county management committee created in section  
45 331.438 shall also have an opportunity to make  
46 recommendations regarding the pilot project.

47 4. The department shall apply for all necessary  
48 federal waivers so that in addition to state and  
49 county funds, federal moneys available for these  
50 services may also be flexibly used in the pilot

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1 project. The planning for the pilot project shall be  
2 completed prior to January 1, 1996, and the pilot  
3 project shall commence on or before March 1, 1996.

4 Sec. 18. FUNDING OF SESSION LAW REQUIREMENTS. If  
5 the appropriations in section 426B.1, subsection 2, as  
6 created in this division of this Act, are enacted by  
7 this Act, the requirements of 1994 Iowa Acts, chapter  
8 1163, section 8, subsection 2, to fully fund  
9 provisions of sections 331.438 and 331.439 shall be  
10 considered to be met and the repeals contained in 1994  
11 Iowa Acts, chapter 1163, section 8, subsection 2,  
12 shall be void.

13 Sec. 19. EFFECTIVE DATE. Sections 2, 3, and 4  
14 take effect July 1, 1995, and the remainder of this  
15 division of this Act, being deemed of immediate  
16 importance, takes effect upon enactment; however, the  
17 provisions of sections 5, 6, and 7, relating to the  
18 supplemental levy and the county mental health, mental  
19 retardation, and developmental disabilities fund, are  
20 applicable to taxes payable in the fiscal year  
21 beginning July 1, 1995.

#### DIVISION II

#### SUBCHAPTER S CORPORATIONS

24 Sec. 20. Section 422.5, subsection 1, paragraph j,  
25 Code 1995, is amended by adding the following new  
26 unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. The tax imposed upon the  
28 taxable income of a resident shareholder in a  
29 corporation which has in effect for the tax year an  
30 election under subchapter S of the Internal Revenue  
31 Code and carries on business within and without the  
32 state shall be computed by reducing the amount

33 determined pursuant to paragraphs "a" through "i" by  
34 the amounts of nonrefundable credits under this  
35 division and by multiplying this resulting amount by a  
36 fraction of which the resident's net income allocated  
37 to Iowa, as determined in section 422.8, subsection 2,  
38 paragraph "b", is the numerator and the resident's  
39 total net income computed under section 422.7 is the  
40 denominator. This paragraph also applies to  
41 individuals who are residents of Iowa for less than  
42 the entire tax year.

43 Sec. 21. Section 422.5, subsection 1, paragraph k,  
44 unnumbered paragraph 4, Code 1995, is amended to read  
45 as follows:

46 In the case of a resident, including a resident  
47 estate or trust, the state's apportioned share of the  
48 state alternative minimum tax is one hundred percent  
49 of the state alternative minimum tax computed in this  
50 subsection. In the case of a resident or part year

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1 resident shareholder in a corporation which has in  
2 effect for the tax year an election under subchapter S  
3 of the Internal Revenue Code and carries on business  
4 within and without the state, a nonresident, including  
5 a nonresident estate or trust, or an individual,  
6 estate, or trust that is domiciled in the state for  
7 less than the entire tax year, the state's apportioned  
8 share of the state alternative minimum tax is the  
9 amount of tax computed under this subsection, reduced  
10 by the applicable credits in sections 422.10 through  
11 422.12 and this result multiplied by a fraction with a  
12 numerator of the sum of state net income allocated to  
13 Iowa as determined in section 422.8, subsection 2,  
14 paragraph "a" or "b" as applicable, plus tax  
15 preference items, adjustments, and losses under  
16 subparagraph (1) attributable to Iowa and with a  
17 denominator of the sum of total net income computed  
18 under section 422.7 plus all tax preference items,  
19 adjustments, and losses under subparagraph (1). In  
20 computing this fraction, those items excludable under  
21 subparagraph (1) shall not be used in computing the  
22 tax preference items. Married taxpayers electing to  
23 file separate returns or separately on a combined  
24 return must allocate the minimum tax computed in this  
25 subsection in the proportion that each spouse's  
26 respective preference items, adjustments, and losses  
27 under subparagraph (1) bear to the combined preference  
28 items, adjustments, and losses under subparagraph (1)  
29 of both spouses.

30 Sec. 22. Section 422.8, subsection 2, Code 1995,  
31 is amended to read as follows:  
32 2. a. Nonresident's net income allocated to Iowa  
33 is the net income, or portion thereof, which is  
34 derived from a business, trade, profession, or  
35 occupation carried on within this state or income from  
36 any property, trust, estate, or other source within  
37 Iowa. However, income derived from a business, trade,  
38 profession, or occupation carried on within this state  
39 and income from any property, trust, estate, or other  
40 source within Iowa shall not include distributions  
41 from pensions, including defined benefit or defined  
42 contribution plans, annuities, individual retirement  
43 accounts, and deferred compensation plans or any  
44 earnings attributable thereto so long as the  
45 distribution is directly related to an individual's  
46 documented retirement and received while the  
47 individual is a nonresident of this state. If a  
48 business, trade, profession, or occupation is carried  
49 on partly within and partly without the state, only  
50 the portion of the net income which is fairly and

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1 equitably attributable to that part of the business,  
2 trade, profession, or occupation carried on within the  
3 state is allocated to Iowa for purposes of section  
4 422.5, subsection 1, paragraph "j", and section 422.13  
5 and income from any property, trust, estate, or other  
6 source partly within and partly without the state is  
7 allocated to Iowa in the same manner, except that  
8 annuities, interest on bank deposits and interest-  
9 bearing obligations, and dividends are allocated to  
10 Iowa only to the extent to which they are derived from  
11 a business, trade, profession, or occupation carried  
12 on within the state.

13 b. A resident's income allocable to Iowa is the  
14 income determined under section 422.7 reduced by items  
15 of income and expenses from a subchapter S corporation  
16 which pass directly to the shareholders under  
17 provisions of the Internal Revenue Code and increased  
18 by the greater of the following:

19 (1) The net income or loss of the corporation  
20 which is fairly and equitably attributable to this  
21 state under section 422.33, subsections 2 and 3.  
22 (2) The taxpayer's pro rata share of an amount  
23 deemed distributed to shareholders which when added to  
24 the salaries, wages, or other compensation for  
25 services performed by all shareholders will equal ten  
26 percent of the net income of the corporation computed

27 in accordance with section 422.35 and considering  
 28 items of income and expense which pass directly to the  
 29 shareholders under provisions of the Internal Revenue  
 30 Code before deduction of shareholder's salaries,  
 31 wages, or other compensation for services performed.  
 32 (3) Any cash or the value of any property  
 33 distributions made to the extent they are paid from  
 34 income upon which Iowa income tax has not been paid as  
 35 determined under rules of the director.

36 Sec. 23. Section 422.8, Code 1995, is amended by  
 37 adding the following new subsection:

38 **NEW SUBSECTION. 6.** If the resident or part year  
 39 resident is a shareholder of a corporation which has  
 40 in effect an election under subchapter S of the  
 41 Internal Revenue Code, subsections 1 and 3 do not  
 42 apply to any income taxes paid to another state or  
 43 foreign country on the income from the corporation  
 44 which has in effect an election under subchapter S of  
 45 the Internal Revenue Code.

46 Sec. 24. This division of this Act, being deemed  
 47 of immediate importance, takes effect upon enactment  
 48 and applies retroactively to January 1, 1995, for tax  
 49 years beginning on or after that date.

50 DIVISION III

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1 MACHINERY AND EQUIPMENT  
 2 EXEMPTION AND REPLACEMENT FUNDS

3 Sec. 25. Section 427B.17, Code 1995, is amended by  
 4 striking the section and inserting in lieu thereof the  
 5 following:

6 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

7 1. Property defined in section 427A.1, subsection  
 8 1, paragraphs "e" and "j", acquired or initially  
 9 leased on or after July 1, 1995, shall be exempt from  
 10 taxation.

11 2. Property defined in section 427A.1, subsection  
 12 1, paragraphs "e" and "j", and acquired or initially  
 13 leased before July 1, 1995, shall be valued by the  
 14 local assessor as follows:

15 a. For the assessment year beginning January 1,  
 16 1995, at twenty-five percent of the net acquisition  
 17 cost.

18 b. For the assessment year beginning January 1,  
 19 1996, at twenty percent of the net acquisition cost.

20 c. For the assessment year beginning January 1,  
 21 1997, at fifteen percent of the net acquisition cost.

22 d. For the assessment year beginning January 1,  
 23 1998, at ten percent of the net acquisition cost.

24 e. For the assessment year beginning January 1,  
25 1999, at five percent of the net acquisition cost.

26 f. For the assessment year beginning January 1,  
27 2000, and all subsequent assessment years, at zero  
28 percent of the net acquisition cost.

29 3. For purposes of this section:

30 a. Property assessed by the department of revenue  
31 and finance pursuant to sections 428.24 to 428.29, or  
32 chapters 433, 434, and 436 to 438 shall not receive  
33 the benefits of this section.

34 Any electric power generating plant which operated  
35 during the preceding assessment year at a net capacity  
36 factor of more than twenty percent, shall not receive  
37 the benefits of this section. For purposes of this  
38 section, "electric power generating plant" means any  
39 name plate rated electric power generating plant, in  
40 which electric energy is produced from other forms of  
41 energy, including all taxable land, buildings, and  
42 equipment used in the production of such energy. "Net  
43 capacity factor" means net actual generation divided  
44 by the product of net maximum capacity times the  
45 number of hours the unit was in the active state  
46 during the assessment year. Upon commissioning, a  
47 unit is in the active state until it is de-  
48 commissioned. "Net actual generation" means net  
49 electrical megawatt hours produced by the unit during  
50 the preceding assessment year. "Net maximum capacity"

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1 means the capacity the unit can sustain over a  
2 specified period when not restricted by ambient  
3 conditions or equipment deratings, minus the losses  
4 associated with station service or auxiliary loads.

5 b. Property acquired or initially leased on or  
6 after July 1, 1995, which was owned or used before  
7 July 1, 1995, by a related person shall be assessed  
8 and taxed in the manner provided in subsection 2, and  
9 the net acquisition cost of the property shall be the  
10 net acquisition cost of the transferor of the  
11 property.

12 c. "Related person" means a person who owns or  
13 controls the taxpayer's business and another business  
14 entity from which property is acquired or leased or to  
15 which property is sold or leased. Business entities  
16 are owned or controlled by the same person if the same  
17 person directly or indirectly owns or controls fifty  
18 percent or more of the assets or any class of stock or  
19 who directly or indirectly has an interest of fifty  
20 percent or more in the ownership or profits.

21 d. "Net acquisition cost" means the acquired cost  
22 of the property, including all foundations and  
23 installation cost less any excess cost adjustment.

24 4. Property assessed pursuant to this section  
25 shall not be eligible to receive a partial exemption  
26 under sections 427B.1 to 427B.6.

27 5. The taxpayer's valuation of property defined in  
28 section 427A.1, subsection 1, paragraphs "e" and "j",  
29 acquired or initially leased before July 1, 1995, and  
30 located in an urban renewal area for which an urban  
31 renewal plan provides for the division of taxes as  
32 provided in section 403.19 to pay the principal and  
33 interest on loans, advances, bonds issued under the  
34 authority of section 403.9, subsection 1, or  
35 indebtedness incurred by a city or county to finance  
36 an urban renewal project within the urban renewal  
37 area, if such loans, advances, or bonds were issued or  
38 indebtedness incurred, on or after January 1, 1982,  
39 and on or before June 30, 1995, shall be limited to  
40 thirty percent of the net acquisition cost of the  
41 property. Such property located in an urban renewal  
42 area shall not be valued pursuant to subsection 2  
43 until the assessment year following the calendar year  
44 in which the obligations created by any loans,  
45 advances, bonds, or indebtedness payable from the  
46 division of taxes as provided in section 403.19 have  
47 been retired. The taxpayer's valuation for such  
48 property shall then be the valuation specified in  
49 subsection 2 for the applicable assessment year. If  
50 the loans, advances, or bonds issued, or indebtedness

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1 incurred between January 1, 1982, and June 30, 1995,  
2 are refinanced or refunded after June 30, 1995, the  
3 valuation of such property shall then be the valuation  
4 specified in subsection 2 for the applicable  
5 assessment year beginning with the assessment year  
6 following the calendar year in which any of those  
7 loans, advances, bonds, or other indebtedness are  
8 refinanced or refunded after June 30, 1995.

9 6. For the purpose of dividing taxes under section  
10 260E.4 or 260F.4, the employer's or business's  
11 valuation of property defined in section 427A.1,  
12 subsection 1, paragraphs "e" and "j", acquired or  
13 initially leased before July 1, 1995, and used to fund  
14 a new jobs training project which project's first  
15 written agreement providing for a division of taxes as  
16 provided in section 403.19, is approved on or before  
17 June 30, 1995, shall be limited to thirty percent of

18 the net acquisition cost of the property. An  
19 employer's or business's taxable property used to fund  
20 a new jobs training project shall not be valued  
21 pursuant to subsection 2 until the assessment year  
22 following the calendar year in which the certificates  
23 or other funding obligations have been retired or  
24 escrowed. The taxpayer's valuation for such property  
25 shall then be the valuation specified in subsection 2  
26 for the applicable assessment year. If the  
27 certificates issued, or other funding obligations  
28 incurred, between January 1, 1982, and June 30, 1995,  
29 are refinanced or refunded after June 30, 1995, the  
30 valuation of such property shall then be the valuation  
31 specified in subsection 2 for the applicable  
32 assessment year beginning with the assessment year  
33 following the calendar year in which those  
34 certificates or other funding obligations are  
35 refinanced or refunded after June 30, 1995.

36 Sec. 26. NEW SECTION. 427B.18 REPLACEMENT.

37 Each county treasurer shall be paid an amount equal  
38 to the amount of the industrial machinery, equipment  
39 and computers tax replacement claim to replace the  
40 reduction in property tax revenues from the amount  
41 collected in the fiscal year beginning July 1, 1995,  
42 from the industrial machinery, equipment and computers  
43 assessed pursuant to section 427B.17 less the increase  
44 in property tax revenues from the amount collected in  
45 the fiscal year beginning July 1, 1995, from  
46 commercial and industrial property as calculated  
47 pursuant to section 427B.19.

48 Sec. 27. NEW SECTION. 427B.19 ASSESSOR AND  
49 COUNTY AUDITOR DUTIES.

50 1. On or before July 1 of each year, the assessor

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1 shall determine the total valuation of all property  
2 assessed under section 427B.17, for that year and the  
3 valuation of such property assessed as of January 1,  
4 1994, and the value of all commercial and industrial  
5 property assessed for that year and the valuation of  
6 such property assessed as of January 1, 1994, and  
7 shall report the valuations to the county auditor.

8 2. On or before July 1, 1996, and on or before  
9 July 1 of each subsequent year, the county auditor  
10 shall prepare a statement listing for each taxing  
11 district in the county:

12 a. Beginning with the assessment year beginning  
13 January 1, 1995, the difference between the reduced  
14 assessed valuations of property defined in section

15 427A.1, subsection 1, paragraphs "e" and "j", and  
16 assessed pursuant to section 427B.17, and the  
17 increased assessed valuations of commercial and  
18 industrial property. The auditor shall make other  
19 adjustments as directed by rule of the department of  
20 revenue and finance.

21 b. The tax levy rate for each taxing district  
22 levied against assessments made as of January 1 of the  
23 previous year.

24 c. If the calculation under subsection 2 indicates  
25 a net decrease in aggregate valuation of such  
26 property, the industrial machinery, equipment and  
27 computers tax replacement claim for each taxing  
28 district, which is equal to the net decrease  
29 determined pursuant to paragraph "a", multiplied by  
30 the tax rate specified in paragraph "b".

31 3. The county auditor shall certify and forward  
32 one copy of the statement to the department of revenue  
33 and finance not later than July 1 of each year.

34 Sec. 28. NEW SECTION. 427B.19A FUND CREATED.

35 1. The industrial machinery, equipment and  
36 computers property tax replacement fund is created.  
37 There is appropriated annually from the general fund  
38 of the state to the department of revenue and finance  
39 to be credited to the industrial machinery, equipment  
40 and computers property tax replacement fund, the  
41 amounts specified in section 427B.19B.

42 2. Each county treasurer shall be paid from the  
43 fund created in this section the amount calculated  
44 pursuant to section 427B.19. The payment shall be  
45 made in two equal installments on or before September  
46 30 and March 30 of each year. The county treasurer  
47 shall apportion the payment in the manner provided in  
48 section 445.57.

49 3. If an amount appropriated in section 427B.19B  
50 for a fiscal year is insufficient to pay all claims,

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1 the director shall prorate the disbursements from the  
2 fund to the county treasurers and shall notify the  
3 county auditors of the pro rata percentage on or  
4 before August 1. If an amount appropriated in section  
5 427B.19B for a fiscal year is in excess of the amount  
6 necessary to pay all claims according to the  
7 replacement schedule in section 427B.19, the director  
8 shall prorate the disbursements from the fund to the  
9 county treasurers, notwithstanding the amount of the  
10 claims, and shall notify the county auditors of the  
11 pro rata percentage on or before August 1.

12 4. The replacement amount paid to each school  
 13 district shall be regarded as property tax for the  
 14 purposes of the school foundation property tax levy in  
 15 section 257.3 and the additional property tax levy in  
 16 section 257.4. The department of management shall  
 17 annually make the adjustments necessary to implement  
 18 this subsection.

19 Sec. 29. NEW SECTION. 427B.19B APPROPRIATION.

20 There is appropriated in each of the following  
 21 fiscal years from the general fund of the state to the  
 22 industrial machinery, equipment and computers property  
 23 tax replacement fund the following amounts:

- 24 1. For the fiscal year beginning July 1, 1996,  
 25 nine million, one hundred thousand dollars.
- 26 2. For the fiscal year beginning July 1, 1997,  
 27 twenty-two million, four hundred thousand dollars.
- 28 3. For the fiscal year beginning July 1, 1998,  
 29 thirty-three million, five hundred thousand dollars.
- 30 4. For the fiscal year beginning July 1, 1999,  
 31 forty-one million, six hundred thousand dollars.
- 32 5. For the fiscal year beginning July 1, 2000,  
 33 forty-six million, eight hundred thousand dollars.
- 34 6. For the fiscal year beginning July 1, 2001,  
 35 forty-nine million, five hundred thousand dollars.
- 36 7. For the fiscal year beginning July 1, 2002,  
 37 fifty-two million, nine hundred thousand dollars.
- 38 8. For the fiscal year beginning July 1, 2003,  
 39 forty-five million, two hundred thousand dollars.
- 40 9. For the fiscal year beginning July 1, 2004,  
 41 thirty-six million, six hundred thousand dollars.
- 42 10. For the fiscal year beginning July 1, 2005,  
 43 twenty-six million, nine hundred thousand dollars.
- 44 11. For the fiscal year beginning July 1, 2006,  
 45 sixteen million, one hundred thousand dollars.
- 46 12. For the fiscal year beginning July 1, 2007,  
 47 four million, two hundred thousand dollars.

48 Sec. 30. NEW SECTION. 427B.19C PHASEOUT OF TAX.

49 Effective on July 1, 2001, all property taxes on  
 50 property defined in section 427A.1, subsection 1,

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1 paragraphs "e" and "j", which was assessed pursuant to  
 2 section 427B.17 are repealed. For assessment years  
 3 beginning after January 1, 2006, such property shall  
 4 not be listed or assessed. This section shall prevail  
 5 over all inconsistent statutes.

6 Sec. 31. NEW SECTION. 427B.19D GUARANTEE OF  
 7 STATE REPLACEMENT FUNDS.

8 If for any reason an appropriation specified in

9 section 427B.19B is not made or the appropriation made  
10 is less than that specified in section 427B.19B for  
11 the applicable fiscal year, the director of revenue  
12 and finance shall compute for each county the  
13 difference between the total of all replacement claims  
14 for taxing districts within the county and the amount  
15 paid to the county treasurer for disbursement to the  
16 taxing districts in the county. The department shall  
17 divide that difference by the consolidated tax levy  
18 rate in each county computed for the fiscal year in  
19 which the specified appropriation should have been  
20 made and shall certify the amount of taxable value  
21 necessary to raise the difference at that tax rate.  
22 The department shall notify the local assessor of such  
23 amount of taxable value. The assessor, for the  
24 assessment year beginning January 1 preceding the  
25 fiscal year for which the specified appropriation was  
26 not made, shall reassess all taxable property  
27 described in section 427B.17, subsection 2, in the  
28 county at a percentage of net acquisition cost which  
29 will yield such taxable value and the property shall  
30 be assessed and taxed in such manner for taxes due and  
31 payable in the following fiscal year in addition to  
32 being assessed and taxed in the applicable manner  
33 under section 427B.17. Property tax dollar amounts  
34 certified pursuant to this section shall not be  
35 considered property tax dollars certified for purposes  
36 of the property tax limitation in chapter 444.

37 DIVISION IV  
38 INCOME TAX

39 Sec. 32. Section 422.5, subsections 2 and 8, Code  
40 1995, are amended to read as follows:

41 2. However, the tax shall not be imposed on a  
42 resident or nonresident whose net income, as defined  
43 in section 422.7, is ~~thirteen~~ fourteen thousand five  
44 hundred dollars or less in the case of married persons  
45 filing jointly or filing separately on a combined  
46 return, unmarried heads of household, and surviving  
47 spouses or ~~nine~~ ten thousand dollars or less in the  
48 case of all other persons; but in the event that the  
49 payment of tax under this division would reduce the  
50 net income to less than ~~thirteen~~ fourteen thousand

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1 five hundred dollars or ~~nine~~ ten thousand dollars as  
2 applicable, then the tax shall be reduced to that  
3 amount which would result in allowing the taxpayer to  
4 retain a net income of ~~thirteen~~ fourteen thousand five  
5 hundred dollars or ~~nine~~ ten thousand dollars as

6 applicable. The preceding sentence does not apply to  
7 estates or trusts. For the purpose of this  
8 subsection, the entire net income, including any part  
9 of the net income not allocated to Iowa, shall be  
10 taken into account. For purposes of this subsection,  
11 net income includes all amounts of pensions or other  
12 retirement income received from any source which is  
13 not taxable under this division as a result of the  
14 government pension exclusions in section 422.7, or any  
15 other state law. If the combined net income of a  
16 husband and wife exceeds ~~thirteen~~ fourteen thousand  
17 five hundred dollars, neither of them shall receive  
18 the benefit of this subsection, and it is immaterial  
19 whether they file a joint return or separate returns.  
20 However, if a husband and wife file separate returns  
21 and have a combined net income of ~~thirteen~~ fourteen  
22 thousand five hundred dollars or less, neither spouse  
23 shall receive the benefit of this paragraph, if one  
24 spouse has a net operating loss and elects to carry  
25 back or carry forward the loss as provided in section  
26 422.9, subsection 3. A person who is claimed as a  
27 dependent by another person as defined in section  
28 422.12 shall not receive the benefit of this  
29 subsection if the person claiming the dependent has  
30 net income exceeding ~~thirteen~~ fourteen thousand five  
31 hundred dollars or ~~nine~~ ten thousand dollars as  
32 applicable or the person claiming the dependent and  
33 the person's spouse have combined net income exceeding  
34 ~~thirteen~~ fourteen thousand five hundred dollars or  
35 ~~nine~~ ten thousand dollars as applicable.

36 In addition, if the married persons', filing  
37 jointly or filing separately on a combined return,  
38 unmarried head of household's, or surviving spouse's  
39 net income exceeds ~~thirteen~~ fourteen thousand five  
40 hundred dollars, the regular tax imposed under this  
41 division shall be the lesser of the maximum state  
42 individual income tax rate times the portion of the  
43 net income in excess of ~~thirteen~~ fourteen thousand  
44 five hundred dollars or the regular tax liability  
45 computed without regard to this sentence. Taxpayers  
46 electing to file separately shall compute the  
47 alternate tax described in this paragraph using the  
48 total net income of the husband and wife. The  
49 alternate tax described in this paragraph does not  
50 apply if one spouse elects to carry back or carry

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1 forward the loss as provided in section 422.9,  
2 subsection 3.

3 8. In addition to the other taxes imposed by this  
4 section, a tax is imposed on the amount of a lump sum  
5 distribution for which the taxpayer has elected under  
6 section 402(e) of the Internal Revenue Code to be  
7 separately taxed for federal income tax purposes for  
8 the tax year. The rate of tax is equal to twenty-five  
9 percent of the separate federal tax imposed on the  
10 amount of the lump sum distribution. A nonresident is  
11 liable for this tax only on that portion of the lump  
12 sum distribution allocable to Iowa. The total amount  
13 of the lump sum distribution subject to separate  
14 federal tax shall be included in net income for  
15 purposes of determining eligibility under the ~~thirteen~~  
16 fourteen thousand five hundred dollar or less or ~~nine~~  
17 ten thousand dollar or less exclusion, as applicable.

18 Sec. 33. Section 422.7, Code 1995, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 33. For a person who is disabled,  
21 or is fifty-five years of age or older, or is the  
22 surviving spouse of an individual or a survivor having  
23 an insurable interest in an individual who would have  
24 qualified for the exemption under this subsection for  
25 the tax year, subtract, to the extent included, the  
26 total amount of a governmental or other pension or  
27 retirement pay, including, but not limited to, defined  
28 benefit or defined contribution plans, annuities,  
29 individual retirement accounts, plans maintained or  
30 contributed to by an employer, or maintained or  
31 contributed to by a self-employed person as an  
32 employer, and deferred compensation plans or any  
33 earnings attributable to the deferred compensation  
34 plans, up to a maximum of three thousand dollars for a  
35 person who files a separate state income tax return,  
36 and up to a maximum of six thousand dollars for a  
37 husband and wife who file a joint state income tax  
38 return. However, a surviving spouse who is not  
39 disabled or fifty-five years of age or older can only  
40 exclude the amount of annuities or other similar  
41 periodic payments received as a result of the death of  
42 the other spouse.

43 Sec. 34. Section 422.12, subsection 1, paragraph  
44 c, Code 1995, is amended to read as follows:

45 c. For each dependent, an additional fifteen forty  
46 dollars. As used in this section, the term  
47 "dependent" has the same meaning as provided by the  
48 Internal Revenue Code.

49 Sec. 35. Section 422.13, subsection 1, paragraph  
50 a, Code 1995, is amended to read as follows:

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1 a. The individual has net income of nine ten  
 2 thousand dollars or more for the tax year from sources  
 3 taxable under this division.  
 4 Sec. 36. APPLICABILITY. This division of this Act  
 5 applies retroactively to January 1, 1995, for tax  
 6 years beginning on or after that date.”  
 7 \_\_\_\_ . Title page, by striking lines 1 through 6  
 8 and inserting the following: “An Act relating to tax  
 9 provisions involving income tax, machinery, equipment  
 10 and computers property tax reimbursement, subchapter S  
 11 corporations, and services paid for by property taxes  
 12 and property tax reductions and credits and providing  
 13 appropriations, penalties, effective dates, and  
 14 retroactive applicability provisions.””

WAYNE BENNETT

S-3361

1 Amend the House amendment, S-3082, to Senate File  
 2 69, as passed by the Senate, as follows:  
 3 1. By striking page 1, line 3, through page 44,  
 4 line 25, and inserting the following:  
 5 “ \_\_\_\_ . By striking everything after the enacting  
 6 clause and inserting the following:  
 7 “DIVISION I  
 8 MENTAL HEALTH EXPENDITURES, PROPERTY TAX REDUCTIONS,  
 9 AND PROPERTY TAX CREDITS  
 10 Section 1. NEW SECTION. 24.49 EMERGENCY NEEDS  
 11 FUNDS.  
 12 For budget years commencing on or after July 1,  
 13 1996, the state board shall review requests and  
 14 authorize payment to a county for emergency needs  
 15 funds from the property tax relief fund, in accordance  
 16 with the provisions of section 426B.1, subsection 3.  
 17 Payment of the funds shall be authorized if the  
 18 request is for expenditures above a county's fixed  
 19 budget amount for services provided in accordance with  
 20 the requesting county's management plan for mental  
 21 health and mental retardation services approved under  
 22 section 331.439.  
 23 Sec. 2. Section 123.38, unnumbered paragraph 2,  
 24 Code 1995, is amended to read as follows:  
 25 Any licensee or permittee, or the licensee's or  
 26 permittee's executor or administrator, or any person  
 27 duly appointed by the court to take charge of and  
 28 administer the property or assets of the licensee or  
 29 permittee for the benefit of the licensee's or

30 permittee's creditors, may voluntarily surrender a  
31 license or permit to the division. When a license or  
32 permit is surrendered the division shall notify the  
33 local authority, and the division or the local  
34 authority shall refund to the person surrendering the  
35 license or permit, a proportionate amount of the fee  
36 received by the division or the local authority for  
37 the license or permit as follows: If a license or  
38 permit is surrendered during the first three months of  
39 the period for which it was issued, the refund shall  
40 be three-fourths of the amount of the fee; if  
41 surrendered more than three months but not more than  
42 six months after issuance, the refund shall be one-  
43 half of the amount of the fee; if surrendered more  
44 than six months but not more than nine months after  
45 issuance, the refund shall be one-fourth of the amount  
46 of the fee. No refund shall be made, however, for any  
47 special liquor permit, nor for a liquor control  
48 license, wine permit, or beer permit surrendered more  
49 than nine months after issuance. For purposes of this  
50 paragraph, any portion of license or permit fees used

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1 for the purposes authorized in section 331.424,  
2 subsection 1, paragraphs "a"; and "b"; "c"; "d"; "e";  
3 "f"; "g"; and "h", and in section 331.424A, shall not  
4 be deemed received either by the division or by a  
5 local authority. No refund shall be made to any  
6 licensee or permittee, upon the surrender of the  
7 license or permit, if there is at the time of  
8 surrender, a complaint filed with the division or  
9 local authority, charging the licensee or permittee  
10 with a violation of this chapter. If upon a hearing  
11 on a complaint the license or permit is not revoked or  
12 suspended, then the licensee or permittee is eligible,  
13 upon surrender of the license or permit, to receive a  
14 refund as provided in this section; but if the license  
15 or permit is revoked or suspended upon hearing the  
16 licensee or permittee is not eligible for the refund  
17 of any portion of the license or permit fee.

18 Sec. 3. Section 218.99, Code 1995, is amended to  
19 read as follows:

20 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'  
21 PERSONAL ACCOUNTS.

22 The administrator of a division of the department  
23 of human services in control of a state institution  
24 shall direct the business manager of each institution  
25 under the administrator's jurisdiction which is  
26 mentioned in section 331.424, subsection 1, paragraphs

27 "a" through "g" and "b" and for which services are  
 28 paid under section 331.424A to quarterly inform the  
 29 auditor of the county of legal settlement of any  
 30 patient or resident who has an amount in excess of two  
 31 hundred dollars on account in the patients' personal  
 32 deposit fund and the amount on deposit. The  
 33 administrators shall direct the business manager to  
 34 further notify the auditor of the county at least  
 35 fifteen days before the release of funds in excess of  
 36 two hundred dollars or upon the death of the patient  
 37 or resident. If the patient or resident has no county  
 38 of legal settlement, notice shall be made to the  
 39 director of the department of human services and the  
 40 administrator of the division of the department in  
 41 control of the institution involved.

42 Sec. 4. Section 225C.4, subsection 2, paragraph b,  
 43 Code 1995, is amended to read as follows:

44 b. Establish mental health and mental retardation  
 45 services for all institutions under the control of the  
 46 director of human services and establish an autism  
 47 unit, following mutual planning with and consultation  
 48 from the medical director of the state psychiatric  
 49 hospital, at an institution or a facility administered  
 50 by the administrator to provide psychiatric and

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1 related services and other specific programs to meet  
 2 the needs of autistic persons as defined in section  
 3 ~~331.424, subsection 1~~, and to furnish appropriate  
 4 diagnostic evaluation services.

5 Sec. 5. Section 331.301, subsection 12, Code 1995,  
 6 is amended to read as follows:

7 12. The board of supervisors may credit funds to a  
 8 reserve for the purposes authorized by subsection 11  
 9 of this section; section 331.424, subsection 1,  
 10 paragraph ~~"f"~~; and section 331.441, subsection 2,  
 11 paragraph "b". Moneys credited to the reserve, and  
 12 interest earned on such moneys, shall remain in the  
 13 reserve until expended for purposes authorized by  
 14 subsection 11 of this section; section 331.424,  
 15 subsection 1, paragraph ~~"f"~~; or section 331.441,  
 16 subsection 2, paragraph "b".

17 Sec. 6. Section 331.424, subsection 1, Code 1995,  
 18 is amended to read as follows:

19 1. For general county services, an amount  
 20 sufficient to pay the charges for the following:

21 a. To the extent that the county is obligated by  
 22 statute to pay the charges for:

23 (1) Care and treatment of patients by a state

24 mental health institute.

25 (2) Care and treatment of patients by either of  
26 the state hospital-schools or by any other facility  
27 established under chapter 222 and diagnostic  
28 evaluation under section 222.31.

29 (3) Care and treatment of patients under chapter  
30 225.

31 (4) (1) Care and treatment of persons at the  
32 alcoholic treatment center at Oakdale. However, the  
33 county may require that an admission to the center  
34 shall be reported to the board by the center within  
35 five days as a condition of the payment of county  
36 funds for that admission.

37 (5) (2) Care of children admitted or committed to  
38 the Iowa juvenile home at Toledo.

39 (6) (3) Clothing, transportation, medical, or  
40 other services provided persons attending the Iowa  
41 braille and sight saving school, the Iowa school for  
42 the deaf, or the state hospital-school for severely  
43 handicapped children at Iowa City, for which the  
44 county becomes obligated to pay pursuant to sections  
45 263.12, 269.2, and 270.4 through 270.7.

46 b. To the extent that the board deems it advisable  
47 to pay, the charges for professional evaluation,  
48 treatment, training, habilitation, and care of persons  
49 who are mentally retarded, autistic persons, or  
50 persons who are afflicted by any other developmental

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1 disability, at a suitable public or private facility  
2 providing inpatient or outpatient care in the county.  
3 As used in this paragraph:

4 (1) "Developmental disability" has the meaning  
5 assigned that term by 42 U.S.C. sec. 6001(7) (1976),  
6 Supp. II, 1978, and Supp. III, 1979.

7 (2) "Autistic persons" means persons, regardless  
8 of age, with severe communication and behavior  
9 disorders that became manifest during the early stages  
10 of childhood development and that are characterized by  
11 a severely disabling inability to understand,  
12 communicate, learn, and participate in social  
13 relationships. "Autistic persons" includes but is not  
14 limited to those persons afflicted by infantile  
15 autism, profound aphasia, and childhood psychosis.

16 c. Care and treatment of persons placed in the  
17 county hospital, county care facility, a health care  
18 facility as defined in section 135C.1, subsection 6,  
19 or any other public or private facility, which  
20 placement is in lieu of admission or commitment to or

- 21 is upon discharge, removal, or transfer from a state  
22 mental health institute, hospital-school, or other  
23 facility established pursuant to chapter 222.
- 24 d. Amounts budgeted by the board for the cost of  
25 establishment and initial operation of a community  
26 mental health center in the manner and subject to the  
27 limitations provided by state law.
- 28 e. b. Foster care and related services provided  
29 under court order to a child who is under the  
30 jurisdiction of the juvenile court, including court-  
31 ordered costs for a guardian ad litem under section  
32 232.71.
- 33 f. The care, admission, commitment, and  
34 transportation of mentally ill patients in state  
35 hospitals, to the extent that expenses for these  
36 services are required to be paid by the county,  
37 including compensation for the advocate appointed  
38 under section 229.19.
- 39 g. Amounts budgeted by the board for mental health  
40 services or mental retardation services furnished to  
41 persons on either an outpatient or inpatient basis, to  
42 a school or other public agency, or to the community  
43 at large, by a community mental health center or other  
44 suitable facility located in or reasonably near the  
45 county, provided that services meet the standards of  
46 the mental health and developmental disabilities  
47 commission created in section 225C.5 and are  
48 consistent with the annual plan for services approved  
49 by the board.
- 50 h. Reimbursement on behalf of mentally retarded

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- 1 persons under section 249A.12.
- 2 i. c. Elections, and voter registration pursuant  
3 to chapter 48A.
- 4 j. d. Employee benefits under chapters 96, 97B,  
5 and 97C, which are associated with salaries for  
6 general county services.
- 7 k. e. Joint county and city building authorities  
8 established under section 346.27, as provided in  
9 subsection 22 of that section.
- 10 l. f. Tort liability insurance, property  
11 insurance, and any other insurance that may be  
12 necessary in the operation of the county, costs of a  
13 self-insurance program, costs of a local government  
14 risk pool, and amounts payable under any insurance  
15 agreements to provide or procure such insurance, self-  
16 insurance program, or local government risk pool.
- 17 m. g. The maintenance and operation of the courts,

18 including but not limited to the salary and expenses  
19 of the clerk of the district court and other employees  
20 of the clerk's office, and bailiffs, court costs if  
21 the prosecution fails or if the costs cannot be  
22 collected from the person liable, costs and expenses  
23 of prosecution under section 189A.17, salaries and  
24 expenses of juvenile court officers under chapter 602,  
25 court-ordered costs in domestic abuse cases under  
26 section 236.5, the county's expense for confinement of  
27 prisoners under chapter 356A, temporary assistance to  
28 the county attorney, county contributions to a  
29 retirement system for bailiffs, reimbursement for  
30 judicial magistrates under section 602.6501, claims  
31 filed under section 622.93, interpreters' fees under  
32 section 622B.7, uniform citation and complaint  
33 supplies under section 805.6, and costs of prosecution  
34 under section 815.13.  
35 n. h. Court-ordered costs of conciliation  
36 procedures under section 598.16.  
37 o. i. Establishment and maintenance of a joint  
38 county indigent defense fund pursuant to an agreement  
39 under section 28E.19.  
40 p. i. The maintenance and operation of a local  
41 emergency management agency established pursuant to  
42 chapter 29C.  
43 The board may require a public or private facility,  
44 as a condition of receiving payment from county funds  
45 for services it has provided, to furnish the board  
46 with a statement of the income, assets, and legal  
47 residence including township and county of each person  
48 who has received services from that facility for which  
49 payment has been made from county funds under  
50 paragraphs "a" through "h" and "b". However, the

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1 facility shall not disclose to anyone the name or  
2 street or route address of a person receiving services  
3 for which commitment is not required, without first  
4 obtaining that person's written permission.  
5 Parents or other persons may voluntarily reimburse  
6 the county or state for the reasonable cost of caring  
7 for a patient or an inmate in a county or state  
8 facility.

9 **Sec. 7. NEW SECTION. 331.424A COUNTY MENTAL**  
10 **HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL**  
11 **DISABILITIES SERVICES FUND.**

12 1. For the purposes of this chapter, unless the  
13 context otherwise requires, "services fund" means the  
14 county mental health, mental retardation, and

15 developmental disabilities services fund created in  
16 subsection 2. The county finance committee created in  
17 section 333A.2 shall adopt rules and prescribe forms  
18 for administering the services fund.

19 2. For the fiscal year beginning July 1, 1995, and  
20 succeeding fiscal years, county revenues from taxes  
21 and other sources designated for mental health, mental  
22 retardation, and developmental disabilities services  
23 shall be credited to the mental health, mental  
24 retardation, and developmental disabilities services  
25 fund of the county. The board may make appropriations  
26 from the fund for payment of services provided under  
27 the county management plan approved pursuant to  
28 section 331.439.

29 3. For the fiscal year beginning July 1, 1995, and  
30 succeeding fiscal years, receipts from the state or  
31 federal government for such services shall be credited  
32 to the services fund, including moneys allotted to the  
33 county from the state payment made pursuant to section  
34 331.439 and moneys allotted to the county for property  
35 tax relief pursuant to section 426B.1.

36 4. For the fiscal year beginning July 1, 1995, and  
37 for each subsequent fiscal year, the county shall  
38 certify a levy for payment of services. Unless  
39 otherwise provided by state law, for each fiscal year,  
40 county revenues from taxes imposed by the county  
41 credited to the services fund shall not exceed an  
42 amount equal to the amount of base year expenditures  
43 for services in the fiscal year beginning July 1,  
44 1993, and ending June 30, 1994, as defined in section  
45 331.438 less the amount of property tax relief to be  
46 received pursuant to section 426B.2, subsections 1 and  
47 3, in the fiscal year for which the budget is  
48 certified. The county auditor and the board of  
49 supervisors shall reduce the amount of the levy  
50 certified for the services fund by the amount of

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1 property tax relief to be received.

2 5. Appropriations specifically authorized to be  
3 made from the mental health, mental retardation, and  
4 developmental disabilities services fund shall not be  
5 made from the general fund of the county.

6 Sec. 8. Section 331.438, subsection 1, paragraph  
7 b, Code 1995, is amended to read as follows:

8 b. "State payment" means the payment made by the  
9 state to a county determined to be eligible for the  
10 payment in accordance with section 331.439.

11 1A. Except as modified based upon the actual

12 amount of the appropriation for purposes of state  
13 payment under section 331.439, the amount of the state  
14 payment for a fiscal year shall be calculated as fifty  
15 one hundred percent of the amount by which the  
16 county's qualified expenditures during the immediately  
17 preceding fiscal year were in excess of the amount of  
18 the county's base year expenditures. A state payment  
19 is the state funding a county receives pursuant to  
20 section 426B.2, subsection 2. Any state funding  
21 received by a county for property tax relief in  
22 accordance with section 426B.2, subsections 1 and 3,  
23 is not a state payment and shall not be included in  
24 the state payment calculation made pursuant to this  
25 subsection.

26 Sec. 9. Section 331.438, subsection 3, paragraph  
27 c, subparagraph (9), Code 1995, is amended to read as  
28 follows:

29 (9) Make recommendations to the council on human  
30 services for administrative rules for the county  
31 single entry point central point of coordination and  
32 clinical assessment processes required under section  
33 331.440 and other rules necessary for the  
34 implementation of county management plans and  
35 expenditure reports required for state payment  
36 pursuant to section 331.439.

37 Sec. 10. Section 331.438, subsection 3, paragraph  
38 c, Code 1995, is amended by adding the following new  
39 subparagraph:

40 NEW SUBPARAGRAPH. (15) On or before December 1,  
41 1995, submit to the governor and the general assembly  
42 any recommended changes in the formula for  
43 distributing property tax relief moneys to counties  
44 under section 426B.2, subsections 1 through 3.

45 Sec. 11. Section 331.439, Code 1995, is amended by  
46 striking the section and inserting in lieu thereof the  
47 following:

48 331.439 ELIGIBILITY FOR STATE PAYMENT.

49 1. The state payment to eligible counties under  
50 this section shall be made as provided in sections

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1 331.438 and 426B.2. A county is eligible for the  
2 state payment, as defined in section 331.438, for the  
3 fiscal year beginning July 1, 1995, and for subsequent  
4 fiscal years if the director of human services, in  
5 consultation with the state-county management  
6 committee, determines for a specific fiscal year that  
7 all of the following conditions are met:  
8 a. The county accurately reported by December 1

9 the county's expenditures for mental health, mental  
10 retardation, and developmental disabilities services  
11 for the previous fiscal year on forms prescribed by  
12 the department of human services.

13 b. The county developed and implemented a county  
14 management plan for the county's mental health and  
15 mental retardation services in accordance with the  
16 provisions of this paragraph. The plan shall comply  
17 with the administrative rules adopted for this purpose  
18 by the council on human services and is subject to the  
19 approval of the director of human services in  
20 consultation with the state-county management  
21 committee created in section 331.438. The plan shall  
22 include a description of the county's service  
23 management provision for mental health, mental  
24 retardation, and developmental disabilities services.

25 The plan shall have the following two parts:

26 (1) For mental health service management, the  
27 county may either directly implement a system of  
28 service management and contract with service  
29 providers, or contract with a private entity to manage  
30 the system, provided all requirements of this  
31 subparagraph are met by the private entity. For the  
32 fiscal year beginning July 1, 1995, the county shall  
33 submit the plan for approval by January 1, 1996, and  
34 implement the approved plan on or before July 1, 1996.  
35 For subsequent fiscal years, this part of the plan  
36 shall be submitted to the department by April 1 for  
37 the succeeding fiscal year.

38 (2) For mental retardation and developmental  
39 disabilities service management, the plan shall  
40 describe the county's development and implementation  
41 of a managed system of cost-effective individualized  
42 services and other support to assist the individuals  
43 to be served to be as independent, productive, and  
44 integrated with the community as possible. The plan  
45 shall provide for consideration of the type and level  
46 of services and support needed and desired by the  
47 individual. The plan may allow the provision of  
48 services through vouchers or cash payments to allow  
49 individuals to arrange for their own services or  
50 support, if these methods are appropriate and cost-

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1 effective. The county may directly implement the  
2 system and contract with service providers, or  
3 contract with a private entity to manage the system,  
4 provided all requirements of this subparagraph are met  
5 by the private entity. For the fiscal year beginning

6 July 1, 1996, this part of the plan shall be submitted  
7 to the department of human services by January 1,  
8 1996. For subsequent fiscal years, this part of the  
9 plan shall be submitted prior to April 1 for the  
10 succeeding fiscal year.

11 c. Changes to the approved plan are submitted at  
12 least sixty days prior to the proposed change and are  
13 not to be implemented prior to the director of human  
14 services' approval, following the director's  
15 consultation with the state-county management  
16 committee.

17 2. A county may provide services to service  
18 populations with disabilities who are not included in  
19 the service management provisions required under  
20 subsection 1, subject to the availability of funding.

21 3. a. For the fiscal year beginning July 1, 1996,  
22 and succeeding fiscal years, the county's mental  
23 health, mental retardation, and developmental  
24 disabilities service expenditures for a fiscal year  
25 are limited to a fixed budget amount. The fixed  
26 budget amount shall be the amount identified in the  
27 county's management plan and budget for the fiscal  
28 year. The county shall be allowed an inflation factor  
29 adjustment for services paid from the county's  
30 services fund under section 331.424A which is in  
31 accordance with the county's management plan and  
32 budget, implemented pursuant to this section.

33 b. Based upon information contained in county  
34 management plans and budgets, the state-county  
35 management committee shall recommend an inflation  
36 factor adjustment by January 1 for the succeeding  
37 fiscal year. The inflation factor adjustment shall  
38 address costs associated with new consumers of  
39 service, service cost inflation, and investments for  
40 economy and efficiency.

41 4. A county's implementation of the service  
42 management provisions required under subsection 1 for  
43 mental health and mental retardation shall incorporate  
44 the central point of coordination process described in  
45 section 331.440.

46 5. The basis for determining whether a managed  
47 care system for mental health proposed by a county is  
48 comparable to a mental health managed care contractor  
49 approved by the department of human services shall  
50 include but is not limited to all of the following

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1 elements which shall be specified in administrative  
2 rules adopted by the council on human services in

3 consultation with the state-county management  
4 committee:  
5 a. The enrollment and eligibility process.  
6 b. The scope of services included.  
7 c. The method of plan administration.  
8 d. The process for managing utilization and access  
9 to services and other assistance.  
10 e. The quality assurance process.  
11 f. The risk management provisions and fiscal  
12 viability of the provisions, if the county contracts  
13 with a private managed care entity.  
14 6. Notwithstanding any other provision of law to  
15 the contrary, a county shall have no obligation to pay  
16 for or provide mental health, mental retardation, or  
17 developmental disabilities services for any person  
18 that applies through the county's central point of  
19 coordination and clinical assessment processes after  
20 the moneys in the county services fund under section  
21 331.424A are expended. If a county has expended its  
22 fixed budget amount for services pursuant to the  
23 management plan approved under subsection 1, the state  
24 shall assume financial responsibility and the county  
25 may apply to the state appeal board for emergency  
26 funds reserved in section 426B.1, subsection 3.  
27 7. The director's approval of a county's mental  
28 health, mental retardation, and developmental  
29 disabilities services management plan shall not be  
30 construed to constitute certification of the county's  
31 budget.

32 Sec. 12. Section 331.440, Code 1995, is amended to  
33 read as follows:

34 331.440 MENTAL HEALTH, MENTAL RETARDATION, AND  
35 DEVELOPMENTAL DISABILITIES SERVICES – **SINGLE ENTRY**  
36 **CENTRAL POINT OF COORDINATION PROCESS.**

37 1. a. For the purposes of this section, unless  
38 the context otherwise requires, "single entry central  
39 point of coordination process" means a single entry  
40 central point of coordination process established by a  
41 county or consortium of counties for the delivery of  
42 mental health, mental retardation, and developmental  
43 disabilities services which are paid for in whole or  
44 in part by county funds. The single entry central  
45 point of coordination process may include but is not  
46 limited to reviewing a person's eligibility for  
47 services, determining the appropriateness of the type,  
48 level, and duration of services, and performing  
49 periodic review of the person's continuing eligibility  
50 and need for services. Any recommendations developed

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1 concerning a person's plan of services shall be  
2 consistent with the person's unique strengths,  
3 circumstances, priorities, concerns, abilities, and  
4 capabilities. For those services funded under the  
5 medical assistance program, the single entry central  
6 point of coordination process shall be used to assure  
7 that the person is aware of the appropriate service  
8 options available to the person.

9 b. The single entry central point of coordination  
10 process may include a clinical assessment process to  
11 identify a person's service needs and to make  
12 recommendations regarding the person's plan for  
13 services. The clinical assessment process shall  
14 utilize qualified mental health professionals and  
15 qualified mental retardation professionals.

16 2. The department of human services shall seek  
17 federal approval as necessary for the single entry  
18 central point of coordination and clinical assessment  
19 processes to be eligible for federal financial  
20 participation under medical assistance. A county may  
21 implement the single entry central point of  
22 coordination process as part of a consortium of  
23 counties and may implement the process beginning with  
24 the fiscal year ending June 30, 1995.

25 3. The council on human services shall consider  
26 the recommendations of the state-county management  
27 committee established in section 331.438 in adopting  
28 rules outlining standards and requirements for  
29 implementation of the single entry central point of  
30 coordination and clinical assessment processes on the  
31 date required by subsection 2. The rules shall permit  
32 counties options in implementing the process based  
33 upon a county's consumer population and available  
34 service delivery system.

35 Sec. 13. **NEW SECTION. 426B.1 APPROPRIATIONS --**  
36 **PROPERTY TAX RELIEF FUND.**

37 1. A property tax relief fund is created in the  
38 state treasury under the authority of the department  
39 of revenue and finance. The fund shall be separate  
40 from the general fund of the state and shall not be  
41 considered part of the general fund of the state  
42 except in determining the cash position of the state  
43 for payment of state obligations. The moneys in the  
44 fund are not subject to the provisions of section 8.33  
45 and shall not be transferred, used, obligated,  
46 appropriated, or otherwise encumbered except as  
47 provided in this section. Moneys in the fund may be  
48 used for cash flow purposes, provided that any moneys

49 so allocated are returned to the fund by the end of  
50 each fiscal year. However, the fund shall be

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1 considered a special account for the purposes of  
2 section 8.53, relating to elimination of any GAAP  
3 deficit. For the purposes of this chapter, unless the  
4 context otherwise requires, "property tax relief fund"  
5 means the property tax relief fund created in this  
6 section.

7 2. There is appropriated to the property tax  
8 relief fund for the indicated fiscal years from the  
9 general fund of the state the following amounts:

10 a. For the fiscal year beginning July 1, 1995,  
11 sixty-five million dollars.

12 b. For the fiscal year beginning July 1, 1996,  
13 eighty-five million dollars.

14 c. For the fiscal year beginning July 1, 1997, one  
15 hundred five million dollars.

16 d. For the fiscal year beginning July 1, 1998, one  
17 hundred twenty-five million dollars.

18 e. For the fiscal year beginning July 1, 1999, one  
19 hundred forty-five million dollars.

20 f. For the fiscal year beginning July 1, 2000, and  
21 succeeding fiscal years, one hundred sixty-five  
22 million dollars.

23 3. In the fiscal year beginning July 1, 1996, and  
24 in each subsequent fiscal year, of the funds  
25 appropriated to the property tax relief fund, the  
26 amount necessary to reserve one million dollars shall  
27 be set aside in the fund. The reserved moneys shall  
28 be used for payment of county emergency needs for  
29 funds in excess of the fixed budget amount for  
30 services provided in accordance with the county's  
31 management plan approved under section 331.439. Any  
32 reserved moneys remaining unexpended or unobligated at  
33 the close of the fiscal year shall remain available in  
34 the succeeding fiscal year to be combined with the  
35 amount of funds appropriated in the succeeding fiscal  
36 year necessary to reach the one million dollar reserve  
37 amount. The director of revenue and finance shall pay  
38 a county's request for funds reserved under this  
39 subsection upon the approval of the request by the  
40 state appeal board pursuant to section 24.49.

41 Sec. 14. NEW SECTION. 426B.2 PROPERTY TAX RELIEF  
42 FUND DISTRIBUTIONS.

43 Moneys in the property tax relief fund shall be  
44 utilized in each fiscal year as follows in the order  
45 listed:

46 1. The first sixty-five million dollars plus the  
47 amount paid pursuant to subsection 3 in the previous  
48 fiscal year in the property tax relief fund shall be  
49 paid to each county for property tax relief in the  
50 same proportion that the county's base year

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1 expenditure bears to the total of all counties' base  
2 year expenditures as defined in section 331.438.

3 2. Payment of moneys to eligible counties of the  
4 state payment in accordance with the provisions of  
5 sections 331.438 and 331.439. Moneys provided to a  
6 county for property tax relief in a fiscal year in  
7 accordance with this section shall not be less than  
8 the amount provided for property tax relief in the  
9 previous fiscal year.

10 3. The department of human services shall estimate  
11 the amount of moneys required for the state payment  
12 pursuant to subsection 2. Moneys remaining in the  
13 property tax relief fund following the payment made  
14 pursuant to subsection 1 and the estimated amount of  
15 the state payment pursuant to subsection 2 shall be  
16 paid to counties for property tax relief in the same  
17 manner as provided in subsection 1. These payments  
18 shall continue until the combined amount of the  
19 payments made under this subsection and subsection 1  
20 are equal to fifty percent of the total of all  
21 counties' base year expenditures as defined in section  
22 331.438. The amount of moneys paid to a county  
23 pursuant to this subsection shall be added in  
24 subsequent fiscal years to the amount of moneys paid  
25 under subsection 1.

26 4. Moneys remaining in the property tax relief  
27 fund following the payments made pursuant to  
28 subsections 1, 2, and 3 shall be transferred to the  
29 homestead credit fund created in section 425.1. This  
30 transfer shall continue until the homestead credit is  
31 fully funded.

32 5. Moneys remaining in the property tax relief  
33 fund following the payments made pursuant to  
34 subsections 1, 2, and 3, and the transfer made  
35 pursuant to subsection 4, shall be transferred to the  
36 appropriation made in section 426A.1 for funding the  
37 military service tax credit. This transfer shall  
38 continue until the combination of the appropriation  
39 made in section 426A.1 and the funds transferred are  
40 sufficient to fully fund the military service tax  
41 credit.

42 6. Moneys remaining in the property tax relief

43 fund following the payments made pursuant to  
44 subsections 1, 2, and 3, and the transfers made  
45 pursuant to subsections 4 and 5, shall be transferred  
46 to the extraordinary property tax credit and re-  
47 imbursement fund created in section 425.39. This  
48 transfer shall continue until the combination of the  
49 appropriation made in section 425.39 and the funds  
50 transferred are sufficient to fully fund all claims on

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1 the extraordinary property tax credit and  
2 reimbursement fund.  
3 7. Moneys remaining in the property tax relief  
4 fund following the payments made pursuant to  
5 subsections 1, 2, and 3, and the transfers made  
6 pursuant to subsections 4, 5, and 6, shall be  
7 transferred to the low-income tax credit and  
8 reimbursement fund created in section 425.40. This  
9 transfer shall continue until the low-income tax  
10 credit is fully funded.

11 8. Moneys remaining in the property tax relief  
12 fund following the payments made pursuant to  
13 subsections 1, 2, and 3, and the transfers made  
14 pursuant to subsections 4, 5, 6, and 7, shall be  
15 transferred to the agricultural land credit fund  
16 created in section 426.1. This transfer shall  
17 continue until the agricultural land tax credit is  
18 fully funded.

19 9. The director of revenue and finance shall draw  
20 warrants on the property tax relief fund, payable to  
21 the county treasurer in the amount due to a county in  
22 accordance with subsections 1 and 3 and mail the  
23 warrants to the county auditors in September and March  
24 of each year. Warrants for the state payment in  
25 accordance with subsection 2 shall be mailed in  
26 January of each year. The director shall initiate the  
27 transfers required by this section.

28 Sec. 15. NEW SECTION. 426B.3 NOTIFICATION OF  
29 MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL  
30 DISABILITIES EXPENDITURE RELIEF FUND PAYMENT.

31 1. Before June 1, 1995, and before February 15 of  
32 each succeeding fiscal year, the director of revenue  
33 and finance shall notify the county auditor of each  
34 county of the amount of moneys the county will receive  
35 from the property tax relief fund pursuant to section  
36 426B.2, subsections 1 and 3, for the succeeding fiscal  
37 year. The county auditor shall reduce the certified  
38 budget amount received from the board of supervisors  
39 for the succeeding fiscal year for the county mental

40 health, mental retardation, and development  
41 disabilities services fund created in section 331.424A  
42 by an amount equal to the amount the county will  
43 receive and the auditor shall determine the rate of  
44 taxation necessary to raise the reduced amount. On  
45 the tax list, the county auditor shall compute the  
46 amount of taxes due and payable on each parcel before  
47 and after the amount received from the property tax  
48 relief fund is used to reduce the county budget.  
49 2. The amount of property tax dollars reduced on  
50 each parcel as a result of the moneys received from

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1 the property tax relief fund pursuant to section  
2 426B.2, subsections 1 and 3, shall be noted on each  
3 tax statement prepared by the county treasurer  
4 pursuant to section 445.23.

5 Sec. 16. NEW SECTION. 426B.4 RULES.

6 The director of revenue and finance shall prescribe  
7 forms and adopt rules pursuant to chapter 17A to  
8 administer this chapter.

9 Sec. 17. PILOT PROJECT FOR A MANAGED SYSTEM OF  
10 INDIVIDUALIZED SERVICES.

11 1. The department of human services, in  
12 cooperation with a county or consortium of counties,  
13 shall develop, test, and evaluate a pilot project for  
14 a managed system of individualized services and  
15 support for individuals with mental retardation and  
16 developmental disabilities in at least two areas of  
17 the state. One area shall be urban and one rural.  
18 The system shall be designed to provide the  
19 individuals being served with a choice of services and  
20 other support that will assist the individuals to be  
21 as independent, productive, and integrated into the  
22 community as possible.

23 2. In implementing the managed system pilot  
24 project, the department and the county or consortium  
25 of counties may directly manage the system and  
26 contract with service providers and others for needed  
27 services or support after identifying the type and  
28 level of services and support needed by the  
29 individual. The pilot project shall provide a  
30 reasonable rate of reimbursement. If costs are equal  
31 to or less than providing vouchers or cash payments to  
32 the individuals and the individuals served so desire,  
33 vouchers or cash payments may be provided to the  
34 individuals to allow them to arrange for their own  
35 services or support. The department and the county or  
36 consortium of counties may enter into a contract with

37 a private entity to manage this individualized system  
 38 provided all pilot project requirements are met  
 39 through the private entity.

40 3. The department and the county or consortium of  
 41 counties shall seek the advice of persons with mental  
 42 retardation and developmental disabilities and their  
 43 family members in designing the pilot project. The  
 44 state-county management committee created in section  
 45 331.438 shall also have an opportunity to make  
 46 recommendations regarding the pilot project.

47 4. The department shall apply for all necessary  
 48 federal waivers so that in addition to state and  
 49 county funds, federal moneys available for these  
 50 services may also be flexibly used in the pilot

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1 project. The planning for the pilot project shall be  
 2 completed prior to January 1, 1996, and the pilot  
 3 project shall commence on or before March 1, 1996.

4 Sec. 18. FUNDING OF SESSION LAW REQUIREMENTS. If  
 5 the appropriations in section 426B.1, subsection 2, as  
 6 created in this division of this Act, are enacted by  
 7 this Act, the requirements of 1994 Iowa Acts, chapter  
 8 1163, section 8, subsection 2, to fully fund  
 9 provisions of sections 331.438 and 331.439 shall be  
 10 considered to be met and the repeals contained in 1994  
 11 Iowa Acts, chapter 1163, section 8, subsection 2,  
 12 shall be void.

13 Sec. 19. EFFECTIVE DATE. Sections 2, 3, and 4  
 14 take effect July 1, 1995, and the remainder of this  
 15 division of this Act, being deemed of immediate  
 16 importance, takes effect upon enactment; however, the  
 17 provisions of sections 5, 6, and 7, relating to the  
 18 supplemental levy and the county mental health, mental  
 19 retardation, and developmental disabilities fund, are  
 20 applicable to taxes payable in the fiscal year  
 21 beginning July 1, 1995.

## DIVISION II

### SUBCHAPTER S CORPORATIONS

24 Sec. 20. Section 422.5, subsection 1, paragraph j,  
 25 Code 1995, is amended by adding the following new  
 26 unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. The tax imposed upon the  
 28 taxable income of a resident shareholder in a  
 29 corporation which has in effect for the tax year an  
 30 election under subchapter S of the Internal Revenue  
 31 Code and carries on business within and without the  
 32 state shall be computed by reducing the amount  
 33 determined pursuant to paragraphs "a" through "i" by

34 the amounts of nonrefundable credits under this  
35 division and by multiplying this resulting amount by a  
36 fraction of which the resident's net income allocated  
37 to Iowa, as determined in section 422.8, subsection 2,  
38 paragraph "b", is the numerator and the resident's  
39 total net income computed under section 422.7 is the  
40 denominator. This paragraph also applies to  
41 individuals who are residents of Iowa for less than  
42 the entire tax year.

43 Sec. 21. Section 422.5, subsection 1, paragraph k,  
44 unnumbered paragraph 4, Code 1995, is amended to read  
45 as follows:

46 In the case of a resident, including a resident  
47 estate or trust, the state's apportioned share of the  
48 state alternative minimum tax is one hundred percent  
49 of the state alternative minimum tax computed in this  
50 subsection. In the case of a resident or part year

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1 resident shareholder in a corporation which has in  
2 effect for the tax year an election under subchapter S  
3 of the Internal Revenue Code and carries on business  
4 within and without the state, a nonresident, including  
5 a nonresident estate or trust, or an individual,  
6 estate, or trust that is domiciled in the state for  
7 less than the entire tax year, the state's apportioned  
8 share of the state alternative minimum tax is the  
9 amount of tax computed under this subsection, reduced  
10 by the applicable credits in sections 422.10 through  
11 422.12 and this result multiplied by a fraction with a  
12 numerator of the sum of state net income allocated to  
13 Iowa as determined in section 422.8, subsection 2,  
14 paragraph "a" or "b" as applicable, plus tax  
15 preference items, adjustments, and losses under  
16 subparagraph (1) attributable to Iowa and with a  
17 denominator of the sum of total net income computed  
18 under section 422.7 plus all tax preference items,  
19 adjustments, and losses under subparagraph (1). In  
20 computing this fraction, those items excludable under  
21 subparagraph (1) shall not be used in computing the  
22 tax preference items. Married taxpayers electing to  
23 file separate returns or separately on a combined  
24 return must allocate the minimum tax computed in this  
25 subsection in the proportion that each spouse's  
26 respective preference items, adjustments, and losses  
27 under subparagraph (1) bear to the combined preference  
28 items, adjustments, and losses under subparagraph (1)  
29 of both spouses.

30 Sec. 22. Section 422.8, subsection 2, Code 1995,

31 is amended to read as follows:

32 2. a. Nonresident's net income allocated to Iowa  
33 is the net income, or portion thereof, which is  
34 derived from a business, trade, profession, or  
35 occupation carried on within this state or income from  
36 any property, trust, estate, or other source within  
37 Iowa. However, income derived from a business, trade,  
38 profession, or occupation carried on within this state  
39 and income from any property, trust, estate, or other  
40 source within Iowa shall not include distributions  
41 from pensions, including defined benefit or defined  
42 contribution plans, annuities, individual retirement  
43 accounts, and deferred compensation plans or any  
44 earnings attributable thereto so long as the  
45 distribution is directly related to an individual's  
46 documented retirement and received while the  
47 individual is a nonresident of this state. If a  
48 business, trade, profession, or occupation is carried  
49 on partly within and partly without the state, only  
50 the portion of the net income which is fairly and

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1 equitably attributable to that part of the business,  
2 trade, profession, or occupation carried on within the  
3 state is allocated to Iowa for purposes of section  
4 422.5, subsection 1, paragraph "j", and section 422.13  
5 and income from any property, trust, estate, or other  
6 source partly within and partly without the state is  
7 allocated to Iowa in the same manner, except that  
8 annuities, interest on bank deposits and interest-  
9 bearing obligations, and dividends are allocated to  
10 Iowa only to the extent to which they are derived from  
11 a business, trade, profession, or occupation carried  
12 on within the state.

13 b. A resident's income allocable to Iowa is the  
14 income determined under section 422.7 reduced by items  
15 of income and expenses from a subchapter S corporation  
16 which pass directly to the shareholders under  
17 provisions of the Internal Revenue Code and increased  
18 by the greater of the following:

19 (1) The net income or loss of the corporation  
20 which is fairly and equitably attributable to this  
21 state under section 422.33, subsections 2 and 3.  
22 (2) The taxpayer's pro rata share of an amount  
23 deemed distributed to shareholders which when added to  
24 the salaries, wages, or other compensation for  
25 services performed by all shareholders will equal ten  
26 percent of the net income of the corporation computed

27 in accordance with section 422.35 and considering  
 28 items of income and expense which pass directly to the  
 29 shareholders under provisions of the Internal Revenue  
 30 Code before deduction of shareholder's salaries,  
 31 wages, or other compensation for services performed.

32 (3) Any cash or the value of any property  
 33 distributions made to the extent they are paid from  
 34 income upon which Iowa income tax has not been paid as  
 35 determined under rules of the director.

36 Sec. 23. Section 422.8, Code 1995, is amended by  
 37 adding the following new subsection:

38 **NEW SUBSECTION. 6.** If the resident or part year  
 39 resident is a shareholder of a corporation which has  
 40 in effect an election under subchapter S of the  
 41 Internal Revenue Code, subsections 1 and 3 do not  
 42 apply to any income taxes paid to another state or  
 43 foreign country on the income from the corporation  
 44 which has in effect an election under subchapter S of  
 45 the Internal Revenue Code.

46 Sec. 24. This division of this Act, being deemed  
 47 of immediate importance, takes effect upon enactment  
 48 and applies retroactively to January 1, 1995, for tax  
 49 years beginning on or after that date.

50 DIVISION III

Page 19

1 MACHINERY AND EQUIPMENT  
 2 EXEMPTION AND REPLACEMENT FUNDS

3 Sec. 25. Section 427B.17, Code 1995, is amended by  
 4 striking the section and inserting in lieu thereof the  
 5 following:

6 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

7 1. Property defined in section 427A.1, subsection  
 8 1, paragraphs "e" and "j", acquired or initially  
 9 leased on or after July 1, 1995, shall be exempt from  
 10 taxation.

11 2. Property defined in section 427A.1, subsection  
 12 1, paragraphs "e" and "j", and acquired or initially  
 13 leased before July 1, 1995, shall be valued by the  
 14 local assessor as follows:

15 a. For the assessment year beginning January 1,  
 16 1995, at twenty-five percent of the net acquisition  
 17 cost.

18 b. For the assessment year beginning January 1,  
 19 1996, at twenty percent of the net acquisition cost.

20 c. For the assessment year beginning January 1,  
 21 1997, at fifteen percent of the net acquisition cost.

22 d. For the assessment year beginning January 1,  
 23 1998, at ten percent of the net acquisition cost.

24 e. For the assessment year beginning January 1,  
25 1999, at five percent of the net acquisition cost.

26 f. For the assessment year beginning January 1,  
27 2000, and all subsequent assessment years, at zero  
28 percent of the net acquisition cost.

29 3. For purposes of this section:

30 a. Property assessed by the department of revenue  
31 and finance pursuant to sections 428.24 to 428.29, or  
32 chapters 433, 434, and 436 to 438 shall not receive  
33 the benefits of this section.

34 Any electric power generating plant which operated  
35 during the preceding assessment year at a net capacity  
36 factor of more than twenty percent, shall not receive  
37 the benefits of this section. For purposes of this  
38 section, "electric power generating plant" means any  
39 name plate rated electric power generating plant, in  
40 which electric energy is produced from other forms of  
41 energy, including all taxable land, buildings, and  
42 equipment used in the production of such energy. "Net  
43 capacity factor" means net actual generation divided  
44 by the product of net maximum capacity times the  
45 number of hours the unit was in the active state  
46 during the assessment year. Upon commissioning, a  
47 unit is in the active state until it is de-  
48 commissioned. "Net actual generation" means net  
49 electrical megawatt hours produced by the unit during  
50 the preceding assessment year. "Net maximum capacity"

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1 means the capacity the unit can sustain over a  
2 specified period when not restricted by ambient  
3 conditions or equipment deratings, minus the losses  
4 associated with station service or auxiliary loads.

5 b. Property acquired or initially leased on or  
6 after July 1, 1995, which was owned or used before  
7 July 1, 1995, by a related person shall be assessed  
8 and taxed in the manner provided in subsection 2, and  
9 the net acquisition cost of the property shall be the  
10 net acquisition cost of the transferor of the  
11 property.

12 c. "Related person" means a person who owns or  
13 controls the taxpayer's business and another business  
14 entity from which property is acquired or leased or to  
15 which property is sold or leased. Business entities  
16 are owned or controlled by the same person if the same  
17 person directly or indirectly owns or controls fifty  
18 percent or more of the assets or any class of stock or  
19 who directly or indirectly has an interest of fifty  
20 percent or more in the ownership or profits.

21 d. "Net acquisition cost" means the acquired cost  
22 of the property, including all foundations and  
23 installation cost less any excess cost adjustment.  
24 4. Property assessed pursuant to this section  
25 shall not be eligible to receive a partial exemption  
26 under sections 427B.1 to 427B.6.  
27 5. The taxpayer's valuation of property defined in  
28 section 427A.1, subsection 1, paragraphs "e" and "j",  
29 acquired or initially leased before July 1, 1995, and  
30 located in an urban renewal area for which an urban  
31 renewal plan provides for the division of taxes as  
32 provided in section 403.19 to pay the principal and  
33 interest on loans, advances, bonds issued under the  
34 authority of section 403.9, subsection 1, or  
35 indebtedness incurred by a city or county to finance  
36 an urban renewal project within the urban renewal  
37 area, if such loans, advances, or bonds were issued or  
38 indebtedness incurred, on or after January 1, 1982,  
39 and on or before June 30, 1995, shall be limited to  
40 thirty percent of the net acquisition cost of the  
41 property. Such property located in an urban renewal  
42 area shall not be valued pursuant to subsection 2  
43 until the assessment year following the calendar year  
44 in which the obligations created by any loans,  
45 advances, bonds, or indebtedness payable from the  
46 division of taxes as provided in section 403.19 have  
47 been retired. The taxpayer's valuation for such  
48 property shall then be the valuation specified in  
49 subsection 2 for the applicable assessment year. If  
50 the loans, advances, or bonds issued, or indebtedness

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1 incurred between January 1, 1982, and June 30, 1995,  
2 are refinanced or refunded after June 30, 1995, the  
3 valuation of such property shall then be the valuation  
4 specified in subsection 2 for the applicable  
5 assessment year beginning with the assessment year  
6 following the calendar year in which any of those  
7 loans, advances, bonds, or other indebtedness are  
8 refinanced or refunded after June 30, 1995.  
9 6. For the purpose of dividing taxes under section  
10 260E.4 or 260F.4, the employer's or business's  
11 valuation of property defined in section 427A.1,  
12 subsection 1, paragraphs "e" and "j", acquired or  
13 initially leased before July 1, 1995, and used to fund  
14 a new jobs training project which project's first  
15 written agreement providing for a division of taxes as  
16 provided in section 403.19, is approved on or before  
17 June 30, 1995, shall be limited to thirty percent of

18 the net acquisition cost of the property. An  
19 employer's or business's taxable property used to fund  
20 a new jobs training project shall not be valued  
21 pursuant to subsection 2 until the assessment year  
22 following the calendar year in which the certificates  
23 or other funding obligations have been retired or  
24 escrowed. The taxpayer's valuation for such property  
25 shall then be the valuation specified in subsection 2  
26 for the applicable assessment year. If the  
27 certificates issued, or other funding obligations  
28 incurred, between January 1, 1982, and June 30, 1995,  
29 are refinanced or refunded after June 30, 1995, the  
30 valuation of such property shall then be the valuation  
31 specified in subsection 2 for the applicable  
32 assessment year beginning with the assessment year  
33 following the calendar year in which those  
34 certificates or other funding obligations are  
35 refinanced or refunded after June 30, 1995.

36 Sec. 26. NEW SECTION. 427B.18 REPLACEMENT.

37 Each county treasurer shall be paid an amount equal  
38 to the amount of the industrial machinery, equipment  
39 and computers tax replacement claim to replace the  
40 reduction in property tax revenues from the amount  
41 collected in the fiscal year beginning July 1, 1995,  
42 from the industrial machinery, equipment and computers  
43 assessed pursuant to section 427B.17 less the increase  
44 in property tax revenues from the amount collected in  
45 the fiscal year beginning July 1, 1995, from  
46 commercial and industrial property as calculated  
47 pursuant to section 427B.19.

48 Sec. 27. NEW SECTION. 427B.19 ASSESSOR AND  
49 COUNTY AUDITOR DUTIES.

50 1. On or before July 1 of each year, the assessor

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1 shall determine the total valuation of all property  
2 assessed under section 427B.17, for that year and the  
3 valuation of such property assessed as of January 1,  
4 1994, and the value of all commercial and industrial  
5 property assessed for that year and the valuation of  
6 such property assessed as of January 1, 1994, and  
7 shall report the valuations to the county auditor.

8 2. On or before July 1, 1996, and on or before  
9 July 1 of each subsequent year, the county auditor  
10 shall prepare a statement listing for each taxing  
11 district in the county:

12 a. Beginning with the assessment year beginning  
13 January 1, 1995, the difference between the reduced  
14 assessed valuations of property defined in section

15 427A.1, subsection 1, paragraphs "e" and "j", and  
16 assessed pursuant to section 427B.17, and the  
17 increased assessed valuations of commercial and  
18 industrial property. The auditor shall make other  
19 adjustments as directed by rule of the department of  
20 revenue and finance.

21 b. The tax levy rate for each taxing district  
22 levied against assessments made as of January 1 of the  
23 previous year.

24 c. If the calculation under subsection 2 indicates  
25 a net decrease in aggregate valuation of such  
26 property, the industrial machinery, equipment and  
27 computers tax replacement claim for each taxing  
28 district, which is equal to the net decrease  
29 determined pursuant to paragraph "a", multiplied by  
30 the tax rate specified in paragraph "b".

31 3. The county auditor shall certify and forward  
32 one copy of the statement to the department of revenue  
33 and finance not later than July 1 of each year.

34 Sec. 28. NEW SECTION. 427B.19A FUND CREATED.

35 1. The industrial machinery, equipment and  
36 computers property tax replacement fund is created.  
37 There is appropriated annually from the general fund  
38 of the state to the department of revenue and finance  
39 to be credited to the industrial machinery, equipment  
40 and computers property tax replacement fund, the  
41 amounts specified in section 427B.19B.

42 2. Each county treasurer shall be paid from the  
43 fund created in this section the amount calculated  
44 pursuant to section 427B.19. The payment shall be  
45 made in two equal installments on or before September  
46 30 and March 30 of each year. The county treasurer  
47 shall apportion the payment in the manner provided in  
48 section 445.57.

49 3. If an amount appropriated in section 427B.19B  
50 for a fiscal year is insufficient to pay all claims,

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1 the director shall prorate the disbursements from the  
2 fund to the county treasurers and shall notify the  
3 county auditors of the pro rata percentage on or  
4 before August 1. If an amount appropriated in section  
5 427B.19B for a fiscal year is in excess of the amount  
6 necessary to pay all claims according to the  
7 replacement schedule in section 427B.19, the director  
8 shall prorate the disbursements from the fund to the  
9 county treasurers, notwithstanding the amount of the  
10 claims, and shall notify the county auditors of the  
11 pro rata percentage on or before August 1.

12 4. The replacement amount paid to each school  
 13 district shall be regarded as property tax for the  
 14 purposes of the school foundation property tax levy in  
 15 section 257.3 and the additional property tax levy in  
 16 section 257.4. The department of management shall  
 17 annually make the adjustments necessary to implement  
 18 this subsection.

19 Sec. 29. NEW SECTION. 427B.19B APPROPRIATION.

20 There is appropriated in each of the following -  
 21 fiscal years from the general fund of the state to the  
 22 industrial machinery, equipment and computers property  
 23 tax replacement fund the following amounts:

24 1. For the fiscal year beginning July 1, 1996,  
 25 nine million, one hundred thousand dollars.

26 2. For the fiscal year beginning July 1, 1997,  
 27 twenty-two million, four hundred thousand dollars.

28 3. For the fiscal year beginning July 1, 1998,  
 29 thirty-three million, five hundred thousand dollars.

30 4. For the fiscal year beginning July 1, 1999,  
 31 forty-one million, six hundred thousand dollars.

32 5. For the fiscal year beginning July 1, 2000,  
 33 forty-six million, eight hundred thousand dollars.

34 6. For the fiscal year beginning July 1, 2001,  
 35 forty-nine million, five hundred thousand dollars.

36 7. For the fiscal year beginning July 1, 2002,  
 37 fifty-two million, nine hundred thousand dollars.

38 8. For the fiscal year beginning July 1, 2003,  
 39 forty-five million, two hundred thousand dollars.

40 9. For the fiscal year beginning July 1, 2004,  
 41 thirty-six million, six hundred thousand dollars.

42 10. For the fiscal year beginning July 1, 2005,  
 43 twenty-six million, nine hundred thousand dollars.

44 11. For the fiscal year beginning July 1, 2006,  
 45 sixteen million, one hundred thousand dollars.

46 12. For the fiscal year beginning July 1, 2007,  
 47 four million, two hundred thousand dollars.

48 Sec. 30. NEW SECTION. 427B.19C PHASEOUT OF TAX.

49 Effective on July 1, 2001, all property taxes on  
 50 property defined in section 427A.1, subsection 1,

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1 paragraphs "e" and "j", which was assessed pursuant to  
 2 section 427B.17 are repealed. For assessment years  
 3 beginning after January 1, 2006, such property shall  
 4 not be listed or assessed. This section shall prevail  
 5 over all inconsistent statutes.

6 Sec. 31. NEW SECTION. 427B.19D GUARANTEE OF  
 7 STATE REPLACEMENT FUNDS.

8 If for any reason an appropriation specified in

9 section 427B.19B is not made or the appropriation made  
10 is less than that specified in section 427B.19B for  
11 the applicable fiscal year, the director of revenue  
12 and finance shall compute for each county the  
13 difference between the total of all replacement claims  
14 for taxing districts within the county and the amount  
15 paid to the county treasurer for disbursement to the  
16 taxing districts in the county. The department shall  
17 divide that difference by the consolidated tax levy  
18 rate in each county computed for the fiscal year in  
19 which the specified appropriation should have been  
20 made and shall certify the amount of taxable value  
21 necessary to raise the difference at that tax rate.  
22 The department shall notify the local assessor of such  
23 amount of taxable value. The assessor, for the  
24 assessment year beginning January 1 preceding the  
25 fiscal year for which the specified appropriation was  
26 not made, shall reassess all taxable property  
27 described in section 427B.17, subsection 2, in the  
28 county at a percentage of net acquisition cost which  
29 will yield such taxable value and the property shall  
30 be assessed and taxed in such manner for taxes due and  
31 payable in the following fiscal year in addition to  
32 being assessed and taxed in the applicable manner  
33 under section 427B.17. Property tax dollar amounts  
34 certified pursuant to this section shall not be  
35 considered property tax dollars certified for purposes  
36 of the property tax limitation in chapter 444.

37 DIVISION IV  
38 INCOME TAX

39 Sec. 32. Section 422.5, subsections 2 and 8, Code  
40 1995, are amended to read as follows:

41 2. However, the tax shall not be imposed on a  
42 resident or nonresident whose net income, as defined  
43 in section 422.7, is ~~thirteen~~ fourteen thousand five  
44 hundred dollars or less in the case of married persons  
45 filing jointly or filing separately on a combined  
46 return, unmarried heads of household, and surviving  
47 spouses or ~~nine ten~~ nine thousand dollars or less in the  
48 case of all other persons; but in the event that the  
49 payment of tax under this division would reduce the  
50 net income to less than ~~thirteen~~ fourteen thousand

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1 five hundred dollars or ~~nine ten~~ nine thousand dollars as  
2 applicable, then the tax shall be reduced to that  
3 amount which would result in allowing the taxpayer to  
4 retain a net income of ~~thirteen~~ fourteen thousand five  
5 hundred dollars or ~~nine ten~~ nine thousand dollars as

6 applicable. The preceding sentence does not apply to  
7 estates or trusts. For the purpose of this  
8 subsection, the entire net income, including any part  
9 of the net income not allocated to Iowa, shall be  
10 taken into account. For purposes of this subsection,  
11 net income includes all amounts of pensions or other  
12 retirement income received from any source which is  
13 not taxable under this division as a result of the  
14 government pension exclusions in section 422.7, or any  
15 other state law. If the combined net income of a  
16 husband and wife exceeds ~~thirteen~~ fourteen thousand  
17 five hundred dollars, neither of them shall receive  
18 the benefit of this subsection, and it is immaterial  
19 whether they file a joint return or separate returns.  
20 However, if a husband and wife file separate returns  
21 and have a combined net income of ~~thirteen~~ fourteen  
22 thousand five hundred dollars or less, neither spouse  
23 shall receive the benefit of this paragraph, if one  
24 spouse has a net operating loss and elects to carry  
25 back or carry forward the loss as provided in section  
26 422.9, subsection 3. A person who is claimed as a  
27 dependent by another person as defined in section  
28 422.12 shall not receive the benefit of this  
29 subsection if the person claiming the dependent has  
30 net income exceeding ~~thirteen~~ fourteen thousand five  
31 hundred dollars or ~~nine~~ ten thousand dollars as  
32 applicable or the person claiming the dependent and  
33 the person's spouse have combined net income exceeding  
34 ~~thirteen~~ fourteen thousand five hundred dollars or  
35 ~~nine~~ ten thousand dollars as applicable.  
36 In addition, if the married persons' filing  
37 jointly or filing separately on a combined return,  
38 unmarried head of household's, or surviving spouse's  
39 net income exceeds ~~thirteen~~ fourteen thousand five  
40 hundred dollars, the regular tax imposed under this  
41 division shall be the lesser of the maximum state  
42 individual income tax rate times the portion of the  
43 net income in excess of ~~thirteen~~ fourteen thousand  
44 five hundred dollars or the regular tax liability  
45 computed without regard to this sentence. Taxpayers  
46 electing to file separately shall compute the  
47 alternate tax described in this paragraph using the  
48 total net income of the husband and wife. The  
49 alternate tax described in this paragraph does not  
50 apply if one spouse elects to carry back or carry

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1 forward the loss as provided in section 422.9,  
2 subsection 3.

3 8. In addition to the other taxes imposed by this  
4 section, a tax is imposed on the amount of a lump sum  
5 distribution for which the taxpayer has elected under  
6 section 402(e) of the Internal Revenue Code to be  
7 separately taxed for federal income tax purposes for  
8 the tax year. The rate of tax is equal to twenty-five  
9 percent of the separate federal tax imposed on the  
10 amount of the lump sum distribution. A nonresident is  
11 liable for this tax only on that portion of the lump  
12 sum distribution allocable to Iowa. The total amount  
13 of the lump sum distribution subject to separate  
14 federal tax shall be included in net income for  
15 purposes of determining eligibility under the ~~thirteen~~  
16 fourteen thousand five hundred dollar or less or ~~nine~~  
17 ten thousand dollar or less exclusion, as applicable.

18 Sec. 33. Section 422.7, Code 1995, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 33. For a person who is disabled,  
21 or is fifty-five years of age or older, or is the  
22 surviving spouse of an individual or a survivor having  
23 an insurable interest in an individual who would have  
24 qualified for the exemption under this subsection for  
25 the tax year, subtract, to the extent included, the  
26 total amount of a governmental or other pension or  
27 retirement pay, including, but not limited to, defined  
28 benefit or defined contribution plans, annuities,  
29 individual retirement accounts, plans maintained or  
30 contributed to by an employer, or maintained or  
31 contributed to by a self-employed person as an  
32 employer, and deferred compensation plans or any  
33 earnings attributable to the deferred compensation  
34 plans, up to a maximum of three thousand dollars for a  
35 person who files a separate state income tax return,  
36 and up to a maximum of six thousand dollars for a  
37 husband and wife who file a joint state income tax  
38 return. However, a surviving spouse who is not  
39 disabled or fifty-five years of age or older can only  
40 exclude the amount of annuities or other similar  
41 periodic payments received as a result of the death of  
42 the other spouse.

43 Sec. 34. Section 422.12, subsection 1, paragraph  
44 c, Code 1995, is amended to read as follows:

45 c. For each dependent, an additional ~~fifteen~~ forty  
46 dollars. As used in this section, the term  
47 "dependent" has the same meaning as provided by the  
48 Internal Revenue Code.

49 Sec. 35. Section 422.13, subsection 1, paragraph  
50 a, Code 1995, is amended to read as follows:

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1 a. The individual has net income of ~~nine ten~~  
 2 thousand dollars or more for the tax year from sources  
 3 taxable under this division.  
 4 Sec. 36. APPLICABILITY. This division of this Act  
 5 applies retroactively to January 1, 1995, for tax  
 6 years beginning on or after that date.”  
 7 \_\_\_\_ . Title page, by striking lines 1 through 6  
 8 and inserting the following: “An Act relating to tax  
 9 provisions involving income tax, machinery, equipment  
 10 and computers property tax reimbursement, subchapter S  
 11 corporations, and services paid for by property taxes  
 12 and property tax reductions and credits and providing  
 13 appropriations, penalties, effective dates, and  
 14 retroactive applicability provisions.””

WAYNE BENNETT

S-3362

1 Amend House File 483, as passed by the House, as  
 2 follows:  
 3 1. Page 2, by inserting after line 32 the  
 4 following:  
 5 “Sec. \_\_\_\_ . Section 222.1, unnumbered paragraph 1,  
 6 Code 1995, is amended to read as follows:  
 7 The Glenwood state hospital-school and the Woodward  
 8 state hospital-school shall be maintained for the  
 9 purpose of providing treatment, training, instruction,  
 10 care, habilitation, and support of ~~mentally retarded~~  
 11 persons with mental retardation or other disabilities  
 12 in this state.”  
 13 2. Page 8, by inserting after line 35 the  
 14 following:  
 15 “Sec. \_\_\_\_ . Section 222.60, unnumbered paragraph 1,  
 16 Code 1995, is amended to read as follows:  
 17 All necessary and legal expenses for the cost of  
 18 admission or commitment or for the treatment,  
 19 training, instruction, care, habilitation, support and  
 20 transportation of ~~patients~~ persons with mental  
 21 retardation in a state hospital-school for the  
 22 ~~mentally retarded~~, or in a special unit, or any public  
 23 or private facility within or without the state,  
 24 approved by the director of the department of human  
 25 services, shall be paid by either:”

COMMITTEE ON HUMAN RESOURCES  
 ELAINE SZYMONIAK, Chairperson

S-3363

- 1 Amend Senate File 344 as follows:  
 2 1. Page 1, by striking lines 9 through 20 and  
 3 inserting the following: "safety services without  
 4 adopting an ordinance abolishing the public safety  
 5 department or service and proposing to contract with  
 6 or grant a franchise to a private person for the  
 7 performance of the public safety service.  
 8 Eligible electors of the city may petition the  
 9 council to submit to the electors the question of  
 10 adopting the ordinance to abolish the public safety  
 11 department or service and intent to contract with or  
 12 grant a franchise to a private person for the  
 13 performance of the public safety service. The minimum  
 14 number of signatures required on the petition shall be  
 15 equal in number to twenty-five percent of those who  
 16 voted in the last regular city election."

MARY E. KRAMER

S-3364

- 1 Amend House File 289 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 3, line 24, by striking the word "twenty-  
 4 five" and inserting the following: "~~twenty-five~~  
 5 fifty".

COMMITTEE ON NATURAL RESOURCES,  
 ENVIRONMENT & ENERGY  
 BILL FINK, Chairperson

S-3365

- 1 Amend House File 303 as follows:  
 2 1. Page 13, by inserting after line 30 the  
 3 following:  
 4 "Sec. \_\_\_\_ . NEW SECTION. 479.48 LANDOWNER  
 5 LIABILITY FOR DAMAGES.  
 6 A landowner shall not be held responsible for any  
 7 damages to a pipeline under this chapter if the  
 8 damages occurred in the normal course of doing  
 9 business on the landowner's property, unless the  
 10 landowner intentionally damaged the pipeline or acted  
 11 with wanton disregard or recklessness in causing the  
 12 damage to the pipeline. For purposes of this section,  
 13 "landowner" means the owner of the property, a family  
 14 member or employee of the owner of the property, or a  
 15 tenant of the owner of the property."

16 2. Page 19, by inserting after line 7 the  
17 following:

18 "Sec. \_\_\_\_ . NEW SECTION. 479A.27 LANDOWNER  
19 LIABILITY FOR DAMAGES.

20 A landowner shall not be held responsible for any  
21 damages to a pipeline under this chapter if the  
22 damages occurred in the normal course of doing  
23 business on the landowner's property, unless the  
24 landowner intentionally damaged the pipeline or acted  
25 with wanton disregard or recklessness in causing the  
26 damage to the pipeline. For purposes of this section,  
27 "landowner" means the owner of the property, a family  
28 member or employee of the owner of the property, or a  
29 tenant of the owner of the property."

30 3. Page 37, by inserting after line 33 the  
31 following:

32 "Sec. \_\_\_\_ . NEW SECTION. 479B.32 LANDOWNER  
33 LIABILITY FOR DAMAGES.

34 A landowner shall not be held responsible for any  
35 damages to a pipeline under this chapter if the  
36 damages occurred in the normal course of doing  
37 business on the landowner's property, unless the  
38 landowner intentionally damaged the pipeline or acted  
39 with wanton disregard or recklessness in causing the  
40 damage to the pipeline. For purposes of this section,  
41 "landowner" means the owner of the property, a family  
42 member or employee of the owner of the property, or a  
43 tenant of the owner of the property.

44 Sec. \_\_\_\_ . NEW SECTION. 480.9 LANDOWNER LIABILITY  
45 FOR DAMAGES.

46 A landowner who complies with the requirements of  
47 this chapter, shall not be held responsible for any  
48 damages to an underground facility, including fiber  
49 optic cable, if the damages occurred in the normal  
50 course of doing business on the landowner's property,

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1 unless the landowner intentionally damaged the  
2 underground facility or acted with wanton disregard or  
3 recklessness in causing the damage to the underground  
4 facility. For purposes of this section, "landowner"  
5 means the owner of the property, a family member or  
6 employee of the owner of the property, or a tenant of  
7 the owner of the property."

8 4. By renumbering as necessary.

S-3366

1 Amend House File 247, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 9 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 514C.8 COORDINATION OF  
6 HEALTH CARE BENEFITS WITH STATE MEDICAL ASSISTANCE.

7 1. An insurer, health maintenance organization, or  
8 hospital and medical service plan providing health  
9 care coverage to individuals in this state shall not  
10 consider the availability of or eligibility for  
11 medical assistance under Title XIX of the federal  
12 Social Security Act and chapter 249A, when determining  
13 eligibility of the individual for coverage or  
14 calculating payments to the individual under the  
15 health care coverage plan.

16 2. The state acquires the rights of an individual  
17 to payment from an insurer, health maintenance  
18 organization, or hospital or medical service plan to  
19 the extent payment for covered expenses is made  
20 pursuant to chapter 249A for health care items or  
21 services provided to the individual. Upon  
22 presentation of proof that payment was made pursuant  
23 to chapter 249A for covered expenses, the insurer,  
24 health maintenance organization, or hospital or  
25 medical service plan shall make payment to the state  
26 medical assistance program to the extent of the  
27 coverage provided in the policy or contract.

28 3. An insurer shall not impose requirements on the  
29 state with respect to the assignment of rights  
30 pursuant to this section that are different from the  
31 requirements applicable to an agent or assignee of a  
32 covered individual.

33 4. For purposes of this section, "insurer" means  
34 an entity which offers a health benefit plan,  
35 including a group health plan under the federal  
36 Employee Retirement Income Security Act of 1974.

37 Sec. \_\_\_\_ . NEW SECTION. 514C.9 MEDICAL SUPPORT --  
38 INSURANCE REQUIREMENTS.

39 1. An insurer shall not deny coverage or  
40 enrollment of a child under the health plan of the  
41 obligor upon any of the following grounds:

42 a. The child is born out of wedlock.

43 b. The child is not claimed as a dependent on the  
44 obligor's federal income tax return.

45 c. The child does not reside with the obligor or  
46 in the insurer's service area. This section shall not  
47 be construed to require a health maintenance  
48 organization regulated under chapter 514B to provide

49 any services or benefits for treatment outside of the  
50 geographic area described in its certificate of

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1 authority which would not be provided to a member  
2 outside of that geographic area pursuant to the terms  
3 of the health maintenance organizations contract.

4 2. An insurer of an obligor providing health care  
5 coverage to the child for which the obligor is legally  
6 responsible to provide support shall do all of the  
7 following:

8 a. Provide information to the obligee or other  
9 legal custodian of the child as necessary for the  
10 child to obtain benefits through the coverage of the  
11 insurer.

12 b. Allow the obligee or other legal custodian of  
13 the child, or the provider with the approval of the  
14 obligee or other legal custodian of the child, to  
15 submit claims for covered services without the  
16 approval of the obligor.

17 c. Make payment on a claim submitted in paragraph  
18 "b" directly to the obligee or other legal custodian  
19 of the child, the provider, or the state medical  
20 assistance agency for claims submitted by the obligee  
21 or other legal custodian of the child, by the provider  
22 with the approval of the obligee or other legal  
23 custodian of the child, or by the state medical  
24 assistance agency.

25 3. If an obligor is required by a court order or  
26 administrative order to provide health coverage for a  
27 child and the obligor is eligible for dependent health  
28 coverage, the insurer shall do all of the following:

29 a. Allow the obligor to enroll under dependent  
30 coverage a child who is eligible for coverage pursuant  
31 to the applicable terms and conditions of the health  
32 benefit plan and the standard enrollment guidelines of  
33 the insurer without regard to an enrollment season  
34 restriction.

35 b. Enroll a child who is eligible for coverage  
36 under the applicable terms and conditions of the  
37 health benefit plan and the standard enrollment  
38 guidelines of the insurer, without regard to any time  
39 of enrollment restriction, under dependent coverage  
40 upon application by the obligee or other legal  
41 custodian of the child or by the department of human  
42 services in the event an obligor required by a court  
43 order or administrative order fails to apply for  
44 coverage for the child.

45 c. Maintain coverage and not cancel the child's

46 enrollment unless the insurer obtains satisfactory  
47 written evidence of any of the following:  
48 (1) The court order or administrative order is no  
49 longer in effect.  
50 (2) The child is eligible for or will enroll in

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1 comparable health coverage through an insurer which  
2 shall take effect not later than the effective date of  
3 the cancellation of enrollment of the original  
4 coverage.

5 (3) The employer has eliminated dependent health  
6 coverage for its employees.

7 (4) The obligor is no longer paying the required  
8 premium because the employer no longer owes the  
9 obligor compensation, or because the obligor's  
10 employment has terminated and the obligor has not  
11 elected to continue coverage.

12 4. A group health plan shall establish reasonable  
13 procedures to determine whether a child is covered  
14 under a qualified medical child support order issued  
15 pursuant to chapter 252E. The procedures shall be in  
16 writing, provide for prompt notice of each person  
17 specified in the medical child support order as  
18 eligible to receive benefits under the group health  
19 plan upon receipt by the plan of the medical child  
20 support order, and allow an obligee or other legal  
21 custodian of the child under chapter 252E to designate  
22 a representative for receipt of copies of notices in  
23 regard to the medical child support order that are  
24 sent to the obligee or other legal custodian of the  
25 child and the department of human services' child  
26 support recovery unit.

27 5. For purposes of this section, unless the  
28 context otherwise requires:

29 a. "Child" means a person, other than an obligee's  
30 spouse or former spouse, who is recognized under a  
31 qualified medical child support order as having a  
32 right to enrollment under a group health plan as the  
33 obligor's dependent.

34 b. "Court order" or "administrative order" means a  
35 ruling by a court or administrative agency in regard  
36 to the support an obligor shall provide to the  
37 obligor's child.

38 c. "Insurer" means an entity which offers a health  
39 benefit plan.

40 d. "Obligee" means an obligee as defined in  
41 section 252E.1.

42 e. "Obligor" means an obligor as defined in

43 section 252E.1.

44 f. "Qualified medical child support order" means a  
45 child support order which creates or recognizes a  
46 child's right to receive health benefits for which the  
47 child is eligible under a group health benefit plan,  
48 describes or determines the type of coverage to be  
49 provided, specifies the length of time for which the  
50 order applies, and specifies the plan to which the

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1 order applies.

2 Sec. — . NEW SECTION. 514C.10 COVERAGE FOR  
3 ADOPTED CHILD.

4 1. DEFINITIONS. For purposes of this section,  
5 unless the context otherwise requires:

6 a. "Child" means, with respect to an adoption or a  
7 placement for adoption of a child, an individual who  
8 has not attained age eighteen as of the date of the  
9 issuance of a final adoption decree, or upon an  
10 interlocutory adoption decree becoming a final  
11 adoption decree, as provided in chapter 600, or as of  
12 the date of the placement for adoption.

13 b. "Placement for adoption" means the assumption  
14 and retention of a legal obligation for the total or  
15 partial support of the child in anticipation of the  
16 adoption of the child. The child's placement with a  
17 person terminates upon the termination of such legal  
18 obligation.

19 2. COVERAGE REQUIRED. A policy or contract  
20 providing for third-party payment or prepayment of  
21 health or medical expenses shall provide coverage  
22 benefits to a dependent child adopted by, or placed  
23 for adoption with, an insured or enrollee under the  
24 same terms and conditions as apply to a biological,  
25 dependent child of the insured or enrollee. The  
26 issuer of the policy or contract shall not restrict  
27 coverage under the policy or contract for a dependent  
28 child adopted by, or placed for adoption with, the  
29 insured or enrollee solely on the basis of a  
30 preexisting condition of such dependent child at the  
31 time that the child would otherwise become eligible  
32 for coverage under the plan, if the adoption or  
33 placement occurs while the insured or enrollee is  
34 eligible for coverage under the policy or contract.  
35 This section applies to the following classes of  
36 third-party payment provider contracts or policies  
37 delivered, issued for delivery, continued, or renewed  
38 in this state on or after July 1, 1995:

39 a. Individual or group accident and sickness

40 insurance providing coverage on an expense-incurred  
41 basis.

42 b. An individual or group hospital or medical  
43 service contract issued pursuant to chapter 509, 514,  
44 or 514A.

45 c. An individual or group health maintenance  
46 organization contract regulated under chapter 514B.

47 d. An individual or group Medicare supplemental  
48 policy, unless coverage pursuant to such policy is  
49 preempted by federal law.

50 e. An organized delivery system licensed by the

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1 director of public health.”

2 2. Page 25, by striking lines 3 through 8 and

3 inserting the following:

4 “Sec. \_\_\_\_ . Section 521.1, Code 1995, is amended to  
5 read as follows:

6 521.1 DEFINITIONS.

7 “Company” or “companies” when used in this chapter  
8 means a company or association organized under chapter  
9 508, 511, 515, 518, 518A, or 520, ~~except county~~  
10 ~~mutuals and includes a mutual insurance holding~~  
11 ~~company organized pursuant to section 521A.14.”~~

12 3. Page 25, by inserting after line 26 the  
13 following:

14 “Sec. \_\_\_\_ . NEW SECTION. 521A.14 MUTUAL INSURANCE  
15 HOLDING COMPANIES.

16 1. a. A domestic mutual insurance company upon  
17 approval of the commissioner, may reorganize by  
18 forming an insurance holding company based upon a  
19 mutual plan and continuing the corporate existence of  
20 the reorganizing insurance company as a stock  
21 insurance company. The commissioner, after a public  
22 hearing as provided in section 521A.3, subsection 4,  
23 paragraph “b”, if satisfied that the interests of the  
24 policyholders are properly protected and that the plan  
25 of reorganization is fair and equitable to the  
26 policyholders, may approve the proposed plan of  
27 reorganization and may require as a condition of  
28 approval such modifications of the proposed plan of  
29 reorganization as the commissioner finds necessary for  
30 the protection of the policyholder’s interests. The  
31 commissioner may retain consultants as provided in  
32 section 521A.3, subsection 4, paragraph “c”. A  
33 reorganization pursuant to this section is subject to  
34 section 521A.3, subsections 1, 2, and 3. The  
35 commissioner shall retain jurisdiction over a mutual  
36 insurance holding company organized pursuant to this

37 section to assure that policyholder interests are  
38 protected.  
39 b. All of the initial shares of the capital stock  
40 of the reorganized insurance company shall be issued  
41 to the mutual insurance holding company. The  
42 membership interests of the policyholders of the  
43 reorganized insurance company shall become membership  
44 interests in the mutual insurance holding company.  
45 Policyholders of the reorganized insurance company  
46 shall be members of the mutual insurance holding  
47 company in accordance with the articles of  
48 incorporation and bylaws of the mutual insurance  
49 holding company. The mutual insurance holding company  
50 shall at all times own a majority of the voting shares

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1 of the capital stock of the reorganized insurance  
2 company.  
3 2. a. A domestic mutual insurance company, upon  
4 the approval of the commissioner, may reorganize by  
5 merging its policyholders membership interests into a  
6 mutual insurance holding company formed pursuant to  
7 subsection 1 and continuing the corporate existence of  
8 the reorganizing insurance company as a stock  
9 insurance company subsidiary of the mutual insurance  
10 holding company. The commissioner, after a public  
11 hearing as provided in section 521A.3, subsection 4,  
12 paragraph "b", if satisfied that the interest of the  
13 policyholders are properly protected and that the  
14 merger is fair and equitable to the policyholders, may  
15 approve the proposed merger and may require as a  
16 condition of approval such modifications of the  
17 proposed merger as the commissioner finds necessary  
18 for the protection of the policyholder's interests.  
19 The commissioner may retain consultants as provided in  
20 section 521A.3, subsection 4, paragraph "c". A merger  
21 pursuant to this section is subject to section 521A.3,  
22 subsections 1, 2, and 3. The commissioner shall  
23 retain jurisdiction over the mutual insurance holding  
24 company organized pursuant to this section to assure  
25 that policyholder interests are protected.  
26 b. All of the initial shares of the capital stock  
27 of the reorganized insurance company shall be issued  
28 to the mutual insurance holding company. The  
29 membership interests of the policyholders of the  
30 reorganized insurance company shall become membership  
31 interests in the mutual insurance holding company.  
32 Policyholders of the reorganized insurance company  
33 shall be members of the mutual insurance holding

34 company in accordance with the articles of  
35 incorporation and bylaws of the mutual insurance  
36 holding company. The mutual insurance holding company  
37 shall at all times own a majority of the voting shares  
38 of the capital stock of the reorganized insurance  
39 company. A merger of policyholder's membership  
40 interests in a mutual insurance company into a mutual  
41 insurance holding company shall be deemed to be a  
42 merger of insurance companies pursuant to chapter 521  
43 and chapter 521 is also applicable.  
44 3. A mutual insurance holding company resulting  
45 from the reorganization of a domestic mutual insurance  
46 company organized under chapter 491 shall be  
47 incorporated pursuant to chapter 491. This  
48 requirement shall supersede any conflicting provisions  
49 of section 491.1. The articles of incorporation and  
50 any amendments to such articles of the mutual

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1 insurance holding company shall be subject to approval  
2 of the commissioner and the attorney general in the  
3 same manner as those of an insurance company.  
4 4. A mutual insurance holding company is deemed to  
5 be an insurer subject to chapter 507C and shall  
6 automatically be a party to any proceeding under  
7 chapter 507C involving an insurance company which as a  
8 result of a reorganization pursuant to subsection 1 or  
9 2 is a subsidiary of the mutual insurance holding  
10 company. In any proceeding under chapter 507C  
11 involving the reorganized insurance company, the  
12 assets of the mutual insurance holding company are  
13 deemed to be assets of the estate of the reorganized  
14 insurance company for purposes of satisfying the  
15 claims of the reorganized insurance company's policy-  
16 holders. A mutual insurance holding company shall not  
17 dissolve or liquidate without the approval of the  
18 commissioner or as ordered by the district court  
19 pursuant to chapter 507C.  
20 5. a. Chapters 508B and 515G are not applicable  
21 to a reorganization or merger pursuant to this  
22 section.  
23 b. Chapter 508B is applicable to demutualization  
24 of a mutual insurance holding company which resulted  
25 from the reorganization of a domestic mutual life  
26 insurance company organized under chapter 508 as if it  
27 were a mutual life insurance company.  
28 c. Chapter 515G is applicable to demutualization  
29 of a mutual insurance holding company which resulted  
30 from the reorganization of a domestic mutual property

31 and casualty insurance company organized under chapter  
 32 515 as if it were a mutual property and casualty  
 33 insurance company.

34 6. A membership interest in a domestic mutual  
 35 insurance holding company shall not constitute a  
 36 security as defined in section 502.102."

37 4. Page 27, by inserting after line 1 the  
 38 following:

39 "Sec. \_\_\_\_ . The Code editor is directed to codify  
 40 new section 521A.14, as enacted in this Act, as a  
 41 separate division of chapter 521A."

42 5. Title page, line 4, by inserting after the  
 43 word "contracts," the following: "providing for  
 44 coordination of health care benefits with state  
 45 medical assistance and for continuation of health care  
 46 benefits pursuant to court-ordered medical child  
 47 support and for coverage for an adopted child,".

48 6. Renumber as necessary.

COMMITTEE ON COMMERCE

PATRICK J. DELUHERY, Chairperson

S-3367

1 Amend House File 334, 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. INTERIM POVERTY STUDY. The  
 6 legislative council is requested to authorize an  
 7 interim study to assess the impact of poverty on  
 8 decisionmaking, teaching, learning systems, and on the  
 9 students in Iowa's K-12 public schools, utilizing the  
 10 primary and secondary risk factors specified in 281  
 11 IAC 65(4-5) for identifying the at-risk population of  
 12 a school district or building. The study shall be  
 13 conducted under the leadership of the chairpersons and  
 14 the ranking members of the standing education  
 15 committees of the senate and house of representatives,  
 16 in collaboration with, and with the assistance and  
 17 support of, the department of education, the  
 18 department of human services, the department of  
 19 economic development, and other public and nonpublic  
 20 institutions and agencies deemed appropriate by the  
 21 council. The council is further requested to provide  
 22 funds sufficient for administrative needs and to  
 23 contract for research and support staffing. The study  
 24 committee shall define the conditions of poverty,  
 25 estimate the number of dropouts and the number of  
 26 families and children living in poverty, identify the

27 local, state and federal subsidies provided for  
28 students and their families living in poverty, compare  
29 the conditions in Iowa with the conditions in other  
30 states in the midwest relating to poverty and the  
31 states' responses to the conditions, and establish an  
32 ongoing procedure to track the impact of poverty on  
33 education, health conditions, and the job market. The  
34 study committee shall submit its findings and  
35 recommendations to the general assembly by January 15,  
36 1996.

37 Sec. 2. NEW SECTION. 257.50 TRANSPORTATION  
38 ASSISTANCE AID TO DISTRICTS.

39 1. The department shall pay transportation  
40 assistance aid to a school district from funds as  
41 provided in this section to school districts whose  
42 average transportation costs per pupil exceed the  
43 state average transportation costs per pupil  
44 determined under subsection 2 by one hundred percent.

45 2. A district's average transportation costs per  
46 pupil shall be determined by dividing the district's  
47 actual cost for all children transported in all school  
48 buses for a school year pursuant to section 285.1,  
49 subsection 12, less the amount received for  
50 transporting nonpublic school pupils under section

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1 285.1, by the district's actual enrollment for the  
2 school year, less the shared-time enrollment for the  
3 school year, as defined in section 257.6. The state  
4 average transportation costs per pupil shall be  
5 determined by dividing the total actual costs for all  
6 children transported in all districts for a school  
7 year, by the total of all districts' actual  
8 enrollments for the school year.

9 3. To be eligible for transportation assistance  
10 aid, a school district shall annually certify its  
11 actual cost for all children transported in all school  
12 buses not later than July 31 after each school year on  
13 forms prescribed by the department of education.

14 4. If a school district's average transportation  
15 costs per pupil exceed the state average  
16 transportation costs per pupil by one hundred percent,  
17 the department of education shall pay transportation  
18 assistance aid equal to the amount of the difference  
19 multiplied by the district's actual enrollment for the  
20 school year less the shared-time enrollment for the  
21 school year as defined in section 257.6.

22 5. There is appropriated from the general fund of  
23 the state to the department of education, for each

24 fiscal year, an amount necessary to pay transportation  
25 assistance aid pursuant to this section.

26 Transportation assistance aid is miscellaneous income  
27 for purposes of chapter 257.

28 6. If the general assembly creates an Iowa  
29 education transportation enhancement fund in the  
30 office of the treasurer of state, the department shall  
31 pay transportation assistance aid to a school district  
32 that meets the requirements of this section from  
33 moneys credited to the Iowa education transportation  
34 enhancement fund. If moneys in the fund are  
35 insufficient for purposes of this subsection, there is  
36 appropriated from the general fund of the state to the  
37 department of education, for each fiscal year, an  
38 amount sufficient to pay the remaining transportation  
39 assistance aid necessary under this section.  
40 Transportation assistance aid is miscellaneous income  
41 for purposes of chapter 257."

42 2. Page 2, by inserting after line 28 the  
43 following:

44 "Sec. \_\_\_\_ . Section 285.3, Code 1995, is amended by  
45 striking the section and inserting in lieu thereof the  
46 following:

47 285.3 PARENTAL REIMBURSEMENT FOR NONPUBLIC SCHOOL  
48 STUDENT TRANSPORTATION.

49 1. A parent or legal guardian of a nonpublic  
50 school student, who furnishes transportation to the

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1 student pursuant to section 285.1, shall notify the  
2 resident public school district that the child is  
3 enrolled and attending an accredited nonpublic school.  
4 In addition, the parent or legal guardian shall  
5 provide the name, age, and grade level of the student,  
6 and the name of the accredited nonpublic school and  
7 its location. The resident district shall submit  
8 claims on behalf of a parent or legal guardian of a  
9 nonpublic school student by February 1 and July 15 of  
10 each school year unless the parent or legal guardian  
11 fails to notify the district pursuant to this  
12 subsection.

13 2. A parent or legal guardian of a nonpublic  
14 school student who furnishes transportation for the  
15 child pursuant to section 285.1 is entitled to  
16 reimbursement equal to an amount calculated under the  
17 provisions of section 285.1, subsection 3. In  
18 addition, nonpublic school parents or legal guardians  
19 who transport one or more family members more than  
20 four miles to their accredited nonpublic schools of

21 attendance shall be entitled to one supplemental  
 22 mileage payment per family, per claim period, equal to  
 23 fifteen percent of the parental reimbursement amount,  
 24 rounded to the nearest whole dollar, when calculated  
 25 under the provisions of section 285.1, subsection 3."

26 Sec. \_\_\_\_ . Section 257.50, subsection 5, as enacted  
 27 by this Act, is amended by striking the subsection  
 28 effective January 1, 1997.

29 Sec. \_\_\_\_ . Section 257.50, subsection 6, as enacted  
 30 by this Act, takes effect January 1, 1997".

31 3. Title page, line 2, by inserting after the  
 32 word "districts" the following: ", transportation  
 33 assistance aid to a school district, requesting an  
 34 interim poverty study, and making an appropriation".

COMMITTEE ON EDUCATION  
 MIKE CONNOLLY, Chairperson

S-3368

1 Amend House File 504 as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 31 the  
 4 following:

5 "Sec. \_\_\_\_ . Section 321A.1, subsection 8, Code  
 6 1995, is amended to read as follows:

7 8. OWNER. A "Owner" means a person who holds the  
 8 legal title of a motor vehicle, ~~or in however, if the~~  
 9 event a motor vehicle is the subject of a security  
 10 agreement with a right of possession in the debtor,  
 11 then such the debtor shall be deemed the owner for the  
 12 purpose purposes of this chapter or if the motor  
 13 vehicle is leased as defined in section 321.493, the  
 14 lessee shall be deemed the owner for purposes of this  
 15 chapter."

COMMITTEE ON TRANSPORTATION  
 DON E. GETTINGS, Chairperson

S-3369

1 Amend House File 393, as passed by the House, as  
 2 follows:

3 1. Page 1, line 15, by inserting after the word  
 4 "requirements" the following: "under 49 C.F.R. §  
 5 395.1(e)(5)".

COMMITTEE ON TRANSPORTATION  
 DON E. GETTINGS, Chairperson

S-3370

- 1 Amend House File 460, as passed by the House, as  
2 follows:  
3 1. By striking page 2, line 15, through page 3,  
4 line 7.  
5 2. Title page, by striking lines 1 through 3 and  
6 inserting the following: "An Act relating to  
7 governmental control of property by providing for".

COMMITTEE ON TRANSPORTATION  
DON E. GETTINGS, Chairperson

S-3371

- 1 Amend House File 258, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 730.5, subsection 1, Code  
6 1995, is amended to read as follows:  
7 1. As used in this section, unless the context  
8 otherwise requires:  
9 a. "~~drug~~ Drug test" means any blood, urine,  
10 saliva, chemical, or skin tissue test conducted for  
11 the purpose of detecting the presence of a chemical  
12 substance in an individual.  
13 b. "Preemployment" means that period of time  
14 between when a bona fide offer of employment is made  
15 and when employment begins.  
16 Sec. 2. Section 730.5, subsection 3, paragraph c,  
17 Code 1995, is amended to read as follows:  
18 c. The test sample withdrawn from the employee is  
19 analyzed by a laboratory or testing facility that has  
20 been approved under rules adopted by the department of  
21 public health. The laboratory or testing facility  
22 shall test for and report to the employer only the  
23 presence of alcohol or illegal controlled substances  
24 in any test sample. The rules adopted by the  
25 department of public health shall provide for all of  
26 the following:  
27 (1) The initial screening test may utilize  
28 immunoassay, thin layer, high performance liquid or  
29 gas chromatography, or an equivalent technology. If  
30 the initial test utilizes immunoassay, the test kit  
31 must meet the requirements of the United States food  
32 and drug administration.  
33 (2) Samples which have tested positive by initial  
34 testing, with the exception of alcohol, shall be  
35 confirmed by gas chromatography-mass spectrometry or

36 by a scientifically equivalent technique approved by  
37 the department.  
38 (3) All initial positive drug test results with  
39 the exception of alcohol shall be confirmed by gas  
40 chromatography-mass spectrometry or an equivalent test  
41 approved by the department before being reported as  
42 positive or negative.  
43 (4) All initial positive test results for alcohol  
44 shall be confirmed by gas chromatography, or a test  
45 that is recognized by the department as an equivalent  
46 test before being reported as positive or negative.  
47 (5) Preliminary reports for drugs other than  
48 alcohol shall not be issued in the absence of  
49 confirmation by gas chromatography-mass spectrometry  
50 or a scientifically equivalent test approved by the

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1 department.  
2 (6) Complete chain of custody procedures shall be  
3 used for referred specimens. When sample volumes  
4 permit, it is recommended that only an aliquot of the  
5 original specimen be sent to a reference laboratory.  
6 Sec. 3. Section 730.5, subsection 7, Code 1995, is  
7 amended to read as follows:  
8 7. A drug test conducted as a part of a physical  
9 examination performed as a part of a preemployment  
10 physical or as a part of a regularly scheduled  
11 physical is only permissible in addition to drug  
12 testing permitted by subsection 3, drug testing of an  
13 employee or applicant for employment shall also be  
14 permitted under the following circumstances:  
15 a. For a preemployment physical, the employer  
16 shall include notice that a drug test will be part of  
17 a preemployment physical in any notice or  
18 advertisement soliciting applicants for employment or  
19 in the application for employment, and an applicant  
20 for employment shall be personally informed of the  
21 requirement for a drug test at the first interview.  
22 b. For a regularly scheduled physical, the  
23 employer shall give notice that a drug test will be  
24 part of the physical at least thirty days prior to the  
25 date the physical is scheduled.  
26 c. An employer may require an employee, as a  
27 condition of employment, to undergo drug testing if  
28 that employee has been referred by the employer for  
29 substance abuse evaluation pursuant to subsection 3,  
30 paragraph "f", and treatment, if recommended by the  
31 evaluation. The employee may be required to undergo  
32 drug testing without prior notice, but in no case

33 shall more than two tests be conducted in the twelve-  
34 month period following the employee's completion of  
35 substance abuse treatment if the treatment was  
36 recommended by the evaluation. No drug test shall be  
37 required of an employee by an employer during drug  
38 treatment of the employee, if such testing would  
39 duplicate testing of the employee conducted in the  
40 course of treatment and the employee has waived  
41 confidentiality as to the employer of the results of  
42 such testing. No employer shall require an employee  
43 to submit to drug testing under this paragraph if more  
44 than twelve months have elapsed since the employee  
45 successfully completed drug treatment and the employee  
46 has not had a drug test indicating the presence of  
47 alcohol or an illegal controlled substance during that  
48 twelve-month period.

49 Drug testing conducted under this subsection shall  
50 conform to the requirements of subsection 3,

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1 paragraphs "c", "d", "e", and "f"; however, paragraph  
2 "f" shall not apply to drug tests conducted as a part  
3 of a preemployment physical.

4 Sec. 4. Section 730.5, Code 1995, is amended by  
5 adding the following new subsection:

6 **NEW SUBSECTION. 12.** An employer who conducts a  
7 drug test pursuant to this section shall, on a  
8 quarterly basis, file a written report with the labor  
9 division of the department of employment services  
10 consisting of the following information:

11 a. The number of drug tests conducted by the  
12 employer.

13 b. The number of drug tests conducted as part of a  
14 preemployment drug test, a regularly scheduled  
15 physical, or as a result of a drug test conducted  
16 pursuant to a finding of probable cause as provided by  
17 subsection 3, paragraph "a". Of the drug tests  
18 conducted pursuant to a finding of probable cause, the  
19 employer shall indicate the number of drug tests  
20 conducted as a result of a workplace accident that  
21 resulted in personal injury, property damage, or both  
22 personal injury and property damage.

23 c. The number of drug tests that resulted in a  
24 confirmed positive test result indicating the presence  
25 of alcohol or an illegal controlled substance.

26 Sec. 5. EMPLOYMENT DRUG TESTING STUDY. The  
27 legislative council is requested to establish a study  
28 committee on drug testing of employees and applicants  
29 for employment."

30 2. Title page, line 2, by striking the word  
 31 "defenses" and inserting the following: "reporting of  
 32 drug tests, establishing a study of employment drug  
 33 testing".

COMMITTEE ON BUSINESS AND  
 LABOR RELATIONS  
 DICK L. DEARDEN, Chairperson

S-3372

1 Amend House File 492, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting after line 8 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 562A.5, Code 1995, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 8. Occupancy in housing owned by  
 8 a nonprofit organization whose purpose is to provide  
 9 transitional housing for persons released from drug or  
 10 alcohol treatment facilities and in housing for  
 11 homeless persons.  
 12 Sec. \_\_\_\_ . Section 562A.6, Code 1995, is amended by  
 13 adding the following new subsection:  
 14 NEW SUBSECTION. 15. "Transitional housing" means  
 15 temporary or nonpermanent housing."  
 16 2. Page 5, by inserting after line 32 the  
 17 following:  
 18 "Sec. \_\_\_\_ . EFFECTIVE DATE. The amendments in this  
 19 Act to sections 562A.5 and 562A.6, being deemed of  
 20 immediate importance, take effect upon enactment."  
 21 3. Title page, line 1, by inserting after the  
 22 word "relating" the following: "to the exclusion of  
 23 certain nonprofit transitional housing from landlord-  
 24 tenant agreements and remedies and".  
 25 4. Title page, line 3, by inserting after the  
 26 word "danger" the following: "and providing an  
 27 effective date".  
 28 5. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
 RANDAL J. GIANNETTO, Chairperson

S-3373

1 Amend House File 126, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 1, line 35, through page 2,  
 4 line 10, and inserting the following:  
 5 "523H.6 FRANCHISE MARKET AREA.

6 1. This section applies to a franchise which is  
7 not a food service franchise or food service  
8 establishment franchise subject to section 523H.6A.

9 2. An action by a franchisor or its licensee which  
10 diverts trade away from an existing franchisee and  
11 which materially injures the franchisee's business is  
12 a violation of the duty of good faith and results in a  
13 cause of action accruing to the franchisee for  
14 damages, injunctive relief, or other appropriate  
15 remedy as determined by the court. In any action  
16 brought pursuant to this section, proof of a  
17 correlation between the action of the franchisor or  
18 its licensee and the diversion of trade establishes a  
19 prima facie case of a violation of this section.

20 3. This section shall apply notwithstanding the  
21 terms, provisions, or conditions of an agreement or  
22 franchise.

23 Sec. \_\_\_\_ **NEW SECTION. 523H.6A FOOD SERVICE**  
24 **FRANCHISE OR FOOD SERVICE ESTABLISHMENT FRANCHISE**  
25 **MARKET AREA.**

26 1. a. For purposes of a food service franchise or  
27 food service establishment franchise, a rebuttable  
28 presumption arises that a breach of the duty of good  
29 faith has occurred as a result of the diversion of  
30 trade if a franchisor establishes a new company-owned  
31 outlet or store or a new franchise outlet or store  
32 within a two-mile radius, using a straight line  
33 measurement, from the center of an already existing  
34 franchise, or within an area with a radius, using a  
35 straight line measurement, from the center of an  
36 already existing franchise, which contains a  
37 population of twenty thousand or greater.

38 b. With respect to locations within the relevant  
39 consumer market area of an existing franchise  
40 operation which are located outside of the geographic  
41 area defined in paragraph "a", a rebuttable  
42 presumption arises that a breach of the duty of good  
43 faith has not occurred as a result of the diversion of  
44 trade.

45 2. A franchisor shall establish and make available  
46 a written policy outlining reasonable objective  
47 criteria to be used by the franchisor to determine  
48 whether an existing franchisee is eligible to  
49 participate in the establishment of an additional  
50 outlet or location which is proposed to be located

3 geographic area as defined in subsection 1, paragraph  
4 "a", or which is proposed to be located within the  
5 same community in which an existing franchise is  
6 located and within the geographic area as defined in  
7 subsection 1, paragraph "a". The franchisor shall  
8 provide a copy of this policy to all existing  
9 franchisees or potential franchisees upon request. A  
10 franchisor, upon the request of a franchisee, shall  
11 notify the franchisee as to whether the franchisee may  
12 acquire additional outlets or locations of the  
13 franchisor as identified in this subsection. A  
14 franchisor shall not adopt a policy that unreasonably  
15 prohibits an existing franchisee from acquiring such  
16 outlets or locations.

17 3. Upon the determination of a franchisor to  
18 establish an additional outlet or location within a  
19 geographic area as defined in subsection 1, paragraph  
20 "a", the franchisor shall give a right of first  
21 refusal to the nearest franchisee located within the  
22 geographic area. If the franchisee declines to  
23 exercise the right of first refusal, the right of  
24 first refusal shall pass consecutively to the next  
25 closest franchisee located within the geographic area.  
26 If all such franchisees located within the geographic  
27 area decline to exercise the right of first refusal,  
28 the franchisor may proceed to establish a new  
29 franchise or company-owned outlet or location.

30 4. If an existing franchisee located within a  
31 geographic area as defined in subsection 1, paragraph  
32 "a", determines that the franchisee has been aggrieved  
33 as a result of the action of a franchisor which  
34 establishes a new franchise or company-owned outlet or  
35 location within the geographic area, the franchisee,  
36 upon motion to the district court, shall be granted a  
37 temporary injunction prohibiting the establishment of  
38 a new franchise or company-owned outlet or location.  
39 The proceeding shall be summary in nature and triable  
40 as an equitable action."

41 2. By renumbering as necessary.

COMMITTEE ON COMMERCE  
PATRICK J. DELUHERY, Chairperson

S-3374

1 Amend House File 387, as passed by the House, as  
2 follows:

3 1. Page 1, line 16, by inserting before the word  
4 "governor" the following: "executive director who  
5 shall transfer to the".

- 6 2. Page 1, by inserting after line 32 the  
7 following:  
8 "Sec. 201. Section 262.9, Code 1995, is amended by  
9 adding the following new subsection:  
10 **NEW SUBSECTION. 30.** Appoint an executive  
11 director, subject to senate confirmation, to  
12 administer the office of the board. The executive  
13 director shall serve at the pleasure of the board.  
14 The executive director shall be subject to reconfirma-  
15 tion by the senate during the regular session of the  
16 general assembly convening in January if the executive  
17 director will complete a fourth year in office on or  
18 before the following April 30. The executive director  
19 is exempt from the merit system provisions of chapter  
20 19A. The salary of the executive director shall be  
21 set within a range established by the general  
22 assembly. The executive director shall be selected  
23 primarily for administrative ability and knowledge in  
24 the field, without regard to political affiliation."  
25 3. Page 2, line 5, by inserting after the word  
26 "provided" the following: "to the executive  
27 director".  
28 4. Page 2, by inserting after line 8 the  
29 following:  
30 "Sec. \_\_\_\_ . EFFECTIVE DATE. Section 201 of this  
31 Act takes effect July 1, 1996."  
32 5. By renumbering as necessary.

JIM LIND

HOUSE AMENDMENT TO  
SENATE FILE 117

S-3375

- 1 Amend Senate File 117 as passed by the Senate as  
2 follows:  
3 1. Page 1, by inserting after line 30 the  
4 following:  
5 "\_\_\_\_. "Medical examiner" means an individual who  
6 is appointed as a medical examiner pursuant to section  
7 331.801 or 691.5."  
8 2. Page 1, line 35, by striking the words  
9 "certified by" and inserting the following:  
10 "registered with".  
11 3. Page 2, line 2, by striking the figures and  
12 letters "42 U.S.C. § 273" and inserting the following:  
13 "42 C.F.R. § 485, subpt. D".  
14 4. Page 4, by striking lines 15 and 16 and  
15 inserting the following: "anatomical gift made

16 pursuant to section 142C.4.”

17 5. Page 4, by striking lines 23 and 24 and  
18 inserting the following:

19 “12. A document of gift may be in the form of a  
20 specific donor card such as an eye donor card, a  
21 uniform donor card, a will, or any other written  
22 document executed pursuant to this chapter. A uniform  
23 donor card shall include the options of donating any  
24 and all parts, or any specific part or parts. A  
25 uniform donor card may, but is not required to be, in  
26 the following form:”

27 6. Page 6, by striking lines 3 through 32.

28 7. By renumbering, relettering, or redesignating  
29 and correcting internal references as necessary.

S-3376

1 Amend House File 486, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 65, line 10, by striking the word and  
4 figures “, 566A.2B, and 566A.2C” and inserting the  
5 following: “and 566A.2B”.

6 2. Page 65, by striking lines 13 through 15 and  
7 inserting the following: “exempt from section  
8 566A.2D. Political subdivisions of the state which  
9 are counties are exempt from this chapter. Political  
10 subdivisions of the state other than counties are  
11 exempt from sections 566A.3 and 566A.6.”

12 3. Page 69, by striking lines 3 through 24.

13 4. Page 70, line 3, by inserting after the word  
14 “subdivision” the following: “subject to this  
15 section”.

16 5. Page 71, line 1, by inserting after the word  
17 “subdivision” the following: “subject to this  
18 section”.

19 6. Page 74, line 29, by striking the words and  
20 figure “sections 566A.2C and” and inserting the  
21 following: “section”.

22 7. Page 75, lines 1 and 2, by striking the words  
23 and figures “sections 566A.2C, 566A.2D, and 566A.2E”  
24 and inserting the following: “section 566A.2E”.

25 8. By renumbering as necessary.

COMMITTEE ON COMMERCE  
PATRICK J. DELUHERY, Chairperson

S-3377

1 Amend House File 514, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Sec. \_\_\_\_ . Section 321.34, subsection 10, Code  
6 1995, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. f. Special plates issued pursuant  
9 to this subsection are not subject to the requirements  
10 of section 321.34, subsection 18, and section 321.166,  
11 subsections 5, 9, and 10, or the requirement to have  
12 the county name on the special plate as provided in  
13 section 321.166, subsection 2."

14 2. Page 8, by striking lines 3 through 23.

15 3. Page 12, line 18, by striking the figure "10"  
16 and inserting the following: "9".

17 4. Page 12, line 21, by striking the figure "10"  
18 and inserting the following: "9".

19 5. By renumbering as necessary.

BILL FINK

HOUSE AMENDMENT TO  
SENATE FILE 94

S-3378

1 Amend Senate File 94, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 26, by inserting after the word  
4 "state" the following: "and that state charges a  
5 nonresident a fee which is greater than that charged  
6 by that state to a resident of that state".

HOUSE AMENDMENT TO  
SENATE FILE 118

S-3379

1 Amend Senate File 118 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 4, by inserting after line 16 the  
4 following:

5 "\_\_\_\_ . Orthopaedic system advisory council of the  
6 American academy of orthopaedic surgeons, Iowa  
7 representative."

8 2. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 278

S-3380

- 1 Amend Senate File 278, as passed by the Senate, as  
2 follows:  
3 1. Page 4, by inserting after line 12 the  
4 following:  
5 "Sec. \_\_\_\_ . The department of agriculture and land  
6 stewardship shall adopt rules providing for the  
7 slaughter of ostriches, rheas, and emus under  
8 voluntary inspection. The rules shall provide for  
9 humane slaughter and include a fee schedule for such  
10 inspections. In order to implement this Act, the  
11 department shall adopt rules as required under this  
12 section to be effective no later than January 1,  
13 1996."  
14 2. By renumbering as necessary.

S-3381

- 1 Amend House File 246 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 16, by inserting after the word  
4 "claim" the following: "which was determined to be  
5 frivolous or malicious".

TOM VILSACK

S-3382

- 1 Amend House File 41, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 230.12, Code 1995, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 4. An action filed or an  
8 alternative dispute resolution stipulated to under  
9 this section is subject to the applicable provisions  
10 of sections 230.13 and 230.14."  
11 2. Page 1, line 3, by inserting after the figure  
12 "6." the following: "a."  
13 3. Page 1, by striking line 5 and inserting the  
14 following: "state.  
15 b. A blind person receiving assistance who has  
16 resided in".  
17 4. Page 1, line 7, by inserting after the word  
18 "chapter" the following: ", except as specified in

19 paragraph "c".

20 5. Page 1, by striking lines 8 and 9 and  
21 inserting the following: "However, a  
22 c. A blind person who is an inpatient or resident  
23 of, or is supported".

24 6. Page 1, line 18, by inserting after the word  
25 "located" the following: "unless the blind person  
26 has resided in the county in which the institution,  
27 facility, or provider is located for a period of six  
28 months prior to the date of commencement of receipt of  
29 assistance under the laws of this state or for a  
30 period of six months subsequent to the date of  
31 termination of assistance under the laws of this  
32 state".

33 7. Page 1, by inserting after line 18 the  
34 following:

35 "Sec. 100. BLIND PERSONS CURRENTLY RECEIVING  
36 ASSISTANCE -- REDETERMINATION -- CONTINUATION OF  
37 PAYMENT FOR ASSISTANCE.

38 1. For purposes of redetermination of legal  
39 settlement under subsection 2, section 252.17 shall  
40 not apply to a blind person who acquired legal  
41 settlement in this state on or after July 1, 1994, and  
42 prior to the effective date of this Act.

43 2. If legal settlement of a blind person receiving  
44 assistance under the laws of this state was  
45 established in this state under state law in effect on  
46 the effective date of this Act, eligibility of the  
47 blind person for future assistance may be  
48 redetermined. At the time of the redetermination of  
49 the eligibility for assistance, if the blind person  
50 had no legal settlement in this state prior to receipt

Page 2

1 of the assistance, the state shall pay the costs of  
2 assistance provided under the laws of this state  
3 subsequent to the time of redetermination."

4 8. Page 1, by inserting before line 19 the  
5 following:

6 "Sec. \_\_\_\_ . APPLICABILITY. With the exception of  
7 section 100, this Act shall not be construed to have  
8 retroactive applicability or effect and shall not be  
9 construed to affect, deny, or negate assistance,  
10 service, or treatment provided to individuals prior to  
11 the effective date of this Act."

12 9. Title page, by striking line 2, and inserting

13 the following: "certain persons, providing for the  
14 Act's applicability, and providing an effective date."

MERLIN E. BARTZ

HOUSE AMENDMENT TO  
SENATE FILE 93

S-3383

- 1 Amend Senate File 93, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by inserting after the words  
4 "to, a" the following: "juvenile who has been  
5 adjudicated delinquent, but whose juvenile court  
6 records have been sealed under section 232.150, and  
7 a".
- 8 2. Page 1, by striking line 9 and inserting the  
9 following: "judgment."
- 10 3. Page 1, by inserting after line 12 the  
11 following:  
12 "— "Criminal justice agency" means an agency or  
13 department of any level of government or an entity  
14 wholly owned, financed, or controlled by one or more  
15 such agencies or departments which performs as its  
16 principal function the apprehension, prosecution,  
17 adjudication, incarceration, or rehabilitation of  
18 criminal offenders."
- 19 4. Page 1, by striking lines 15 through 18 and  
20 inserting the following:  
21 "(1) Kidnapping of a minor.  
22 (2) False imprisonment of a minor."
- 23 5. Page 2, by striking lines 1 through 4.
- 24 6. Page 2, by striking lines 6 through 12.
- 25 7. Page 4, line 16, by striking the word  
26 "sheriff" and inserting the following: "court".
- 27 8. Page 4, line 19, by striking the word  
28 "sheriff" and inserting the following: "court".
- 29 9. Page 5, line 18, by striking the words  
30 "sheriff, warden," and inserting the following:  
31 "warden".
- 32 10. Page 5, by striking lines 20 through 30 and  
33 inserting the following: "do the following prior to  
34 release or sentencing of the convicted person:"
- 35 11. Page 5, line 31, by inserting after the word  
36 "photograph" the following: "and the social security  
37 number".
- 38 12. Page 6, by striking line 24 and inserting the  
39 following: "incarcerated, the warden or  
40 superintendent, or in the case of conviction without

41 incarceration, the court shall”.

42 13. Page 6, by striking lines 26 through 28 and  
43 inserting the following: “forms, and accept the forms  
44 on behalf of the sheriff of the county of  
45 registration. The warden or”.

46 14. Page 6, line 29, by striking the words  
47 “superintendent shall send a copy of” and inserting  
48 the following: “the court shall send”.

49 15. Page 6, line 30, by striking the word “form”  
50 and inserting the following: “information”.

## Page 2

1 16. Page 7, line 1, by striking the word  
2 “sheriff” and inserting the following: “court”.

3 17. Page 7, by striking lines 2 through 5 and  
4 inserting the following: “the registration  
5 information to the department and to the”.

6 18. Page 7, line 8, by inserting after the word  
7 “FEES” the following: “AND CIVIL PENALTY”.

8 19. Page 7, by striking lines 20 through 28 and  
9 inserting the following:

10 “2. In addition to any other penalty, at the time  
11 of conviction for a public offense committed on or  
12 after the effective date of this Act which requires a  
13 person to register under this chapter, the person  
14 shall be assessed a civil penalty of two hundred  
15 dollars, to be payable in the same manner as a fine.  
16 The clerk of the district court shall transmit money  
17 collected under this subsection each month to the  
18 treasurer of state, who shall deposit ten percent of  
19 the moneys transmitted by the clerk into the court  
20 technology and modernization fund, for use for the  
21 purposes established in section 602.8108, subsection  
22 4, paragraph “a”, and deposit the balance of the  
23 moneys transmitted by the clerk into the sex offender  
24 registry fund established under section 692A.11.”

25 20. Page 7, line 31, by striking the word  
26 “Failure” and inserting the following: “A willful  
27 failure”.

28 21. Page 7, line 34, by striking the words “who  
29 fails” and inserting the following: “who willfully  
30 fails”.

31 22. Page 8, line 5, by inserting after the word  
32 “The” the following: “willful”.

33 23. Page 9, line 3, by inserting after the word  
34 “name,” the following: “the registrant’s social  
35 security number,”.

36 24. Page 9, line 7, by inserting after the word  
37 “photographs” the following: “but shall not include

38 information identifying the victim of the crime of  
39 which the registrant was convicted”.

40 25. Page 9, line 35, by striking the words “law  
41 enforcement” and inserting the following: “criminal  
42 justice agencies”.

43 26. Page 10, line 7, by inserting after the word  
44 “officers.” the following: “Rules adopted shall also  
45 include a procedure for removal of information from  
46 the registry upon the reversal or setting aside of a  
47 conviction of a person who is registered under this  
48 chapter.”

49 27. Page 10, line 32, by striking the words “law  
50 enforcement” and inserting the following: “criminal

### Page 3

1 justice”.

2 28. Page 11, line 2, by striking the words “law  
3 enforcement” and inserting the following: “criminal  
4 justice”.

5 29. Page 11, line 4, by striking the words “,  
6 other than the identity of a victim of” and inserting  
7 the following: “from the registry regarding”.

8 30. Page 11, lines 15 and 16, by striking the  
9 words “law enforcement” and inserting the following:  
10 “criminal justice”.

11 31. Page 11, line 26, by inserting after the word  
12 “registry.” the following: “The record of persons  
13 requesting information from the registry is a  
14 confidential record under section 22.7, subsection 9,  
15 unless the person requesting the information from the  
16 registry requests that the record of the information  
17 request be a public record.”

18 32. Page 12, by striking line 9 and inserting the  
19 following:

20 “Criminal justice agencies, officials, and  
21 employees of criminal justice”.

22 33. Page 12, line 11; by striking the words “good  
23 faith conduct under” and inserting the following:  
24 “acts or omissions arising from a good faith effort to  
25 comply with”.

26 34. By renumbering, relettering, or redesignating  
27 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 178

S-3384

1 Amend Senate File 178, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 5, line 29, by inserting after the word  
4 "society," the following: "Iowa academy of family  
5 physicians,".

S-3385

1 Amend Senate File 180 as follows:

2 1. Page 1, line 3, by inserting after the word  
3 "Each" the following: "first or second".

4 2. Page 1, line 4, by inserting after the word  
5 "sheriff," the following: "Each additional deputy  
6 sheriff shall receive an annual base salary as  
7 determined by the board."

8 3. Page 1, line 5, by inserting after the word  
9 "each" the following: "first or second".

10 4. Page 1, by striking line 8 and inserting the  
11 following: "first or second deputy before certifying  
12 it to the auditor. Upon certification by the sheriff,  
13 the board shall review, and may modify, the annual  
14 base salary of each additional deputy before  
15 certifying the salary to the auditor. The annual  
16 base".

SHELDON RITTMER

S-3386

1 Amend House File 346 as follows:

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

4 "Section 1. Section 805.3, Code 1995, is amended  
5 to read as follows:

6 805.3 PROCEDURE.

7 Before the cited person is released, the person  
8 shall sign the citation, under penalty of providing  
9 false information under section 719.3, properly  
10 identifying the person cited. The person's signature  
11 shall also serve as a written promise to appear in  
12 court at the time and place specified. A copy of the  
13 citation shall be given to the person."

14 2. Page 1, by striking lines 1 through 21 and  
15 inserting the following:

16 "Sec. \_\_\_\_ . Section 805.6, subsection 1, paragraph

17 a, unnumbered paragraph 2, Code 1995, is amended to  
18 read as follows:

19 The uniform citation and complaint shall contain  
20 spaces for the parties' names; the address of the  
21 alleged offender; the registration number of the  
22 offender's vehicle; the information required by  
23 section 805.2; ~~a promise to appear as provided in~~  
24 ~~section 805.3 and a place where the cited person may~~  
25 ~~sign the promise to appear; a warning which states "I~~  
26 ~~hereby swear and affirm that the information provided~~  
27 ~~by me on this citation is true under penalty of~~  
28 ~~providing false information"; and a statement that~~  
29 ~~providing false information is a violation of section~~  
30 ~~719.3; a list of the scheduled fines prescribed by~~  
31 section 805.8, either separately or by group, and a  
32 statement of the court costs payable in scheduled  
33 violation cases, whether or not a court appearance is  
34 required or is demanded; a brief explanation of  
35 sections 805.9 and 805.10; and a space where the  
36 defendant may sign an admission of the violation when  
37 permitted by section 805.9; and the uniform citation  
38 and complaint shall require that the defendant appear  
39 before a court at a specified time and place. The  
40 uniform citation and complaint also may contain a  
41 space for the imprint of a credit card, and may  
42 contain any other information which the commissioner  
43 of public safety and the director of natural resources  
44 may determine."

45 3. Title page, line 2, by inserting after the  
46 word "complaints" the following: "and to providing  
47 false information on a uniform citation and complaint  
48 and making an existing penalty applicable".

RANDAL J. GIANNETTO

S-3387

1 Amend House File 340, as passed by the House, as  
2 follows:

3 1. Page 1, line 2, by striking the word  
4 "subsection:" and inserting the following:  
5 "subsections:".

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

8 "NEW SUBSECTION. 6A. "Freeway" means a highway  
9 constructed as a fully controlled access facility with  
10 no access to the facility except at established  
11 interchanges.

12 NEW SUBSECTION. 8A. "Median" means the portion of  
13 a divided highway separating opposing lanes of

14 traffic. Medians may be depressed, raised, or  
15 painted.”

16 3. Page 1, by inserting after line 6 the  
17 following:

18 “Sec. \_\_\_\_ . Section 321G.8, subsection 5, Code  
19 1995, is amended to read as follows:

20 5. All-terrain vehicles ~~used in accordance with~~  
21 ~~section 321.234A~~ only when operated on a highway  
22 between sunrise and sunset and the operation is  
23 incidental to the vehicle's use for agricultural  
24 purposes.

25 Sec. \_\_\_\_ . Section 321G.9, unnumbered paragraph 1,  
26 Code 1995, is amended to read as follows:

27 A person shall not operate an all-terrain vehicle  
28 or snowmobile upon roadways or highways, as defined in  
29 section 321.1, except as provided in ~~section 321.234A~~  
30 ~~and this chapter.~~

31 Sec. \_\_\_\_ . Section 321G.9, subsection 1, Code 1995,  
32 is amended to read as follows:

33 1. An all-terrain vehicle or snowmobile shall not  
34 be operated at any time within the right of way of any  
35 ~~interstate highway or freeway or freeway ramp~~ within  
36 this state except under either of the following  
37 circumstances:

38 ~~a. As provided in section 321.234A.~~

39 ~~b. When~~ when using an underpass located on ~~an~~  
40 ~~interstate highway or a freeway~~ if all of the  
41 following apply:

42 ~~(1)~~ a. The underpass has been abandoned and is no  
43 longer being used by motor vehicles or trains.

44 ~~(2)~~ b. Use of the underpass is the only  
45 alternative to the use of a traveled roadway.

46 ~~(3)~~ c. Notwithstanding the provisions of chapter  
47 321, use of the underpass does not conflict with any  
48 rules or regulations adopted by a federal governmental  
49 entity or this state or a political subdivision of  
50 this state.

## Page 2

1 Sec. \_\_\_\_ . Section 321G.9, subsection 3, Code 1995,  
2 is amended to read as follows:

3 3. An all-terrain vehicle or snowmobile shall not  
4 be operated ~~on public highways~~ under any of the  
5 following circumstances:

6 a. On the roadway portion of a highway and  
7 adjacent shoulder, or at least five feet on either  
8 side of the roadway, except as provided in subsection  
9 4 of this section; ~~and,~~

10 ~~b. On limited access highways and approaches; and~~

11 e. b. For racing any moving object, and on a  
12 public highway.

13 d. c. Abreast with one or more other all-terrain  
14 vehicles or snowmobiles on a city highway.

15 d. In highway medians.

16 Sec. \_\_\_\_ . Section 321G.9, subsection 6, Code 1995,  
17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. c. A person operating an all-  
19 terrain vehicle pursuant to section 321G.8, subsection  
20 5, shall have a valid all-terrain vehicle safety  
21 certificate as provided by this subsection or a valid  
22 motor vehicle license. The vehicle shall be operated  
23 at speeds of less than thirty miles per hour.

24 Sec. \_\_\_\_ . Section 321G.13, subsection 10, Code  
25 1995, is amended to read as follows:

26 10. On public land without a measurable snow cover  
27 except as provided in ~~section 321.234A~~ this chapter or  
28 in specific areas permitted by the commission, such as  
29 "all-terrain vehicle parks" which are designated and  
30 intended for use with or without snow.

31 Sec. \_\_\_\_ . REPEAL. Section 321.234A, Code 1995, is  
32 repealed."

33 4. Title page, line 2, by striking the words "by  
34 defining public land" and inserting the following:  
35 "on roads and public land and applying penalties".

36 5. By renumbering as necessary.

DON E. GETTINGS

S-3388

1 Amend House File 471, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 1, line 1, through page 2,  
4 line 12, and inserting the following:

5 "Sec. \_\_\_\_ . Section 901.10, Code 1995, is amended  
6 to read as follows:

7 901.10 IMPOSITION OF MANDATORY MINIMUM SENTENCES.

8 1. A court sentencing a person for an act  
9 prohibited under section 124.406 or sections 124.401  
10 and 124.413 may, at its discretion, waive the  
11 mandatory minimum term of confinement if the person  
12 was not in the possession or control of a firearm and  
13 did not commit an assault as defined under section  
14 708.1 while participating in the prohibited act, if  
15 mitigating circumstances exist, and if the mitigating  
16 circumstances are stated specifically in the record.  
17 However, the state may appeal the discretionary  
18 decision on the grounds that the stated mitigating  
19 circumstances do not warrant a reduction of the

20 sentence.

21 2. A court sentencing a person for the person's  
22 first conviction under section ~~124.406, 124.413, or~~  
23 902.7 may, at its discretion, sentence the person to a  
24 term less than provided by the statute if mitigating  
25 circumstances exist and those circumstances are stated  
26 specifically in the record. However, the state may  
27 appeal the discretionary decision on the grounds that  
28 the stated mitigating circumstances do not warrant a  
29 reduction of the sentence."

30 2. Page 3, by striking lines 8 through 33.

31 3. Page 4, line 16, by striking the words "five  
32 days per year" and inserting the following: "one day  
33 per month".

34 4. By striking page 4, line 22, through page 5,  
35 line 13, and inserting the following:

36 "Sec. \_\_\_\_ . APPLICABILITY OF WAIVER TO CURRENT  
37 INMATES. The board of parole shall identify inmates  
38 currently serving mandatory minimum sentences for an  
39 offense under section 1 of this Act that would have  
40 been eligible for waiver of the mandatory minimum term  
41 if the inmates had been sentenced on or after the  
42 effective date of this Act. For each inmate  
43 identified, the board of parole shall review the  
44 inmate's record and the circumstances surrounding the  
45 inmate's conviction and make a determination as to  
46 whether the inmate's mandatory minimum term should be  
47 waived. If the parole board determines that the  
48 inmate's mandatory minimum term of confinement should  
49 be waived, the inmate shall be immediately eligible  
50 for parole.

## Page 2

1 Sec. \_\_\_\_ . INTERIM STUDY COMMITTEE. The  
2 legislative council is requested to establish an  
3 interim committee to study currently available  
4 sentencing and incarceration options. The study may  
5 include but shall not be limited to a review of  
6 available jail, community corrections, and prison  
7 beds; the potential impact of the use of split  
8 sentencing on jail, community corrections, and prison  
9 bed space; security needs and costs associated with  
10 the implementation of hard labor requirements for  
11 persons incarcerated in corrections institutions; and  
12 the nature and costs associated with other sentencing  
13 options. In addition to legislative members, the  
14 membership of the interim committee shall include the  
15 following public members:  
16 1. A representative from the board of parole.

17 2. A representative from the division of criminal  
18 and juvenile justice planning of the department of  
19 human rights.

20 3. A representative from an association of  
21 sheriffs and deputy sheriffs.

22 4. A representative from the department of  
23 corrections.

24 The committee shall submit findings and any  
25 recommendations in a report to the general assembly by  
26 January 1, 1996.

27 Sec. \_\_\_\_ . RISK ASSESSMENT STUDY. The department  
28 of corrections, in consultation with the board of  
29 parole and the division of criminal and juvenile  
30 justice planning of the department of human rights,  
31 shall conduct a study of the various risk assessment  
32 tools currently used in the Iowa corrections system to  
33 determine the relative risk posed by a criminal  
34 offender and the prospects for the offender's  
35 rehabilitation and make findings and recommendations  
36 regarding the implementation and use of a risk  
37 assessment tool during or as part of the presentence  
38 investigation process. The recommendations and any  
39 corresponding findings shall be submitted in a report  
40 to the general assembly by January 1, 1996."

41 5. Title page, by striking lines 4 through 6 and  
42 inserting the following: "served, providing for a  
43 reduction in the amount of".

44 6. Title page, line 7, by inserting after the  
45 word "felons" the following: ", by requesting an  
46 interim and a departmental study, and making other  
47 related changes".

48 7. By designating, redesignating, and changing  
49 internal references as necessary.

RANDAL J. GIANNETTO  
PATRICK J. DELUHERY  
MAGGIE TINSMAN

HOUSE AMENDMENT TO  
SENATE FILE 82

S-3389

1 Amend Senate File 82, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, line 11, by inserting after the words  
4 "following the" the following: "month of the".

5 2. Page 1, by inserting after line 33 the  
6 following:

7 "Sec. \_\_\_\_ . Section 249A.12, subsection 3, Code

8 1995, is amended to read as follows:

9 3. If a county reimburses the department for  
10 medical assistance provided under this section and the  
11 amount of medical assistance is subsequently repaid  
12 through a medical assistance income trust or a medical  
13 assistance special needs trust as defined in section  
14 633.707, the department shall reimburse the county on  
15 a proportionate basis. The department shall adopt  
16 rules to implement this subsection."

17 3. Page 2, by inserting after line 23 the  
18 following:

19 "Sec. \_\_\_\_ . Section 561.19, Code 1995, is amended  
20 to read as follows:

21 561.19 EXEMPTION IN HANDS OF ISSUE.

22 Where the homestead descends to the issue of either  
23 spouse the ~~same issue~~ shall be held by ~~such issue~~  
24 exempt from any antecedent debts of ~~their the issue's~~  
25 ~~parents or their own antecedent debts of the issue,~~  
26 except those of the owner ~~thereof of the homestead~~  
27 contracted prior to its acquisition of the homestead  
28 or those created under section 249A.5 relating to the  
29 recovery of medical assistance payments.

30 Sec. \_\_\_\_ . Section 633.410, Code 1995, is amended  
31 to read as follows:

32 633.410 LIMITATION ON FILING CLAIMS AGAINST  
33 DECEDENT'S ESTATE.

34 All claims against a decedent's estate, other than  
35 charges, whether due or to become due, absolute or  
36 contingent, liquidated or unliquidated, founded on  
37 contract or otherwise, are forever barred against the  
38 estate, the personal representative, and the  
39 distributees of the estate, unless filed with the  
40 clerk within the later to occur of four months after  
41 the date of the second publication of the notice to  
42 creditors or, as to each claimant whose identity is  
43 reasonably ascertainable, one month after service of  
44 notice by ordinary mail to the claimant's last known  
45 address. However, notice is not required to be given  
46 by mail to any creditor whose claim will be paid or  
47 otherwise satisfied during administration and the  
48 personal representative may waive the limitation on  
49 filing provided under this section. This section does  
50 not bar claims for which there is insurance coverage,

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1 to the extent of the coverage, claims for debts  
2 created under section 249A.5 relating to the recovery  
3 of medical assistance payments, or claimants entitled

- 4 to equitable relief due to peculiar circumstances.”  
5 4. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 141

S-3390

- 1 Amend Senate File 141, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 14, by inserting after the word  
4 “city” the following: “, who own ten or more acres of  
5 land”.

HOUSE AMENDMENT TO  
SENATE FILE 290

S-3391

- 1 Amend Senate File 290, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 1 through 27.  
4 2. By striking page 1, line 35 through page 2,  
5 line 14.  
6 3. Page 2, by inserting after line 32 the  
7 following:  
8 “Sec. \_\_\_\_ . Section 321.18, subsection 7, Code  
9 1995, is amended to read as follows:  
10 7. Any school bus in this state used exclusively  
11 for the transportation of pupils to and from school or  
12 a school function or for the purposes provided in  
13 section 285.1, subsection 1, and section 285.10,  
14 subsection 9, or used exclusively for the  
15 transportation of children enrolled in a federal head  
16 start program. Upon application the department shall,  
17 without charge, issue a registration certificate and  
18 shall also issue registration plates which shall have  
19 imprinted thereon the words “Private School Bus” and a  
20 distinguishing number assigned to the applicant. Such  
21 plates shall be attached to the front and rear of each  
22 bus exempt from registration under this subsection.”  
23 4. Page 3, by inserting after line 34 the  
24 following:  
25 “Sec. \_\_\_\_ . NEW SECTION. 321.20A CERTIFICATE OF  
26 TITLE -- COMMERCIAL MOTOR VEHICLES.  
27 1. Notwithstanding other provisions of this  
28 chapter, the owner of a commercial motor vehicle with  
29 a gross vehicle weight rating of twenty-six thousand  
30 one pounds or more, subject to the proportional  
31 registration provisions of chapter 326, may make

32 application to the department for a certificate of  
 33 title. The application for certificate of title shall  
 34 be made within fifteen days of purchase or transfer  
 35 and accompanied by a ten dollar title fee and  
 36 appropriate use tax.

37 2. A commercial motor vehicle issued a certificate  
 38 of title under this section shall not be subject to  
 39 registration fees until the commercial motor vehicle  
 40 is driven upon the highways. The registration fee due  
 41 shall be prorated for the remaining unexpired months  
 42 of the registration year. Ownership of a commercial  
 43 motor vehicle issued a certificate of title under this  
 44 section shall not be transferred until registration  
 45 fees have been paid to the department.

46 3. The certificate of title provision for  
 47 commercial motor vehicles with a gross vehicle weight  
 48 rating of twenty-six thousand one pounds or more shall  
 49 apply to owners with fleets of more than fifty  
 50 commercial motor vehicles based in Iowa under the

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1 proportional registration provisions of chapter 326.  
 2 The original certificate of title shall be delivered  
 3 to the owner if no security interest or encumbrance  
 4 appear on the certificate, otherwise the certificate  
 5 of title shall be delivered by the department to the  
 6 person holding the first security interest or  
 7 encumbrance as shown on the certificate of title."

8 5. Page 4, by inserting after line 24 the  
 9 following:

10 "Sec. \_\_\_\_ . Section 321.34, subsection 4, Code  
 11 1995, is amended to read as follows:

12 4. MULTIYEAR PLATES. In lieu of issuing annual  
 13 registration plates for trailers and semitrailers, the  
 14 department may issue a multiyear registration plates  
 15 plate for a three-year period or a six-year period  
 16 permanent registration plate for trailers and  
 17 semitrailers licensed under chapter 326 upon payment  
 18 of the appropriate registration fee. Payment of fees  
 19 to the department for a permanent registration plate  
 20 shall, at the option of the registrant, be made at  
 21 five-year intervals or on an annual basis. Fees from  
 22 three-year and six-year five-year payments shall not  
 23 be reduced or prorated."

24 6. By striking page 5, line 34 through page 7,  
 25 line 3.

26 7. Page 9, by inserting after line 6 the  
 27 following:

28 "Sec. \_\_\_\_ . Section 321.52A, Code 1995, is amended

29 to read as follows:

30 321.52A CERTIFICATE OF TITLE SURCHARGE.

31 In addition to the fee required for the issuance of

32 a certificate of title under section 321.20, 321.20A,

33 321.23, 321.42, 321.46, 321.47, 321.48, 321.50, or

34 321.52, a surcharge of five dollars shall be required.

35 Of each surcharge collected under those sections, the

36 county treasurer shall remit five dollars to the

37 office of treasurer of state for deposit in the

38 general fund of the state."

39 8. Page 12, by inserting after line 23 the

40 following:

41 "Sec. \_\_\_\_ . Section 321.105, unnumbered paragraph

42 4, Code 1995, is amended to read as follows:

43 In addition to the payment of an annual

44 registration fee for each trailer and semitrailer to

45 be issued an Iowa annual registration plate, an

46 additional registration fee may be paid for a period

47 of two or five ~~four~~ subsequent registration years.

48 Sec. \_\_\_\_ . Section 321.122, subsection 2, Code

49 1995, is amended to read as follows:

50 2. a. For semitrailers the annual registration

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1 fee is ten dollars which shall not be reduced or

2 prorated under chapter 326. ~~However, if the~~

3 ~~registration fee is paid for a six-year period, the~~

4 ~~total fee is fifty dollars which shall not be reduced~~

5 ~~or prorated under chapter 326.~~

6 b. For trailers and semitrailers licensed under

7 chapter 326, the annual registration fee for the

8 permanent registration plate shall be ten dollars

9 which shall not be reduced or prorated under chapter

10 326. The registration fees for a permanent

11 registration plate shall, at the option of the

12 registrant, be remitted to the department at five-year

13 intervals or on an annual basis."

14 9. Page 13, by striking lines 16 through 29.

15 10. Page 14, by inserting after line 21 the

16 following:

17 "Sec. \_\_\_\_ . Section 321.372, subsection 1,

18 unnumbered paragraph 1, Code 1995, is amended to read

19 as follows:

20 The driver of a school bus used to transport

21 children to and from a public or private school shall,

22 when stopping to receive or discharge pupils, turn on

23 flashing warning lamps at a distance of not less than

24 three hundred feet nor more than five hundred feet

25 from the point where the pupils are to be received or

26 discharged from the bus if the speed limit at that  
 27 point is forty-five miles per hour or greater and  
 28 shall turn on flashing warning lamps at a distance of  
 29 not less than one hundred fifty feet from the point  
 30 where the pupils are to be received or discharged from  
 31 the bus if the speed limit at that point is less than  
 32 forty-five miles per hour. At the point of receiving  
 33 or discharging pupils the driver of the bus shall  
 34 bring the bus to a stop, turn off the amber flashing  
 35 warning lamps; turn on the red flashing warning lamps,  
 36 and extend the stop arm. After receiving or  
 37 discharging pupils, the bus driver shall turn off all  
 38 flashing warning lamps, retract the stop arm and  
 39 proceed on the route. Except to the extent that  
 40 reduced visibility is caused by fog, snow or other  
 41 weather conditions, a school bus shall not stop to  
 42 receive or discharge pupils unless there is at least  
 43 three hundred feet of unobstructed vision in each  
 44 direction. However, the driver of a school bus is not  
 45 required to use flashing warning lamps and the stop  
 46 arm when receiving or discharging pupils at a  
 47 designated loading and unloading zone at a school  
 48 attendance center or at extracurricular or educational  
 49 activity locations where students exiting the bus do  
 50 not have to cross the street or highway.”

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- 1 11. Page 16, by inserting after line 10 the fol-  
 2 lowing:  
 3 “Sec. \_\_\_\_ . Section 321E.11, unnumbered paragraph  
 4 1, Code 1995, is amended to read as follows:  
 5 Movements by permit in accordance with this chapter  
 6 shall be permitted only during the hours from sunrise  
 7 to sunset unless the issuing authority determines that  
 8 the movement can be better accomplished at another  
 9 period of time because of traffic volume conditions or  
 10 the vehicle subject to the permit has an overall  
 11 length not to exceed one hundred feet, an overall  
 12 width not to exceed eleven feet, and an overall height  
 13 not to exceed fourteen feet, four inches, and the  
 14 permit requires the vehicle to operate only on the  
 15 those highways designated highway system by the  
 16 département. Additional safety lighting and escorts  
 17 may be required for movement at night.”  
 18 12. Page 20, by striking line 5 and inserting the  
 19 following:  
 20 “Sec. \_\_\_\_ . Section 321F.7, Code 1995, is”.  
 21 13. Page 20, by striking lines 7 through 15.  
 22 14. Page 20, by inserting after line 20 the

23 following:

24 "Sec. \_\_\_\_ . EFFECTIVE DATE. Sections 7, 16, and 18  
25 of this Act take effect on January 1, 1997."

26 15. Title page, line 5, by inserting after the  
27 word "lights," the following: "flashing warning lamps  
28 on a school bus,".

29 16. By renumbering, relettering, or redesignating  
30 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 214

S-3392

1 Amend Senate File 214, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, line 12, by striking the words "~~or~~  
4 and" and inserting the following: "or".

5 2. Page 4, line 2, by striking the words "center  
6 of the right side of the".

7 3. Page 4, line 9, by inserting after the word  
8 "type" the following: "and located on the center of  
9 the right side of the registration receipt".

10 4. Page 8, line 17, by striking the word and  
11 figures "January 1, 1996" and inserting the following:  
12 "on the date the state department of transportation  
13 prescribes the appropriate forms or January 1, 1996,  
14 whichever date is earlier".

S-3393

1 Amend House File 485, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 1, line 13, by striking the words "one  
4 hundred" and inserting the following: "fifty".

5 2. Page 1, line 28, by striking the words "one  
6 hundred" and inserting the following: "fifty".

STEVEN D. HANSEN

HOUSE AMENDMENT TO  
SENATE FILE 462

S-3394

1 Amend Senate File 462, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 34 the  
4 following:

5 "a. The department shall research the feasibility

6 of establishing a program of developing community-  
7 based residential facilities or "second chance homes"  
8 for young mothers and children. The research shall  
9 consider potential benefits of second chance homes  
10 including the potential effects of deterring child  
11 abuse by use of the homes. The research is subject to  
12 all of the following provisions:

13 b. The department shall consider developing the  
14 home in a manner to provide supervision by mature  
15 adult couples. The program should coordinate  
16 comprehensive services for pregnant or parenting  
17 teens, including but not limited to educational  
18 services, vocational services, personal and family  
19 counseling, parent education classes, and assistance  
20 in developing independent living and homemaking  
21 skills.

22 c. The department shall consider various options  
23 for designing second chance homes so that the homes  
24 will not necessarily be government-operated  
25 institutions. The options considered shall include  
26 operation by churches and community groups with state  
27 guidance through administrative rules. If the program  
28 is implemented, administrative rules will delineate  
29 how the homes will be structured and specify the  
30 combination of support, services, and participant  
31 obligations to help teenage mothers to become good  
32 mothers, finish school, and gain adequate skills to  
33 support their children.

34 d. The department shall consider a design which  
35 provides incentive grants to communities that pledge  
36 private funding and in-kind services equal to at least  
37 one-half of the cost of operating a second chance  
38 home. In addition, operating expenses could be  
39 supported in part by participants' welfare payments,  
40 food stamps, housing assistance, and other forms of  
41 public assistance for which participants are eligible,  
42 as well as a commitment from communities.

43 e. The department shall submit a report to the  
44 general assembly on or before January 8, 1996,  
45 concerning the research conducted pursuant to this  
46 subsection."

47 2. Page 7, line 12, by inserting after the figure  
48 "1995." the following: "The department of human  
49 services shall submit a report on a quarterly basis to  
50 the general assembly during the months in which the

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1 general assembly is in session and to the fiscal  
2 committee of the legislative council during the months

3 in which the general assembly is not in session,  
4 describing the progress and activities of the  
5 integrated substance abuse managed care program.”

6 3. Page 7, by striking lines 13 through 29 and  
7 inserting the following:

8 “10. a. Beginning September 1, 1995, the  
9 department may require prior authorization for any  
10 brand name prescription drug which has an “A” rated  
11 generic bioequivalent as determined by the federal  
12 food and drug administration and which is recommended  
13 for prior authorization by the drug utilization review  
14 commission. The department shall establish an  
15 educational program through the drug utilization  
16 review commission to review and encourage the use of  
17 these “A” rated generic equivalents within the medical  
18 assistance program. The department shall adopt  
19 administrative rules to implement the prior  
20 authorization provisions of this paragraph. The  
21 department shall not expand the requirement of prior  
22 authorization for drugs other than the “A” rated  
23 generic bioequivalents authorized under this  
24 paragraph, without prior approval of the general  
25 assembly for such expansion. Beginning January 1,  
26 1996, prior authorization shall not be required for  
27 clozapine. The department shall consider expert  
28 medical opinion in revising administrative rules  
29 applicable to clozapine.

30 aa. The department shall amend the contract with  
31 the department’s fiscal agent regarding prior  
32 authorization of prescription drugs to provide for  
33 review by the fiscal agent of inquiries for prior  
34 authorization during pharmacy business hours,  
35 evenings, Saturdays and during pharmacy peak business  
36 hours on Sundays, and shall consider providing for  
37 review by the fiscal agent of inquiries on a seven-  
38 day-per-week, 24-hour-per-day basis.

39 aaa. (1) The department of human services shall  
40 conduct a study of the prior authorization program  
41 based upon the program data collected during fiscal  
42 year 1994-1995, including a review of a sampling of  
43 specific drugs for which prior authorization is  
44 required. The study shall be completed by October 1,  
45 1995, and a report of the findings of the study shall  
46 be submitted to the chairpersons and ranking members  
47 of the senate and house appropriations committees, to  
48 the chairpersons and ranking members of the joint  
49 human services appropriations committee, and to the  
50 legislative fiscal bureau. The study shall address

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1 and include information and recommendations regarding  
2 all of the following:

3 (a) A comparison of the costs associated with the  
4 prescribing of generic drugs rather than brand name  
5 drugs, taking into consideration any rebates or other  
6 cost reductions associated with the use of brand name  
7 drugs.

8 (b) A review of the time associated with the prior  
9 authorization process including telephone  
10 communications between providers and the department's  
11 prior authorization fiscal agent and with delays for  
12 either party. The review shall include an analysis of  
13 the average time associated with each inquiry by  
14 classification of drug.

15 (c) A review of the number of denials of  
16 authorization by classification of drug by the fiscal  
17 agent and the rationale for the denials.

18 (d) A review of the actual and projected cost  
19 savings and workability of the prior authorization  
20 program.

21 (e) A review of the services provided by the  
22 fiscal agent including a comparison of the services of  
23 the fiscal agent with private pay insurers in  
24 providing a similar service, and an evaluation of the  
25 current availability of the fiscal agent and any  
26 improvements to the program which might result from  
27 increased availability.

28 (f) A review of the volume of inquiries for prior  
29 authorization during a weekly period including an  
30 analysis of the days and times of peak volume as  
31 compared with the availability of the fiscal agent for  
32 responding to inquiries.

33 (g) An analysis of the time which elapses between  
34 the submission of a bill to the department for  
35 reimbursement and actual reimbursement.

36 (2) Following receipt of the report from the  
37 department, the legislative fiscal bureau shall review  
38 the study. The review shall include all of the  
39 following:

40 (a) An evaluation of the cost and savings  
41 methodology utilized by the department, including an  
42 analysis of whether all governmental costs and savings  
43 were included or adequately addressed in the savings  
44 methodology used during fiscal year 1994-1995. If the  
45 legislative fiscal bureau determines that the cost and  
46 savings methodology utilized by the department or the  
47 fiscal agent did not include or adequately address all  
48 governmental costs, the legislative fiscal bureau

49 shall provide recommendations to the general assembly  
50 to improve the cost and savings methodology for future

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1 application.

2 (b) An individualized assessment of the prior  
3 authorization program based on a random sample of not  
4 more than 50 individual prior authorization actions,  
5 of which one-half shall be approval actions and one-  
6 half shall be denial actions. The random sample shall  
7 be provided by the department to the legislative  
8 fiscal bureau based upon a random sampling methodology  
9 submitted by the legislative fiscal bureau. All data  
10 deemed necessary by the legislative fiscal bureau to  
11 conduct the assessment shall be provided by the  
12 department including but not limited to the date and  
13 time of the prior authorization contact between the  
14 fiscal agent and the provider; the name, address, and  
15 telephone number of the provider; and the  
16 classification of the drug for which prior  
17 authorization was sought. If the action was an  
18 approval action, the department shall provide a  
19 statement of the actual cost associated with the  
20 substituted drug and the cost associated with the  
21 alternative drug. If the action was a denial action,  
22 the department shall provide the rationale for the  
23 denial.

24 b. The department of human services shall, when it  
25 is economically beneficial, implement maximum  
26 allowable costs for multiple source drugs in  
27 accordance with federal guidelines.

28 c. The department shall develop a plan to  
29 administratively pursue reimbursement for pharmacy  
30 services for which a recipient of medical assistance  
31 also has third-party coverage. The department shall  
32 develop the plan in cooperation with the insurance  
33 division of the department of commerce and with  
34 representatives of the Iowa pharmacists association.  
35 The department shall submit the plan to the general  
36 assembly on or before January 1, 1996, and shall  
37 implement the plan on or before May 1, 1996. The  
38 department shall also include a preliminary estimate  
39 of the costs of administratively pursuing  
40 reimbursement for pharmacy services in the budget  
41 submitted to the council of human services for fiscal  
42 year 1996-1997."

43 4. Page 8, by inserting after line 21 the  
44 following:

45 "Sec. 200. The department of human services shall

46 seek federal approval on or before August 1, 1995, for  
47 the implementation of a pilot program to allow medical  
48 assistance program reimbursement for payment of  
49 services provided by persons who provide a home and  
50 services to a total of seventy-five persons who

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1 currently reside in nursing homes. The department, in  
2 cooperation with the department of elder affairs,  
3 shall develop a program which will result in a cost  
4 savings to the state or in cost neutrality, and shall  
5 develop parameters for the program which shall include  
6 but are not limited to all of the following:

7 a. A maximum income eligibility level, established  
8 by the department, which applies to persons providing  
9 a home and services and seeking reimbursement through  
10 the medical assistance program.

11 b. An evaluative component which enables the  
12 department to measure the financial and quality of  
13 life aspects of the pilot program in comparison with  
14 placement of a person in a nursing home.

15 c. A maximum reimbursement rate of \$15,000,  
16 annually, for housing and services provided by the  
17 home provider under the pilot program.

18 d. Any other criteria necessary to implement the  
19 pilot program including but not limited to  
20 implementation in a manner which targets current  
21 nursing home residents in both rural and urban areas  
22 of the state."

23 5. Page 8, by inserting after line 21 the  
24 following:

25 " \_\_\_\_ . The department of human services shall  
26 consult with the department of inspections and  
27 appeals, the Iowa state association of counties, and  
28 the Iowa association of rehabilitation and residential  
29 facilities in adopting administrative rules  
30 identifying optimum staffing ratios for intermediate  
31 care facilities for the mentally retarded (ICFMR).  
32 The administrative rules shall be implemented on or  
33 before January 1, 1996."

34 6. Page 9, line 2, by inserting after the word  
35 "plan." the following: "The department shall submit a  
36 report on a quarterly basis to the general assembly  
37 during the months in which the general assembly is in  
38 session and to the fiscal committee of the legislative  
39 council during the months in which the general  
40 assembly is not in session, describing the progress  
41 and activities of the prepaid mental health services  
42 plan."

- 43 7. Page 10, by striking line 12 and inserting the  
 44 following:  
 45 " ..... \$ 7,740,000"  
 46 8. Page 11, line 10, by inserting after the  
 47 figure "12." the following: "The department may adopt  
 48 emergency rules to implement the provisions of this  
 49 lettered paragraph."  
 50 9. Page 12, line 5, by striking the figure

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- 1 "640,270" and inserting the following: "636,641".  
 2 10. Page 12, line 11, by striking the figure  
 3 "1,679,769" and inserting the following: "1,676,139".  
 4 11. Page 14, by striking line 1 and inserting the  
 5 following:  
 6 " ..... \$ 6,390,000"  
 7 12. Page 16, by striking line 13 and inserting  
 8 the following:  
 9 " ..... \$ 13,480,000"  
 10 13. Page 16, by striking line 18 and inserting  
 11 the following:  
 12 " ..... \$ 4,980,000"  
 13 14. Page 16, by striking line 23 and inserting  
 14 the following:  
 15 " ..... \$ 8,500,000"  
 16 15. Page 17, by striking line 7 and inserting the  
 17 following:  
 18 " ..... \$ 83,380,000"  
 19 16. Page 18, line 1, by striking the word  
 20 "administrative" and inserting the following:  
 21 "emergency".  
 22 17. Page 21, lines 12 and 13, by striking the  
 23 words "a portion may be used" and inserting the  
 24 following: "\$1,000,000 is allocated".  
 25 18. Page 21, line 16, by inserting after the word  
 26 "placement." the following: "On or before January 4,  
 27 1996, the department shall review the use of the  
 28 funding allocated in this subsection and project  
 29 whether an amount of the funding will be unused by the  
 30 close of the fiscal year. If an amount is projected,  
 31 the department shall transfer the projected amount to  
 32 the appropriation in this Act for family support  
 33 subsidy for use to provide assistance to additional  
 34 families who would otherwise remain on the waiting  
 35 list for that program. The department shall work with  
 36 the Iowa governor's planning council for developmental  
 37 disabilities, the arc of Iowa, the Iowa respite  
 38 coalition, and the Iowa family support initiative to  
 39 review use of the program funded in this section and

40 develop recommendations for consideration in the 1996  
 41 legislative session. The recommendations shall  
 42 address how much of the funding should be directed to  
 43 families trying to keep their children with  
 44 disabilities in the family home, potential  
 45 administrative rule revisions to improve the program,  
 46 and actions for the department to take to inform  
 47 families about the program.”  
 48 19. Page 23, by inserting after line 9 the  
 49 following:  
 50 “\_\_\_ . The department, in cooperation with

Page 7

1 interested social service providers, shall study the  
 2 feasibility of expanding existing confidentiality  
 3 provisions to allow social service providers to form  
 4 local teams to discuss provision of the most  
 5 appropriate services in individual cases.”

6 20. Page 23, by inserting after line 9 the  
 7 following:  
 8 “100. Notwithstanding section 234.39, if a child  
 9 was removed from the child’s home and placed in foster  
 10 care during the fiscal year beginning July 1, 1994,  
 11 based upon an allegation of child abuse that was  
 12 subsequently determined to be unfounded, a support  
 13 obligation shall not be established for the child’s  
 14 parent or guardian for the cost of the foster care.”

15 21. Page 23, by inserting after line 9 the  
 16 following:  
 17 “\_\_\_ . The department shall continue to make  
 18 adoption presubsidy and adoption subsidy payments to  
 19 adoptive parents at the beginning of the month for the  
 20 current month.”

21 22. Page 23, by striking lines 15 and 16 and  
 22 inserting the following:  
 23 “For community-based programs directed to child  
 24 abuse prevention and adolescent pregnancy prevention,  
 25 including salaries, support”.

26 23. Page 23, by striking line 19 and inserting  
 27 the following:  
 28 “ ..... \$ 2,620,000”

29 24. Page 23, line 21, by striking the figure  
 30 “756,048” and inserting the following: “754,000”.

31 25. Page 23, line 31, by striking the figure  
 32 “300,000” and inserting the following: “298,000”.

33 26. Page 24, line 32, by striking the figure  
 34 “732,789” and inserting the following: “731,014”.

35 27. By striking page 24, line 35, through page  
 36 25, line 3, and inserting the following:

37 "\_\_\_ . Moneys appropriated in this section which  
 38 are otherwise unallocated shall be distributed among  
 39 the allocations specified in this section. The  
 40 distribution shall be made based upon the specific  
 41 allocation's proportion of the total amount allocated  
 42 in this section. Moneys distributed in accordance  
 43 with this subsection shall be used for the purposes  
 44 designated in the specific subsection."

45 28. Page 27, by striking line 30 and inserting  
 46 the following:

47 " ..... \$ 43,190,000"

48 29. Page 27, by striking line 35 and inserting  
 49 the following:

50 " ..... \$ 14,840,000"

Page 8

1 30. Page 28, by striking line 3 and inserting the  
 2 following:

3 " ..... \$ 6,000,000"

4 31. Page 28, by striking line 6 and inserting the  
 5 following:

6 " ..... \$ 17,590,000"

7 32. Page 28, by striking line 9 and inserting the  
 8 following:

9 " ..... \$ 4,760,000"

10 33. Page 28, by striking line 29 and inserting  
 11 the following:

12 " ..... \$ 66,260,000"

13 34. Page 28, by striking line 34 and inserting  
 14 the following:

15 " ..... \$ 35,830,000"

16 35. Page 29, by striking line 2 and inserting the  
 17 following:

18 " ..... \$ 30,430,000"

19 36. Page 29, by striking lines 8 through 11.

20 37. Page 30, by striking line 3 and inserting the  
 21 following:

22 " ..... \$ 1,110,000"

23 38. Page 30, by striking line 33 and inserting  
 24 the following:

25 " ..... \$ 5,470,000"

26 39. Page 31, by striking line 8 and inserting the  
 27 following:

28 " ..... \$ 16,230,000"

29 40. Page 31, line 9, by striking the figure  
 30 "15,888,182" and inserting the following:

31 "15,951,138".

32 41. Page 31, by striking lines 11 and 12 and  
 33 inserting the following: "mental health and

34 developmental disabilities services. The moneys shall  
35 be”.

36 42. Page 31, by striking lines 22 and 23 and  
37 inserting the following: “persons with a disability,  
38 as defined in section 255C.2. However, no more”.

39 43. Page 31, by striking line 28 and inserting  
40 the following: “services provided to persons with a  
41 disability.”

42 44. Page 32, line 11, by striking the word  
43 “MI/MR/DD/BI” and inserting the following: “a  
44 disability”.

45 45. Page 32, by striking line 13 and inserting  
46 the following:

47 “b. County expenditure reports for services  
48 provided to persons with a disability for the prior”.

49 46. Page 32, by inserting after line 17 the  
50 following:

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1 “ \_\_\_\_ . Of the funds appropriated in this section,  
2 not more than \$248,862 shall be provided to those  
3 counties having supplemental per diem contracts in  
4 effect on June 30, 1994, which were originally  
5 initiated under 1993 Iowa Acts, chapter 172, section  
6 16, subsection 2. The amount provided to each county  
7 shall be equal to the amount the county would be  
8 eligible to receive under the supplemental per diem  
9 contracts in effect on June 30, 1994, if the contracts  
10 were continued in effect for the entire fiscal year  
11 beginning July 1, 1995.”

12 47. Page 35, by striking lines 1 through 4 and  
13 inserting the following: “served under the pilot  
14 project or the waiver.”

15 48. Page 35, by striking line 35 and inserting  
16 the following:

17 “ ..... \$ 38,140,000”

18 49. Page 36, by inserting after line 1 the  
19 following:

20 “The department may exceed the quantity of full-  
21 time equivalent positions authorized in this section  
22 by up to 8.5 FTEs as necessary to increase services  
23 for the permanent placement of children for whom  
24 parental rights have been terminated and who are under  
25 the guardianship of the department.”

26 50. Page 36, by striking line 33 and inserting  
27 the following:

28 “ ..... \$ 919,000”

29 51. Page 39, by inserting after line 34 the  
30 following:

31 "c. The department revises the reimbursement rates  
32 due to implementation of a redesigned purchase of  
33 services system."

34 52. By striking page 40, line 34 through page 41,  
35 line 5 and inserting the following:

36 "\_\_\_\_. The department shall modify reimbursement  
37 provisions applicable to agencies providing services  
38 under the department's rehabilitative treatment  
39 program for children and their families. The  
40 modification shall address the service utilization  
41 reimbursement rates under the program to include the  
42 time a child is away from the agency for good cause."

43 53. Page 41, by inserting after line 12 the  
44 following:

45 "Sec. \_\_\_\_ . STANDARDS FOR CASELOADS AND  
46 REIMBURSEMENT.

47 1. The department of human services shall develop  
48 a plan for meeting national standards on caseloads for  
49 the department's social workers.

50 2. The department shall also develop a plan for

Page 10

1 improving the adequacy of reimbursement for family  
2 foster care. The foster care reimbursement rate  
3 improvement provisions shall provide for basing the  
4 reimbursement rates on at least 75 percent of the  
5 United States department of agriculture estimate of  
6 the costs to raise a child in the calendar year  
7 immediately preceding the fiscal year. In addition  
8 the family foster care provisions of the plan shall  
9 address additional reimbursement for respite care,  
10 including in-home respite care, and adequate  
11 allowances for clothing and school expenses. The  
12 clothing allowance upon a child's initial placement  
13 shall be at least \$250 and at least \$50 per month for  
14 the remainder of the placement. School expenses shall  
15 be reimbursed for elementary and developmental  
16 preschool children at not more than \$50 per semester  
17 and for grades seven through twelve at not more than  
18 \$100 per semester. Driver's education expenses shall  
19 be reimbursed in full.

20 3. The department shall submit the planning  
21 provisions required by this section to the members of  
22 the joint appropriations subcommittee on human  
23 services of the senate and house of representatives on  
24 or before January 8, 1996."

25 54. Page 45, by striking lines 17 through 19 and  
26 inserting the following: "this Act, relating to any  
27 prior authorization, and".

- 28 55. Page 45, line 17, by inserting after the word  
29 "authorization," the following: "section 200 relating  
30 to the nursing home waiver pilot program,".  
31 56. By renumbering, relettering, or redesignating  
32 and correcting internal references as necessary.

S-3395

- 1 Amend the amendment, S-3391, to Senate File 290, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by striking lines 4 and 5.  
5 2. By renumbering as necessary.

ROD HALVORSON

S-3396

- 1 Amend House File 490, as passed by the House, as  
2 follows:  
3 1. Page 2, by inserting after line 15 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 490A.1501, subsection 4, Code  
6 1995, is amended to read as follows:  
7 4. "Profession" means the profession of certified  
8 public accountancy, architecture, chiropractic,  
9 dentistry, physical therapy, psychology, professional  
10 engineering, land surveying, landscape architecture,  
11 law, medicine and surgery, optometry, osteopathy,  
12 osteopathic medicine and surgery, accounting  
13 practitioner, podiatry, speech pathology, audiology,  
14 veterinary medicine, pharmacy, and nursing, and  
15 marriage and family therapy, provided that the  
16 marriage and family therapist is licensed under  
17 chapters 147 and 154D."  
18 2. By renumbering as necessary.

MARY LUNDBY

S-3397

- 1 Amend House File 507, as passed by the House, as  
2 follows:  
3 1. Page 1, line 4, by inserting after the word  
4 and figure "~~October 15~~" the following: "appointed  
5 during a department's designated six-month seasonal  
6 employment period during the same annual twelve-month  
7 period, as approved by the director".  
8 2. Page 1, line 16, by inserting after the word  
9 "applicable." the following: "The director shall

10 notify the chairpersons of the standing committees on  
 11 appropriations of the senate and the house of  
 12 representatives and the chairpersons of the  
 13 appropriate subcommittees of those committees of the  
 14 proposed projects. The notice from the director shall  
 15 include the purpose of the project, a description of  
 16 the project and how the project will be evaluated.  
 17 Chairpersons notified shall be given at least two  
 18 weeks to review and comment on the proposal before the  
 19 project is implemented."

MICHAEL E. GRONSTAL

S-3398

1 Amend House File 507, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 19A.3, Code 1995, is amended  
 6 by adding the following new subsection:  
 7 **NEW SUBSECTION. 23.** Up to six nonprofessional  
 8 employees designated at the discretion of each  
 9 statewide elected official."  
 10 2. Page 1, by inserting after line 4 the  
 11 following:  
 12 "Sec. 2. **NEW SECTION. 19A.3A EMPLOYEES OF**  
 13 **STATEWIDE ELECTED OFFICIALS.**  
 14 The exempt position classifications of employees of  
 15 statewide elected officials as of June 30, 1994, shall  
 16 remain exempt and any employees subsequently hired to  
 17 fill any exempt position vacancies shall be classified  
 18 as exempt employees."  
 19 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3399

1 Amend the amendment, S-3365, to House File 303, as  
 2 passed by the House, as follows:  
 3 1. Page 1, by striking lines 2 through 29.  
 4 2. By striking page 1, line 32 through page 2,  
 5 line 7 and inserting the following:  
 6 "Sec.    . **NEW SECTION. 480.9 LIABILITY FOR**  
 7 **OWNER OF FARMLAND.**  
 8 An owner of farmland used in a farm operation, as  
 9 defined in section 352.2, who complies with the  
 10 requirements of this chapter shall not be held  
 11 responsible for any damages to an underground

12 facility, including fiber optic cable, if the damage  
 13 occurred on the farmland in the normal course of the  
 14 farm operation, unless the owner intentionally damaged  
 15 the underground facility or acted with wanton  
 16 disregard or recklessness in causing the damage to the  
 17 underground facility. For purposes of this section,  
 18 an "owner" includes a family member, employee, or  
 19 tenant of the owner."

MICHAEL GRONSTAL

S-3400

1 Amend House File 514, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by inserting after line 7 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 321.34, subsection 10,  
 6 paragraph d, Code 1995, is amended to read as follows:  
 7 d. The county treasurer shall validate collegiate  
 8 registration plates in the same manner as regular  
 9 registration plates are validated under this section  
 10 at an annual fee of five dollars and an additional  
 11 annual special collegiate registration fee of five  
 12 dollars in addition to the regular annual registration  
 13 fee. The annual special collegiate registration fee  
 14 shall be credited as provided under paragraph "c".  
 15 Sec. \_\_\_\_ . Section 321.34, subsection 10, Code  
 16 1995, is amended by adding the following new  
 17 paragraph:  
 18 NEW PARAGRAPH. f. Special plates issued pursuant  
 19 to this subsection are not subject to the requirements  
 20 of section 321.34, subsection 18, and section 321.166,  
 21 subsections 5, 9, and 10, or the requirement to have  
 22 the county name on the special plate as provided in  
 23 section 321.166, subsection 2."  
 24 2. Page 8, by striking lines 3 through 23.  
 25 3. Page 12, line 18, by striking the figure "10"  
 26 and inserting the following: "9".  
 27 4. Page 12, line 21, by striking the figure "10"  
 28 and inserting the following: "9".  
 29 5. By renumbering as necessary.

BILL FINK

S-3401

1 Amend Senate File 463 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:

4 "Section 1. There is appropriated from the general  
 5 fund of the state and other designated funds to the  
 6 department of economic development for the fiscal year  
 7 beginning July 1, 1995, and ending June 30, 1996, on  
 8 the conditions that the director shall submit to the  
 9 general assembly by December 1, 1995, a report  
 10 regarding the potential for increased efficiency and  
 11 cost savings from combining the workforce development  
 12 division with the workforce development initiative and  
 13 that the department shall not use any moneys  
 14 appropriated under this Act for further expansion of  
 15 industrial site locator programs until the industrial  
 16 site locator program at the university of northern  
 17 Iowa is completed and fully implemented and the  
 18 department and the university have reported to the  
 19 general assembly on plans for coordination and  
 20 cooperation between the department and the university,  
 21 including access by the department to the database and  
 22 technology of the university program, the following  
 23 amounts, or so much thereof as is necessary, to be  
 24 used for the purposes designated:

25 1. ADMINISTRATIVE SERVICES DIVISION

26 a. General administration

27 For salaries, support, maintenance, miscellaneous  
 28 purposes, provided the director shall take all  
 29 reasonable efforts to reduce the number of staff and  
 30 level of funding committed to activities of the  
 31 director's office and general administration,  
 32 including the transfer of staff and funds to the  
 33 operational divisions of the department, and the  
 34 consolidation of functions and reduction in department  
 35 staff, and for providing that a business receiving  
 36 moneys from the department for the purpose of job  
 37 creation shall make available ten percent of the new  
 38 jobs created for promise jobs program participants who  
 39 are qualified for the jobs:

40 .....	\$	916,000
41 .....	FTEs	22.00

42 The director shall coordinate efforts with the  
 43 workforce coordinator to implement the intent of the  
 44 general assembly regarding businesses receiving job  
 45 creation moneys and shall report to the joint economic  
 46 development appropriations subcommittee regarding the  
 47 number of jobs to be created by each business, the  
 48 number of qualified promise jobs participants applying  
 49 with the business, and the number of promise jobs  
 50 participants hired.

## Page 2

1	b. Primary research and computer center		
2	For salaries, support, maintenance, miscellaneous		
3	purposes, and for not more than the following full-		
4	time equivalent positions:		
5	.....	\$	300,000
6	.....	FTEs	5.50
7	The department shall report to the general assembly		
8	by December 1, 1995, on the available options and		
9	potential cost savings regarding privatizing computer		
10	services for primary research.		
11	c. Film office		
12	For salaries, support, maintenance, miscellaneous		
13	purposes, and for not more than the following full-		
14	time equivalent positions:		
15	.....	\$	185,000
16	.....	FTEs	2.00
17	2. BUSINESS DEVELOPMENT DIVISION		
18	a. Business development operations		
19	For salaries, support, maintenance, miscellaneous		
20	purposes, and for not more than the following full-		
21	time equivalent positions:		
22	.....	\$	3,000,000
23	.....	FTEs	16.00
24	b. Small business programs		
25	For salaries, support, maintenance, miscellaneous		
26	purposes, and for not more than the following full-		
27	time equivalent positions for the small business		
28	program, the small business advisory council, targeted		
29	small business program, business incubators, for		
30	providing 1.00 FTE for the targeted small business		
31	compliance officer who shall continue to work jointly		
32	with the department of management, for eliminating the		
33	position of small business resource office manager,		
34	implementing the small business resource office		
35	reorganization plan by July 1, 1995, and for reporting		
36	to the joint economic development appropriations		
37	subcommittee and the legislative fiscal bureau on the		
38	reorganization, and for deaf interpreters funded		
39	through the economic development deaf interpreters		
40	revolving fund established in section 15.108,		
41	subsection 7, paragraph "j":		
42	.....	\$	365,000
43	.....	FTEs	6.00
44	c. Federal procurement office		
45	For salaries, support, maintenance, miscellaneous		
46	purposes, and for not more than the following full-		
47	time equivalent positions:		
48	.....	\$	90,000

49	.....	FTEs	3.00
50	Notwithstanding section 8.33, moneys remaining		

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1 unencumbered or unobligated on June 30, 1996, shall  
 2 not revert and shall be available for expenditure  
 3 during the fiscal year beginning July 1, 1996, for the  
 4 same purposes.

5 d. Strategic investment fund

6 For deposit in the strategic investment fund for  
 7 salaries, support, and for not more than the following  
 8 full-time equivalent positions:

9	.....	\$	5,600,000
10	.....	FTEs	10.00

11 e. Targeted small business incubator

12 Moneys appropriated for fiscal year 1994-1995 and  
 13 not expended by June 30, 1995, shall not revert but  
 14 shall be held by the department for funding, with  
 15 local matching funds, the targeted small business  
 16 incubator in Des Moines for the fiscal year beginning  
 17 July 1, 1995, and ending June 30, 1996.

18 f. Insurance economic development

19 There is appropriated from moneys collected by the  
 20 division of insurance in excess of the anticipated  
 21 gross revenues under section 505.7, subsection 3, to  
 22 the department for the fiscal year beginning July 1,  
 23 1995, and ending June 30, 1996, the following amount,  
 24 or so much thereof as is necessary, for insurance  
 25 economic development and international insurance  
 26 economic development:

27	.....	\$	200,000
----	-------	----	---------

28 3. COMMUNITY DEVELOPMENT DIVISION

29 a. Community assistance

30 For salaries, support, maintenance, miscellaneous  
 31 purposes, and for not more than the following full-  
 32 time equivalent positions for administration of the  
 33 community economic preparedness program, the Iowa  
 34 community betterment program, and the city development  
 35 boards:

36	.....	\$	615,000
37	.....	FTEs	7.50

38 From the funds appropriated in this paragraph,  
 39 \$50,000 shall be allocated for the junior olympics.

40 b. Main street/rural main street program

41 For salaries and support for not more than the  
 42 following full-time equivalent positions:

43	.....	\$	410,000
44	.....	FTEs	3.00

45 Notwithstanding section 8.33, moneys committed to

46 grantees under contract from the general fund of the  
 47 state that remain unexpended on June 30 of the fiscal  
 48 year shall not revert to any fund but shall be  
 49 available for expenditure for purposes of the contract  
 50 during the succeeding fiscal year.

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1 c. Rural development program

2 For salaries, support, maintenance, miscellaneous  
 3 purposes, for not more than the following full-time  
 4 equivalent positions for rural resource coordination,  
 5 rural community leadership, the rural enterprise fund,  
 6 and for \$50,000 to be allocated competitively to ten  
 7 to twenty communities for direct purchase of services  
 8 or goods that meet local development needs or to  
 9 enhance heritage and tourism efforts from state and  
 10 private sources:

11 .....	\$	600,000
12 .....	FTEs	4.50

13 There is also appropriated from the rural community  
 14 2000 program revolving fund established in section  
 15 15.287 to the rural development program for the  
 16 purposes of the program including the rural enterprise  
 17 fund and collaborative skills development training:

18 .....	\$	226,000
----------	----	---------

19 Notwithstanding section 8.33, moneys committed to  
 20 grantees under contract from the general fund of the  
 21 state or through transfers from the Iowa community  
 22 development loan fund or from the rural community 2000  
 23 program revolving fund that remain unexpended at the  
 24 end of the fiscal year shall not revert but shall be  
 25 available for expenditure for purposes of the contract  
 26 during the succeeding fiscal year.

27 d. Community development block grant and HOME

28 For administration and related federal housing and  
 29 urban development grant administration for salaries,  
 30 support, maintenance, miscellaneous purposes, and for  
 31 not more than the following full-time equivalent  
 32 positions:

33 .....	\$	390,000
34 .....	FTEs	18.76

35 e. Councils of governments

36 There is appropriated from the rural community 2000  
 37 program revolving fund established in section 15.287  
 38 to provide to Iowa's councils of governments funds for  
 39 planning and technical assistance funds to assist  
 40 local governments to develop community development  
 41 strategies for addressing long-term and short-term  
 42 community needs:

43	.....	\$	178,000
44	f. Housing development fund		
45	For providing technical assistance to communities		
46	of all sizes and local financial institutions to help		
47	meet local housing needs:		
48	.....	\$	100,000
49	g. Community voice mail pilot project		
50	For a community voice mail pilot project at a		

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1	homeless for emergency shelter or shelters, to be		
2	coordinated with the Iowa finance authority:		
3	.....	\$	10,000

4 4. INTERNATIONAL DIVISION

5	a. International trade operations		
6	For coordinating and eliminating duplication of		
7	effort with the department of agriculture and land		
8	stewardship, conducting foreign trade missions on		
9	behalf of Iowa businesses, salaries, support,		
10	maintenance, miscellaneous purposes, for allocating		
11	\$33,500 and up to two full-time equivalent positions		
12	for the international development foundation which		
13	shall continue as a private entity, and for not more		
14	than the following full-time equivalent positions:		
15	.....	\$	757,500
16	.....	FTEs	9.00

17 The international development foundation shall  
 18 notify the department of management by October 1,  
 19 1995, regarding whether the foundation will receive  
 20 federal funding during the state fiscal year beginning  
 21 July 1, 1995, and ending June 30, 1996. If, for the  
 22 federal fiscal year beginning October 1, 1995, and  
 23 ending September 30, 1996, no new federal funding will  
 24 be received by the foundation during the state fiscal  
 25 year beginning July 1, 1995, and ending June 30, 1996,  
 26 the balance of the funds allocated to the foundation  
 27 in this paragraph shall revert to the general fund of  
 28 the state. Notwithstanding section 8.33, if federal  
 29 funding will be received by the foundation moneys  
 30 allocated to the foundation that remain unexpended on  
 31 June 30 of the fiscal year shall not revert to any  
 32 fund but shall be available for expenditure for the  
 33 purposes of the foundation during the succeeding  
 34 fiscal year. It is the intent of the general assembly  
 35 that funding for the foundation shall cease after  
 36 fiscal year 1996-1997.

37 b. Foreign trade offices  
 38 For salaries, support, maintenance, miscellaneous  
 39 purposes, and for not more than the following full-

40 time equivalent positions:  
 41 ..... \$ 590,000  
 42 c. Export trade assistance program  
 43 For export trade activities, including a program to  
 44 encourage and increase participation in trade shows  
 45 and trade missions by providing financial assistance  
 46 to businesses for a percentage of their costs of  
 47 participating in trade shows and trade missions, by  
 48 providing for the lease/sublease of showcase space in  
 49 existing world trade centers, by providing temporary  
 50 office space for foreign buyers, international

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1 prospects, and potential reverse investors, and by  
 2 providing other promotional and assistance activities,  
 3 provided that the department shall consult with the  
 4 department of agriculture and land stewardship prior  
 5 to allocating export trade assistance program moneys,  
 6 including salaries and support for not more than the  
 7 following full-time equivalent positions:  
 8 ..... \$ 275,000  
 9 ..... FTEs 0.25  
 10 d. Agricultural product advisory council  
 11 For support, maintenance, and miscellaneous  
 12 purposes:  
 13 ..... \$ 1,300  
 14 e. For transfer to the partner state program which  
 15 the department may use to contract with private groups  
 16 or organizations which are the most appropriate to  
 17 administer this program and the groups and  
 18 organizations participating in the program shall, to  
 19 the fullest extent possible, provide the funds to  
 20 match the appropriation made in this subsection of the  
 21 funds transferred:  
 22 ..... \$ 100,000  
 23 5. TOURISM DIVISION  
 24 a. Tourism operations  
 25 For salaries, support, maintenance, miscellaneous  
 26 purposes, and for not more than the following full-  
 27 time equivalent positions, provided that the  
 28 appropriation shall not be used for advertising  
 29 placements for in-state and out-of-state tourism  
 30 marketing:  
 31 ..... \$ 716,000  
 32 ..... FTEs 17.77  
 33 b. Tourism advertising  
 34 For contracting exclusively for tourism advertising  
 35 for in-state and out-of-state tourism marketing  
 36 services, tourism promotion programs, electronic

37 media, print media, and printed materials and for  
 38 allocating \$300,000 to develop brochures and  
 39 television advertising to highlight the heritage  
 40 tourism program and the sesquicentennial:  
 41 ..... \$ 2,687,000  
 42 The department shall not use the moneys  
 43 appropriated in this lettered paragraph, except the  
 44 \$300,000 allocated for heritage tourism and  
 45 sesquicentennial advertising, unless the department  
 46 develops public-private partnerships with Iowa  
 47 businesses in the tourism industry, Iowa tour groups,  
 48 Iowa tourism organizations, and political subdivisions  
 49 in this state to assist in the development of  
 50 advertising efforts. The department shall, to the

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1 fullest extent possible, develop cooperative efforts  
 2 for advertising with contributions from other sources.  
 3 c. Welcome center program  
 4 To implement the recommendations of the statewide  
 5 long-range plan for developing and operating welcome  
 6 centers throughout the state and for planning for a  
 7 welcome center at living history farms:  
 8 ..... \$ 240,000  
 9 6. WORKFORCE DEVELOPMENT DIVISION  
 10 a. Youth work force programs  
 11 For purposes of the conservation corps, including  
 12 salary, support, maintenance, miscellaneous purposes,  
 13 and for not more than the following full-time  
 14 equivalent positions:  
 15 ..... \$ 940,000  
 16 ..... FTEs 2.40  
 17 Notwithstanding section 8.33, moneys committed to  
 18 grantees under contract that remain unexpended on June  
 19 30 of the fiscal year shall not revert to any fund but  
 20 shall be available for expenditure for purposes of the  
 21 contract during the succeeding fiscal year.  
 22 b. Job retraining program  
 23 For not more than the following full-time  
 24 equivalent positions, including salaries and support:  
 25 ..... FTEs 1.31  
 26 There is appropriated from the rural community 2000  
 27 program revolving fund established in section 15.287  
 28 to the community job training fund created in section  
 29 260F.6, subsection 1, \$225,000. It is the intent of  
 30 the general assembly that up to \$101,894 of all funds  
 31 appropriated to the program and some or all of the  
 32 full-time equivalent positions may be used for the  
 33 administration of the Iowa small business new jobs

34 training Act.

35 c. Workforce investment program

36 For allocating \$425,000 for funding, to the extent  
37 possible, the currently existing high technology  
38 apprenticeship programs, under section 260C.44 at the  
39 community colleges, and for the purposes of the  
40 workforce investment program, for a competitive grant  
41 program by the department in consultation with the  
42 state job training coordinating council for projects  
43 that increase Iowa's pool of available labor via  
44 training and support services with priority given to  
45 projects which serve displaced homemakers or welfare  
46 recipients, including salaries and support for not  
47 more than the following full-time equivalent  
48 positions:

49 .....	\$	903,000
50 .....	FTEs	0.90

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1 The department shall develop new administrative  
2 rules for distribution of apprenticeship funding for  
3 fiscal years beginning July 1, 1996.

4 The department shall ensure that the workforce  
5 investment program is coordinated with services  
6 provided under the federal Job Training Partnership  
7 Act and that welfare recipients receive priority for  
8 services under both programs.

9 The department and the community colleges shall  
10 jointly review the Iowa small business new jobs  
11 training Act, chapter 260F, including, but not limited  
12 to, studying the funding of retraining programs  
13 through consortia and supplier networks and entering  
14 into multiple retraining agreements to the same  
15 business. The report of the review shall be jointly  
16 submitted to the joint economic development  
17 appropriations subcommittee not later than January 10,  
18 1996.

19 Notwithstanding section 8.33, moneys committed to  
20 grantees under contract that remain unexpended at the  
21 end of the fiscal year, shall not revert to any fund  
22 but shall be available for expenditure for purposes of  
23 the contract during the succeeding fiscal year.

24 d. Labor management councils

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

28 .....	\$	100,000
29 .....	FTEs	0.50

30 It is the intent of the general assembly that

31 funding for labor management councils shall be  
 32 privately financed after fiscal year 1996-1997. The  
 33 department shall not use moneys appropriated in this  
 34 lettered paragraph for grants to grantees who do not  
 35 facilitate the active participation of labor as  
 36 members of labor management councils or who fail to  
 37 make a good faith effort to either schedule meetings  
 38 during nonworking hours or obtain voluntary agreements  
 39 with employers to allow employees time off to attend  
 40 labor management council meetings with no loss of pay  
 41 or other benefits.

42 Notwithstanding section 8.33, moneys committed to  
 43 grantees under contract that remain unexpended on June  
 44 30 of the fiscal year shall not revert to any fund but  
 45 shall be available for expenditure for purposes of the  
 46 contract during the succeeding fiscal year.

47 Sec. 2. Notwithstanding section 15E.120,  
 48 subsections 5, 6, and 7, and section 15.287, there is  
 49 appropriated from the Iowa community development loan  
 50 fund all the moneys available during the fiscal year

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1 beginning July 1, 1995, and ending June 30, 1996, to  
 2 the department of economic development for the rural  
 3 development program to be used by the department for  
 4 the purposes of the program.

5 Sec. 3. Notwithstanding section 15.251, subsection  
 6 2, there is appropriated from the job training fund  
 7 created in the office of the treasurer of state to the  
 8 department of economic development for the fiscal year  
 9 beginning July 1, 1995, and ending June 30, 1996, the  
 10 following amounts, or so much thereof as is necessary,  
 11 to be used for the purposes designated:

12 1. For administration of chapter 260E, including  
 13 salaries, support, maintenance, miscellaneous  
 14 purposes, and for not more than the following full-  
 15 time equivalent positions:

16 .....	\$	160,000
17 .....	FTEs	2.40

18 2. For the target alliance program:		
19 .....	\$	30,000

20 Sec. 4. There is appropriated from the general  
 21 fund of the state to the Wallace technology transfer  
 22 foundation for the fiscal year beginning July 1, 1995,  
 23 and ending June 30, 1996, the following amount, or so  
 24 much thereof as is necessary, to be used for the  
 25 purposes designated:

26 For salaries, support, maintenance, and other  
 27 operational purposes, for reporting by December 1,

28 1995, to the joint economic development appropriations  
 29 subcommittee on a plan regarding restructuring the  
 30 foundation, merging with the department of economic  
 31 development in fiscal year 1996-1997, and for  
 32 transferring, all equity holdings to the Iowa seed  
 33 capital corporation, for administering the industrial  
 34 technology access program, for approving and  
 35 submitting to the governor and general assembly not  
 36 later than January 15 an annual report relating to  
 37 performance goals of and efforts by the foundation to  
 38 improve the modernization of industrial facilities,  
 39 for funding the small business innovation research  
 40 program, for transferring up to \$30,000 of the funds  
 41 appropriated in this section to the Iowa quality  
 42 coalition, on the condition that the coalition first  
 43 expend all existing moneys, for productivity  
 44 enhancement projects, and for not more than the  
 45 following full-time equivalent positions:

46 .....	\$	1,950,000
47 .....	FTEs	4.00

48 The Iowa quality coalition shall submit a proposal  
 49 to the joint economic development appropriations  
 50 subcommittee and the legislative fiscal bureau by

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1 December 1, 1995, regarding awarding funds for  
 2 productivity enhancement projects through a request  
 3 for proposal process.

4 Sec. 5. There is appropriated from the general  
 5 fund of the state to the Iowa seed capital corporation  
 6 fund established in section 15E.89, for not more than  
 7 the following full-time equivalent positions, and for  
 8 meeting the intent of the general assembly that the  
 9 Iowa seed capital corporation may expend all funds  
 10 remaining, on June 30, 1995, from the industrial  
 11 technology access program for the purposes of the  
 12 corporation:

13 .....	\$	483,000
14 .....	FTEs	5.00

15 Sec. 6. There is appropriated from the general  
 16 fund of the state to the Iowa state university of  
 17 science and technology for the fiscal year beginning  
 18 July 1, 1995, and ending June 30, 1996, the following  
 19 amounts, or so much thereof as is necessary, to be  
 20 used for the purposes designated:

21 1. For funding and maintaining in their current  
 22 locations the existing small business development  
 23 centers, for providing up to \$33,000, or so much  
 24 thereof as is necessary, for salary increases of not

25 more than three percent from all sources for  
 26 nonuniversity employees provided that any amount not  
 27 required for salary increases for nonuniversity  
 28 employees shall revert to the general fund of the  
 29 state, and for not more than the following full-time  
 30 equivalent positions:

31 .....	\$	1,185,000
32 .....	FTEs	6.07

33 2. For funding the institute for physical research  
 34 and technology, provided that \$318,358 shall be  
 35 allocated to the institute for physical research and  
 36 technology industrial incentive program in accordance  
 37 with the intent of the general assembly, and for not  
 38 more than the following full-time equivalent  
 39 positions:

40 .....	\$	4,000,000
41 .....	FTEs	61.17

42 It is the intent of the general assembly that the  
 43 incentive program focus on Iowa industrial sectors and  
 44 seek contributions and in-kind donations from  
 45 businesses, industrial foundations, and trade  
 46 associations and that moneys for the institute for  
 47 physical research and technology industrial incentive  
 48 program shall only be allocated for projects which are  
 49 matched by private sector moneys for directed contract  
 50 research or for nondirected research. The match

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1 required of small businesses as defined in section  
 2 15.102, subsection 4, for directed contract research  
 3 or for nondirected research shall be \$1 for each \$3 of  
 4 state funds. The match required for other businesses  
 5 for directed contract research or for nondirected  
 6 research shall be \$1 for each \$1 of state funds. The  
 7 match required of industrial foundations or trade  
 8 associations shall be \$1 for each \$1 of state funds.

9 Iowa state university shall report annually to the  
 10 joint economic development subcommittee of the senate  
 11 and house appropriations committees the total amounts  
 12 of private contributions, the proportion of  
 13 contributions from small businesses and other  
 14 businesses, and the proportion for directed contract  
 15 research and nondirected research of benefit to Iowa  
 16 businesses and industrial sectors.

17 Notwithstanding section 8.33, moneys appropriated  
 18 for any fiscal year which remain unobligated and  
 19 unexpended at the end of the fiscal year shall not  
 20 revert but shall be available for expenditure the  
 21 following fiscal year.

22 Sec. 7. There is appropriated from the general  
 23 fund of the state to the state university of Iowa for  
 24 the fiscal year beginning July 1, 1995, and ending  
 25 June 30, 1996, the following amount, or so much  
 26 thereof as is necessary, to be used for the purpose  
 27 designated:

28 For funding the advanced drug development program  
 29 at the Oakdale research park and for not more than the  
 30 following full-time equivalent positions:

31 .....	\$	309,000
32 .....	FTEs	2.85

33 The board of regents shall submit a report on the  
 34 progress of regents institutions in meeting the  
 35 strategic plan for technology transfer and economic  
 36 development to the chairpersons of the joint  
 37 appropriations subcommittee on economic development,  
 38 the joint appropriations subcommittee on education,  
 39 the majority leader, and minority leader of the  
 40 senate, the majority and minority leaders of the house  
 41 of representatives, the secretary of the senate, the  
 42 chief clerk of the house of representatives, and the  
 43 legislative fiscal bureau by December 1, 1995.

44 Sec. 8. Not later than July 1, 1995, the  
 45 department of economic development, with consultation  
 46 and input from the general assembly, and  
 47 representatives from business, labor, and education  
 48 shall study and present recommendations to the general  
 49 assembly which shall include but not be limited to the  
 50 privatization and decentralization of Iowa's economic

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1 development efforts, the identification of areas  
 2 appropriate to statewide economic development efforts  
 3 and areas appropriate for regional economic  
 4 development efforts, benchmark budgeting for statewide  
 5 and regional efforts, the deregulation of economic  
 6 development activities, and collaboration between  
 7 public and private entities.

8 Sec. 9. DEPARTMENT OF EMPLOYMENT SERVICES. There  
 9 is appropriated from the general fund of the state,  
 10 provided that the department not implement a  
 11 reorganization plan, without prior approval of the  
 12 general assembly, by concurrent resolution, to the  
 13 department of employment services for the fiscal year  
 14 beginning July 1, 1995, and ending June 30, 1996, the  
 15 following amounts, or so much thereof as is necessary,  
 16 for the purposes designated, including that the  
 17 department of employment services, the department of  
 18 personnel, and the department of management shall

19 ensure that all nonsupervisory full-time equivalent  
20 positions authorized and funded for the department of  
21 employment services in this section will be utilized  
22 during the fiscal year beginning July 1, 1995, and  
23 ending June 30, 1996, and during future fiscal years,  
24 and will not be held vacant, to ensure that the  
25 backlog of cases in that department will be reduced as  
26 rapidly as possible:

27 1. DIVISION OF LABOR SERVICES

28 For salaries, support, maintenance, miscellaneous  
29 purposes, and for not more than the following full-  
30 time equivalent positions contingent upon the  
31 enactment of section 10 of this Act and the provision  
32 which requires moneys appropriated from the special  
33 employment security contingency fund to first be used  
34 to fully fund the appropriation of \$296,000 to the  
35 division of labor services in subsection 1 of section  
36 11 of this Act prior to funding the appropriation in  
37 section 11 of this Act to the division of industrial  
38 services:

39 .....	\$	2,466,000
40 .....	FTEs	87.00

41 The division of labor services shall ensure all  
42 occupational safety and health personnel complete the  
43 department of employment services ambassador customer  
44 service classes. The division of labor shall ensure a  
45 customer satisfaction survey developed by the 1994  
46 focus group is completed and a written report  
47 containing the results of the survey is submitted to  
48 the department of management and the legislative  
49 fiscal bureau not later than October 1, 1995.

50 It is the intent of the general assembly that the

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1 division of labor services shall conduct all  
2 inspection functions in the division as efficiently as  
3 possible. The division shall, to the extent possible,  
4 eliminate duplicate travel to the same location for  
5 separate inspections made at different times, and  
6 shall consolidate such inspections in the same trip  
7 whenever possible.

8 From the contractor registration fees, the division  
9 of labor services shall reimburse the department of  
10 inspections and appeals for all costs associated with  
11 hearings under chapter 91C, relating to contractor  
12 registration.

13 2. DIVISION OF INDUSTRIAL SERVICES

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

16	time equivalent positions:		
17	.....	\$	2,106,000
18	.....	FTEs	33.00
19	3. For salaries, support, maintenance,		
20	miscellaneous purposes, and for not more than the		
21	following full-time equivalent positions for a		
22	workforce development coordinator and council:		
23	.....	\$	114,000
24	.....	FTEs	1.00

25 The workforce development coordinator shall  
 26 formulate a five-year written implementation plan for  
 27 the workforce development initiative and shall  
 28 implement a common intake, assessment, and client  
 29 tracking system by June 30, 1996, to determine the  
 30 economic impact of the workforce development system.  
 31 The coordinator shall annually provide a written  
 32 report no later than December 1 of each year to the  
 33 department of management and the legislative fiscal  
 34 bureau indicating all of the following:

- 35 a. The amounts of federal, state, and any other
- 36 funds expended to implement the workforce initiative.
- 37 b. The efficiencies achieved in terms of
- 38 administrative costs and other expenditures of the
- 39 departments involved.
- 40 c. The location of each workforce center, staffing
- 41 levels, and the number of clients served.
- 42 d. Any other information deemed necessary by the
- 43 coordinator related to the progress and success in
- 44 implementing the initiative.
- 45 e. By June 30, 1996, there shall be implemented a
- 46 common intake, assessment, and client tracking system
- 47 to determine the economic impact of the new workforce
- 48 development system. The tracking system shall be able
- 49 to track individuals who have received training or
- 50 retraining to determine whether the training or

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1 retraining has resulted in increased wages for the  
 2 individuals, shall contain information on individuals  
 3 who have participated in or completed state subsidized  
 4 training or retraining programs more than once at a  
 5 particular community college or at different community  
 6 colleges and whether the training or retraining was  
 7 for the same business or different businesses, and  
 8 shall provide information regarding the number of  
 9 individuals who have received training or retraining  
 10 who are unemployed.

11 4. For the workforce development initiative to be  
 12 used to create model workforce development centers and

13 provide an integrated management information system:  
 14 ..... \$ 464,000  
 15 Sec. 10. ADMINISTRATIVE CONTRIBUTION SURCHARGE  
 16 FUND. There is appropriated from the administrative  
 17 contribution surcharge fund of the state to the  
 18 department of employment services for the fiscal year  
 19 beginning July 1, 1995, and ending June 30, 1996, the  
 20 following amount, or so much thereof as is necessary,  
 21 for the purposes designated:  
 22 DIVISION OF JOB SERVICE  
 23 Notwithstanding section 96.7, subsection 12,  
 24 paragraph "c", for salaries, support, maintenance,  
 25 conducting labor availability surveys, miscellaneous  
 26 purposes, and for not more than the following full-  
 27 time equivalent positions:  
 28 ..... \$ 5,904,000  
 29 ..... FTEs 149.72

30 1. The department of employment services shall  
 31 provide services throughout the fiscal year beginning  
 32 July 1, 1995, and ending June 30, 1996, in all  
 33 communities in which workforce centers are operating  
 34 on July 1, 1993. However, this provision shall not  
 35 prevent the consolidation of multiple offices within  
 36 the same city or the colocation of workforce centers  
 37 with another public agency.

38 2. The division of industrial services shall not  
 39 reduce the number of scheduled hearings of contested  
 40 cases or eliminate the venue of such hearings, as  
 41 established by the division for the period beginning  
 42 January 1, 1995, and ending January 20, 1996. The  
 43 division shall also establish a substantially similar  
 44 schedule for such hearings for the period beginning  
 45 January 20, 1996, and ending June 30, 1996. The  
 46 division shall report to the legislative fiscal bureau  
 47 concerning any modification of the established  
 48 schedule, or any changes which the division determines  
 49 are necessary in establishing the schedule for the  
 50 period beginning January 20, 1996, and ending June 30,

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1 1996.  
 2 3. The division shall continue charging a \$65  
 3 filing fee for workers' compensation cases. The  
 4 filing fee shall be paid by the petitioner of a claim.  
 5 However, the fee can be taxed as a cost and paid by  
 6 the losing party, except in cases where it would  
 7 impose an undue hardship or be unjust under the  
 8 circumstances.  
 9 Sec. 11. EMPLOYMENT SECURITY CONTINGENCY FUND.

10 There is appropriated from the special employment  
 11 security contingency fund to the department of  
 12 employment services for the fiscal year beginning July  
 13 1, 1995, and ending June 30, 1996, the following  
 14 amounts, or so much thereof as is necessary, for the  
 15 purposes designated and subject to the requirement  
 16 that the appropriation to the division of labor  
 17 services under this section be fully funded from the  
 18 special employment security contingency fund prior to  
 19 any amounts being used to fund the appropriation made  
 20 to the division of industrial services under this  
 21 section:

22 1. DIVISION OF LABOR SERVICES

23 For salaries, support, maintenance, and  
 24 miscellaneous purposes:

25 ..... \$ 296,000

26 2. DIVISION OF INDUSTRIAL SERVICES

27 For salaries, support, maintenance, and  
 28 miscellaneous purposes:

29 ..... \$ 175,000

30 Any additional penalty and interest revenue may be  
 31 used to accomplish the mission of the department.

32 Sec. 12. PUBLIC EMPLOYMENT RELATIONS BOARD. There  
 33 is appropriated from the general fund of the state to  
 34 the public employment relations board for the fiscal  
 35 year beginning July 1, 1995, and ending June 30, 1996,  
 36 the following amount, or so much thereof as is  
 37 necessary, for the purposes designated:

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

41 ..... \$ 755,000

42 ..... FTEs 12.80

43 Sec. 13. There is appropriated from the general  
 44 fund of the state to the Iowa finance authority for  
 45 the fiscal year beginning July 1, 1995, and ending  
 46 June 30, 1996, the following amount, or so much  
 47 thereof as is necessary, to be used for the purpose  
 48 designated:

49 For deposit in the housing improvement fund created  
 50 in section 16.100 for purposes of the fund:

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1 ..... \$ 510,000

2 Sec. 14. There is appropriated from the general  
 3 fund of the state to the division of insurance of the  
 4 department of commerce for the fiscal year beginning  
 5 July 1, 1995, and ending June 30, 1996, the following  
 6 amount, or so much thereof as is necessary, to be used

7 for the purpose designated provided that Senate File  
8 347 is enacted:

9 For an actuarial study to determine the cost of  
10 requiring health insurance policies for individuals to  
11 include mental health and substance abuse treatment as  
12 covered items:

13 ..... \$ 25,000

14 Sec. 15. Section 15.317, Code 1995, is amended by  
15 adding the following new subsection:

16 NEW SUBSECTION. 4. Assistance approved by the  
17 board shall be utilized by the business within two  
18 years of the date of the approval of the assistance.  
19 Funds not utilized in accordance with this subsection  
20 shall revert to the control of the board. The  
21 business may reapply for assistance in that case.

22 Sec. 16. FEDERAL GRANTS. All federal grants to  
23 and the federal receipts of agencies appropriated  
24 funds under this Act, not otherwise appropriated, are  
25 appropriated for the purposes set forth in the federal  
26 grants or receipts unless otherwise provided by the  
27 general assembly.

28 Sec. 17. BUDGET UNIT DESIGNATIONS. The department  
29 of management shall, prior to January 15, 1996,  
30 conform all budget unit designations to the  
31 designations used in the Code.

32 Sec. 18. Notwithstanding any other provision, any  
33 unencumbered or unobligated balance on June 30, 1995,  
34 in the targeted small business financial assistance  
35 program account created in section 15.247, including  
36 moneys remaining in any reserve account within the  
37 program account for guaranteed loans that have been  
38 repaid, shall be transferred out of the program  
39 account, including the appropriate reserve accounts,  
40 and deposited to the credit of the Iowa strategic  
41 investment fund created in section 15.313 and shall be  
42 appropriated to the department of economic development  
43 for purposes of the Iowa strategic investment fund  
44 targeted small business financial assistance program.

45 Sec. 19. Chapter 38, Code 1995, is repealed.

46 Sec. 20. EFFECTIVE DATE. The provisions relating  
47 to implementing the reorganization of the small  
48 business resource office in section 1, subsection 2,  
49 paragraph "b" of this Act, being deemed of immediate  
50 importance, take effect upon enactment."

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1 2. Title page, by striking lines 1 through 7 and  
2 inserting the following: "An Act appropriating funds  
3 to the department of economic development, the Iowa

4 finance authority, the Wallace technology transfer  
 5 foundation, division of insurance of the department of  
 6 commerce, the Iowa seed capital corporation, the  
 7 international development foundation, the public  
 8 employment relations board, and the department of  
 9 employment services, making related statutory changes,  
 10 and providing an immediate effective date."

TOM VILSACK

S-3402

1 Amend the House amendment, S-3394, to Senate File  
 2 462, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 4, line 45, by striking the word and  
 5 figure "Sec. 200." and inserting the following:  
 6 "200".  
 7 2. Page 5, by inserting after line 45 the  
 8 following:  
 9 " \_\_\_\_ . Page 10, line 15, by striking the figure  
 10 "3,895,934" and inserting the following:  
 11 "2,895,934".  
 12 3. Page 7, line 5, by inserting after the word  
 13 "cases." the following: "The department shall submit  
 14 a report of the findings of the study to the  
 15 chairpersons and ranking members of the joint  
 16 appropriations subcommittee on human services on or  
 17 before January 1, 1996."  
 18 4. Page 7, line 8, by striking the figure "100"  
 19 and inserting the following: "\_\_\_\_."  
 20 5. Page 7, by striking lines 21 through 25.  
 21 6. Page 7, by striking lines 35 through 44.  
 22 7. Page 8, line 38, by striking the figure  
 23 "255C.2" and inserting the following: "225C.2".  
 24 8. Page 10, by striking lines 25 through 30 and  
 25 inserting the following:  
 26 " \_\_\_\_ . Page 45, line 17, by inserting after the  
 27 word "authorization," the following: "section 3,  
 28 subsection 200, relating to the nursing home waiver  
 29 pilot program,"."  
 30 9. By renumbering as necessary.

JOHNIE HAMMOND

S-3403

1 Amend House File 512, as amended, passed, and re-  
 2 printed by the House, as follows:

- 3 1. Page 6, by striking lines 5 through 9.
- 4 2. By relettering as necessary.

ALLEN BORLAUG

S-3404

- 1 Amend House File 512, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, line 23, by striking the figure
- 4 "275,000" and inserting the following: "367,000".

ALLEN BORLAUG

S-3405

- 1 Amend House File 247, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 16, lines 2 and 3, by striking the words
- 4 "REFUSED -- ADMINISTRATIVE PENALTY" and inserting the
- 5 following: "SUSPENSION".
- 6 2. Page 16, by striking lines 7 through 20 and
- 7 inserting the following: "this chapter".
- 8 3. Page 24, lines 19 and 20, by striking the
- 9 words "REFUSED -- ADMINISTRATIVE PENALTY" and
- 10 inserting the following: "SUSPENSION".
- 11 4. By striking page 24, line 24, through page 25,
- 12 line 2, and inserting the following: "with this
- 13 chapter".
- 14 5. Title page, by striking line 4 and inserting
- 15 the following: "contracts."

COMMITTEE ON WAYS AND MEANS  
WILLIAM D. PALMER, Chairperson

S-3406

- 1 Amend House File 512, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, by striking lines 9 through 16 and
- 4 inserting the following:
- 5 "There is to be established by the legislative
- 6 council a 17 member task force to study the job
- 7 training needs of the state with emphasis on the needs
- 8 of targeted technology industries. The review should
- 9 include, but is not limited to, studying the funding
- 10 of retraining programs through consortia and supplier
- 11 networks and entering into multiple retraining agree-
- 12 ments to the same business. Membership of the task
- 13 force consists of three senators to be appointed by

14 the majority and minority leaders of the senate, three  
 15 representatives to be appointed by the speaker and  
 16 minority leaders of the house of representatives, and  
 17 11 members appointed by the governor from each of the  
 18 following targeted technology industries: advanced  
 19 manufacturing; advanced materials; biomedicine, health  
 20 sciences; biotechnology; computer and information  
 21 sciences; electronics, related fields; engineering  
 22 theory and application; energy, natural resources;  
 23 environmental sciences; telecommunications; and  
 24 transportation and aerospace. The task force shall  
 25 make a report of its findings and any recommendations  
 26 to the governor and general assembly by January 1,  
 27 1996."

DERRYL McLAREN  
 ALLEN BORLAUG  
 MAGGIE TINSMAN

S-3407

1 Amend House File 512, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 9, by striking lines 11 through 14 and  
 4 inserting the following:

5 "b. Job retraining program  
 6 To the community college job training fund created  
 7 in section 260F.6, including salaries and support for  
 8 not more than the following full-time equivalent  
 9 positions:

10 .....	\$	362,000
11 .....	FTEs	1.31"

12 2. By relettering as necessary.

DERRYL McLAREN

S-3408

1 Amend the amendment, S-3406, to House File 512, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, line 24, by inserting after the word  
 5 "aerospace" the following: "and those established  
 6 industries that may be using less than state-of-the-  
 7 art technology".

MARY LUNDBY

S-3409

1 Amend House File 530, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. By striking page 2, line 34, through page 3,  
 4 line 13.

5 2. Page 5, by striking line 32 and inserting the  
 6 following:

7 " ..... \$ 1"

8 3. Page 5, line 33, by inserting after the word  
 9 "paragraph" the following: ", plus any other funds  
 10 received,".

11 4. Page 5, line 35, by striking the words "  
 12 including long-term care data,".

13 5. Page 6, by striking line 15 and inserting the  
 14 following:

15 " ..... \$ 2,148,541"

16 6. Page 6, by inserting after line 33 the  
 17 following:

18 "The Iowa department of public health shall  
 19 organize a coalition to consider federal requirements  
 20 concerning lead poisoning and develop recommendations  
 21 for submission to the general assembly on or before  
 22 January 1, 1996, for proposed legislation regarding  
 23 lead-poisoned persons. The coalition formed shall  
 24 include, but is not limited to, representatives of  
 25 real estate agents, landlords, painting contractors,  
 26 lead inspectors, local public health officials, and  
 27 consumers."

28 7. By striking page 6, line 34, through page 7,  
 29 line 5, and inserting the following:

30 "e. The radon program shall be eliminated July 1,  
 31 1995."

32 8. Page 21, by striking lines 1 and 2 and  
 33 inserting the following:

34 " ..... \$ 57,206  
 35 ..... FTEs 1.0"

36 9. Page 23, by striking line 10 and inserting the  
 37 following:

38 " ..... \$ 37,909,934"

39 10. Page 23, line 28, by striking the word  
 40 "shall" and inserting the following: "is requested  
 41 to".

42 11. By renumbering, relettering, or redesignating  
 43 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 459

S-3410

1 Amend Senate File 459, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 10, by striking the figure  
4 "5,242,801" and inserting the following: "5,142,801".

5 2. Page 1, line 19, by striking the figure  
6 "175,000" and inserting the following: "122,415".

7 3. By striking page 4, line 22, through page 5,  
8 line 7.

9 4. Page 7, by inserting after line 25 the  
10 following:

11 "Moneys received by the department of corrections  
12 as reimbursement for services provided to the Clarinda  
13 youth corporation are appropriated to the department  
14 and shall be used for the purpose of operating the  
15 Clarinda correctional facility."

16 5. By striking page 8, line 16, through page 9,  
17 line 35.

18 6. Page 10, by striking lines 20 through 26.

19 7. Page 11, by inserting after line 18 the  
20 following:

21 "7. For educational programs for inmates at state  
22 penal institutions:

23 ..... \$ 1,850,600

24 It is the intent of the general assembly that  
25 moneys appropriated in this subsection shall be used  
26 solely for the purpose indicated and that the moneys  
27 shall not be transferred for any other purpose."

28 8. Page 16, by inserting after line 12 the  
29 following:

30 "7. In addition to the requirements of section  
31 8.39, the department of corrections shall not make an  
32 intradepartmental transfer of moneys appropriated to  
33 the department, unless notice of the intradepartmental  
34 transfer is given prior to its effective date to the  
35 legislative fiscal bureau. The notice shall include  
36 information on the department's rationale for making  
37 the transfer and details concerning the work load and  
38 performance measures upon which the transfers are  
39 based."

40 9. Page 22, line 34, by inserting after the word  
41 "surveillance" the following: "or safety".

42 10. Page 25, line 6, by striking the figure  
43 "15,000" and inserting the following: "30,000".

44 11. Page 26, line 28, by striking the figure  
45 "8,330,089" and inserting the following: "8,808,350".

- 46 12. Page 26, line 29, by striking the figure
- 47 "166.00" and inserting the following: "180.00".
- 48 13. Page 27, by striking lines 26 through 35 and
- 49 inserting the following: "6."
- 50 14. Page 28, by inserting after line 22 the

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1 following:

2 "9. The division of highway safety, uniformed  
 3 force, and radio communications may expend an amount  
 4 proportional to the costs that are reimbursable from  
 5 the highway safety patrol fund created in section  
 6 80.41, as enacted by this Act. Spending for these  
 7 costs may occur from any unappropriated funds in the  
 8 state treasury upon a finding by the department of  
 9 management that all of the amounts requested and  
 10 approved are reimbursable from the highway safety  
 11 patrol fund. Upon payment to the highway safety  
 12 patrol fund, the division of highway safety, uniformed  
 13 force, and radio communications shall credit the  
 14 payments necessary to reimburse the state treasury.

15 10. In addition to other amounts appropriated, for  
 16 payment to the department of personnel for expenses  
 17 incurred in administering the merit system on behalf  
 18 of the division of highway safety, uniformed force,  
 19 and radio communications:

20 ..... \$ 88,390"

21 15. Page 29, by striking lines 1 and 2.

22 16. Page 29, by inserting before line 3 the  
 23 following:

24 "Sec. \_\_\_\_ . NEW SECTION. 80.41 HIGHWAY SAFETY  
 25 PATROL FUND.

26 A highway safety patrol fund is created as a  
 27 separate fund in the state treasury. Interest and  
 28 other moneys earned by the fund shall be deposited in  
 29 the fund. The fund shall include moneys credited from  
 30 the use tax as allocated under section 423.24,  
 31 subsection 2. The moneys credited to the fund for the  
 32 fiscal year beginning July 1, 1995, and ending June  
 33 30, 1996, shall be appropriated as follows:

34 1. Thirty-three million two hundred ten thousand  
 35 four hundred sixty-seven dollars shall be appropriated  
 36 to the division of highway safety, uniformed force,  
 37 and radio communications of the department of public  
 38 safety to be used for salaries, support, maintenance,  
 39 and miscellaneous purposes, including workers'  
 40 compensation expenses and the state's contribution to  
 41 the peace officers' retirement, accident, and  
 42 disability system provided in chapter 97A in the

43 amount of eighteen percent of the salaries for which  
44 the funds are appropriated.  
45 2. Sufficient moneys for the division of highway  
46 safety, uniformed force, and radio communications of  
47 the department of public safety shall be appropriated  
48 for salary adjustment moneys.  
49 3. Any revenues remaining shall be credited to the  
50 road use tax fund created under section 312.1.

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1 It is the intent of the general assembly that  
2 moneys be appropriated from the general fund of the  
3 state to partially fund the division of highway  
4 safety, uniformed force, and radio communications of  
5 the department of public safety by fiscal year 1997  
6 and to fully fund the division by fiscal year 2001 and  
7 each fiscal year thereafter. It is further intended  
8 that the fund created in this section be repealed when  
9 the highway patrol is fully funded from the general  
10 fund of the state and all use tax receipts designated  
11 in section 423.24, subsection 2, are deposited in the  
12 road use tax fund."

13 17. Page 29, line 8, by striking the words "full  
14 cost of auditing" and inserting the following: "cost  
15 of auditing salaries for no more than two special  
16 agents and no more than four gaming enforcement  
17 officers for each excursion gambling boat for".

18 18. Page 29, by striking lines 12 through 14 and  
19 inserting the following: "salary costs shall be  
20 limited to sixty-five percent of the salary costs for  
21 special agents and sixty-five percent of the salary  
22 costs for gaming enforcement for personnel assigned to  
23 excursion gambling boats who enforce laws and rules  
24 adopted by the".

25 19. Page 29, by inserting after line 15 the  
26 following:

27 "Sec. \_\_\_\_ . Section 423.24, subsection 2, Code  
28 1995, is amended to read as follows:

29 2. Twenty percent of all revenue derived from the  
30 use tax on motor vehicles, trailers, and motor vehicle  
31 accessories and equipment as collected pursuant to  
32 section 423.7 shall be deposited in the GAAP deficit  
33 reduction account established in the department of  
34 management pursuant to section 8.57, subsection 2,  
35 highway safety patrol fund created in section 80.41,  
36 and shall be used in accordance with the provisions of  
37 that section."

38 20. Page 30, by striking lines 11 through 18 and  
39 inserting the following:

40 "b. For each fiscal year, a judicial collection  
41 estimate for that fiscal year shall be equally and  
42 proportionally divided into a quarterly amount. The  
43 judicial collection estimate shall be calculated by  
44 using the state revenue estimating conference estimate  
45 made by December 15 pursuant to section 8.22A,  
46 subsection 3, of the total amount of fines, fees,  
47 civil penalties, costs, surcharges, and other revenues  
48 collected by judicial officers and court employees for  
49 deposit into the general fund of the state. The  
50 revenue estimating conference estimate shall be

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1 reduced by the maximum amounts allocated to the Iowa  
2 prison infrastructure fund pursuant to section  
3 602.8108A, and the court technology fund pursuant to  
4 section 602.8108, and the remainder shall be the  
5 judicial collection estimate."

6 21. Page 30, line 19, by striking the word and  
7 figure "subsection 1."

8 22. Page 30, line 24, by inserting after the  
9 figure "602.8108A" the following: "and into the court  
10 technology fund pursuant to section 602.8108".

11 23. Page 30, line 31, by inserting after the word  
12 "fund." the following: "If the revenue estimating  
13 conference agrees to a different estimate at a later  
14 meeting which projects a lesser amount of revenue than  
15 the initial estimate amount used to calculate the  
16 judicial collection estimate, the director of revenue  
17 and finance shall recalculate the judicial collection  
18 estimate accordingly. If the revenue estimating  
19 conference agrees to a different estimate at a later  
20 meeting which projects a greater amount of revenue  
21 than the initial estimate amount used to calculate the  
22 judicial collection estimate, the director of revenue  
23 and finance shall recalculate the judicial collection  
24 estimate accordingly but only to the extent that the  
25 greater amount is due to an increase in the fines,  
26 fees, civil penalties, costs, surcharges, or other  
27 revenues allowed by law to be collected by judicial  
28 officers and court employees."

29 24. By striking page 31, line 5, through page 32,  
30 line 1.

31 25. Page 32, by inserting before line 2 the  
32 following:

33 "Sec. 100. NEW SECTION. 904.311A PRISON RECYCLING  
34 FUND.

35 The Iowa prison recycling fund is created and  
36 established as a separate and distinct fund in the

37 state treasury. All moneys remitted to the department  
 38 for recycling operations in each fiscal year  
 39 commencing with the fiscal year beginning July 1,  
 40 1994, shall be deposited in the fund. Notwithstanding  
 41 section 12C.7, subsection 2, interest or earnings on  
 42 moneys deposited in the fund shall be credited to the  
 43 fund. Notwithstanding section 8.33, moneys in the  
 44 fund shall not revert to the general fund of the state  
 45 at the close of a fiscal year but shall remain in the  
 46 fund and be used as directed in this section in the  
 47 succeeding fiscal year. The treasurer of state shall  
 48 act as custodian of the fund and disburse moneys from  
 49 the fund as directed by the department for the purpose  
 50 of payment of operating expenses for recycling.

**Page 5**

1 Sec. \_\_\_\_ . NEW SECTION. 904.508A INMATE TELEPHONE  
 2 REBATE FUND.

3 The department is authorized to establish and  
 4 maintain an inmate telephone rebate fund in each  
 5 institution for the deposit of moneys received for  
 6 inmate telephone rebates. All funds deposited in this  
 7 fund shall be used for the benefit of inmates. The  
 8 director shall adopt rules providing for the  
 9 disbursement of moneys from the fund."

10 26. Page 32, by inserting after line 6 the  
 11 following:

12 "Sec. \_\_\_\_ . INTERIM STUDY COMMITTEE. The  
 13 legislative council is requested to authorize an  
 14 interim study committee concerning the enforcement of  
 15 activities on excursion gambling boats."

16 27. Page 32, by striking lines 16 through 19.

17 28. Page 32, by inserting after line 24 the  
 18 following:

19 "6. Section 100 of this Act, dealing with the Iowa  
 20 prison recycling fund, takes effect upon enactment and  
 21 is retroactively applicable to July 1, 1994."

22 29. By renumbering, relettering, or redesignating  
 23 and correcting internal references as necessary.

S-3411

1 Amend House File 303, as passed by the House, as  
 2 follows:

3 1. Page 10, by inserting after line 22 the  
 4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 479.35 TERM OF YEARS.

6 An easement or other written agreement between a  
 7 landowner and a pipeline company which grants a

8 pipeline company a property interest in the property  
 9 or allows a pipeline company to cross the property,  
 10 upon which the pipeline is located, which is entered  
 11 into on or after July 1, 1995, shall be effective for  
 12 no longer than a twenty-year time period. The parties  
 13 may renegotiate the terms of the agreement following  
 14 the twenty-year time period and enter into another  
 15 agreement which shall also be limited to a twenty-year  
 16 term."

17 2. Page 16, by inserting after line 3 the  
 18 following:

19 "Sec. — . NEW SECTION. 479A.19A TERM OF YEARS.

20 An easement or other written agreement between a  
 21 landowner and a pipeline company which grants a  
 22 pipeline company a property interest in the property  
 23 or allows a pipeline company to cross the property,  
 24 upon which the pipeline is located, which is entered  
 25 into on or after July 1, 1995, shall be effective for  
 26 no longer than a twenty-year time period. The parties  
 27 may renegotiate the terms of the agreement following  
 28 the twenty-year time period and enter into another  
 29 agreement which shall also be limited to a twenty-year  
 30 term."

31 3. Page 32, by inserting after line 34 the  
 32 following:

33 "Sec. — . NEW SECTION. 479B.24A TERM OF YEARS.

34 An easement or other written agreement between a  
 35 landowner and a pipeline company which grants a  
 36 pipeline company a property interest in the property  
 37 or allows a pipeline company to cross the property,  
 38 upon which the pipeline is located, which is entered  
 39 into on or after July 1, 1995, shall be effective for  
 40 no longer than a twenty-year time period. The parties  
 41 may renegotiate the terms of the agreement following  
 42 the twenty-year time period and enter into another  
 43 agreement which shall also be limited to a twenty-year  
 44 term."

45 4. By renumbering as necessary.

EUGENE FRAISE

S-3412

1 Amend House File 530, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 22, by inserting after line 14 the  
 4 following:

5 "— . COMMUNITY GRANT FUND

6 For the community grant fund established under sec-  
 7 tion 232.190 for new grants and the continuation of

8 existing grants for the fiscal year beginning July 1,  
 9 1995, and ending June 30, 1996, to be used for the  
 10 purposes of the community grant fund:  
 11 ..... \$ 1,800,000  
 12 New grant proposals and continuation grant  
 13 recipients shall demonstrate community collaboration,  
 14 not merely disbursements of funds to various  
 15 organizations, and shall show significant progress  
 16 toward achieving objectives set forth in the proposal  
 17 such as process and impact evaluation objectives,  
 18 including objectives related to the number of persons  
 19 served. Letters of support shall include specific  
 20 commitments and shall be binding.”  
 21 2. By renumbering as necessary.

LARRY MURPHY

S-3413

1 Amend House File 247, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 “Sec. \_\_\_\_ . Section 87.4, Code 1995, is amended by  
 6 adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. The workers’  
 8 compensation premium written on a municipality which  
 9 is a member of an insurance pool which provides  
 10 workers’ compensation insurance coverage to a  
 11 statewide group of municipalities, as defined in  
 12 section 670.1, shall not be considered in the  
 13 determination of any assessments levied pursuant to an  
 14 agreement established under section 515A.15.”  
 15 2. Page 8, by striking lines 6 through 18 and  
 16 inserting the following:  
 17 “Sec. \_\_\_\_ . Section 515A.15, Code 1995, is amended  
 18 to read as follows:  
 19 515A.15 ASSIGNED RISKS.  
 20 Agreements ~~may~~ shall be made among insurers with  
 21 respect to the equitable apportionment among them of  
 22 insurance which may be afforded applicants who are in  
 23 good faith entitled to but who are unable to procure  
 24 such insurance through ordinary methods and such  
 25 insurers may agree among themselves on the use of  
 26 reasonable rate modifications for such insurance, ~~such~~  
 27 the agreements and rate modifications to be subject to  
 28 the approval of the commissioner.  
 29 For purposes of this section, “insurer” includes,  
 30 in addition to insurers defined pursuant to section  
 31 515A.2, a self-insurance association formed pursuant

32 to section 87.4 except for an association comprised of  
 33 cities or counties, or both, or an association  
 34 comprised of community colleges as defined in section  
 35 260C.2, which have entered into an agreement pursuant  
 36 to chapter 28E for the purpose of establishing a self-  
 37 insured program for the payment of workers'  
 38 compensation benefits."

39 3. By renumbering as necessary.

MICHAEL GRONSTAL

HOUSE AMENDMENT TO  
 SENATE FILE 436

S-3414

1 Amend Senate File 436, as passed by the Senate, as  
 2 follows:

3 1. Page 1, line 8, by striking the word  
 4 "subparagraph" and inserting the following:  
 5 "subparagraphs".

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

8 "NEW SUBPARAGRAPH. (12) To an administrator of an  
 9 agency certified by the department of human services  
 10 to provide services under a medical assistance home  
 11 and community-based services waiver, if the  
 12 information concerns a person employed by or being  
 13 considered by the agency for employment."

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

16 "Sec. \_\_\_\_ . Section 235B.6, subsection 2, paragraph  
 17 c, Code 1995, is amended by adding the following new  
 18 subparagraph:

19 NEW SUBPARAGRAPH. (5) To an administrator of an  
 20 agency certified by the department of human services  
 21 to provide services under a medical assistance home  
 22 and community-based services waiver, if the  
 23 information concerns a person employed by or being  
 24 considered by the agency for employment.

25 Sec. \_\_\_\_ . NEW SECTION. 249A.29 HOME AND  
 26 COMMUNITY-BASED SERVICES WAIVER PROVIDERS -- RECORDS  
 27 CHECKS.

28 1. For purposes of this section unless the context  
 29 otherwise requires:

30 a. "Consumer" means an individual approved by the  
 31 department to receive services under a waiver.

32 b. "Provider" means an agency certified by the  
 33 department to provide services under a waiver.

34 c. "Waiver" means a home and community-based

35 services waiver approved by the federal government and  
36 implemented under the medical assistance program.  
37 2. If a person is being considered by a provider  
38 for employment involving direct responsibility for a  
39 consumer or with access to a consumer when the  
40 consumer is alone, and if the person has been  
41 convicted of a crime or has a record of founded child  
42 or dependent adult abuse, the department shall perform  
43 an evaluation to determine whether the crime or  
44 founded abuse warrants prohibition of employment by  
45 the provider. The department shall conduct criminal  
46 and child and dependent adult abuse record checks of  
47 the person in this state and may conduct these checks  
48 in other states. The record checks and evaluations  
49 required by this section shall be performed in  
50 accordance with procedures adopted for this purpose by

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1 the department.  
2 3. If the department determines that a person  
3 employed by a provider has committed a crime or has a  
4 record of founded abuse, the department shall perform  
5 an evaluation to determine whether prohibition of the  
6 person's employment is warranted.  
7 4. In an evaluation, the department shall consider  
8 the nature and seriousness of the crime or founded  
9 abuse in relation to the position sought or held, the  
10 time elapsed since the commission of the crime or  
11 founded abuse, the circumstances under which the crime  
12 or founded abuse was committed, the degree of  
13 rehabilitation, the likelihood that the person will  
14 commit the crime or founded abuse again, and the  
15 number of crimes or founded abuses committed by the  
16 person involved. The department may permit a person  
17 who is evaluated to be employed or to continue to be  
18 employed by the provider if the person complies with  
19 the department's conditions relating to the  
20 employment, which may include completion of additional  
21 training.  
22 5. If the department determines that the person  
23 has committed a crime or has a record of founded abuse  
24 which warrants prohibition of employment, the person  
25 shall not be employed by a provider."  
26 4. Title page, line 1, by striking the words "the  
27 child abuse registry" and inserting the following:  
28 "certification and employment provisions involving  
29 state abuse registries".  
30 5. Title page, line 3, by striking the word  
31 "and".

32 6. Title page, line 4, by inserting after the  
33 word "employers" the following: ", and requiring  
34 records checks for purposes of employment by certain  
35 medical assistance program service providers".

S-3415

1 Amend Senate File 472 as follows:  
2 1. Page 4, by inserting after line 30 the  
3 following:  
4 "Sec. \_\_\_\_ . RETROACTIVE APPLICABILITY DATE. This  
5 Act applies retroactively to local option sales and  
6 services taxes approved on or after July 1, 1994.  
7 Statutory procedures required for local option sales  
8 and services tax elections held on or after July 1,  
9 1994, and before the effective date of this Act shall  
10 be deemed to fulfill the notice, proceedings, and  
11 election requirements contained in section 2 of this  
12 Act."  
13 2. Title page, line 4, by inserting after the  
14 word "date" the following: "and a retroactive  
15 applicability date".

H. KAY HEDGE

S-3416

1 Amend Senate File 481 as follows:  
2 1. Page 14, by inserting after line 5 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 321J.20, Code 1995, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 6. Following the minimum period  
7 of ineligibility, a temporary restricted license under  
8 this section shall not be issued until such time as  
9 the applicant installs an ignition interlock device of  
10 a type approved by the commissioner of public safety  
11 on all motor vehicles owned or operated by the  
12 applicant, in accordance with section 321J.4,  
13 subsection 7. Installation of an ignition interlock  
14 device under this section shall be required for the  
15 period of time for which the temporary restricted  
16 license is issued, but no longer than one year, unless  
17 the court order under section 321J.4, subsection 7,  
18 provides for a longer period of time."  
19 2. By renumbering as necessary.

ROD HALVORSON  
O. GENE MADDOX

S-3417

1 Amend Senate File 481 as follows:

2 1. Page 14, by inserting after line 5 the  
3 following:

4 "Sec. \_\_\_\_ . Section 321J.4B, subsection 12, as  
5 enacted by 1995 Iowa Acts, Senate File 446, is amended  
6 to read as follows:

7 12. Operating a motor vehicle on a street or  
8 highway in this state in violation of an order of  
9 impoundment or immobilization is a serious  
10 misdemeanor. A motor vehicle which is subject to an  
11 order of impoundment or immobilization that is  
12 operated on a street or highway in this state ~~during~~  
13 the period of impoundment or immobilization in  
14 violation of the order shall be seized and forfeited  
15 to the state under chapter 809."

16 2. Title page, line 11, by inserting after the  
17 word "studies," the following: "providing  
18 penalties,".

19 3. By renumbering as necessary.

ROD HALVORSON  
ANDY McKEAN

S-3418

1 Amend Senate File 481 as follows:

2 1. Page 6, line 14, by striking the words "and  
3 for" and inserting the following: "or for".

ROD HALVORSON

HOUSE AMENDMENT TO  
SENATE FILE 87

S-3419

1 Amend Senate File 87, as amended, passed, and  
2 reprinted, by the Senate, as follows:

3 1. By striking page 4, line 2, through page 5,  
4 line 18.

5 2. Page 11, line 32, by striking the words "~~and~~  
6 ~~the permit~~" and inserting the following: "~~and the~~  
7 permit".

8 3. Page 11, by striking line 33 and inserting the  
9 following: "requires the vehicle to operate only on  
10 ~~the those highways~~ designated highway".

11 4. Page 11, line 34, by inserting after the word

12 "system" the following: "by the department".

13 5. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 60

S-3420

1 Amend Senate File 60, as passed by the Senate, as  
2 follows:

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

5 "Section 1. Section 12.32, Code 1995, is amended  
6 to read as follows:

7 12.32 DEFINITIONS.

8 As used in this division, unless the context  
9 otherwise requires:

10 1. "Eligible borrower" means any person who is in  
11 the business or is entering the business of producing,  
12 processing, or marketing horticultural crops or  
13 nontraditional crops in this state or any person in  
14 this state who is qualified to participate in one of  
15 the programs in this division.

16 2. "Eligible lending institution" means a  
17 financial institution that is empowered to make  
18 commercial loans, and is eligible pursuant to chapter  
19 12C to be a depository of state funds; and agrees to  
20 participate in the linked investments for tomorrow  
21 program.

22 3. "Linked investment" means a certificate of  
23 deposit placed pursuant to this division by the  
24 treasurer of state with an eligible lending  
25 institution, at an interest rate not more than ~~three~~  
26 two percent below current market rates on the  
27 condition that the institution agrees to lend the  
28 value of the deposit, according to the investment  
29 agreement provided in section ~~12.37~~ 12.35, to an  
30 eligible borrower at a rate not to exceed four percent  
31 above the rate paid on the certificate of deposit.

32 Sec. \_\_\_\_ . Section 12.34, Code 1995, is amended to  
33 read as follows:

34 12.34 LINKED INVESTMENTS -- LIMITATIONS.

35 1. The treasurer of state may invest up to ten  
36 percent of the ~~balance of the state pooled money fund~~  
37 average balance of the pooled money investment fund  
38 for the previous fiscal year in certificates of  
39 deposit in eligible lending institutions pursuant to  
40 this division.

41 2. Certificates of deposit placed by the treasurer  
42 on or after July 1, 1995, pursuant to this division

43 may be renewed at the option of the treasurer but the  
44 length of time from the beginning of the initial  
45 certificate of deposit for a given borrower until the  
46 maturity of the final renewal shall not exceed six  
47 years.  
48 3. A preference shall be given to those persons  
49 who are less able than other persons to secure funds  
50 without participation in the linked investment

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1 program.

2 ~~2. 4.~~ The treasurer shall adopt rules pursuant to  
3 chapter 17A to implement this division including, but  
4 not limited to, rules identifying horticultural crops  
5 and nontraditional crops for which the linked  
6 investments may be loaned.

7 Sec. \_\_\_\_ . Section 12.35, Code 1995, is amended to  
8 read as follows:

9 12.35 APPLICATION.

10 1. An eligible lending institution that desires to  
11 receive a linked investment shall enter into an  
12 agreement with the treasurer of state, which shall  
13 include requirements necessary to carry out this  
14 division.

15 ~~1. 2.~~ An eligible lending institution that desires  
16 to receive a linked investment shall accept and review  
17 applications for loans from eligible borrowers. The  
18 lending institution shall apply all usual lending  
19 standards to determine the credit worthiness of each  
20 eligible borrower and shall determine whether the  
21 applicant is an eligible borrower. Loan applications  
22 shall be for the purchase or lease of land, machinery,  
23 equipment, seed, fertilizer, direct marketing  
24 facilities, or new or expanding processing facilities  
25 for horticultural crops or nontraditional crops. The  
26 maximum size of a loan is two hundred thousand dollars  
27 per borrower for a production loan and five hundred  
28 thousand dollars for processing or marketing  
29 facilities.

30 ~~2. 3.~~ The eligible financial institution shall  
31 forward to the state treasurer of state a linked  
32 investment loan package in the form and manner as  
33 prescribed by the treasurer of state. The package  
34 shall include information required by the treasurer of  
35 state, including but not limited to the amount of the  
36 loan requested and the purpose of the loan. The  
37 institution shall certify that the applicant is an  
38 eligible borrower and shall certify the present  
39 borrowing rate applicable to the specific eligible

40 borrower.

41 Sec. \_\_\_\_ . Section 12.36, Code 1995, is amended to  
42 read as follows:

43 12.36 ACTIONS BY TREASURER – AGREEMENT.

44 1. The treasurer of state shall accept or reject a  
45 linked investment loan package or any portion of the  
46 package based on the type or terms of the loan  
47 involved, the availability of state funds, or the  
48 compliance of the eligible borrower or eligible  
49 lending institution.

50 2. Upon acceptance of the linked investment loan

Page 3

1 package or any portion of the package, the treasurer  
2 of state shall place certificates of deposit with the  
3 eligible lending institution at a rate not more than  
4 three two percent below the current market rate.  
5 ~~After July 1, 1992, the~~ The treasurer of state shall  
6 not place a certificate of deposit with an eligible  
7 lending institution pursuant to this division, unless  
8 the certificate of deposit earns a rate of interest of  
9 at least two percent. ~~When necessary, the treasurer~~  
10 ~~may place certificates of deposit prior to acceptance~~  
11 ~~of a linked investment loan package. Certificates of~~  
12 ~~deposits placed by the treasurer of state shall mature~~  
13 ~~in three hundred sixty-five days or less. Interest~~  
14 ~~earned on the certificate of deposit and principal not~~  
15 ~~renewed shall be remitted to the treasurer of state at~~  
16 ~~the time the certificate of deposit matures.~~  
17 Certificates of deposit placed pursuant to this  
18 division are not subject to a penalty for early  
19 withdrawal.

20 3. ~~The eligible lending institution shall enter~~  
21 ~~into an investment agreement with the treasurer of~~  
22 ~~state, which shall include requirements necessary to~~  
23 ~~carry out this division. The requirements shall~~  
24 ~~reflect the market conditions prevailing in the~~  
25 ~~eligible lending institution's lending area. The~~  
26 ~~agreement may include a specification of the period of~~  
27 ~~time in which the lending institution is to lend funds~~  
28 ~~upon the placement of a linked investment, and shall~~  
29 ~~include provisions for the certificates of deposit to~~  
30 ~~be placed for one-year maturities that may be renewed~~  
31 ~~for eight additional one-year periods. Interest shall~~  
32 ~~be paid at the times determined by the treasurer of~~  
33 ~~state.~~

34 Sec. \_\_\_\_ . Section 12.38, Code 1995, is amended to  
35 read as follows:

36 12.38 REPORTS.

37 By February 1 of each year, the treasurer of state  
 38 shall report on the linked investments for tomorrow  
 39 ~~program, the rural small business transfer linked~~  
 40 ~~investment loan program, the targeted small business~~  
 41 ~~linked investments program, and the main street linked~~  
 42 ~~investments loan program programs~~ for the preceding  
 43 calendar year to the governor, the department of  
 44 economic development, the speaker of the house of  
 45 representatives, and the president of the senate. The  
 46 speaker of the house shall transmit copies of this  
 47 report to the house co-chair of the the joint economic  
 48 development appropriations subcommittee and the chairs  
 49 of the standing committees in the house which  
 50 customarily consider legislation regarding agriculture

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1 and commerce, and the president of the senate shall  
 2 transmit copies of this report to the senate co-chair  
 3 of the joint economic development appropriations  
 4 subcommittee and the chairs of the standing committees  
 5 in the senate which customarily consider legislation  
 6 regarding agriculture and commerce. The report shall  
 7 set forth the linked investments made by the treasurer  
 8 of state under the program during the year, the date  
 9 of the investments, the total amount deposited, the  
 10 number of deposits, and an estimate of foregone  
 11 interest, the borrowing rate applicable to each  
 12 borrower, and shall include information regarding the  
 13 nature, terms, and amounts of the loans upon which the  
 14 linked investments were based and the eligible  
 15 borrowers to which the loans were made.

16 Sec. \_\_\_\_ . Section 12.40, Code 1995, is amended to  
 17 read as follows:

18 12.40 RURAL SMALL BUSINESS TRANSFER LINKED  
 19 INVESTMENT LOAN PROGRAM.

20 The treasurer of state shall adopt rules consistent  
 21 with this division to implement a rural small business  
 22 transfer linked investment loan program to maintain  
 23 and expand existing employment opportunities and the  
 24 provision of retail goods in small rural communities  
 25 by assisting in the transfer of ownership of retail-  
 26 oriented businesses which, in the absence of  
 27 sufficient financial assistance, may close. The rules  
 28 shall be in accordance with the following:

29 1. As used in this section, "rural small business"  
 30 means an existing rural small business, for which  
 31 local competition does not exist in the principal  
 32 realm of business activity of that business, and the  
 33 loss of which will work a hardship on the rural

34 community. A rural small business may include a  
35 grocery store, drug store, gasoline station,  
36 convenience store, hardware business, or farm supply  
37 store. A rural small business does not include a new  
38 business.

39 2. The treasurer of state shall adopt rules  
40 consistent with this division to implement a rural  
41 small business transfer linked investment loan program  
42 to further the following purposes:

43 a: To promote the business prosperity and economic  
44 welfare of Iowa through promoting the prosperity and  
45 economic welfare of rural Iowa:

46 b: To maintain and expand existing employment  
47 opportunities and the provision of retail goods on a  
48 local level in small rural communities by assisting in  
49 the transfer of ownership of retail-oriented  
50 businesses where, in the absence of sufficient

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1 financial assistance, the businesses may close.  
2 3. 2. Upon the placement of linked investment  
3 moneys with an eligible lending institution, the  
4 institution is required to lend money to a person  
5 pursuant to rules adopted by the treasurer of state  
6 for the transfer of a rural small business: The In  
7 order to qualify as an eligible borrower, the rural  
8 small business must be located in a city with a  
9 population of five thousand or less. A city located  
10 in a county with a population in excess of three  
11 hundred thousand, if the city is contiguous to another  
12 city in the county and that other city is contiguous  
13 to the largest city in that county, shall be  
14 considered as having a population in excess of five  
15 thousand ineligible to qualify as a borrower.

16 4. 3. The In order to qualify as an eligible  
17 borrower, the transfer of the rural small business  
18 must be by purchase, lease-purchase, or contract of  
19 sale. The purchase must be for a portion of the  
20 business which is essential to its continued  
21 viability, including real estate where the business is  
22 located, fixtures attached to the real estate,  
23 equipment relied upon by the business, and inventory  
24 for sale by the business.

25 5. The eligible lending institution shall apply  
26 all usual lending standards to determine the  
27 creditworthiness of each eligible borrower. The  
28 lending institution shall forward to the treasurer of  
29 state all information or any certification relating to  
30 the loan required and in a manner prescribed by this

31 division and rules which shall be adopted by the  
32 treasurer of state.

33 6. 4. A In order to qualify as an eligible  
34 borrower, a borrower and the seller of the rural small  
35 business shall not be within the third degree of  
36 consanguinity or affinity.

37 5. Loan proceeds shall not be used to refinance  
38 existing debt, including credit card debt. However,  
39 proceeds may be used to refinance a short-term bridge  
40 loan made in anticipation of the treasurer's approval  
41 of the linked investment loan package.

42 7. 6. The maximum loan amount that a borrower may  
43 receive under this program shall not be more than be  
44 fifty thousand dollars.

45 8. Not more than one-third of the amount of the  
46 percentage authorized in section 12.34 may be used for  
47 purposes of supporting this program and the main  
48 street linked investment loan program under section  
49 12.51.

50 Sec. \_\_\_\_ . NEW SECTION. 12.41 HORTICULTURAL AND

## Page 6

### 1 NONTRADITIONAL CROPS LINKED INVESTMENT LOAN PROGRAM.

2 The treasurer of state shall adopt rules to  
3 implement a horticultural and nontraditional crops  
4 linked investment loan program to provide statewide  
5 availability of lower cost funds for lending that will  
6 stimulate existing or encourage new businesses in the  
7 areas of producing, processing, or marketing  
8 horticultural or nontraditional crops. The rules  
9 shall be in accordance with the following:

10 1. In order to qualify as an eligible borrower,  
11 the loan application shall be for the purchase or  
12 lease of land, machinery, equipment, or the purchase  
13 of other inputs used in the business of producing,  
14 processing, or marketing horticultural or  
15 nontraditional crops as defined by the treasurer.

16 2. Loan proceeds shall not be used to refinance  
17 existing debt, including credit card debt. However,  
18 proceeds may be used to refinance a short-term bridge  
19 loan made in anticipation of the treasurer's approval  
20 of the linked investment loan package.

21 3. The maximum loan amount that an eligible  
22 borrower may receive under this program is one hundred  
23 thousand dollars.

24 Sec. \_\_\_\_ . Section 12.43, Code 1995, is amended to  
25 read as follows:

26 12.43 TARGETED SMALL BUSINESS LINKED INVESTMENTS  
27 LOAN PROGRAM CREATED - DEFINITIONS.

28 The treasurer of state shall adopt rules to  
29 implement a targeted small business linked investments  
30 investment loan program to increase the availability  
31 of lower cost funds to inject needed capital into  
32 small businesses owned and operated by women or  
33 minorities, which is the public policy of the state.  
34 The rules shall be in accordance with the following:  
35 1. "Targeted small business" means a business as  
36 defined in section 15.102, subsection 5.  
37 2. A linked investment shall only be approved in  
38 connection with a loan application for a In order to  
39 qualify as an eligible borrower, the targeted small  
40 business which has been must be certified pursuant to  
41 section 10A.104, subsection 8.  
42 3. In order to qualify as an eligible borrower,  
43 the net worth of the targeted small business shall not  
44 exceed four hundred thousand dollars.  
45 3: 4. Loan applications for a targeted small  
46 business shall be for business expenses, including,  
47 but not limited to, the purchase of land, machinery,  
48 equipment, or licenses, or patent, trademark, or  
49 copyright fees and expenses.  
50 5. Loan proceeds shall not be used to refinance

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1 existing debt, including credit card debt. However,  
2 proceeds may be used to refinance a short-term bridge  
3 loan made in anticipation of the treasurer's approval  
4 of the linked investment loan package.  
5 4: 6. The maximum size of a targeted small  
6 business loan is two hundred fifty thousand dollars  
7 per borrower."  
8 5: 7. A preference shall be given to those persons  
9 who are less able than other persons to secure funds  
10 for a targeted small business without participation in  
11 the targeted small business linked investment  
12 program."  
13 2. Page 1, by inserting after line 25 the  
14 following:  
15 "Sec. \_\_\_\_ . Sections 12.33, 12.51, and 12.52, Code  
16 1995, are repealed."  
17 3. Title page, line 1, by inserting after the  
18 word "to" the following: "the linked investments for  
19 tomorrow Act, including who may be an eligible  
20 borrower, limitation on the amount which may be  
21 invested by the treasurer of state, program criteria.  
22 under the Act and".  
23 4. By renumbering as necessary.

S-3421

1 Amend Senate File 481 as follows:

2 1. Page 14, by inserting after line 5 the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 321.179 COUNTY  
5 TREASURERS -- ISSUANCE OF MOTOR VEHICLE LICENSES.

6 Notwithstanding the provisions of this chapter or  
7 chapter 321L which grant sole authority to the  
8 department for the issuance of motor vehicle licenses,  
9 nonoperator's identification cards, and handicapped  
10 identification devices, the counties of Adams, Cass,  
11 Fremont, Mills, Montgomery, and Page shall be  
12 authorized to issue motor vehicle licenses on a  
13 permanent basis. The department shall certify the  
14 county treasurers in the permanent counties to issue  
15 commercial driver's licenses provided that all of the  
16 following occur:

17 1. The driving skills test is the same as that  
18 which would otherwise be administered by the state.

19 2. The county examiner contractually agrees to  
20 comply with the requirements of 49 C.F.R. § 383.75,  
21 adopted as of a specific date by rule by the  
22 department."

23 3. The department provides supervision over the  
24 issuance of commercial driver's licenses."

25 2. Page 14, by inserting after line 32 the  
26 following:

27 "Sec. \_\_\_\_ . ISSUANCE OF MOTOR VEHICLE LICENSES BY  
28 COUNTY TREASURERS -- PILOT PROJECT EXPANSION.

29 1. Twelve counties in addition to those counties  
30 referenced in section 321.179, as created in this Act,  
31 shall be included in the motor vehicle license  
32 issuance pilot project originally established pursuant  
33 to 1993 Iowa Acts, chapter 169, section 14. The  
34 department shall select the twelve new counties from a  
35 pool of counties which have requested to participate  
36 in the pilot project. The county treasurers' offices  
37 in the designated counties shall issue motor vehicle  
38 licenses, including commercial driver's licenses,  
39 nonoperator's identification cards, and handicapped  
40 identification devices.

41 2. The state department of transportation shall  
42 work in conjunction with the county treasurer in each  
43 designated county and with a representative of the  
44 Iowa state county treasurers association to facilitate  
45 and implement the transfer of licensing duties and  
46 responsibilities to the designated counties in  
47 accordance with all of the following:

48 a. The department shall retain all administrative

49 authority over licensing functions which shall include  
50 supervision over issuance of commercial driver's

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1 licenses, and administrative procedures relating to  
2 cancellation, revocation, or suspension of licenses,  
3 administrative hearings and appeals, and training.  
4 b. The department shall provide the county  
5 treasurer's office in each of the counties with all of  
6 the supplies, materials, and equipment necessary to  
7 carry out the provisions of this subsection.  
8 c. If it is necessary for a county treasurer to  
9 hire additional employees first priority in hiring  
10 shall be given to current employees of the department  
11 who become unemployed due to the changes necessitated  
12 by this section.  
13 d. The county treasurers in the designated  
14 counties shall be required to offer hours and days of  
15 service to the public equal to or greater than the  
16 hours and days of service provided by the state  
17 department of transportation in the designated county  
18 immediately prior to the start of the county's  
19 provision of the service.  
20 e. The department shall certify the county  
21 treasurers in each designated county to issue  
22 commercial driver's licenses provided that all of the  
23 following occur:  
24 (1) The driving skills test is the same as that  
25 which would otherwise be administered by the state.  
26 (2) The county examiner contractually agrees to  
27 comply with the requirements of 49 C.F.R. § 383.75,  
28 adopted as of a specific date by rule by the  
29 department.  
30 (3) The department provides supervision over  
31 issuance of commercial driver's licenses.  
32 Sec. \_\_\_\_ . The state department of transportation  
33 shall provide moneys to the eighteen counties  
34 designated as either permanent or pilot project  
35 counties in this Act for the costs of implementing and  
36 complying with the provisions of this Act. The moneys  
37 shall be allocated from road use tax fund moneys  
38 appropriated to the motor vehicle division of the  
39 state department of transportation."

EUGENE FRAISE  
JOHN P. KIBBIE  
DERRYL McLAREN  
WAYNE BENNETT

S-3422

1 Amend House File 530, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 18, by inserting after line 30 the  
4 following:

5 "The Iowa department of public health and the  
6 department of human services shall determine if  
7 expenses under any portion of the healthy family  
8 program would qualify for payment under the medical  
9 assistance program and if so, shall apply to the  
10 federal government for a medical assistance waiver.  
11 The Iowa department of public health and the  
12 department of human services shall evaluate the  
13 funding change's potential impact upon clients of the  
14 healthy family program.

15 Contingent upon appropriation by the general  
16 assembly, the healthy opportunities for parents to  
17 experience success program, authorized in the 1992  
18 Iowa Acts, Second Extraordinary Session, chapter 1001,  
19 section 414, shall be implemented or expanded in the  
20 following priority order:

21 (1) Expansion of the program to be fully funded in  
22 Scott, Woodbury, and Polk counties.

23 (2) Implementation of the program in Adams,  
24 Decatur, Ringgold, and Union counties.

25 (3) Implementation of the program in Boone and  
26 Dickinson counties.

27 If there is inadequate funding for the priority in  
28 subparagraph (1), the moneys available shall be  
29 divided among the three counties. If the  
30 implementation in any county enumerated in  
31 subparagraph (2) or (3) is unsuccessful, the  
32 contractor may substitute another county with similar  
33 demographics."

MAGGIE TINSMAN  
TOM FLYNN  
MARY KRAMER  
LARRY MURPHY

S-3423

1 Amend House File 460, as passed by the House, as  
2 follows:

3 1. Page 2, line 3, by striking the figure  
4 "306C.11A" and inserting the following: "306D.4".

5 2. Page 2, line 8, by striking the figure  
6 "306C.11A" and inserting the following: "306D.4".

7 3. Page 2, by striking lines 10 through 14 and

8 inserting the following:

9 "The department of transportation shall have the  
10 authority to adopt rules to control the erection of  
11 new advertising devices on a highway designated as a  
12 scenic highway or scenic byway in order to comply with  
13 federal requirements concerning the implementation of  
14 a scenic byways program."

ANDY McKEAN  
MIKE CONNOLLY

S-3424

1 Amend Senate File 467 as follows:

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

4 "DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

5 Section 1. GENERAL APPROPRIATION. There is  
6 appropriated from the general fund of the state to the  
7 department of agriculture and land stewardship for the  
8 fiscal year beginning July 1, 1995, and ending June  
9 30, 1996, the following amounts, or so much thereof as  
10 is necessary, to be used for the purposes designated:

11 1. ADMINISTRATIVE DIVISION

12 a. For salaries, support, maintenance, support of  
13 the state 4-H foundation, support of the statistics  
14 bureau, and miscellaneous purposes, and for the  
15 salaries and support of not more than the following  
16 full-time equivalent positions:

17 .....	\$	1,846,079
18 .....	FTEs	46.45

19 The department shall eliminate the position of  
20 executive officer II within the administration bureau,  
21 and reallocate the duties and functions of the  
22 position among departmental staff.

23 (1) Of the amount appropriated and FTEs authorized  
24 in this paragraph "a", \$319,550 and 7.00 FTEs shall be  
25 used to support horticulture.

26 The department may allocate additional moneys  
27 appropriated under this subsection to support salary  
28 annualization.

29 (2) Of the amount appropriated in this paragraph  
30 "a", \$50,000 shall be allocated to the state 4-H  
31 foundation to foster the development of Iowa's youth  
32 and to encourage them to study the subject of  
33 agriculture.

34 (3) Of the amount appropriated and FTEs authorized  
35 in this paragraph "a", \$130,100 and 4 FTEs shall be  
36 allocated to the statistics bureau to provide county-  
37 by-county information on land in farms, production by

38 crop, acres by crop, and county prices by crop. The  
 39 department may allocate additional moneys appropriated  
 40 under this subsection to support salary annualization.  
 41 Information collected under this subparagraph shall be  
 42 made available to the department of revenue and  
 43 finance for use in the productivity formula for  
 44 valuing and equalizing the values of agricultural  
 45 land.  
 46 (4) Of the amount appropriated in this paragraph  
 47 "a", \$36,681 shall be allocated for purposes of  
 48 supporting thirteen area reporters as part of the  
 49 livestock market news program and \$13,000 shall be  
 50 allocated to support the United States department of

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1 agriculture cooperative agreement.  
 2 b. For the operations of the dairy trade practices  
 3 bureau:  
 4 ..... \$ 71,496  
 5 c. For the purpose of performing commercial feed  
 6 audits:  
 7 ..... \$ 62,076  
 8 d. For the purpose of performing fertilizer  
 9 audits:  
 10 ..... \$ 62,075  
 11 2. REGULATORY DIVISION  
 12 a. For salaries, support, maintenance,  
 13 miscellaneous purposes, and for not more than the  
 14 following full-time equivalent positions:  
 15 ..... \$ 3,775,773  
 16 ..... FTEs 122.50  
 17 b. For the costs of inspection, sampling,  
 18 analysis, and other expenses necessary for the  
 19 administration of chapters 192, 194, and 195:  
 20 ..... \$ 642,191  
 21 3. LABORATORY DIVISION  
 22 a. For salaries, support, maintenance, and  
 23 miscellaneous purposes, including the administration  
 24 of the gypsy moth program, and for not more than the  
 25 following full-time equivalent positions:  
 26 ..... \$ 798,549  
 27 ..... FTEs 76.10  
 28 Of the amount appropriated under this paragraph  
 29 "a", \$110,000 shall be used to administer a program  
 30 relating to the detection, surveillance, and  
 31 eradication of the gypsy moth. The department shall  
 32 allocate and use the appropriation made in this  
 33 paragraph before moneys other than those appropriated  
 34 in this paragraph are used to support the program.

35 b. For the operations of the commercial feed  
 36 programs:  
 37 ..... \$ 738,044  
 38 c. For the operations of the pesticide programs:  
 39 ..... \$ 1,232,421  
 40 Of the amount appropriated in this paragraph "c",  
 41 \$160,000 shall be allocated to Iowa state university  
 42 for purposes of training commercial pesticide  
 43 applicators.  
 44 d. For the operations of the fertilizer programs:  
 45 ..... \$ 627,946  
 46 4. SOIL CONSERVATION DIVISION  
 47 a. For salaries, support, maintenance, assistance  
 48 to soil conservation districts, miscellaneous  
 49 purposes, and for not more than the following full-  
 50 time equivalent positions:

Page 3

1 ..... \$ 5,456,854  
 2 ..... FTEs 176.30  
 3 (1) Of the funds appropriated in this paragraph  
 4 "a", \$330,000 shall be used to reimburse commissioners  
 5 of soil and water conservation districts for  
 6 administrative expenses. Moneys used for the payment  
 7 of meeting dues by counties shall be matched on a  
 8 dollar-for-dollar basis by the soil conservation  
 9 division.  
 10 (2) Of the amount appropriated and the number of  
 11 full-time equivalent positions allocated in this  
 12 paragraph "a", \$165,000 and 6.50 FTEs shall be used to  
 13 provide that 13 part-time field office secretary I  
 14 positions are made full-time positions.  
 15 b. For providing financial incentives for soil  
 16 conservation practices under chapter 161A:  
 17 ..... \$ 5,918,606  
 18 c. The following requirements apply to the moneys  
 19 appropriated in paragraph "b":  
 20 (1) Not more than 5 percent of the moneys  
 21 appropriated in paragraph "b" may be allocated for  
 22 cost sharing to abate complaints filed under section  
 23 161A.47.  
 24 (2) Of the moneys appropriated in paragraph "b", 5  
 25 percent shall be allocated for financial incentives to  
 26 establish practices to protect watersheds above  
 27 publicly owned lakes of the state from soil erosion  
 28 and sediment as provided in section 161A.73.  
 29 (3) Not more than 30 percent of a district's  
 30 allocation of moneys as financial incentives may be  
 31 provided for the purpose of establishing management

32 practices to control soil erosion on land that is row  
33 cropped, including but not limited to no-till  
34 planting, ridge-till planting, contouring, and contour  
35 strip-cropping as provided in section 161A.73.

36 (4) The state soil conservation committee created  
37 in section 161A.4 may allocate moneys to conduct  
38 research and demonstration projects to promote  
39 conservation tillage and nonpoint source pollution  
40 control practices.

41 (5) The financial incentive payments may be used  
42 in combination with department of natural resources  
43 moneys.

44 d. The provisions of section 8.33 shall not apply  
45 to the moneys appropriated in paragraph "b".  
46 Unencumbered or unobligated moneys remaining on June  
47 30, 1999, from moneys appropriated in paragraph "b"  
48 for the fiscal year beginning July 1, 1995, shall  
49 revert to the general fund on August 31, 1999.

50 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is

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1 appropriated from the general fund of the state to the  
2 department of agriculture and land stewardship for the  
3 fiscal year beginning July 1, 1995, and ending June  
4 30, 1996, the following amount, or so much thereof as  
5 is necessary, to be used for the purpose designated:

6 For salaries, support, maintenance, and  
7 miscellaneous purposes, to be used by the department  
8 to continue and expand the farmers' market coupon  
9 program by providing federal special supplemental food  
10 program recipients with coupons redeemable at farmers'  
11 markets, and for not more than the following full-time  
12 equivalent positions:

13 .....	\$	215,337
14 .....	FTEs	1.00

15 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

16 1. There is appropriated from the general fund of  
17 the state to the department of agriculture and land  
18 stewardship for the fiscal year beginning July 1,  
19 1995, and ending June 30, 1996, the following amount,  
20 or so much thereof as is necessary, to be used for the  
21 purpose designated:

22 For support of the pseudorabies eradication 23 program:		
24 .....	\$	900,200

25 2. Persons, including organizations interested in  
26 swine production in this state and in the promotion of  
27 Iowa pork products who contribute support to the  
28 program, are encouraged to increase financial support

29 for purposes of ensuring the program's effective  
30 continuation.

31 Sec. 4. HORSE AND DOG RACING. There is  
32 appropriated from the moneys available under section  
33 99D.13 to the regulatory division of the department of  
34 agriculture and land stewardship for the fiscal year  
35 beginning July 1, 1995, and ending June 30, 1996, the  
36 following amount, or so much thereof as is necessary,  
37 to be used for the purpose designated:

38 For salaries, support, maintenance, and  
39 miscellaneous purposes for the administration of  
40 section 99D.22:

41 ..... \$ 191,106

42 Sec. 5. INTERSTATE COMPACT ON AGRICULTURAL GRAIN  
43 MARKETING. There is appropriated from the general  
44 fund of the state to the interstate agricultural grain  
45 marketing commission for the fiscal year beginning  
46 July 1, 1995, and ending June 30, 1996, the following  
47 amount, or so much thereof as is necessary, to be used  
48 for the purpose designated:

49 For carrying out duties of the commission as  
50 provided in Article IV of the interstate compact on

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1 agricultural grain marketing as provided in 1995 Iowa  
2 Code, chapter 183:

3 ..... \$ 80,000

4 DEPARTMENT OF NATURAL RESOURCES

5 Sec. 6. GENERAL APPROPRIATION. There is  
6 appropriated from the general fund of the state to the  
7 department of natural resources for the fiscal year  
8 beginning July 1, 1995, and ending June 30, 1996, the  
9 following amounts, or so much thereof as is necessary,  
10 to be used for the purposes designated:

11 1. ADMINISTRATIVE AND SUPPORT SERVICES

12 For salaries, support, maintenance, miscellaneous  
13 purposes, and for not more than the following full-  
14 time equivalent positions:

15 ..... \$ 1,844,132

16 ..... FTEs 113.50

17 2. PARKS AND PRESERVES DIVISION

18 For salaries, support, maintenance, miscellaneous  
19 purposes, and for not more than the following full-  
20 time equivalent positions:

21 ..... \$ 5,510,976

22 ..... FTEs 195.73

23 3. FORESTS AND FORESTRY DIVISION

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

26	time equivalent positions:		
27	.....	\$	1,486,281
28	.....	FTEs	48.71
29	4. ENERGY AND GEOLOGICAL RESOURCES DIVISION		
30	For salaries, support, maintenance, miscellaneous		
31	purposes, and for not more than the following full-		
32	time equivalent positions:		
33	.....	\$	1,675,252
34	.....	FTEs	52.00
35	5. ENVIRONMENTAL PROTECTION DIVISION		
36	For salaries, support, maintenance, miscellaneous		
37	purposes, and for not more than the following full-		
38	time equivalent positions:		
39	.....	\$	1,708,888
40	.....	FTEs	208.00
41	6. WATER QUALITY PROTECTION FUND		
42	a. For allocation to the administrative account of		
43	the water quality protection fund established pursuant		
44	to section 455B.183A; for purposes of that account:		
45	.....	\$	404,000
46	b. For allocation to the public water supply		
47	system account established pursuant to section		
48	455B.183A for purposes of supporting the program to		
49	assist supply systems, as provided in section		
50	455B.183B:		

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1	.....	\$	625,000
2	7. FISH AND WILDLIFE DIVISION		
3	For not more than the following full-time		
4	equivalent positions:		
5	.....	FTEs	340.93
6	8. WASTE MANAGEMENT ASSISTANCE DIVISION		
7	For not more than the following full-time		
8	equivalent positions:		
9	.....	FTEs	16.75
10	Sec. 7. STATE FISH AND GAME PROTECTION FUND --		
11	APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.		
12	1. There is appropriated from the state fish and		
13	game protection fund to the division of fish and		
14	wildlife of the department of natural resources for		
15	the fiscal year beginning July 1, 1995, and ending		
16	June 30, 1996, the following amount, or so much		
17	thereof as is necessary, to be used for the purposes		
18	designated:		
19	For administrative support, and for salaries,		
20	support, maintenance, equipment, and miscellaneous		
21	purposes:		
22	.....	\$	20,637,657

23 2. The department shall not expend more moneys  
 24 from the fish and game protection fund than provided  
 25 in this section, unless the expenditure derives from  
 26 contributions made by a private entity, or a grant or  
 27 moneys received from the federal government, and is  
 28 approved by the natural resource commission. The  
 29 department of natural resources shall promptly notify  
 30 the legislative fiscal bureau of the commission's  
 31 approval, and the chairpersons and ranking members of  
 32 the joint appropriations subcommittee on agriculture  
 33 and natural resources concerning the commission's  
 34 approval.

35 **Sec. 8. MARINE FUEL TAX RECEIPTS -- NONCAPITALS**  
 36 **AND BOATING FACILITIES AND ACCESS.** There is

37 appropriated from the marine fuel tax receipts  
 38 deposited in the general fund of the state to the  
 39 department of natural resources for the fiscal year  
 40 beginning July 1, 1995, and ending June 30, 1996, the  
 41 following amounts, or so much thereof as is necessary,  
 42 to be used for the purposes designated:

43 1. For purposes of funding expenditures	
44 traditionally funded from marine fuel tax revenues,	
45 but not considered as capitals or operations:	
46 .....	\$ 200,000
47 2. For purposes of maintaining and developing	
48 boating facilities and access to public waters by the	
49 parks and preserves division:	
50 .....	\$ 411,311

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1 Notwithstanding section 8.33, the unencumbered or  
 2 unobligated moneys remaining on June 30, 1996, from  
 3 moneys appropriated in subsection 1, may be expended  
 4 during the fiscal year beginning July 1, 1996, and  
 5 ending June 30, 1997, and shall not revert to the  
 6 general fund until August 31, 1997.

7 **Sec. 9. SNOWMOBILE FEES -- TRANSFER FOR**  
 8 **ENFORCEMENT PURPOSES.** There is transferred on July 1,

9 1995, from the fees deposited under section 321G.7 to  
 10 the fish and game protection fund and appropriated to  
 11 the department of natural resources for the fiscal  
 12 year beginning July 1, 1995, and ending June 30, 1996,  
 13 the following amount, or so much thereof as is  
 14 necessary, to be used for the purpose designated:

15 For the purpose of enforcing snowmobile laws as	
16 part of the state snowmobile program administered by	
17 the department of natural resources:	
18 .....	\$ 100,000

19 **Sec. 10. VESSEL FEES -- TRANSFER FOR ENFORCEMENT**

20 PURPOSES. There is transferred on July 1, 1995, from  
 21 the fees deposited under section 462A.52 to the fish  
 22 and game protection fund and appropriated to the  
 23 department of natural resources for the fiscal year  
 24 beginning July 1, 1995, and ending June 30, 1996, the  
 25 following amount, or so much thereof as is necessary,  
 26 to be used for the purpose designated:

27 For purposes of administration and enforcement of  
 28 navigation laws and water safety:

29 ..... \$ 1,200,000

30 RESOURCES ENHANCEMENT AND PROTECTION

31 Sec. 11. GENERAL APPROPRIATION. Notwithstanding  
 32 the amount of the standing appropriation from the  
 33 general fund of the state under section 455A.18,  
 34 subsection 3, there is appropriated from the general  
 35 fund of the state to the Iowa resources enhancement  
 36 and protection fund, in lieu of the appropriation made  
 37 in section 455A.18, for the fiscal year beginning July  
 38 1, 1995, and ending June 30, 1996, the sum of  
 39 \$7,000,000, of which all moneys shall be allocated as  
 40 provided in section 455A.19 and the provisions of this  
 41 Act.

42 Sec. 12. ALLOCATION OF MONEYS OTHERWISE DEDICATED  
 43 TO THE LIVING ROADWAY TRUST FUND -- 1995 FISCAL YEAR.

44 On the effective date of this section, notwithstanding  
 45 section 455A.19, subsection 1, paragraph "g", of the  
 46 unencumbered and unobligated moneys allocated by  
 47 section 455A.19, subsection 1, paragraph "g", for the  
 48 fiscal year beginning July 1, 1994, and ending June  
 49 30, 1995, which otherwise would be allocated to the  
 50 living roadway trust fund created in section 314.21,

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1 there is allocated for the fiscal year beginning July  
 2 1, 1994, and ending June 30, 1995, the following  
 3 amounts to be used as follows:

4 1. To the Loess Hills development and conservation  
 5 authority, for deposit in the Loess Hills development  
 6 and conservation fund as created in section 161D.2 for  
 7 the purposes specified in section 161D.1:

8 ..... \$ 270,000

9 2. To the division of soil conservation of the  
 10 department of agriculture and land stewardship for  
 11 purposes of distributing the moneys by equal share to  
 12 all soil and water conservation districts for purposes  
 13 of assisting the districts in meeting one-time  
 14 expenses to improve technician efficiency:

15 ..... \$ 335,000

16 3. To the division of soil conservation of the

17 department of agriculture and land stewardship for  
18 salaries and support of the division:

19 ..... \$ 165,000

20 The moneys allocated pursuant to this section shall  
21 not revert pursuant to section 8.33, but shall remain  
22 available for the fiscal year beginning July 1, 1995,  
23 and ending June 30, 1996, for the purposes designated  
24 in this section.

25 Sec. 13. ALLOCATION OF MONEYS OTHERWISE DEDICATED  
26 TO THE LIVING ROADWAY TRUST FUND -- 1996 FISCAL YEAR.

27 Notwithstanding section 455A.19, and in lieu of the  
28 allocation made from the resources enhancement and  
29 protection fund to the living roadway trust fund  
30 pursuant to section 455A.19, subsection 1, paragraph  
31 "g", for the fiscal year beginning July 1, 1995, and  
32 ending June 30, 1996, the allocation made pursuant to  
33 that paragraph shall instead be allocated to the loess  
34 hills development and conservation fund created in  
35 section 161D.2, for purposes specified in section  
36 161D.1.

37 Sec. 14. OPEN SPACES ACCOUNT -- LIMIT ON LAND

38 ACQUISITION. Notwithstanding section 455A.19,  
39 subsection 1, paragraph "a", for the fiscal year  
40 beginning July 1, 1995, and ending June 30, 1996, not  
41 more than thirty percent of the amount allocated to  
42 the open spaces account of the resources enhancement  
43 and protection fund provided in section 455A.19,  
44 subsection 1, paragraph "a", shall be used for the  
45 acquisition of land.

46 ANIMAL INDUSTRY APPROPRIATIONS

47 Sec. 15. LIVESTOCK PRODUCERS ASSISTANCE.

48 1. There is appropriated from the general fund of  
49 the state to Iowa state university of science and  
50 technology, for the fiscal year beginning July 1,

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1 1995, and ending June 30, 1996, the following amount,  
2 or so much thereof as is necessary, to be used for the  
3 purposes designated:

4 For the administration of the livestock producers  
5 assistance program established pursuant to section  
6 266.39D, including salaries, support, maintenance,  
7 miscellaneous purposes, and for not more than the  
8 following full-time equivalent positions:

9 ..... \$ 100,000  
10 ..... FTEs 1.66

11 2. As a condition of this appropriation, the  
12 university shall strive to ensure that the program  
13 becomes increasingly self-sufficient.

14 3. The provisions of section 8.33 shall not apply  
 15 to the moneys appropriated in this section.  
 16 Unencumbered or unobligated moneys remaining on June  
 17 30, 1999, from moneys appropriated in this section for  
 18 the fiscal year beginning July 1, 1995, shall revert  
 19 to the general fund on August 31, 1999.

20 Sec. 16. ORGANIC NUTRIENT MANAGEMENT.  
 21 Notwithstanding the reversion and allocation  
 22 provisions in section 455A.19, subsection 1, paragraph  
 23 "c", of the unencumbered and unobligated moneys  
 24 remaining on June 30, 1995, in the water protection  
 25 account and the water protection practices account or  
 26 of the allocations to be made to those accounts during  
 27 the fiscal year beginning July 1, 1995, \$800,000 shall  
 28 be transferred to the organic nutrient management fund  
 29 created in section 161C.5 and are appropriated to be  
 30 used for the purposes of carrying out the organic  
 31 nutrient management program as provided in section  
 32 161C.6.

33 RELATED APPROPRIATIONS

34 Sec. 17. REVENUE ADMINISTERED BY THE IOWA  
 35 COMPREHENSIVE UNDERGROUND STORAGE TANK BOARD. There  
 36 is appropriated from the unassigned revenue fund  
 37 administered by the Iowa comprehensive underground  
 38 storage tank board, to the department of natural  
 39 resources for the fiscal year beginning July 1, 1995,  
 40 and ending June 30, 1996, the following amount, or so  
 41 much thereof as is necessary, to be used for the  
 42 purpose designated:

43 For administration expenses of the underground  
 44 storage tank section of the department of natural  
 45 resources:  
 46 ..... \$ 75,000

47 Sec. 18. TRANSFER -- WIND EROSION CONTROL FUND.  
 48 On July 1, 1995, the department of agriculture and  
 49 land stewardship shall transfer all unencumbered or  
 50 unobligated moneys appropriated to the wind erosion

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1 control fund, and any moneys which have been credited  
 2 to the division of soil conservation of the department  
 3 of agriculture and land stewardship for purposes of  
 4 planting and maintaining wind erosion control  
 5 barriers, as originally provided for in 1978 Iowa  
 6 Acts, chapter 1108, section 7, and subsequently  
 7 amended, to the road use tax fund created in section  
 8 312.1.

9 Sec. 19. LEWIS AND CLARK RURAL WATER SYSTEM.  
 10 1. There is appropriated from the general fund of

11 the state to the department of natural resources for  
12 the fiscal year beginning July 1, 1995, and ending  
13 June 30, 1996, the following amount, or so much  
14 thereof as is necessary, to be used for the purpose  
15 designated:

16 For allocation to local sponsors of the Lewis and  
17 Clark rural water system, as required, in order to  
18 provide safe and adequate municipal and rural water  
19 supplies for residential, agricultural, and industrial  
20 use, and to preserve wetlands and mitigate water  
21 conservation efforts:

22 ..... \$ 54,026

23 2. Of the amount appropriated from the general  
24 fund to the department of natural resources pursuant  
25 to section 6 of this Act, the department shall  
26 allocate, for the fiscal year beginning July 1, 1995,  
27 and ending June 30, 1996, \$9,974 to local sponsors of  
28 the Lewis and Clark rural water system for the  
29 purposes designated in subsection 1. The department  
30 shall reduce its out-of-state travel expenditures  
31 budgeted among all divisions receiving a general fund  
32 appropriation pursuant to section 6 of this Act, in  
33 order to compensate for the allocation required under  
34 this subsection.

35 MISCELLANEOUS

36 Sec. 20. STATE NURSERIES.

37 1. Notwithstanding section 17A.2, subsection 10,  
38 paragraph "g", the department of natural resources  
39 shall adopt administrative rules establishing prices  
40 of plant material grown at the state forest nurseries  
41 to cover all expenses related to the growing of the  
42 plants.

43 2. The department shall develop programs to  
44 encourage the wise management and preservation of  
45 existing woodlands and shall continue its efforts to  
46 encourage forestation and reforestation on private and  
47 public lands in the state.

48 3. The department shall encourage a cooperative  
49 relationship between the state forest nurseries and  
50 private nurseries in the state in order to achieve

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1 these goals.

2 Sec. 21. IOWA QUALITY GRAIN INITIATIVE PROGRAM.

3 The general assembly supports the Iowa quality grain  
4 initiative program administered by the Iowa  
5 cooperative extension service in agriculture and home  
6 economics at Iowa state university, and expresses a  
7 strong desire to support the program during the fiscal

8 year beginning July 1, 1996, and ending June 30, 1997,  
9 and to every extent practicable to include an  
10 appropriation of \$80,000 to fund the program's  
11 efforts.

12 **Sec. 22. TEMPORARY FUND FOR THE PURCHASE OF MOTOR**  
13 **VEHICLE FUEL EQUIPMENT.** Notwithstanding section

14 18.12, the department of general services, upon  
15 authorization by the department of agriculture and  
16 land stewardship, may conduct a sale of equipment or a  
17 device used to test octane in motor vehicle fuel as  
18 part of the department of agriculture and land  
19 stewardship's regulatory functions. The proceeds of  
20 the sale shall be deposited in a special fund  
21 established by the department of agriculture and land  
22 stewardship. Moneys from the fund shall only be used  
23 for purposes of purchasing a superior device or  
24 equipment used to test octane in motor vehicle fuel by  
25 the department of agriculture and land stewardship.  
26 Unencumbered or unobligated moneys shall remain in the  
27 fund until June 30, 1997, at which time remaining  
28 moneys shall be deposited into the general fund of the  
29 state as a reversion provided in section 8.33, and the  
30 fund shall be abolished.

31 **Sec. 23. TRUST FUND INFORMATION.**

32 1. The department of revenue and finance in  
33 cooperation with each appropriate agency shall track  
34 receipts to the general fund which under law were  
35 previously collected to be used for specific purposes,  
36 or to be credited to, or be deposited to a particular  
37 account or fund, as provided in section 8.60.

38 2. The department of revenue and finance and each  
39 appropriate agency shall prepare reports detailing  
40 revenue from receipts traditionally deposited into  
41 each of the funds. A report shall be submitted to the  
42 legislative fiscal bureau at least once for each  
43 three-month period as designated by the legislative  
44 fiscal bureau.

45 **Sec. 24. DEPARTMENTAL INFORMATION REQUIRED.**

46 1. The department of agriculture and land  
47 stewardship and the department of natural resources,  
48 in cooperation as necessary with the department of  
49 management and the department of personnel, shall  
50 provide a list to the legislative fiscal bureau, on a

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1 quarterly basis, of all permanent positions added to  
2 or deleted from the departments' table of organization  
3 in the previous fiscal quarter. This list shall  
4 include at least the position number, salary range,

5 projected funding source or sources of each position,  
6 and the reason for the addition or deletion. The  
7 legislative fiscal bureau may use this information to  
8 assist in the establishment of the full-time  
9 equivalent position limits authorized in law for the  
10 departments.

11 2. The department of natural resources shall  
12 provide the legislative fiscal bureau information and  
13 financial data by cost center, on at least a monthly  
14 basis, relating to the indirect cost accounting  
15 procedure, the amount of funding from each funding  
16 source for each cost center, and the internal budget  
17 system used by the department. The information shall  
18 include but is not limited to financial data covering  
19 the department's budget by cost center and funding  
20 source prior to the start of the fiscal year, and to  
21 the department's actual expenditures by cost center  
22 and funding source after the accounting system has  
23 been closed for that fiscal year.

24 3. The department of agriculture and land  
25 stewardship shall provide the legislative fiscal  
26 bureau information and financial data on at least a  
27 monthly basis, relating to the internal budget system  
28 used by the department. The information shall include  
29 but is not limited to financial data covering the  
30 department's budget prior to the start of the fiscal  
31 year, and to the department's actual expenditures  
32 after the accounting system has been closed for that  
33 fiscal year.

34 **Sec. 25. PREFERENCE PROVIDED -- PERSONS MEETING**  
35 **ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM.**

36 In its employment of persons in temporary positions in  
37 conservation and outdoor recreation, the department of  
38 natural resources shall give preference to persons  
39 meeting eligibility requirements for the green thumb  
40 program and to persons working toward an advanced  
41 education in natural resources and conservation.

42 **Sec. 26. DEPARTMENT OF AGRICULTURE AND LAND**  
43 **STEWARDSHIP -- BUDGET SUBMISSION.** If for the fiscal  
44 year beginning July 1, 1995, and ending June 30, 1996,  
45 the total amount of revenues required to be deposited  
46 in the general fund of the state, which before July 1,  
47 1993, was deposited in the pesticide fund as provided  
48 in section 8.60, is at least \$1,300,000, the  
49 department of agriculture and land stewardship shall  
50 provide in its estimate of expenditures required

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1 pursuant to section 8.23, for the fiscal year  
2 beginning July 1, 1996, and ending June 30, 1997, that  
3 \$200,000 be allocated from the operations of pesticide  
4 programs to Iowa state university for purposes of  
5 training commercial pesticide applicators.

## 6 STATUTORY CHANGES

7 Sec. 27. 1993 Iowa Acts, chapter 176, section 25,  
8 subsection 2, as amended by 1994 Iowa Acts, chapter  
9 1198, section 31, is amended to read as follows:

10 2. Notwithstanding section 8.33, unencumbered or  
11 unobligated moneys remaining on June 30, 1993, from  
12 moneys appropriated pursuant to 1992 Iowa Acts, Second  
13 Extraordinary Session, chapter 1001, section 402, may  
14 be expended during the fiscal period beginning July 1,  
15 1993, and ending June 30, ~~1995~~ 1996, and shall not  
16 revert to the general fund until August 31, ~~1995~~ 1996.

17 Sec. 28. 1994 Iowa Acts, chapter 1119, section 32,  
18 subsection 2, unnumbered paragraph 1, is amended to  
19 read as follows:

20 Notwithstanding section 423.24, as amended in this  
21 Act, for each fiscal year of the period beginning on  
22 July 1, 1993, and ending July 1, 1994 June 30, 1996,  
23 an amount equal to two and one-half percent of the  
24 total moneys used to support value-added agricultural  
25 products and processes as provided in that section,  
26 which would otherwise be allocated to the value-added  
27 agricultural products and processes financial  
28 assistance fund, shall instead be allocated to the  
29 office of renewable fuels and coproducts. The moneys  
30 shall be used for purposes of conducting soydiesel  
31 demonstration projects administered by the state  
32 department of transportation under the oversight of  
33 the renewable fuels and coproducts advisory committee.

34 Sec. 29. 1994 Iowa Acts, chapter 1119, section 32,  
35 subsection 2, paragraph b, is amended to read as  
36 follows:

37 b. The state department of transportation shall  
38 evaluate the performance of vehicles operating on  
39 soydiesel fuel, including the rate of repairs on the  
40 vehicles and comments of persons operating and  
41 maintaining the vehicles. The department shall submit  
42 initial findings and recommendations to the renewable  
43 fuels and coproducts advisory committee which shall  
44 submit a report to the senate and chief clerk of the  
45 house, the legislative service bureau, the  
46 chairpersons and ranking members of the senate  
47 standing committee on agriculture, the senate standing  
48 committee on small business, economic development and

49 tourism, the house of representatives standing  
50 committee on agriculture, and the house of

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1 representatives standing committee on small business,  
2 economic development and trade. The department shall  
3 submit final findings and recommendations to the  
4 renewable fuels and coproducts advisory committee  
5 which shall submit a report to the general assembly.  
6 The initial report shall be due on October 1, 1994.  
7 The ~~final~~ second report shall be due on March 1, 1995.  
8 A final report shall be due on October 1, 1996.

9 Sec. 30. 1994 Iowa Acts, chapter 1119, section 32,  
10 subsection 2, paragraph d, is amended to read as  
11 follows:

12 d. Moneys available under this section which  
13 remain unexpended or unobligated on June 30, ~~1994~~  
14 1995, shall remain available to support the  
15 demonstration project and shall not revert pursuant to  
16 section 8.33. Moneys remaining unexpended or  
17 unobligated on June 30, ~~1995~~ 1996, shall be credited  
18 to the value-added agricultural products and processes  
19 financial assistance fund as created in section  
20 15E.112.

21 Sec. 31. 1994 Iowa Acts, chapter 1198, section 1,  
22 subsection 3, paragraph a, unnumbered paragraph 3, is  
23 amended to read as follows:

24 Of the amount appropriated under this paragraph "a"  
25 or paragraph "c" of this subsection, the department  
26 shall allocate \$160,000 shall be allocated from the  
27 either appropriation to Iowa state university for  
28 purposes of training commercial pesticide applicators.

29 Sec. 32. Section 159.6, subsection 9, Code 1995,  
30 is amended to read as follows:

31 9. State aid received by certain associations as  
32 provided in chapters 176 through ~~183~~ 182, 186, and  
33 352.

34 Sec. 33. Section 173.3, Code 1995, is amended to  
35 read as follows:

36 173.3 CERTIFICATION OF STATE AID ASSOCIATIONS.

37 On or before November 15 of each year, the  
38 secretary of agriculture shall certify to the  
39 secretary of the state fair board the names of the  
40 various associations and societies which have  
41 qualified for state aid under the provisions of  
42 chapters 176 through 178, 180 through ~~183~~ 182, 186,  
43 and 352, and which are entitled to representation in  
44 the convention as provided in section 173.2.

45 Sec. 34. Section 455B.183A, Code 1995, is amended

46 to read as follows:

47 455B.183A WATER QUALITY PROTECTION FUND.

48 1. A water quality protection fund is created in  
49 the state treasury under the control of the  
50 department. The fund consists of moneys appropriated

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1 to the fund by the general assembly, moneys deposited  
2 into the fund from fees described in subsection 2; and  
3 other moneys available to and obtained or accepted by  
4 the department from the United States government or  
5 private sources for placement in the fund. The fund  
6 is divided into two accounts, including the  
7 administration account and the public water supply  
8 system account. Moneys in the administration account  
9 shall be used for purposes of carrying out the  
10 provisions of this division, which relate to the  
11 administration, regulation, and enforcement of the  
12 federal Safe Drinking Water Act. Moneys in the public  
13 water supply system account shall be used to support  
14 the program to assist supply systems, as provided in  
15 section 455B.183B.

16 2. The commission shall adopt fees as required  
17 pursuant to section 455B.105 for permits required for  
18 public water supply systems as provided in sections  
19 455B.174 and 455B.183. Fees paid pursuant to this  
20 section shall not be subject to the sales or services  
21 tax. The fees shall be for each of the following:

22 a. The construction, installation, or modification  
23 of a public water supply system. The amount of the  
24 fees may be based on the type of system being  
25 constructed, installed, or modified.

26 b. The operation of a public water supply system,  
27 including any part of the system. The fees may be  
28 based on the type and size of community served by the  
29 system. The commission shall adopt a fee schedule.  
30 The commission shall calculate all fees in the  
31 schedule to produce total revenues equaling four  
32 hundred seventy-five thousand dollars for the fiscal  
33 year beginning July 1, 1994, and ending June 30, 1995,  
34 seven hundred thousand dollars for the fiscal year  
35 beginning July 1, 1995, and ending June 30, 1996, nine  
36 hundred thousand dollars for the fiscal year beginning  
37 July 1, 1996, and ending June 30, 1997, and one  
38 million two hundred thousand dollars for each  
39 subsequent fiscal year. For the fiscal year beginning  
40 July 1, 1994, and ending June 30, 1995, twenty-five  
41 thousand dollars shall be deposited in the  
42 administration account and four hundred fifty thousand

43 dollars shall be deposited in the public water supply  
 44 system account. For each subsequent fiscal year, one-  
 45 half of the fees shall be deposited into the  
 46 administration account and one-half of the fees shall  
 47 be deposited into the public water supply system  
 48 account. By May 1 of each year, the department shall  
 49 estimate the total revenue expected to be collected  
 50 from the overpayment of fees, which are all fees in

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1 excess of the amount of the total revenues which are  
 2 expected to be collected under the current fee  
 3 schedule, and the total revenue expected to be  
 4 collected from the payment of fees during the next  
 5 fiscal year. The commission shall adjust the fees if  
 6 the estimate exceeds the amount of revenue required to  
 7 be deposited in the fund pursuant to this paragraph.

8 3. 2. Moneys in the fund are subject to an annual  
 9 audit by the auditor of state. The fund is subject to  
 10 warrants by the director of revenue and finance, drawn  
 11 upon the written requisition of the department.

12 4. 3. Section 8.33 does not apply to moneys in the  
 13 fund. Moneys earned as income, including interest  
 14 from the fund, shall remain in the fund until  
 15 expended.

16 5. 4. On or before November 15 of each fiscal  
 17 year, the department shall transmit to the department  
 18 of management and the legislative fiscal bureau  
 19 information regarding the fund and accounts, including  
 20 all of the following:

21 a. The balance of unobligated and unencumbered  
 22 moneys in each account as of November 1.

23 b. A summary of revenue deposited in and  
 24 expenditures from each account during the current  
 25 fiscal year.

26 c. Estimates of revenues expected to be deposited  
 27 into the public water supply system account during the  
 28 current fiscal year, and an estimate of the expected  
 29 balance of unobligated and unencumbered moneys in the  
 30 account on June 30 of the current fiscal year.

31 Sec. 35. Section 455E.11, subsection 2, paragraph  
 32 a, subparagraph (12), subparagraph subdivision (c),  
 33 Code 1995, is amended to read as follows:

34 (c) Twelve and one-half cents per ton per year is  
 35 appropriated to the department of natural resources to  
 36 provide additional toxic cleanup days and for the  
 37 natural resource geographic information system  
 38 required under section 455E.8, subsection 6.  
 39 Departmental rules adopted for implementation of toxic

40 cleanup days shall provide sufficient flexibility to  
 41 respond to the household hazardous material collection  
 42 needs of both small and large communities.  
 43 Sec. 36. Section 455E.11, subsection 2, paragraph  
 44 b, subparagraph (3), subparagraph subdivision (b),  
 45 Code 1995, is amended by striking the subparagraph  
 46 subdivision and inserting the following:  
 47 (b) Two percent is appropriated annually to the  
 48 department of natural resources for the purpose of  
 49 administering grants to counties and conducting  
 50 oversight of county-based programs relative to the

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1 testing of private rural water supply wells, private  
 2 rural water supply well sealing, and the proper  
 3 closure of private rural abandoned wells and cisterns.  
 4 Not more than thirty-five percent of the moneys is  
 5 appropriated annually to the department of natural  
 6 resources for grants to counties for the purpose of  
 7 conducting programs of private rural water supply  
 8 testing, private rural water supply well sealing, or  
 9 the proper closure of private rural abandoned wells or  
 10 cisterns.

11 A county shall submit only one application. To be  
 12 eligible, a county must have adopted standards for  
 13 private water supply and private disposal facilities  
 14 at least as stringent as the standards adopted by the  
 15 commission. During each fiscal year, the amount  
 16 granted each eligible applicant county shall be the  
 17 total funds available divided by the number of  
 18 eligible counties applying. Upon receipt of the  
 19 grant, the county may apply the funds to any one or  
 20 more of the above three programs.

21 Not more than six percent of the moneys is  
 22 appropriated annually to the state hygienic laboratory  
 23 to assist in well testing. For purposes of this  
 24 subparagraph subdivision, "cistern" means an  
 25 artificial reservoir constructed underground for the  
 26 purpose of storing rainwater.

27 Sec. 37. WITHDRAWAL FROM THE AGRICULTURAL GRAIN  
 28 MARKETING COMPACT -- REPEAL.

29 1. Pursuant to article VI of the agricultural  
 30 grain marketing compact, the state of Iowa withdraws  
 31 from the compact by enacting this section repealing  
 32 the compact. Notwithstanding this section, the state  
 33 retains its membership in the compact and shall  
 34 continue to function under the compact as if it were  
 35 in effect, until one year following the enactment of  
 36 this section and notification of withdrawal by the

37 governor of this state to the interstate agricultural  
38 grain marketing commission.

39 2. Chapter 183, Code 1995, is repealed.

40 Sec. 38. EFFECTIVE DATES. The following  
41 provisions of this Act, being deemed of immediate  
42 importance, take effect upon enactment:

43 1. Sections 12 and 16 and this section of this  
44 Act.

45 2. The section of this Act that amends 1993 Iowa  
46 Acts, chapter 176, section 25, subsection 2, as  
47 amended by 1994 Iowa Acts, chapter 1198, section 31.

48 3. The sections of this Act that amends 1994 Iowa  
49 Acts, chapter 1119, section 32.

50 4. The section of this Act that amends 1994 Iowa

**Page 18**

1 Acts, chapter 1198, section 1, subsection 3, paragraph  
2 "a", unnumbered paragraph 3.

3 5. The section of this Act that amends section  
4 455E.11, subsection 2, paragraph "b".

5 2. Title page, lines 1 and 2, by striking the  
6 words "by providing for appropriations and revenue"  
7 and inserting the following: "including for  
8 appropriations involving agriculture and natural  
9 resources".

DENNIS BLACK

HOUSE AMENDMENT TO  
SENATE FILE 66

S-3425

1 Amend Senate File 66, as passed by the Senate as  
2 follows:

3 1. Page 1, line 1, by striking the figures and  
4 word "1 and 2" and inserting the following: "1, 2,  
5 and 3".

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

8 "3. As used in this section, "police service dog"  
9 means a dog used by a peace officer or correctional  
10 officer in the performance of the officer's duties,  
11 whether or not the dog is on duty."

S-3426

1 Amend Senate File 411 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. Section 476.3, subsection 2, Code

5 1995, is amended by adding the following new

6 unnumbered paragraph:

7 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding the

8 provisions of this subsection, the consumer advocate

9 shall not file a petition under this subsection that

10 alleges a local exchange carrier's rates are excessive

11 while the local exchange carrier is participating in a

12 price regulation plan approved by the board pursuant

13 to section 476.30B.

14 Sec. 2. Section 476.10, unnumbered paragraph 4,

15 Code 1995, is amended to read as follows:

16 Whenever the board shall deem it necessary in order

17 to carry out the duties imposed upon it in connection

18 with rate regulation under section 476.6,

19 investigations under section 476.3, or review

20 proceedings under section 476.31, the board may employ

21 additional temporary or permanent staff, or may

22 contract with persons who are not state employees for

23 engineering, accounting, or other professional

24 services, or both. The costs of these additional

25 employees and contract services shall be paid by the

26 public utility whose rates are being reviewed in the

27 same manner as other expenses are paid under this

28 section. Beginning on July 1, 1991, there is

29 appropriated out of any funds in the state treasury

30 not otherwise appropriated, such sums as may be

31 necessary to enable the board to hire additional staff

32 and contract for services under this section. The

33 board shall increase quarterly assessments specified

34 in unnumbered paragraph 2, by amounts necessary to

35 enable the board to hire additional staff and contract

36 for services under this section. The authority to

37 hire additional temporary or permanent staff that is

38 granted to the board by this section shall not be

39 subject to limitation by any administrative or

40 executive order or decision that restricts the number

41 of state employees or the filling of employee

42 vacancies, and shall not be subject to limitation by

43 any law of this state that restricts the number of

44 state employees or the filling of employee vacancies

45 unless that law is made applicable to this section by

46 express reference to this section. Before the board

47 expends or encumbers an amount in excess of the funds

48 budgeted for rate regulation and before the board

49 increases quarterly assessments pursuant to this

50 paragraph, the director of the department of

Page 2

1 management shall approve the expenditure or  
2 encumbrance. Before approval is given, the director  
3 of the department of management shall determine that  
4 the expenses exceed the funds budgeted by the general  
5 assembly to the board for rate regulation and that the  
6 board does not have other funds from which the  
7 expenses can be paid. Upon approval of the director  
8 of the department of management the board may expend  
9 and encumber funds for the excess expenses, and  
10 increase quarterly assessments to raise the additional  
11 funds. The board and the office of consumer advocate  
12 may add additional personnel or contract for  
13 additional assistance to review and evaluate energy  
14 efficiency plans and the implementation of energy  
15 efficiency programs including, but not limited to,  
16 professionally trained engineers, accountants,  
17 attorneys, skilled examiners and inspectors, and  
18 secretaries and clerks. The board and the office of  
19 consumer advocate may also contract for additional  
20 assistance in the evaluation and implementation of  
21 issues relating to telecommunication competition. The  
22 board and the office of the consumer advocate may  
23 expend additional sums beyond those sums appropriated.  
24 However, the authority to add additional personnel or  
25 contract for additional assistance must first be  
26 approved by the department of management. The  
27 additional sums for energy efficiency shall be  
28 provided to the board and the office of the consumer  
29 advocate by the utilities subject to the energy  
30 efficiency requirements in this chapter. Telephone  
31 companies shall pay any additional sums needed for  
32 assistance with telecommunication competition issues.  
33 The assessments shall be in addition to and separate  
34 from the quarterly assessment.

35 Sec. 3. Section 476.11, Code 1995, is amended by  
36 adding the following new unnumbered paragraph:  
37 **NEW UNNUMBERED PARAGRAPH.** The board may resolve  
38 complaints, upon notice and hearing, that a utility,  
39 operating under section 476.29, has failed to provide  
40 just, reasonable, and nondiscriminatory arrangements  
41 for interconnection of its telecommunications services  
42 with another telecommunications provider.

43 Sec. 4. Section 476.29, subsection 2, Code 1995,  
44 is amended to read as follows:

45 2. Except as provided in subsection 12, a  
46 certificate shall be issued by the board, after notice  
47 and opportunity for hearing, if the board determines  
48 that the service proposed to be rendered will promote

49 the public convenience and necessity, provided that an  
50 applicant other than a local exchange carrier, as

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1 defined in section 476.30A, shall not be denied a  
2 certificate if the board finds that the applicant  
3 possesses the technical, financial, and managerial  
4 ability to provide the service it proposes to render  
5 and the board finds the service is consistent with the  
6 public interest. The board shall make a determination  
7 within ninety days of the submission by the applicant  
8 of evidence of its technical, financial, and  
9 managerial ability, unless the board determines that  
10 additional time is necessary to consider the  
11 application, in which case the board may extend the  
12 time for making a determination for an additional  
13 sixty days. The board may establish reasonable  
14 conditions or restrictions on the certificate at the  
15 time of issuance.

16 Sec. 5. NEW SECTION. 476.30 FINDINGS --  
17 STATEMENT OF POLICY.

18 The general assembly finds all of the following:

19 1. Communications services should be available  
20 throughout the state at just, reasonable, and  
21 affordable rates from a variety of providers.

22 2. In rendering decisions with respect to  
23 regulation of telecommunications companies, the board  
24 shall consider the effects of its decisions on  
25 competition in telecommunications markets and, to the  
26 extent reasonable and lawful, shall act to further the  
27 development of competition in those markets.

28 3. In order to encourage competition for all  
29 telecommunications services, the board should address  
30 issues relating to the movement of prices toward cost  
31 and the removal of subsidies in the existing price  
32 structure of the incumbent local exchange carrier.

33 4. Regulatory flexibility is appropriate when  
34 competition provides customers with competitive  
35 choices in the variety, quality, and pricing of  
36 communications services, and when consistent with  
37 consumer protection and other relevant public  
38 interests.

39 5. The board should respond with speed and  
40 flexibility to changes in the communications industry.

41 6. Economic development can be fostered by the  
42 existence of advanced communications networks.

43 Sec. 6. NEW SECTION. 476.30A DEFINITIONS.

44 As used in section 476.30, this section, and  
45 sections 476.30B through 476.30G, unless the context

46 otherwise requires:

47 1. "Basic communications service" includes at a  
48 minimum, basic local telephone service, switched  
49 access, 911 and E-911 services, and dual party relay  
50 service. The board is authorized to classify by rule

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1 at any time, any other two-way switched communications  
2 services as basic communications services consistent  
3 with community expectations and the public interest.

4 2. "Basic local telephone service" means the  
5 provision of dial tone access and usage, for the  
6 transmission of two-way switched communications within  
7 a local exchange area, including, but not limited to,  
8 the following:

9 a. Residence service and business services,  
10 including flat rate or local measured service, private  
11 branch exchange trunks, trunk type hunting services,  
12 direct inward dialing, and the network access portion  
13 of central office switched exchange service.

14 b. Extended area service.

15 c. Touch tone service when provided separately.

16 d. Call tracing.

17 e. Calling number blocking on either a per call or  
18 a per line basis.

19 f. Local exchange white pages directories.

20 g. Installation and repair of local network  
21 access.

22 h. Local operator services, excluding directory  
23 assistance.

24 i. Toll service blocking and 1-900 and 1-976  
25 access blocking.

26 3. "Competitive local exchange service provider"

27 means any person that provides local exchange  
28 services, other than a local exchange carrier or a  
29 nonrate-regulated wireline provider of local exchange  
30 services under an authorized certificate of public  
31 convenience and necessity within a specific geographic  
32 area described in maps filed with and approved by the  
33 board as of September 30, 1992.

34 4. "Interim number portability" means one or more  
35 mechanisms by which a local exchange customer at a  
36 particular location may change the customer's local  
37 exchange services provider without any change in the  
38 local exchange customer's telephone number, while  
39 experiencing as little loss of functionality as is  
40 feasible using available technology.

41 5. "Local exchange carrier" means any person that  
42 was the incumbent and historical rate-regulated

43 wireline provider of local exchange services or any  
44 successor to such person that provides local exchange  
45 services under an authorized certificate of public  
46 convenience and necessity within a specific geographic  
47 area described in maps filed with and approved by the  
48 board as of September 30, 1992.

49 6. "Nonbasic communications services" means all  
50 communications services subject to the board's

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1 jurisdiction which are not deemed either by statute or  
2 by rule to be basic communications services, including  
3 any service offered by the local exchange carrier for  
4 the first time after the effective date of this Act.  
5 A service is not considered new if it constitutes the  
6 bundling, unbundling, or repricing of an already  
7 existing service. Consistent with community  
8 expectations and the public interest, the board may  
9 reclassify by rule as nonbasic those two-way switched  
10 communications services previously classified by rule  
11 as basic.

12 7. "Provider number portability" means the  
13 capability of a local exchange customer to change the  
14 customer's local exchange services provider at the  
15 customer's same location without any change in the  
16 local exchange customer's telephone number, while  
17 preserving the full range of functionality that the  
18 customer currently experiences. "Provider number  
19 portability" includes the equal availability of  
20 information concerning the local exchange provider  
21 serving the number to all carriers, and the ability to  
22 deliver traffic directly to that provider without  
23 having first to route traffic to the local exchange  
24 carrier or otherwise use the services, facilities, or  
25 capabilities of the local exchange carrier to complete  
26 the call, and without the dialing of additional digits  
27 or access codes.

28 Sec. 7. NEW SECTION. 476.30B PRICE REGULATION.

29 1. Notwithstanding contrary provisions of this  
30 chapter relating to rate regulation, the board may  
31 approve a plan for price regulation submitted by a  
32 rate-regulated local exchange carrier. The plan for  
33 price regulation is not effective until the approval  
34 by the board of tariffs implementing the unbundling of  
35 essential facilities pursuant to section 476.30F,  
36 subsection 4, except for a local exchange carrier with  
37 less than seventy-five thousand access lines whose  
38 plan for price regulation will be effective concurrent  
39 with the approval of its plan. The board may approve

40 a plan for price regulation prior to the adoption of  
41 rules related to the unbundling of essential  
42 facilities or concurrent with a rate proceeding under  
43 section 476.3, 476.6, or 476.7. During the term of  
44 the plan, the board shall regulate the prices of the  
45 local exchange carrier's basic and nonbasic  
46 communications services pursuant to the requirements  
47 of the price regulation plan approved by the board.  
48 The local exchange carrier shall not be subject to  
49 rate of return regulation during the term of the plan.  
50 2. The board, after notice and opportunity for

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1 hearing, may approve, modify, or reject the plan. The  
2 local exchange carrier shall have ten days to accept  
3 or reject any board modifications to its plan. If the  
4 local exchange carrier rejects a modification to its  
5 plan, the board shall reject the plan without  
6 prejudice to the local exchange carrier to submit  
7 another plan.

8 3. A price regulation plan, at a minimum, shall  
9 include provisions, consistent with the provisions of  
10 this section and any rules adopted by the board, for  
11 the following:

12 a. (1) Establishing and changing prices, terms,  
13 and conditions for basic communications services. The  
14 initial plan for price regulation must include a  
15 proposal, which the board shall approve, for reducing  
16 the local exchange carrier's average intrastate access  
17 service rates to the local exchange carrier's average  
18 interstate access service rates in effect as of the  
19 last day of the calendar year immediately preceding  
20 the date of filing of the plan, as follows:

21 (a) A local exchange carrier with five hundred  
22 thousand or more access lines in this state shall  
23 reduce its average intrastate access service rates to  
24 its average interstate access service rates as of the  
25 date that the plan becomes effective.

26 (b) A local exchange carrier with fewer than five  
27 hundred thousand but seventy-five thousand or more  
28 access lines in this state shall reduce its average  
29 intrastate access service rates to its average  
30 interstate access service rates in increments of at  
31 least twenty-five percent, with the initial reduction  
32 to take effect on approval of the plan and equal  
33 annual reductions on each anniversary of the approval  
34 during the first three years that its plan is in  
35 effect.

36 (c) A local exchange carrier with fewer than

37 seventy-five thousand access lines in this state shall  
38 reduce its average intrastate access service rates to  
39 its average interstate access service rates with equal  
40 annual reductions during a period beginning no more  
41 than two years and ending no more than five years from  
42 the plan's inception.

43 (2) This section shall not be construed to do  
44 either of the following:

45 (a) Prohibit an additional decrease in a carrier's  
46 average intrastate access service rate during the term  
47 of the plan.

48 (b) Permit any increase in a carrier's average  
49 intrastate access service rates during the term of the  
50 plan.

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1 (3) The plan shall also provide that the initial  
2 prices for basic communications services shall be six  
3 percent less than the rates approved and in effect at  
4 the time the local exchange carrier files its plan. A  
5 local exchange carrier which elects to reduce its  
6 rates by six percent shall not, at a later time,  
7 increase its rates for basic communications services  
8 as a result of the carrier's compliance with the  
9 board's rules relating to unbundling. In lieu of the  
10 six percent reduction, and prior to the adoption of  
11 rules relating to unbundling pursuant to section  
12 476.30F, subsection 4, paragraph "a", subparagraph  
13 (1), the local exchange carrier may request and the  
14 board may establish a regulated revenue requirement in  
15 a rate proceeding under section 476.3 or 476.6  
16 commenced after the effective date of this Act. After  
17 the determination of the local exchange carrier's  
18 regulated revenue requirement pursuant to the rate  
19 proceeding, the local exchange carrier shall not  
20 immediately implement rates designed to recover that  
21 regulated revenue requirement. Following the adoption  
22 of rules relating to unbundling pursuant to section  
23 476.30F, subsection 4, paragraph "a", subparagraph  
24 (1), the local exchange carrier shall commence a  
25 tariff proceeding for the approval of tariffs  
26 implementing such unbundling. The board has six  
27 months to complete this tariff proceeding and  
28 determine the local exchange carrier's final unbundled  
29 rates. The local exchange carrier shall carry forward  
30 the regulated revenue requirement determined by the  
31 board pursuant to the rate proceeding and design rates  
32 that comply with the board's rules relating to  
33 unbundling that recover the regulated revenue

34 requirement, and that implement the board's approved  
35 rate design established in the tariff proceeding.  
36 In lieu of taking the six percent reduction, a  
37 local exchange carrier that submits a plan for price  
38 regulation after the board adopts rules relating to  
39 unbundling may file a rate proceeding under section  
40 476.3 or 476.6 and the board may approve rates  
41 designed to comply with those rules which allow the  
42 carrier to recover the established regulated revenue  
43 requirement and that implement the board's approved  
44 rate design established in the tariff proceeding.  
45 (4) The plan shall provide for both increases and  
46 decreases in the prices for basic communications  
47 services reflecting annual changes in inflation and  
48 productivity. Prior to January 1, 1998, the board  
49 shall use the gross domestic product price index, as  
50 published by the federal government, for an inflation

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1 measure, and two and six-tenths percentage points for  
2 a productivity measure. After January 1, 1998, the  
3 board by rule may adopt current measures of inflation  
4 and productivity.  
5 (5) The plan may provide that price increases for  
6 basic communications services which are permitted  
7 under this section may be deferred and accumulated for  
8 a maximum of three years into a single price increase,  
9 provided that a deferred and accumulated price  
10 increase under this section shall not at any time  
11 exceed six percent. A price decrease for basic  
12 communications services shall not be deferred or  
13 accumulated, except that price decreases of less than  
14 two percent may be deferred by the local exchange  
15 carrier for one year. A price decrease required under  
16 this section may be offset by a price increase for a  
17 basic communications service that would have been  
18 permitted under this section in the previous twelve-  
19 month period, but which was deferred by the local  
20 exchange carrier.  
21 b. Establishing and changing prices, terms, and  
22 conditions for nonbasic communications services.  
23 c. Reporting new service offerings to the board.  
24 d. Reflecting in rates any changes in revenues,  
25 expenses, and investment due to exogenous factors  
26 beyond the control of the local exchange carrier.  
27 e. Providing notice to customers, the board, and  
28 the consumer advocate of changes in prices, terms, or  
29 conditions for basic and nonbasic communications  
30 services.

- 31 4. The board shall consider the extent to which a  
32 proposed plan complies with the requirements of  
33 subsection 3 and achieves the following:
- 34 a. Just, nondiscriminatory, and reasonable rates.
  - 35 b. High quality, universally available  
36 communications services.
  - 37 c. Encouragement of investment in communications  
38 infrastructure, efficiency improvements, and  
39 technological innovation.
  - 40 d. The introduction of new communications products  
41 and services from a variety of sources.
  - 42 e. Regulatory efficiency including reduction of  
43 regulatory costs and delays. A plan shall not provide  
44 for waiver of, release from, or delay in implementing  
45 the provisions of this section, section 476.30F or  
46 476.30G or any rules adopted by the board pursuant to  
47 those sections.
- 48 5. Notwithstanding an approved plan for price  
49 regulation, the board shall continue to have  
50 regulatory authority over the following:

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- 1 a. The level, extent, and timing of the unbundling  
2 of essential facilities offered by a local exchange  
3 carrier.
  - 4 b. Ensuring against cross-subsidization between  
5 nonbasic communications services and basic  
6 communications services.
- 7 6. Any person, including the consumer advocate, a  
8 body politic, or the board on its own motion, may file  
9 a written complaint pursuant to section 476.3,  
10 subsection 1, regarding a local exchange carrier's  
11 implementation, operation under, or satisfaction of  
12 the purposes of its price regulation plan.
- 13 7. The consumer advocate may represent consumers  
14 before the board regarding any rule, order, or  
15 proceeding pertaining to price regulation. The  
16 consumer advocate may act as attorney for and  
17 represent consumers generally before any state or  
18 federal court concerning a board rule, order, or  
19 proceeding pertaining to price regulation.
- 20 8. In implementing price regulation, the board  
21 shall consider competitively neutral methods to assist  
22 lower-income Iowans to secure and retain telephone  
23 services.
- 24 9. The board shall determine the duration of any  
25 plan. The board shall review a local exchange  
26 carrier's operation under its plan, with notice and an  
27 opportunity for hearing, within four years of the

28 initiation of the plan and prior to the termination of  
29 the plan. The local exchange carrier, consumer  
30 advocate, or any person may propose, and the board may  
31 approve, any reasonable modifications to a local  
32 exchange carrier's plan as a result of the review,  
33 except that such modifications shall not require a  
34 reduction in the rates for any basic communications  
35 service.

36 10. The board, in determining whether to file a  
37 written complaint pursuant to subsection 6 or prior to  
38 reviewing a local exchange carrier's operation  
39 pursuant to subsection 9, may request that such  
40 carrier provide any information which the board deems  
41 necessary to make such determination or conduct such  
42 review. The carrier shall provide the requested  
43 information upon receipt of the request from the  
44 board.

45 11. a. Notwithstanding subsections 1 through 10,  
46 a local exchange carrier with fewer than five hundred  
47 thousand access lines in this state shall have the  
48 option to be regulated pursuant to subsections 1  
49 through 10 or pursuant to this subsection.

50 b. A local exchange carrier which elects to become

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1 price regulated under this subsection shall give  
2 written notice to the board of such election not less  
3 than thirty days prior to the date such regulation is  
4 to commence.

5 c. Upon election of a local exchange carrier to  
6 become price-regulated under this subsection, the  
7 carrier shall reduce its rates for basic local  
8 telephone service an average of three percent. In  
9 lieu of the three percent reduction, the local  
10 exchange carrier may establish its rates for basic  
11 local telephone service in a rate proceeding under  
12 section 476.3 or 476.6 commenced after the effective  
13 date of this Act.

14 d. Initial prices for basic communications  
15 services, other than basic local telephone service,  
16 shall be set at the rates in effect as of the first of  
17 July prior to the date such regulation is to commence.

18 e. (1) A price-regulated local exchange carrier  
19 shall not increase its rates for basic communications  
20 services, for a period of twelve months after electing  
21 to become price regulated. To the extent necessary,  
22 rates for basic services may be increased to carry out  
23 the purpose of any rules that may be adopted by the  
24 board relating to the terms and conditions of

25 unbundled services and interconnection. A price-  
26 regulated local exchange carrier may increase its  
27 rates for basic communications services following the  
28 initial twelve-month period, to the extent that the  
29 change in rate does not exceed two percentage points  
30 less than the most recent annual change in the gross  
31 domestic product price index, as published by the  
32 federal government. If application of such formula  
33 achieves a negative result, prices shall be reduced so  
34 that the cumulative price change for basic services,  
35 including prior price reductions in these services,  
36 achieves the negative result. After January 1, 2000,  
37 the board by rule may adopt different measures of  
38 inflation and productivity if they are found to be  
39 more reflective of the individual price-regulated  
40 carriers.

41 (2) Price increases for basic communications  
42 services which are permitted under this subsection may  
43 be deferred and accumulated for a maximum of three  
44 years into a single price increase, provided that a  
45 deferred and accumulated price increase under this  
46 subsection shall not at any time exceed six percent.  
47 A price decrease for basic communications services  
48 shall not be deferred or accumulated, except that  
49 price decreases of less than two percent may be  
50 deferred by the local exchange carrier for one year.

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1 A price decrease required under this section may be  
2 offset by a price increase for a basic communications  
3 service that would have been permitted under this  
4 section in the previous twelve-month period, but which  
5 was deferred by the local exchange carrier. A rate  
6 change pursuant to this subsection may take effect  
7 thirty days after the notification of the board and  
8 consumers.

9 (3) A price-regulated local exchange carrier shall  
10 not increase its aggregate revenue weighted prices for  
11 nonbasic communications services more than six percent  
12 in any twelve-month period.

13 (4) A price-regulated local exchange carrier may  
14 reduce the price for any basic communications service,  
15 to an amount not less than the total service long-run  
16 incremental cost for such service on one day's notice  
17 filed with the board. For purposes of this  
18 subsection, "total service long-run incremental costs"  
19 means the difference between the company's total cost  
20 and the total cost of the company less the applicable  
21 service, feature, or function.

22 (5) A price-regulated local exchange carrier may  
23 offer new service alternatives for any basic  
24 communications services on thirty days prior notice to  
25 the board, provided that the preexisting basic  
26 communications service rate structure continues to be  
27 offered to customers. New telecommunications services  
28 shall be considered nonbasic communications services  
29 as defined in section 476.30A, subsection 6.

30 (6) A price-regulated local exchange carrier must  
31 reduce the average intrastate access service rates to  
32 the carrier's average interstate access service rates.  
33 Such carrier shall reduce the average intrastate  
34 access service rates by at least twenty-five percent  
35 of the difference of such rates within ninety days of  
36 the election to be price-regulated and twenty-five  
37 percent each of the next three years.

38 f. A local exchange carrier shall notify customers  
39 of a rate change under this subsection at least thirty  
40 days prior to the effective date of the rate change.

41 g. The board may review a local exchange carrier's  
42 operation under this subsection, with notice and an  
43 opportunity for hearing, after four years of the  
44 carrier's election to be price-regulated. The local  
45 exchange carrier, consumer advocate, or any person may  
46 propose, and the board may approve, any reasonable  
47 modifications to the price-regulation requirements in  
48 this subsection as a result of the specific carrier  
49 review, except that such modifications shall not  
50 require a reduction in the rates for any basic

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1 communications service or a return to rate-base, rate-  
2 of-return regulation.

3 Sec. 8. NEW SECTION. 476.30C EARNINGS  
4 CALCULATION AND REPORT.

5 1. The consumer advocate shall calculate an  
6 estimate of the return of a local exchange carrier  
7 operating under a plan of price regulation pursuant to  
8 section 476.30B as if the carrier were subject to  
9 rate-of-return regulation. The calculation shall be  
10 based upon the annual report of such carrier and other  
11 information provided to the consumer advocate by the  
12 carrier. The calculation shall be made every two  
13 years beginning following the end of the second  
14 calendar year after the year in which the plan becomes  
15 effective. The consumer advocate shall provide a  
16 written report to the general assembly including the  
17 results of this calculation on or before July 1 of the  
18 year immediately following the two-year period for

19 which a calculation is made. If, after a review of  
 20 the information used to make the calculation required  
 21 in this section, the consumer advocate determines that  
 22 the public interest would be better served by a  
 23 different form of rate regulation, the consumer  
 24 advocate shall provide a recommendation that the  
 25 general assembly direct the utilities board to  
 26 implement a different form of rate regulation.

27 Sec. 9. NEW SECTION. 476.30D ADDITIONAL PRICE  
 28 REGULATION PLAN PROVISIONS.

29 In addition to the provisions required in section  
 30 476.30B to be included in a plan of price regulation,  
 31 the plan shall include provisions for the following:

32 1. Reflecting in rates any changes due to changes  
 33 in the average cost of the local exchange carrier  
 34 resulting from the sale of an exchange in this state.

35 2. Encouraging modernization of the local exchange  
 36 carrier's telecommunications infrastructure. This  
 37 provision shall include a requirement that the local  
 38 exchange carrier develop and file with the board an  
 39 increased modernization plan.

40 Sec. 10. NEW SECTION. 476.30E PROHIBITED ACTS.

41 A local exchange carrier shall not do any of the  
 42 following:

43 1. Discriminate against another provider of  
 44 communications services by refusing or delaying access  
 45 to the local exchange carrier's services.

46 2. Discriminate against another provider of  
 47 communications services by refusing or delaying access  
 48 to essential facilities on terms and conditions no  
 49 less favorable than those the local exchange carrier  
 50 provides to itself and its affiliates. An essential

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1 facility is a local telecommunications facility,  
 2 feature, function, or capability of the local exchange  
 3 carrier's network that competitors cannot practically  
 4 or economically duplicate or obtain from other  
 5 sources, and to which reasonable access is necessary  
 6 to enable competition.

7 3. Degrade the quality of access or service  
 8 provided to another provider of communications  
 9 services.

10 4. Fail to disclose in a timely manner, upon  
 11 reasonable request and pursuant to a protective  
 12 agreement concerning proprietary information, all  
 13 information reasonably necessary for the design of  
 14 network interface equipment, network interface  
 15 services, or software that will meet the

16 specifications of the local exchange carrier's local  
17 exchange network.

18 5. Unreasonably refuse or delay interconnections  
19 or provide inferior interconnections to another  
20 provider.

21 6. Use basic exchange service rates, directly or  
22 indirectly, to subsidize or offset the costs of other  
23 products or services offered by the local exchange  
24 carrier.

25 7. Discriminate in favor of itself or an affiliate  
26 in the provision and pricing of, or extension of  
27 credit for, any telephone service.

28 Sec. 11. NEW SECTION. 476.30F LOCAL EXCHANGE  
29 COMPETITION.

30 1. A certificate of public convenience and  
31 necessity to provide local telephone service shall not  
32 be interpreted as conveying a monopoly, exclusive  
33 privilege, or franchise. A competitive local exchange  
34 service provider shall not be subject to the  
35 requirements of this chapter, except that a  
36 competitive local exchange service provider shall  
37 obtain a certificate of public convenience and  
38 necessity pursuant to section 476.29, file tariffs,  
39 notify affected customers prior to any rate increase,  
40 file reports, information, and pay assessments  
41 pursuant to section 476.2, subsection 4, and sections  
42 476.9, 476.10, 476.16, 476.30G, and 477C.7, and shall  
43 be subject to the board's authority with respect to  
44 adequacy of service, interconnection, discontinuation  
45 of service, civil penalties, and complaints. If,  
46 after notice and opportunity for hearing, the board  
47 determines that a competitive local exchange service  
48 provider possesses market power in its local exchange  
49 market or markets, the board may apply such other  
50 provisions of chapter 476 to a competitive local

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1 exchange service provider as it deems appropriate.

2 2. The duty of a local exchange carrier includes  
3 the duty, in accordance with requirements prescribed  
4 by the board pursuant to subsection 3 and other laws,  
5 to provide equal access to, and interconnection with,  
6 its facilities so that its network is fully  
7 interoperable with the telecommunications services and  
8 information services of other providers, and to offer  
9 unbundled essential facilities.

10 3. A local exchange carrier shall provide  
11 reasonable access to ducts, conduits, rights-of-way,  
12 and other pathways owned or controlled by the local

13 exchange carrier to which reasonable access is  
14 necessary to a competitive local exchange service  
15 provider in order for a competitive local exchange  
16 service provider to provide service and is feasible  
17 for the local exchange carrier.

18 Upon application of a local exchange carrier or a  
19 competitive local exchange service provider, the board  
20 shall determine any matters concerning reasonable  
21 access to ducts, conduits, rights-of-way, and other  
22 pathways owned or controlled by the local exchange  
23 carrier upon which agreement cannot be reached,  
24 including but not limited to, matters regarding  
25 valuation, space, and capacity restraints, and  
26 compensation for access.

27 4. a. Prior to September 1, 1995, the board shall  
28 initiate a rule-making proceeding to adopt rules that  
29 satisfy the requirements enumerated in subparagraphs  
30 (1) through (4). The rule-making proceeding shall be  
31 completed as promptly as possible. The board, upon  
32 petition or on its own motion, may conduct a separate  
33 evidentiary hearing on the same or related subjects.  
34 The evidence from a hearing may be considered by the  
35 board during the rule-making proceeding, provided that  
36 the board announces its intention to do so prior to  
37 the oral presentation in the rule-making proceeding.  
38 The rules shall do the following:

39 (1) Require a local exchange carrier to provide  
40 unbundled essential facilities of its network, and  
41 allow reasonable and nondiscriminatory equal access  
42 to, use of, and interconnection with, those unbundled  
43 essential facilities on reasonable, cost-based, and  
44 tariffed terms and conditions. The board's rules must  
45 require a local exchange carrier, including those  
46 operating under a plan of price regulation, to file  
47 tariffs implementing the unbundled essential  
48 facilities within ninety days of the board's final  
49 order adopting such rules, except for local exchange  
50 carriers with less than seventy-five thousand access

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1 lines which must file such tariffs within two years of  
2 the effective date of this Act. Such access, use, and  
3 interconnection shall be on terms and conditions no  
4 less favorable than those the local exchange carrier  
5 provides to itself and its affiliates for the  
6 provision of local exchange, access, and toll  
7 services. This subsection shall not be construed to  
8 establish a presumption as to the level of  
9 interconnection charges, if any, to be determined by

10 the board pursuant to subparagraph (2).  
11 (2) Establish reciprocal cost-based compensation  
12 for termination of telecommunications services between  
13 local exchange carriers and competitive local exchange  
14 service providers. The board may also implement an  
15 appropriate surcharge to be effective on July 1, 1997,  
16 or upon the availability of provider number  
17 portability, whichever is first, if the ratio of  
18 residence to business customers served on a facilities  
19 basis by a competitive local exchange service provider  
20 does not approximate the ratio of residence to  
21 business customers served by the local exchange  
22 carrier. The board may eliminate the surcharge upon  
23 the occurrence of either of the following:  
24 (a) When the local exchange carrier's prices for  
25 local exchange service cover the carrier's costs as  
26 determined by the board.  
27 (b) Once the competitive local exchange service  
28 provider's ratio of residence to business customers  
29 approximates that of the local exchange carrier.  
30 The board may require the local exchange carrier,  
31 by tariff, to implement an equalization adjustment  
32 mechanism on an annual basis that recognizes the  
33 competitive local exchange service provider's average  
34 annual ratio of residence to business customers and  
35 which makes appropriate pro rata reductions in the  
36 surcharge if the competitive local exchange service  
37 provider demonstrates a year-over-year change in the  
38 ratio of residence to business customers served. The  
39 tariff may also provide for an equalization adjustment  
40 on an annual basis if the local exchange carrier  
41 experienced an increase in its residential local  
42 service rates during the preceding year.  
43 (3) Require local exchange carriers to make  
44 interim number portability available on request of a  
45 competitive local exchange service provider, and to  
46 implement provider number portability as soon as the  
47 availability of necessary technology makes provider  
48 number portability economically and technically  
49 feasible, as determined by the board. The rules shall  
50 also devise a reasonable and nondiscriminatory

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1 mechanism for the recovery of all recurring and  
2 nonrecurring costs of interim and provider number  
3 portability.  
4 (4) Develop the cost methodology appropriate for a  
5 competitive telecommunications environment.  
6 b. The rules adopted in paragraph "a",

7 subparagraphs (2) and (3), do not apply to local  
8 exchange carriers with less than seventy-five thousand  
9 access lines until a competitive local exchange  
10 service provider has filed for a certificate to  
11 provide basic communications services in an exchange  
12 or exchanges of the local exchange carrier, or the  
13 board determines that competitive necessity requires  
14 the implementation of the rules in paragraph "a",  
15 subparagraphs (2) and (3), by the local exchange  
16 carrier.

17 5. Local exchange carriers shall file tariffs or  
18 price lists in accordance with board rules with  
19 respect to the services, features, functions, and  
20 capabilities offered to comply with board rules on  
21 unbundling of essential facilities and  
22 interconnection. Local exchange carriers shall submit  
23 with the tariffs or price lists for basic  
24 communications services and toll services supporting  
25 information that is sufficient for the board to  
26 determine the relationship between the proposed  
27 charges and the costs of providing such services,  
28 features, functions, or capabilities, including the  
29 imputed cost of intrastate access service rates in  
30 toll service rates pursuant to existing board orders.  
31 The board shall review the tariffs or price lists to  
32 ensure that the charges are cost-based and that the  
33 terms and conditions contained in the tariffs or price  
34 lists unbundle any essential facilities in accordance  
35 with the board's rules and any other applicable laws.

36 6. This section shall not be construed to prohibit  
37 the board from enforcing rules or orders entered in  
38 contested cases pending on the effective date of this  
39 Act to the extent that such rules and orders are  
40 consistent with the provisions of this section.

41 7. Except as provided under section 476.29,  
42 subsection 2, and this section, the board shall not  
43 impose or allow a local exchange carrier to impose  
44 restrictions on the resale of local exchange services,  
45 functions, or capabilities. The board may prohibit  
46 residential service from being resold as a different  
47 class of service.

48 8. Any person may file a written complaint with  
49 the board requesting the board to determine compliance  
50 by a local exchange carrier with the provisions of

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1 sections 476.30A through 476.30E, 476.30G, and this  
2 section, or any board rules implementing those  
3 sections. Upon the filing of such complaint, the

4 board may promptly initiate a formal complaint  
5 proceeding and give notice of the proceeding and the  
6 opportunity for hearing. The formal complaint  
7 proceeding may be initiated at any time by the board  
8 on its own motion. The board shall render a decision  
9 in the proceeding within ninety days after the date  
10 the written complaint was filed.

11 Sec. 12. NEW SECTION. 476.30G UNIVERSAL SERVICE.

12 1. The board shall initiate a proceeding to  
13 preserve universal service such that it shall be  
14 maintained in a competitively neutral fashion. As a  
15 part of this proceeding, the board shall determine the  
16 difference between the cost of providing universal  
17 service and the prices determined to be appropriate  
18 for such service.

19 2. The board shall base policies for the  
20 preservation of universal service on the following  
21 principles:

22 a. A plan adopted by the board should ensure the  
23 continued viability of universal service by  
24 maintaining quality services at just and reasonable  
25 rates.

26 b. The plan should define the nature and extent of  
27 the service encompassed within any entities' universal  
28 service obligations.

29 c. The plan should establish specific and  
30 predictable mechanisms to provide competitively  
31 neutral support for universal service. Those  
32 mechanisms shall include a nondiscriminatory mechanism  
33 by which funds to support universal service shall be  
34 collected, and a mechanism for disbursement of support  
35 funds to eligible subscribers, either directly to  
36 those subscribers, or to the subscriber's provider of  
37 local exchange services chosen by the subscriber.

38 d. The plan should be based on other principles as  
39 the board determines are necessary and appropriate for  
40 the protection of the public interest, convenience,  
41 and necessity and consistent with the purposes of  
42 sections 476.30 through 476.30F and this section.

43 Sec. 13. REPORT. The utilities board shall submit  
44 a report to the general assembly no later than January  
45 15, 1999, concerning the implementation of price  
46 regulation for local exchange carriers furnishing  
47 communications services."

HOUSE AMENDMENT TO  
SENATE FILE 226

S-3427

- 1 Amend Senate File 226, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 17 through 20 and
- 4 inserting the following:
- 5 "a. The home has been abandoned as defined in
- 6 section 562B.27, subsection 1, and the home has not
- 7 been removed after the right to possession of the
- 8 underlying real estate has been terminated pursuant to
- 9 chapter 648."
- 10 2. Page 2, lines 1 and 2, by striking the words
- 11 and figure "a judgment of abandonment pursuant to
- 12 chapter 555B or" and inserting the following: "a
- 13 determination of abandonment in accordance with
- 14 section 562B.27, subsection 1, and".
- 15 3. Page 2, line 21, by striking the word
- 16 "actual".
- 17 4. By renumbering, relettering, or redesignating
- 18 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 189

S-3428

- 1 Amend Senate File 189, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 1, line 30, through page 2,
- 4 line 14.
- 5 2. Title page, by striking lines 3 and 4 and
- 6 inserting the following: "tax."

S-3429

- 1 Amend the amendment, S-3409, to House File 530, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking line 38 and inserting the
- 5 following:
- 6 " ..... \$ 37,935,385"

RANDAL J. GIANNETTO  
TOM FLYNN

HOUSE AMENDMENT TO  
SENATE FILE 400

S-3430

1 Amend Senate File 400, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 1, by striking the figure  
4 "504A.30A" and inserting the following: "504A.64A".

5 2. Page 1, line 2, by striking the word "term"  
6 and inserting the following: "period of duration".

7 3. Page 1, by inserting after line 19 the  
8 following:

9 "Sec. \_\_\_\_ . Section 504A.100, subsection 13, Code  
10 1995, is amended to read as follows:

11 13. Corporations existing under chapter 504 shall  
12 be subject to this chapter on July 1, 1990, except  
13 that the corporations shall be subject to sections  
14 504A.8 and 504A.83 on January 1, ~~1995~~ 1997. A  
15 corporate existence of a corporation that is not in  
16 compliance on the records of the secretary of state  
17 with sections 504A.8 and 504A.83 on June 30, ~~1995~~  
18 1997, is terminated, effective July 1, ~~1995~~ 1997. A  
19 corporation whose existence is terminated pursuant to  
20 this subsection may be reinstated. When the  
21 reinstatement is effective, it relates back to and  
22 takes effect as of the effective date of the  
23 termination of its corporate existence as if such  
24 termination had never occurred. The secretary of  
25 state shall adopt rules governing the reinstatement of  
26 a corporation pursuant to this subsection."

27 4. Page 1, line 20, by striking the figure  
28 "504A.30A" and inserting the following: "504A.64A".

29 5. Page 1, line 22, by striking the word "This"  
30 and inserting the following: "Section 1 of this".

HOUSE AMENDMENT TO  
SENATE FILE 409

S-3431

1 Amend Senate File 409, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 13 the  
4 following:

5 "Sec. \_\_\_\_ . Section 582.4, Code 1995, is amended to  
6 read as follows:

7 582.4 LIEN BOOK - FEES.

8 Every clerk of the district court shall, at the  
9 expense of the county, provide a suitable well-bound

10 book to be called the hospital lien docket in which,  
 11 upon the filing of any lien claim under the provisions  
 12 of this chapter, the clerk shall enter the name of the  
 13 injured person, the date of the accident, and the name  
 14 of the hospital or other institution making the claim.  
 15 ~~Said~~ The clerk shall make a proper index of the same  
 16 in the name of the injured person and ~~such~~ the clerk  
 17 shall collect a fee of ~~two~~ ten dollars for filing each  
 18 lien claim."  
 19 2. By renumbering as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 439

S-3432

1 Amend Senate File 439, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by striking lines 13 through 16 and  
 4 inserting the following:  
 5 "2. A person who telephones an emergency 911  
 6 communications".  
 7 2. Page 1, line 20, by inserting after the word  
 8 "who" the following: "knowingly".  
 9 3. Page 1, line 20, by inserting after the word  
 10 "information" the following: "to a law enforcement  
 11 officer who enters the information".

HOUSE AMENDMENT TO  
 SENATE FILE 433

S-3433

1 Amend Senate File 433, 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 237A.1, subsection 8,  
 6 paragraph b, Code 1995, is amended to read as follows:  
 7 b. "Group day care home" means a facility  
 8 providing child day care for more than six but less  
 9 than twelve children, or for less than sixteen  
 10 children at any one time as authorized in accordance  
 11 with section 237A.3, subsection 3, provided each child  
 12 in excess of six children is attending school in  
 13 kindergarten or a higher grade level or the facility  
 14 complies with the requirements of section 237A.3,  
 15 subsection 2A.  
 16 Sec. \_\_\_\_ . Section 237A.3, Code 1995, is amended by  
 17 adding the following new subsection:

- 18 NEW SUBSECTION. 2A. A registered group day care  
 19 home may provide care for more than six children who  
 20 are not attending school in kindergarten or a higher  
 21 grade level if the home has at least two adults  
 22 providing care when such children are present.”  
 23 2. Page 1, line 20, by inserting after the word  
 24 “section.” the following: “However, implementation of  
 25 the additional waiver requests to change the food  
 26 stamp and medical assistance programs is subject to  
 27 enactment of legislative approval of the changes.”  
 28 3. Page 3, by striking lines 13 and 14 and  
 29 inserting the following: “applies.  
 30 c. If the family investment program eligible group  
 31 includes a minor parent living with the minor parent’s  
 32 adult parent who receives family investment program  
 33 benefits and both the minor parent and the adult  
 34 parent are responsible for developing a family  
 35 investment agreement, each parent is responsible for a  
 36 separate family investment agreement, and the limited  
 37 benefit plan shall be applied as follows:”  
 38 4. By striking page 8, line 35, through page 9,  
 39 line 19.  
 40 5. Title page, line 2, by inserting after the  
 41 word “by” the following: “revising certain group day  
 42 care home requirements and”.  
 43 6. By renumbering, relettering, or redesignating  
 44 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 423

S-3434

- 1 Amend Senate File 423, as passed by the Senate, as  
 2 follows:  
 3 1. Page 6, by inserting after line 15 the  
 4 following:  
 5 “— . The annual percentage rate on the first  
 6 hundred dollars on the face amount of the check which  
 7 the fee represents, and the annual percentage rate on  
 8 subsequent one hundred dollar increments which the fee  
 9 represents, if different.”  
 10 2. Page 6, line 20, by inserting after the word  
 11 “upon.” the following: “A penalty to be charged  
 12 pursuant to this section shall only be collected by  
 13 the licensee once on a check no matter how long the  
 14 check remains unpaid. A penalty to be charged  
 15 pursuant to this section is a licensee’s exclusive  
 16 remedy and if a licensee charges a penalty pursuant to  
 17 this section no other penalties under this chapter or

18 any other provision apply.”

19 3. Page 9, line 32, by inserting after the word  
20 “LICENSE” the following: “-- INJUNCTION”.

21 4. Page 10, line 2, by inserting after the word  
22 “misdemeanor.” the following: “In addition to the  
23 criminal penalty provided for in this section, the  
24 superintendent may also commence an action to enjoin  
25 the operation of the business.”

26 5. By relettering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 437

S-3435

1 Amend Senate File 437, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, line 3, by striking the word “July”  
4 and inserting the following: “January”.

5 2. Page 4, line 20, by striking the word “July”  
6 and inserting the following: “January”.

7 3. Page 5, by inserting after line 8 the  
8 following:

9 “Sec. \_\_\_\_ . EFFECTIVE AND RETROACTIVE APPLICABILITY  
10 DATES. This Act, being deemed of immediate  
11 importance, takes effect upon enactment and applies  
12 retroactively to January 1, 1995.”

13 4. Title page, line 2, by inserting after the  
14 word “system” the following: “, and providing  
15 effective and retroactive applicability date  
16 provisions”.

S-3436

1 Amend House File 553, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 “DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

6 Section 1. GENERAL APPROPRIATION. There is  
7 appropriated from the general fund of the state to the  
8 department of agriculture and land stewardship for the  
9 fiscal year beginning July 1, 1995, and ending June  
10 30, 1996, the following amounts, or so much thereof as  
11 is necessary, to be used for the purposes designated:

12 1. ADMINISTRATIVE DIVISION

13 a. For salaries, support, maintenance, the support  
14 of the state 4-H foundation, support of the statistics  
15 bureau, and miscellaneous purposes, and for the  
16 salaries and support of not more than the following

17 full-time equivalent positions:  
 18 ..... \$ 1,763,343  
 19 ..... FTEs 44.50  
 20 (1) Of the funds appropriated in this paragraph  
 21 "a", \$319,550 and 7.00 FTEs shall be used to support  
 22 horticulture.  
 23 (2) Of the amount appropriated in this paragraph  
 24 "a", \$50,000 shall be allocated to the state 4-H  
 25 foundation to foster the development of Iowa's youth  
 26 and to encourage them to study the subject of  
 27 agriculture.  
 28 (3) Of the amount appropriated in this paragraph  
 29 "a", \$130,100 and 4.00 FTEs shall be allocated to the  
 30 statistics bureau to provide county-by-county  
 31 information on land in farms, production by crop,  
 32 acres by crop, and county prices by crop. This  
 33 information shall be made available to the department  
 34 of revenue and finance for use in the productivity  
 35 formula for valuing and equalizing the values of  
 36 agricultural land.  
 37 (4) Of the amount appropriated in this paragraph  
 38 "a", not more than \$5,000 shall be allocated to the  
 39 Iowa polled hereford junior association in connection  
 40 with the 1995 national junior hereford show.  
 41 (5) As a condition of the amount appropriated in  
 42 this paragraph "a", none of the following positions  
 43 shall be supported from the amount:  
 44 (a) Any executive officer II in the department  
 45 after September 30, 1995.  
 46 (b) Any public service executive II in the  
 47 information bureau after June 30, 1995.  
 48 (c) Any information specialist III in the  
 49 information bureau after June 30, 1995.  
 50 b. For the operations of the dairy trade practices

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1 bureau:  
 2 ..... \$ 66,273  
 3 c. For the purpose of performing commercial feed  
 4 audits:  
 5 ..... \$ 61,932  
 6 d. For the purpose of performing fertilizer  
 7 audits:  
 8 ..... \$ 61,932  
 9 2. REGULATORY DIVISION  
 10 a. For salaries, support, maintenance,  
 11 miscellaneous purposes, and for not more than the  
 12 following full-time equivalent positions:  
 13 ..... \$ 3,792,298

14	.....	FTEs	122.50
15	Of the moneys appropriated in this paragraph "a",		
16	\$34,300 is allocated for purposes of purchasing		
17	equipment for grain examiners to comply with		
18	requirements of the United States department of labor		
19	occupational safety and health administration.		
20	b. For the costs of inspection, sampling,		
21	analysis, and other expenses necessary for the		
22	administration of chapters 192, 194, and 195:		
23	.....	\$	642,122
24	3. LABORATORY DIVISION		
25	a. For salaries, support, maintenance, and		
26	miscellaneous purposes, including the administration		
27	of the gypsy moth program, and for not more than the		
28	following full-time equivalent positions:		
29	.....	\$	845,528
30	.....	FTEs	76.10
31	(1) Of the amount appropriated in this paragraph		
32	"a", \$110,000 shall be used to administer a program		
33	relating to the detection, surveillance, and		
34	eradication of the gypsy moth. The department shall		
35	allocate and use the appropriation made in this		
36	paragraph before moneys other than those appropriated		
37	in this paragraph are used to support the program.		
38	(2) Of the amount appropriated in this paragraph		
39	"a", \$25,000 shall be allocated to Iowa state		
40	university for purposes of supporting multiflora rose		
41	eradication research and projects.		
42	(3) Of the amount appropriated in this paragraph		
43	"a", \$25,000 shall be allocated to support aerial		
44	spray calibration efforts at Iowa state university.		
45	b. For the operations of the commercial feed		
46	programs:		
47	.....	\$	735,631
48	c. For the operations of the pesticide programs:		
49	.....	\$	1,271,464
50	Of the amount appropriated in this paragraph "c",		

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1	\$200,000 shall be allocated to Iowa state university		
2	for purposes of training commercial pesticide		
3	applicators.		
4	d. For the operations of the fertilizer programs:		
5	.....	\$	626,630
6	4. SOIL CONSERVATION DIVISION		
7	a. For salaries, support, maintenance, assistance		
8	to soil conservation districts, miscellaneous		
9	purposes, and for not more than the following full-		
10	time equivalent positions:		

11 ..... \$ 5,676,476  
 12 ..... FTEs 177.30

13 (1) Of the amount appropriated in this paragraph  
 14 "a", \$330,000 shall be used to reimburse commissioners  
 15 of soil and water conservation districts for  
 16 administrative expenses. Moneys used for the payment  
 17 of meeting dues by counties shall be matched on a  
 18 dollar-for-dollar basis by the soil conservation  
 19 division.

20 (2) Of the amount appropriated and the number of  
 21 full-time equivalent positions allocated in this  
 22 paragraph "a", \$165,000 and 6.50 FTEs shall be used to  
 23 provide that 13 part-time field office secretary I  
 24 positions are made full-time positions. Of the amount  
 25 appropriated and the number of full-time equivalent  
 26 positions allocated in paragraph "a", \$55,000 and 1  
 27 FTE shall be used to support a public service  
 28 executive I position in the field services section of  
 29 the division.

30 b. To provide financial incentives for soil  
 31 conservation practices under chapter 161A:  
 32 ..... \$ 5,918,606

33 c. The following requirements apply to the moneys  
 34 appropriated in paragraph "b":

35 (1) Not more than 5 percent of the moneys  
 36 appropriated in paragraph "b" may be allocated for  
 37 cost sharing to abate complaints filed under section  
 38 161A.47.

39 (2) Of the moneys appropriated in paragraph "b", 5  
 40 percent shall be allocated for financial incentives to  
 41 establish practices to protect watersheds above  
 42 publicly owned lakes of the state from soil erosion  
 43 and sediment as provided in section 161A.73.

44 (3) Not more than 30 percent of a district's  
 45 allocation of moneys as financial incentives may be  
 46 provided for the purpose of establishing management  
 47 practices to control soil erosion on land that is row  
 48 cropped, including but not limited to no-till  
 49 planting, ridge-till planting, contouring, and contour  
 50 strip-cropping as provided in section 161A.73.

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1 (4) The state soil conservation committee created  
 2 in section 161A.4 may allocate moneys to conduct  
 3 research and demonstration projects to promote  
 4 conservation tillage and nonpoint source pollution  
 5 control practices.

6 (5) The financial incentive payments may be used  
 7 in combination with department of natural resources

8 moneys.

9 d. The provisions of section 8.33 shall not apply  
10 to the moneys appropriated in paragraph "b".  
11 Unencumbered or unobligated moneys remaining on June  
12 30, 1999, from moneys appropriated in paragraph "b"  
13 for the fiscal year beginning July 1, 1995, shall  
14 revert to the general fund on August 31, 1999.

15 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is  
16 appropriated from the general fund of the state to the  
17 department of agriculture and land stewardship for the  
18 fiscal year beginning July 1, 1995, and ending June  
19 30, 1996, the following amount, or so much thereof as  
20 is necessary, to be used for the purposes designated:

21 For salaries, support, maintenance, and  
22 miscellaneous purposes, to be used by the department  
23 to continue and expand the farmers' market coupon  
24 program by providing federal special supplemental food  
25 program recipients with coupons redeemable at farmers'  
26 markets, and for not more than the following full-time  
27 equivalent positions:

28 .....	\$	215,335
29 .....	FTEs	1.00

30 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

31 1. There is appropriated from the general fund of  
32 the state to the department of agriculture and land  
33 stewardship for the fiscal year beginning July 1,  
34 1995, and ending June 30, 1996, the following amount,  
35 or so much thereof as is necessary, to be used for the  
36 purpose designated:

37 For support of the pseudorabies eradication  
38 program:

39 .....	\$	900,200
----------	----	---------

40 2. Persons, including organizations interested in  
41 swine production in this state and in the promotion of  
42 Iowa pork products who contribute support to the  
43 program, are encouraged to increase financial support  
44 for purposes of ensuring the program's effective  
45 continuation.

46 Sec. 4. HORSE AND DOG RACING. There is  
47 appropriated from the moneys available under section  
48 99D.13 to the regulatory division of the department of  
49 agriculture and land stewardship for the fiscal year  
50 beginning July 1, 1995, and ending June 30, 1996, the

1 following amount, or so much thereof as is necessary,  
2 to be used for the purpose designated:  
3 For salaries, support, maintenance, and  
4 miscellaneous purposes for the administration of

5	section 99D.22:		
6	.....	\$	191,106
7	Sec. 5. INTERSTATE COMPACT ON AGRICULTURAL GRAIN		
8	MARKETING. There is appropriated from the general		
9	fund of the state to the interstate agricultural grain		
10	marketing commission for the fiscal year beginning		
11	July 1, 1995, and ending June 30, 1996, the following		
12	amount, or so much thereof as is necessary, to be used		
13	for the purpose designated:		
14	For carrying out duties of the commission as		
15	provided in Article IV of the interstate compact on		
16	agricultural grain marketing as provided in chapter		
17	183:		
18	.....	\$	80,000
19	DEPARTMENT OF NATURAL RESOURCES		
20	Sec. 6. GENERAL APPROPRIATION. There is		
21	appropriated from the general fund of the state to the		
22	department of natural resources for the fiscal year		
23	beginning July 1, 1995, and ending June 30, 1996, the		
24	following amounts, or so much thereof as is necessary,		
25	to be used for the purposes designated:		
26	1. ADMINISTRATIVE AND SUPPORT SERVICES		
27	For salaries, support, maintenance, miscellaneous		
28	purposes, and for not more than the following full-		
29	time equivalent positions:		
30	.....	\$	1,834,654
31	.....	FTEs	113.50
32	2. PARKS AND PRESERVES DIVISION		
33	For salaries, support, maintenance, miscellaneous		
34	purposes, and for not more than the following full-		
35	time equivalent positions:		
36	.....	\$	5,510,462
37	.....	FTEs	195.73
38	3. FORESTS AND FORESTRY DIVISION		
39	For salaries, support, maintenance, miscellaneous		
40	purposes, and for not more than the following full-		
41	time equivalent positions:		
42	.....	\$	1,479,218
43	.....	FTEs	48.71
44	4. ENERGY AND GEOLOGICAL RESOURCES DIVISION		
45	For salaries, support, maintenance, miscellaneous		
46	purposes, and for not more than the following full-		
47	time equivalent positions:		
48	.....	\$	1,663,582
49	.....	FTEs	52.00
50	5. ENVIRONMENTAL PROTECTION DIVISION		

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1 a. For salaries, support, maintenance,  
 2 miscellaneous purposes, and for not more than the  
 3 following full-time equivalent positions:  
 4 ..... \$ 1,591,943  
 5 ..... FTEs 206.00

6 b. Of the amount appropriated and the number of  
 7 full-time equivalent positions allocated in paragraph  
 8 "a" at least \$49,300 and 1 FTE shall be used to  
 9 support the regulation of animal feeding operations.

10 6. WATER QUALITY PROTECTION FUND

11 a. For allocation to the administrative account of  
 12 the water quality protection fund established pursuant  
 13 to section 455B.183A, to carry out the purpose of that  
 14 account:

15 ..... \$ 404,000

16 b. Of the number of FTEs authorized in subsection  
 17 5, paragraph "a", 36 FTEs shall be dedicated to  
 18 carrying out the provisions of chapter 455B relating  
 19 to the administration, regulation, and enforcement of  
 20 the federal Safe Drinking Water Act and to support the  
 21 program to assist supply systems as provided in  
 22 section 455B.183B. However, the limitation on full-  
 23 time equivalent positions provided in subsection 5,  
 24 paragraph "a", shall not limit the number of  
 25 additional full-time equivalent positions supported by  
 26 moneys deposited in the water quality protection fund  
 27 as provided in section 455B.183A, in order to carry  
 28 out the provisions of division III of chapter 455B  
 29 relating to the administration, regulation, and  
 30 enforcement of the federal Safe Drinking Water Act,  
 31 and the administration of the program to assist supply  
 32 systems pursuant to section 455B.183B.

33 c. In providing assistance under this subsection,  
 34 the department shall provide priority to systems  
 35 serving a population of seven thousand or less. At  
 36 least two FTEs shall be allocated to provide  
 37 assistance to systems serving a population of seven  
 38 thousand or less.

39 7. FISH AND WILDLIFE DIVISION

40 For not more than the following full-time  
 41 equivalent positions:

42 ..... FTEs 340.93

43 8. WASTE MANAGEMENT ASSISTANCE DIVISION

44 For not more than the following full-time  
 45 equivalent positions:

46 ..... FTEs 16.75

47 Sec. 7. STATE FISH AND GAME PROTECTION FUND --  
 48 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

49 1. There is appropriated from the state fish and  
50 game protection fund to the division of fish and

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1 wildlife of the department of natural resources for  
2 the fiscal year beginning July 1, 1995, and ending  
3 June 30, 1996, the following amount, or so much  
4 thereof as is necessary, to be used for the purposes  
5 designated:

6 For administrative support, and for salaries,  
7 support, maintenance, equipment, and miscellaneous  
8 purposes:

9 ..... \$ 20,637,657

10 2. The department shall not expend more moneys  
11 from the fish and game protection fund than provided  
12 in this section, unless the expenditure derives from  
13 contributions made by a private entity, or a grant or  
14 moneys received from the federal government, and is  
15 approved by the natural resource commission. The  
16 department of natural resources shall promptly notify  
17 the legislative fiscal bureau and the chairpersons and  
18 ranking members of the joint appropriations  
19 subcommittee on agriculture and natural resources  
20 concerning the commission's approval.

21 Sec. 8. MARINE FUEL TAX RECEIPTS -- NONCAPITALS  
22 AND BOATING FACILITIES AND ACCESS. There is

23 appropriated from the marine fuel tax receipts  
24 deposited in the general fund of the state to the  
25 department of natural resources for the fiscal year  
26 beginning July 1, 1995, and ending June 30, 1996, the  
27 following amounts, or so much thereof as is necessary,  
28 to be used for the purposes designated:

29 1. For purposes of funding expenditures  
30 traditionally funded from marine fuel tax revenues,  
31 but not considered as capitals or operations:

32 ..... \$ 200,000

33 2. For purposes of maintaining and developing  
34 boating facilities and access to public waters by the  
35 parks and preserves division:

36 ..... \$ 411,311

37 Notwithstanding section 8.33, the unencumbered or  
38 unobligated moneys remaining on June 30, 1996, from  
39 moneys appropriated in subsection 1, may be expended  
40 during the fiscal year beginning July 1, 1996, and  
41 ending June 30, 1997, and shall not revert to the  
42 general fund until August 31, 1997.

43 Sec. 9. SNOWMOBILE FEES -- TRANSFER FOR  
44 ENFORCEMENT PURPOSES. There is transferred on July 1,  
45 1995, from the fees deposited under section 321G.7 to

46 the fish and game protection fund and appropriated to  
 47 the department of natural resources for the fiscal  
 48 year beginning July 1, 1995, and ending June 30, 1996,  
 49 the following amount, or so much thereof as is  
 50 necessary, to be used for the purpose designated:

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1 For the purpose of enforcing snowmobile laws as  
 2 part of the state snowmobile program administered by  
 3 the department of natural resources:

4 ..... \$ 100,000

5 Sec. 10. VESSEL FEES -- TRANSFER FOR ENFORCEMENT  
 6 PURPOSES. There is transferred on July 1, 1995, from  
 7 the fees deposited under section 462A.52 to the fish  
 8 and game protection fund and appropriated to the  
 9 department of natural resources for the fiscal year  
 10 beginning July 1, 1995, and ending June 30, 1996, the  
 11 following amount, or so much thereof as is necessary,  
 12 to be used for the purpose designated:

13 For purposes of administration and enforcement of  
 14 navigation laws and water safety:  
 15 ..... \$ 1,200,000

16 RESOURCES ENHANCEMENT AND PROTECTION

17 Sec. 11. GENERAL APPROPRIATION. Notwithstanding  
 18 the amount of the standing appropriation from the  
 19 general fund of the state under section 455A.18,  
 20 subsection 3, there is appropriated from the general  
 21 fund of the state to the Iowa resources enhancement  
 22 and protection fund, in lieu of the appropriation made  
 23 in section 455A.18, for the fiscal year beginning July  
 24 1, 1995, and ending June 30, 1996, the sum of  
 25 \$8,000,000, of which all moneys shall be allocated as  
 26 provided in section 455A.19.

27 ANIMAL INDUSTRY APPROPRIATIONS

28 Sec. 12. LIVESTOCK PRODUCERS ASSISTANCE.

29 1. There is appropriated from the general fund of  
 30 the state to Iowa state university of science and  
 31 technology, for the fiscal year beginning July 1,  
 32 1995, and ending June 30, 1996, the following amount,  
 33 or so much thereof as is necessary, to be used for the  
 34 purposes designated:

35 For the administration of the livestock producers  
 36 assistance program established pursuant to section  
 37 266.39D, including salaries, support, maintenance,  
 38 miscellaneous purposes, and for not more than the  
 39 following full-time equivalent positions:

40 ..... \$ 100,000  
 41 ..... FTEs 1.66

42 2. As a condition of this appropriation, the

43 university shall strive to ensure that the program  
 44 becomes increasingly self-sufficient. The university  
 45 shall adopt a plan detailing the manner in which the  
 46 program will become self-sufficient, including the  
 47 expected amount of state funds necessary to support  
 48 the program until it becomes self-sufficient, the  
 49 sources of revenue expected to contribute to the  
 50 program, and the amount each source is expected to

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1 contribute to the program. The plan shall be  
 2 submitted to the legislative fiscal bureau by November  
 3 1, 1995.

4 3. The provisions of section 8.33 shall not apply  
 5 to the moneys appropriated in this section.  
 6 Unencumbered or unobligated moneys remaining on June  
 7 30, 1999, from moneys appropriated in this section for  
 8 the fiscal year beginning July 1, 1995, shall revert  
 9 to the general fund on August 31, 1999.

10 Sec. 13. ORGANIC NUTRIENT MANAGEMENT.

11 1. There is appropriated from the general fund of  
 12 the state to the department of agriculture and land  
 13 stewardship for the fiscal year beginning July 1,  
 14 1995, and ending June 30, 1996, the following amount,  
 15 or so much thereof as is necessary, to be used for the  
 16 purposes designated:

17 For deposit in the organic nutrient management fund  
 18 for administration of the organic nutrient management  
 19 program, as provided in section 161C.6:

20 ..... \$ 450,000

21 2. Notwithstanding section 161C.5, unencumbered or  
 22 unobligated moneys remaining on June 30, 1999, from  
 23 moneys appropriated in this section for the fiscal  
 24 year beginning July 1, 1995, shall revert to the  
 25 general fund on August 31, 1999.

26 RELATED APPROPRIATIONS

27 Sec. 14. TRANSFERS FROM THE WATER PROTECTION FUND.

28 Notwithstanding section 161C.4 and the reversion and  
 29 allocation provisions in section 455A.19, subsection  
 30 1, paragraph "c", of the unencumbered and unobligated  
 31 moneys remaining on the effective date of this  
 32 section, in the water protection fund created pursuant  
 33 to section 161C.4, the following amounts shall be  
 34 transferred first from the water protection practices  
 35 account, and if necessary from the water quality  
 36 protection projects account, which shall be used for  
 37 the following purposes:

38 1. To the organic nutrient management fund created  
 39 in section 161C.5 for the purposes of carrying out the

40 organic nutrient management program as provided in  
 41 section 161C.6:  
 42 ..... \$ 350,000  
 43 2. To provide financial incentives for soil  
 44 conservation practices under chapter 161A, as provided  
 45 in section 1 of this Act:  
 46 ..... \$ 500,000  
 47 Moneys provided in this section shall be  
 48 transferred first to the organic nutrient management  
 49 fund as provided in subsection 1 before remaining  
 50 moneys are transferred to provide financial incentives

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1 for soil conservation as provided in subsection 2.  
 2 The provisions of section 8.33 shall not apply to  
 3 the moneys transferred pursuant to this section.  
 4 Unencumbered or unobligated moneys remaining on June  
 5 30, 1999, from moneys transferred pursuant to this  
 6 section for the fiscal year beginning July 1, 1995,  
 7 shall revert to the account from which transferred on  
 8 August 31, 1999.  
 9 Sec. 15. REVENUE ADMINISTERED BY THE IOWA  
 10 COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD --  
 11 TRANSFER. There is appropriated from the unassigned  
 12 revenue fund administered by the Iowa comprehensive  
 13 underground storage tank fund board, to the department  
 14 of natural resources for the fiscal year beginning  
 15 July 1, 1995, and ending June 30, 1996, the following  
 16 amount, or so much thereof as is necessary, to be used  
 17 for the purpose designated:  
 18 For administration expenses of the underground  
 19 storage tank section of the department of natural  
 20 resources:  
 21 ..... \$ 75,000  
 22 Sec. 16. TRANSFER -- AIR QUALITY. For the fiscal  
 23 year beginning July 1, 1995, and ending June 30, 1996,  
 24 the department of natural resources may transfer up to  
 25 \$281,000 from the hazardous substance remedial fund to  
 26 support purposes related to carrying out the duties of  
 27 the commission under section 455B.133, or the director  
 28 under section 455B.134, or for carrying out the  
 29 provisions of chapter 455B, division II.  
 30 Sec. 17. WIND EROSION CONTROL FUND. On the  
 31 effective date of this section, all unencumbered or  
 32 unobligated moneys appropriated to the wind erosion  
 33 control fund, and any unencumbered or unobligated  
 34 moneys which have been credited to the division of  
 35 soil conservation of the department of agriculture and  
 36 land stewardship for purposes of planting and

37 maintaining wind erosion control barriers, as  
38 originally provided in 1978 Iowa Acts, chapter 1108,  
39 section 7, and subsequently amended, shall be  
40 transferred to the road use tax fund created in  
41 section 312.1.

#### 42 MISCELLANEOUS

43 Sec. 18. STATE NURSERIES. Notwithstanding section  
44 17A.2, subsection 10, paragraph "g", the department of  
45 natural resources shall adopt administrative rules  
46 establishing prices of plant material grown at the  
47 state forest nurseries to cover all expenses related  
48 to the growing of the plants.  
49 The department shall develop programs to encourage  
50 the wise management and preservation of existing

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1 woodlands and shall continue its efforts to encourage  
2 forestation and reforestation on private and public  
3 lands in the state.

4 The department shall encourage a cooperative  
5 relationship between the state forest nurseries and  
6 private nurseries in the state in order to achieve  
7 these goals.

#### 8 Sec. 19. HUNGRY CANYONS CONFERENCE.

9 1. The department of natural resources in  
10 cooperation with the loess hills development and  
11 conservation authority, shall sponsor a conference not  
12 later than September 1, 1995, regarding the erosion  
13 and degradation of stream channels in counties in the  
14 deep loess region of western Iowa, and specifically  
15 the area referred to as hungry canyons. The  
16 conference shall discuss the impacts of the erosion  
17 and degradation of stream channels in the area and its  
18 adverse effect upon rural infrastructure, including  
19 public roads and bridges, agricultural production,  
20 stream water quality, and riparian habitat. The  
21 conference shall consider impacts of policies of the  
22 United States army corps of engineers upon the area.

23 2. Conferees shall include representatives of the  
24 department of natural resources, the loess hills  
25 development and conservation authority, the division  
26 of soil conservation of the department of agriculture  
27 and land stewardship, and the state department of  
28 transportation. Each soil and water conservation  
29 district in the area may elect one commissioner to  
30 serve as a conferee. Each county board of supervisors  
31 in a county in the area may elect one supervisor to  
32 serve as a conferee. The department of natural  
33 resources shall invite other interested persons to

34 serve as conferees, including members of Iowa's  
 35 congressional delegation, the chairperson and ranking  
 36 member of the standing committee on natural resources,  
 37 environment and energy of the senate, the chairperson  
 38 and ranking member of the standing committees on  
 39 natural resources and environmental protection of the  
 40 house of representatives, the chairpersons and ranking  
 41 members of the joint appropriations subcommittee on  
 42 agriculture and natural resources, members of the Iowa  
 43 general assembly who represent affected legislative  
 44 districts, and representatives of the United States  
 45 army corps of engineers, the United States  
 46 environmental protection agency, the United States  
 47 department of interior, and the natural resources  
 48 conservation service of the United States department  
 49 of agriculture.  
 50 3. The department of natural resources shall

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1 report to the general assembly not later than January  
 2 15, 1996, regarding findings and recommendations of  
 3 the conferees.  
 4 Sec. 20. TRANSFER OF MONEYS OR POSITIONS; CHANGES  
 5 IN TABLES OF ORGANIZATION -- NOTIFICATION. Each  
 6 fiscal quarter of the fiscal year beginning July 1,  
 7 1995, the department of agriculture and land  
 8 stewardship and the department of natural resources  
 9 shall notify the chairpersons, vice chairpersons, and  
 10 ranking members of the joint appropriations  
 11 subcommittee on agriculture and natural resources for  
 12 the previous fiscal quarter of any transfer of moneys  
 13 or full-time equivalent positions made by either  
 14 department which is not authorized in this Act, or any  
 15 permanent position added to or deleted from either  
 16 department's table of organization.  
 17 Sec. 21. TRUST FUND INFORMATION. For the fiscal  
 18 year beginning July 1, 1995, and ending June 30, 1996,  
 19 the department of revenue and finance in cooperation  
 20 with each appropriate agency shall track receipts to  
 21 the general fund of the state which under law were  
 22 previously collected to be used for specific purposes,  
 23 or to be credited to, or be deposited to a particular  
 24 account or fund, as provided in section 8.60.  
 25 The department of revenue and finance and each  
 26 appropriate agency shall prepare reports detailing  
 27 revenue from receipts previously deposited into each  
 28 of the funds. A report shall be submitted to the  
 29 legislative fiscal bureau at least once for each  
 30 three-month period as designated by the legislative

31 fiscal bureau.

32 Sec. 22. DEPARTMENTAL INFORMATION REQUIRED.

33 1. For the fiscal year beginning July 1, 1995, and  
34 ending June 30, 1996, the department of agriculture  
35 and land stewardship and the department of natural  
36 resources, in cooperation as necessary with the  
37 department of management and the department of  
38 personnel, shall provide a list to the legislative  
39 fiscal bureau, on a quarterly basis, of all permanent  
40 positions added to or deleted from the departments'  
41 table of organization in the previous fiscal quarter.  
42 This list shall include at least the position number,  
43 salary range, projected funding source or sources of  
44 each position, and the reason for the addition or  
45 deletion. The legislative fiscal bureau may use this  
46 information to assist in the establishment of the  
47 full-time equivalent position limits authorized in law  
48 for the departments.

49 2. For the fiscal year beginning July 1, 1995, and  
50 ending June 30, 1996, the department of natural

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1 resources shall provide the legislative fiscal bureau  
2 information and financial data by cost center, on at  
3 least a monthly basis, relating to the indirect cost  
4 accounting procedure, the amount of funding from each  
5 funding source for each cost center, and the internal  
6 budget system used by the department. The information  
7 shall include but is not limited to financial data  
8 covering the department's budget by cost center and  
9 funding source prior to the start of the fiscal year,  
10 and to the department's actual expenditures by cost  
11 center and funding source after the accounting system  
12 has been closed for that fiscal year.

13 3. For the fiscal year beginning July 1, 1995, and  
14 ending June 30, 1996, the department of agriculture  
15 and land stewardship shall provide the legislative  
16 fiscal bureau information and financial data on at  
17 least a monthly basis, relating to the internal budget  
18 system used by the department. The information shall  
19 include but is not limited to financial data covering  
20 the department's budget prior to the start of the  
21 fiscal year, and to the department's actual  
22 expenditures after the accounting system has been  
23 closed for that fiscal year.

24 Sec. 23. DIRECTION TO CODE EDITOR -- UPDATE  
25 REFERENCES TO UNITS REORGANIZED UNDER THE UNITED  
26 STATES DEPARTMENT OF AGRICULTURE. The Code editor is  
27 directed, to every extent possible, to update

28 references in the Code relating to units of government  
 29 under the authority of the United States department of  
 30 agriculture to conform with the current names of those  
 31 units.

32 **Sec. 24. PREFERENCE PROVIDED -- PERSONS MEETING**  
 33 **ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM.**

34 In its employment of persons in temporary positions in  
 35 conservation and outdoor recreation for the fiscal  
 36 year beginning July 1, 1995, and ending June 30, 1996,  
 37 the department of natural resources shall give  
 38 preference to persons meeting eligibility requirements  
 39 for the green thumb program and to persons working  
 40 toward an advanced education in natural resources and  
 41 conservation.

42 **Sec. 25. GYPSY MOTH LITIGATION.** The department of  
 43 agriculture and land stewardship and the office of the  
 44 attorney general shall cooperate in bringing legal  
 45 action against parties liable for damages caused by  
 46 the shipment from the state of Michigan of trees or  
 47 other plants infested with gypsy moths.

48 **Sec. 26. SOIL CONSERVATION DIVISION -- USE OF**  
 49 **UNOBLIGATED MONEYS FOR THE PURCHASE OF EQUIPMENT.**  
 50 Notwithstanding section 8.33, or 1994 Iowa Acts,

**Page 14**

1 chapter 1199, section 8, subsection 17, and section  
 2 88, the moneys appropriated to the soil conservation  
 3 division of the department of agriculture and land  
 4 stewardship pursuant to chapter 1199, section 8,  
 5 subsection 17, and section 88, which are not obligated  
 6 or encumbered on June 30, 1995, for purposes of  
 7 supporting soil conservation technicians, shall not  
 8 revert to the general fund of the state but shall be  
 9 used by the division of soil conservation for the  
 10 fiscal year beginning July 1, 1995, and ending June  
 11 30, 1996, for purposes of purchasing equipment for  
 12 soil conservation field offices.

13 **Sec. 27. AIR QUALITY PROGRAM -- NONGENERAL FUND**  
 14 **SUPPORT.** The department of natural resources for the

15 fiscal year beginning July 1, 1995, and ending June  
 16 30, 1996, shall not use moneys appropriated from the  
 17 general fund of the state pursuant to this Act, to  
 18 support any purpose related to carrying out the duties  
 19 of the commission under section 455B.133 or the  
 20 director under section 455B.134, or for carrying out  
 21 the provisions of chapter 455B, division II.

22 Notwithstanding section 455B.133B, the department  
 23 may use moneys deposited in the air contaminant source  
 24 fund created in section 455B.133B during the fiscal

25 year beginning July 1, 1995, and ending June 30, 1996,  
26 for any purpose related to carrying out the duties of  
27 the commission under section 455B.133 or the director  
28 under section 455B.134, or for carrying out the  
29 provisions of chapter 455B, division II.

30 Sec. 28. RULES RELATING TO PESTICIDE AND  
31 FERTILIZER CONTAMINATED SITES -- ENVIRONMENTAL  
32 PROTECTION COMMISSION. The environmental protection  
33 commission shall adopt all rules required to establish  
34 criteria for the classification and prioritization of  
35 sites upon which pesticide or fertilizer contamination  
36 has been discovered, as provided in section 455B.601  
37 not later than January 1, 1996.

38 Sec. 29. DEPUTY SECRETARY OF AGRICULTURE -- STUDY.  
39 The joint appropriations subcommittee on agriculture  
40 and natural resources shall conduct a study of the  
41 functions and duties of the deputy secretary of  
42 agriculture, the effectiveness of the position, and  
43 any methods to improve the position's effectiveness.

#### 44 STATUTORY CHANGES

45 Sec. 30. 1993 Iowa Acts, chapter 176, section 25,  
46 subsection 2, as amended by 1994 Iowa Acts, chapter  
47 1198, section 31, is amended to read as follows:

48 2. Notwithstanding section 8.33, unencumbered or  
49 unobligated moneys remaining on June 30, 1993, from  
50 moneys appropriated pursuant to 1992 Iowa Acts, Second

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1 Extraordinary Session, chapter 1001, section 402, may  
2 be expended during the fiscal period beginning July 1,  
3 1993, and ending June 30, ~~1995~~ 1996, and shall not  
4 revert to the general fund until August 31, ~~1995~~ 1996.

5 Sec. 31. 1994 Iowa Acts, chapter 1119, section 32,  
6 subsection 2, unnumbered paragraph 1, is amended to  
7 read as follows:

8 Notwithstanding section 423.24, as amended in this  
9 Act, for each fiscal year of the period beginning on  
10 July 1, 1993, and ending ~~July 1, 1994~~ June 30, 1996,  
11 an amount equal to two and one-half percent of the  
12 total moneys used to support value-added agricultural  
13 products and processes as provided in that section,  
14 which would otherwise be allocated to the value-added  
15 agricultural products and processes financial  
16 assistance fund, shall instead be allocated to the  
17 office of renewable fuels and coproducts. The moneys  
18 shall be used for purposes of conducting soydiesel  
19 demonstration projects administered by the state  
20 department of transportation under the oversight of  
21 the renewable fuels and coproducts advisory committee.

22 Sec. 32. 1994 Iowa Acts, chapter 1119, section 32,  
23 subsection 2, paragraph b, is amended to read as  
24 follows:

25 b. The state department of transportation shall  
26 evaluate the performance of vehicles operating on  
27 soydiesel fuel, including the rate of repairs on the  
28 vehicles and comments of persons operating and  
29 maintaining the vehicles. The department shall submit  
30 initial findings and recommendations to the renewable  
31 fuels and coproducts advisory committee which shall  
32 submit a report to the senate and chief clerk of the  
33 house, the legislative service bureau, the  
34 chairpersons and ranking members of the senate  
35 standing committee on agriculture, the senate standing  
36 committee on small business, economic development and  
37 tourism, the house of representatives standing  
38 committee on agriculture, and the house of  
39 representatives standing committee on small business,  
40 economic development and trade. The department shall  
41 submit final findings and recommendations to the  
42 renewable fuels and coproducts advisory committee  
43 which shall submit a report to the general assembly.  
44 The An initial report shall be due on October 1, 1994-  
45 The final, an interim report shall be due on March 1,  
46 1995, and a final report shall be due on October 1,  
47 1996.

48 Sec. 33. 1994 Iowa Acts, chapter 1119, section 32,  
49 subsection 2, paragraph d, is amended to read as  
50 follows:

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1 d. Moneys available under this section which  
2 remain unexpended or unobligated on June 30, 1994,  
3 shall remain available to support the demonstration  
4 project and shall not revert pursuant to section 8.33.  
5 Moneys remaining unexpended or unobligated on June 30,  
6 1995 1996, shall be credited to the value-added  
7 agricultural products and processes financial  
8 assistance fund as created in section 15E.112.

9 Sec. 34. Section 8.60, Code 1995, is amended to  
10 read as follows:

#### 11 8.60 USE OF DESIGNATED MONEYS.

12 Moneys credited to or deposited in the general fund  
13 of the state on or after July 1, 1993, which under law  
14 were previously collected to be used for specific  
15 purposes, or to be credited to, or be deposited to a  
16 particular account or fund shall only be used for the  
17 purposes for which the moneys were collected,  
18 including but not limited to moneys collected in

- 19 accordance with any of the following provisions:
- 20 1. Pari-mutuel regulation fund created in section  
21 99D.17, Code Supplement 1993.
- 22 2. Excursion boat gambling special account  
23 pursuant to section 99F.4, subsection 2, Code  
24 Supplement 1993.
- 25 ~~3. Milk fund created in section 192.111, Code  
26 Supplement 1993.~~
- 27 ~~4. Dairy trade practices trust fund pursuant to  
28 section 192A.30, Code Supplement 1993.~~
- 29 ~~5. Commercial feed fund created in section 198.9,  
30 Code Supplement 1993.~~
- 31 ~~6. Fertilizer fund created in section 200.9, Code  
32 Supplement 1993.~~
- 33 ~~7. Pesticide fund created in section 206.12, Code  
34 Supplement 1993.~~
- 35 ~~8. 3. Motor vehicle fraud account pursuant to  
36 section 312.2, subsection 13, Code Supplement 1993.~~
- 37 ~~9. 4. Public transit assistance fund pursuant to  
38 section 312.2, subsection 15, and section 324A.6, Code  
39 Supplement 1993.~~
- 40 ~~10. 5. Salvage vehicle fee paid to the Iowa law  
41 enforcement academy pursuant to section 321.52, Code  
42 Supplement 1993.~~
- 43 ~~11. 6. Railroad assistance fund created in section  
44 327H.18, Code Supplement 1993.~~
- 45 ~~12. 7. Special railroad facility fund created in  
46 section 327L.23, Code Supplement 1993.~~
- 47 ~~13. 8. State aviation fund created in section  
48 328.36, Code Supplement 1993.~~
- 49 ~~14. Marine fuel tax fund created in section  
50 452A.79, Code Supplement 1993.~~

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- 1 ~~15. 9. Public outdoor recreation and resources  
2 fund pursuant to section 461A.79, Code Supplement  
3 1993.~~
- 4 ~~16. 10. Energy research and development fund  
5 created in section 473.11, Code Supplement 1993.~~
- 6 ~~17. 11. Utilities trust fund created in section  
7 476.10, Code Supplement 1993.~~
- 8 ~~18. 12. Banking revolving fund created in section  
9 524.207, Code Supplement 1993.~~
- 10 ~~19. 13. Credit union revolving fund created in  
11 section 533.67, Code Supplement 1993.~~
- 12 ~~20. 14. Professional licensing revolving fund  
13 created in section 546.10, Code Supplement 1993.~~
- 14 Sec. 35. Section 161C.4, unnumbered paragraph 1,  
15 Code 1995, is amended to read as follows:

16 A water protection fund is created within the  
17 division. The fund is composed of money appropriated  
18 by the general assembly for that purpose, and moneys  
19 available to and obtained or accepted by the state  
20 soil conservation committee from the United States or  
21 private sources for placement in the fund. The fund  
22 shall be divided into two accounts, the water quality  
23 protection projects account and the water protection  
24 practices account. The first account shall be used to  
25 carry out water quality protection projects to protect  
26 the state's surface and groundwater from point and  
27 nonpoint sources of contamination. The second account  
28 shall be used to establish water protection practices  
29 with individual landowners including but not limited  
30 to woodland establishment and protection,  
31 establishment of native grasses and forbs, sinkhole  
32 management, agricultural drainage well management,  
33 streambank stabilization, grass waterway  
34 establishment, stream buffer strip establishment, and  
35 erosion control structure construction. Twenty-five  
36 percent of funds appropriated to the water protection  
37 practices account shall be used for woodland  
38 establishment and protection, and establishment of  
39 native grasses and forbs. Soil and water conservation  
40 district commissioners shall give priority to  
41 applications for practices that implement their soil  
42 and water resource conservation plan. The fund shall  
43 be a revolving fund from which moneys may be used for  
44 loans, grants, administrative costs, and cost-sharing.

45 Sec. 36. Section 192.111, subsection 3, Code 1995,  
46 is amended by striking the subsection.

47 Sec. 37. NEW SECTION. 192.112 MILK FUND.

48 1. A milk fund is established in the state  
49 treasury under the control of the department. The  
50 fund shall consist of any money appropriated by the

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1 general assembly and any other moneys available to and  
2 obtained or accepted by the department from the  
3 federal government or private sources for placement in  
4 the fund. Fees collected under sections 192.111,  
5 192.133, 194.14, 194.19, 194.20, and 195.9 shall be  
6 deposited in the fund. All moneys deposited under  
7 this section are appropriated to the department for  
8 the costs of inspection, sampling, analysis, and other  
9 expenses necessary for the administration of this  
10 chapter and chapters 194 and 195.

11 2. In each fiscal year, the secretary shall  
12 calculate the balance of funds deposited under this

13 section by subtracting all moneys expended for the  
14 costs of inspection, sampling, analysis, and other  
15 expenses necessary for the administration of this  
16 chapter and chapters 194 and 195. If the calculation  
17 shows a balance of funds deposited under this section  
18 on June 30 of any fiscal year equal to or exceeding  
19 one hundred fifty thousand dollars, the secretary  
20 shall reduce the fees provided for in section 192.111  
21 and section 194.20 for the next fiscal year in an  
22 amount which will result in an ending estimated  
23 balance of such funds for June 30 of the next fiscal  
24 year of one hundred fifty thousand dollars.

25 3. All moneys in the milk fund are subject to  
26 audit by the auditor of state. The milk fund is  
27 subject at all times to warrants by the director of  
28 revenue and finance, drawn upon written requisition of  
29 the secretary. Notwithstanding section 8.33, moneys  
30 in the milk fund shall remain in the milk fund and  
31 shall not revert to the general fund of the state.  
32 Notwithstanding section 12C.7, subsection 2, interest  
33 or earnings on moneys deposited in the milk fund shall  
34 be credited to the milk fund.

35 Sec. 38. Section 192.133, Code 1995, is amended to  
36 read as follows:

37 192.133 LICENSE TERM -- FEES.

38 A license, unless earlier revoked, is valid until  
39 July 1 after the date of its issuance. The maximum  
40 fee for a license is twenty-five dollars, which shall  
41 be paid before the license is issued, and standard  
42 test bottles and pipettes shall be furnished at actual  
43 cost. Fees collected under this section shall be  
44 deposited and used as required in section 192.111 in  
45 the milk fund established in section 192.112.

46 Sec. 39. Section 192A.30, Code 1995, is amended to  
47 read as follows:

48 192A.30 PERMIT FEES.

49 For the purpose of administering and enforcing this  
50 chapter, a processor or a person purchasing milk

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1 products from a processor for wholesale distribution  
2 shall obtain a permit, as provided by departmental  
3 rule, before milk products are sold by the person or  
4 wholesale purchaser in this state. The processor or  
5 wholesale purchaser shall pay to the secretary a  
6 permit fee in an amount set by the secretary, not to  
7 exceed five mills per hundredweight on milk processed  
8 into dairy products as defined in section 192A.1, and  
9 sold within the state of Iowa. However, the permit

10 fee for the sale of ice cream or an additive variant  
11 of ice cream or nonmilk-fat imitation shall not exceed  
12 three mills per gallon. Products upon which fees have  
13 been paid are exempt from further fees in successive  
14 transactions. The fees for each month thus computed  
15 shall be paid to the secretary on or before the  
16 twenty-fifth day of the following month. The fees  
17 shall be deposited in the milk fund established in  
18 section 192.112.

19 Fees paid to the secretary shall be deposited into  
20 the general fund of the state and shall be subject to  
21 the requirements of section 8.60.

22 Sec. 40. Section 194.14, Code 1995, is amended to  
23 read as follows:

24 194.14 LICENSE TERM -- FEES.

25 A milk grader's license, unless sooner revoked, is  
26 valid until July 1 after the date of issuance. The  
27 maximum fee for each license is ten dollars, which  
28 shall be paid before the license is issued. Fees  
29 collected under this section shall be deposited ~~and~~  
30 ~~used as required in section 192.111 in the milk fund~~  
31 ~~established pursuant to section 192.112.~~

32 Sec. 41. Section 194.19, unnumbered paragraph 1,  
33 Code 1995, is amended to read as follows:

34 A vehicle used for the collection of milk for  
35 manufacture of dairy products shall first be licensed  
36 by the department. A license, unless earlier revoked,  
37 is valid until July 1 after the date of its issuance.  
38 The maximum fee for a license is twenty-five dollars,  
39 which shall be paid before the license is issued. A  
40 fee shall not be imposed under this section if the  
41 vehicle or its operator has paid the fee imposed upon  
42 milk haulers under section 192.111. Fees collected  
43 under this section shall be deposited ~~and used as~~  
44 ~~required in section 192.111 in the milk fund~~  
45 ~~established in section 192.112.~~ This section does not  
46 apply to individuals transporting their own dairy  
47 products.

48 Sec. 42. Section 194.20, Code 1995, is amended to  
49 read as follows:

50 194.20 INSPECTION FEES -- GRADE "B" MILK.

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1 A purchaser of milk from a grade "B" milk producer  
2 shall pay an inspection fee not greater than one-half  
3 cent per hundredweight. The fee is payable monthly to  
4 the department at a time prescribed by the department.  
5 Fees collected under this section shall be deposited  
6 ~~and used as required in section 192.111 in the milk~~

7 fund established in section 192.112.

8 Sec. 43. Section 195.9, Code 1995, is amended to  
9 read as follows:

10 195.9 LICENSE TERM -- FEES.

11 A license, unless sooner revoked, is valid until  
12 July 1 after the date of its issuance. The maximum  
13 fee for a license is twenty-five dollars which shall  
14 be paid before the license is issued. Fees collected  
15 under this section shall be deposited and used as  
16 required in section 192.111 in the milk fund  
17 established in section 192.112.

18 Sec. 44. Section 198.9, subsection 3, Code 1995,  
19 is amended to read as follows:

20 3. Fees collected shall be deposited in the  
21 general fund of the state and shall be subject to the  
22 requirements of section 8-60 commercial feed trust  
23 fund established in section 198.9A. Moneys deposited  
24 under this section shall be used for the payment of  
25 the costs of inspection, sampling, analysis,  
26 supportive research, and other expenses necessary for  
27 the administration of this chapter.

28 If there is an unencumbered balance of funds from  
29 the fees deposited under this section on June 30 of  
30 any fiscal year equal to or exceeding one hundred  
31 thousand dollars, the secretary of agriculture shall  
32 reduce the per ton fee provided for in subsection 1  
33 for the next fiscal year in such amount as will result  
34 in an ending estimated balance of the fees deposited  
35 less costs paid for from those fees for June 30 of the  
36 next fiscal year of one hundred thousand dollars.

37 The secretary shall publish a report not later than  
38 September 1 of each year. The report shall provide a  
39 detailed accounting of all sources of revenue  
40 deposited under and all dispositions of funds expended  
41 under this section. The report shall detail full-time  
42 equivalent positions used in fulfilling the  
43 requirements of this chapter. The report shall also  
44 indicate to what extent any full-time equivalent  
45 positions are shared with other programs. Copies of  
46 the report issued by the secretary pursuant to this  
47 subsection shall be delivered each year to the members  
48 of the house of representatives and senate standing  
49 committees on agriculture.

50 Sec. 45. NEW SECTION. 198.9A COMMERCIAL FEED

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1 TRUST FUND.

2 1. A commercial feed trust fund is established in  
3 the state treasury under the control of the

4 department. The fund shall consist of any moneys  
5 appropriated to the fund by the general assembly and  
6 any other moneys available to and obtained or accepted  
7 by the department from the federal government or  
8 private sources for placement in the fund. Fees  
9 collected under section 198.9 shall be deposited in  
10 the fund. Moneys deposited in the fund shall be used  
11 for the payment of the costs of inspection, sampling,  
12 analysis, supportive research, and other expenses  
13 necessary for the administration of this chapter.

14 2. If there is an unencumbered balance of moneys  
15 in the fund on June 30 of any fiscal year equal to or  
16 exceeding one hundred thousand dollars, the secretary  
17 of agriculture shall reduce the per ton fee provided  
18 for in section 198.9, subsection 1, for the next  
19 fiscal year in such amount as will result in an ending  
20 estimated balance of the fees deposited less costs  
21 paid for from those fees for June 30 of the next  
22 fiscal year of one hundred thousand dollars.

23 3. The secretary shall publish a report not later  
24 than September 1 of each year. The report shall  
25 provide a detailed accounting of all sources of  
26 revenue deposited under and all dispositions of moneys  
27 deposited in the fund. The report shall detail full-  
28 time equivalent positions used in fulfilling the  
29 requirements of this chapter. The report shall also  
30 indicate to what extent any full-time equivalent  
31 positions are shared with other programs. Copies of  
32 the report issued by the secretary pursuant to this  
33 subsection shall be delivered each year to the members  
34 of the standing committees on agriculture of the house  
35 of representatives and the senate.

36 Sec. 46. Section 200.4, subsection 1, Code 1995,  
37 is amended to read as follows:

38 1. Any person who manufactures, mixes, blends,  
39 mixes to customers order, offers for sale, sells, or  
40 distributes any fertilizer or soil conditioner in Iowa  
41 must first obtain a license from the secretary of  
42 agriculture and shall pay a ten-dollar license fee for  
43 each place of manufacture or distribution from which  
44 fertilizer or soil conditioner products are sold or  
45 distributed in Iowa. ~~Such~~ The license fee shall be  
46 paid annually on July 1 of each year. The license fee  
47 shall be deposited in the fertilizer fund established  
48 in section 200.9.

49 Sec. 47. Section 200.8, subsection 3, Code 1995,  
50 is amended by striking the subsection.

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1 Sec. 48. Section 200.9, Code 1995, is amended to  
2 read as follows:

3 200.9 FERTILIZER FEES FUND.

4 1. A fertilizer fund is established in the state  
5 treasury under the control of the department of  
6 agriculture and land stewardship. The fund shall  
7 consist of any moneys appropriated by the general  
8 assembly and any other moneys available to and  
9 obtained or accepted by the department from the  
10 federal government or private sources for placement in  
11 the fund. Fees collected for licenses and inspection  
12 fees under sections 200.4 and 200.8, with the  
13 exception of those fees collected for deposit in the  
14 agriculture management account of the groundwater  
15 protection fund, shall be deposited in the general  
16 fund of the state and shall be subject to the  
17 requirements of section 8.60. Fees collected pursuant  
18 to chapter 201 shall also be deposited in the fund.  
19 Moneys deposited under this section to into the  
20 general fund from fees collected pursuant to this  
21 chapter shall be used only by the department for the  
22 purpose of inspection, sampling, analysis,  
23 preparation, and publishing of reports and other  
24 expenses necessary for administration of this chapter  
25 and chapter 201. The secretary may assign moneys to  
26 the Iowa agricultural experiment station for research,  
27 work projects, and investigations as needed for the  
28 specific purpose of improving the regulatory functions  
29 for enforcement of this chapter.

30 2. If there is an unencumbered balance of moneys  
31 deposited in the fund from fees collected pursuant to  
32 this chapter on June 30 of any fiscal year equal to or  
33 exceeding three hundred fifty thousand dollars, the  
34 secretary of agriculture shall reduce the per ton fee  
35 provided for in subsection 1 and the annual license  
36 fee established pursuant to section 201.3 for the next  
37 fiscal year in such amount as will result in an ending  
38 estimated balance of such funds for June 30 of the  
39 next fiscal year of three hundred fifty thousand  
40 dollars.

41 3. All moneys in the fund are subject to audit by  
42 the auditor of state. The fund is subject at all  
43 times to warrants by the director of revenue and  
44 finance, drawn upon written requisition of the  
45 secretary. Notwithstanding section 8.33, moneys in  
46 the fertilizer fund shall remain in the fertilizer  
47 fund and shall not revert to the general fund of the  
48 state. Notwithstanding section 12C.7, subsection 2,

49 interest or earnings on moneys deposited in the  
50 fertilizer fund shall be credited to the fertilizer

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1 fund.

2 Sec. 49. Section 201.13, Code 1995, is amended to  
3 read as follows:

4 201.13 MONEYS TO ~~GENERAL~~ THE FERTILIZER FUND --  
5 PERIODIC REPORT.

6 The moneys received under this chapter shall be  
7 deposited in the ~~general fund of the state and shall~~  
8 ~~be subject to the requirements of section 8.60:~~  
9 Moneys deposited under this section shall be used by  
10 the department of agriculture and land stewardship  
11 only for the purpose of inspection, sampling,  
12 analyzing, preparing and publishing of reports, and  
13 other expenses necessary for the administration of  
14 this chapter fertilizer fund as provided in section  
15 200.9. The secretary shall issue an annual report  
16 showing a statement of moneys received from license  
17 and testing fees, and a biennial report which shall be  
18 made available to the public showing the  
19 certifications of the effective calcium carbonate  
20 equivalent for all agricultural lime, limestone, or  
21 aglime certified as provided in this chapter. The  
22 report shall list the manufacturers and producers and  
23 their locations. Copies of all reports issued by the  
24 secretary pursuant to this section shall be sent to  
25 the members of the house of representatives and senate  
26 standing committees on agriculture.

27 Sec. 50. Section 206.12, subsection 3, Code 1995,  
28 is amended to read as follows:

29 3. The registrant, before selling or offering for  
30 sale any pesticide for use in this state, shall  
31 register each brand and grade of such pesticide with  
32 the secretary upon forms furnished by the secretary,  
33 and the secretary shall set the registration fee  
34 annually at one-fifth of one percent of gross sales  
35 within this state with a minimum fee of two hundred  
36 fifty dollars and a maximum fee of three thousand  
37 dollars for each and every brand and grade to be  
38 offered for sale in this state except as otherwise  
39 provided. The annual registration fee for products  
40 with gross annual sales in this state of less than one  
41 million five hundred thousand dollars shall be the  
42 greater of two hundred fifty dollars or one-fifth of  
43 one percent of the gross annual sales as established  
44 by affidavit of the registrant. The secretary shall  
45 adopt by rule exemptions to the minimum fee. Fifty

46 dollars of each fee collected shall be deposited in  
47 the general fund of the state, shall be subject to the  
48 requirements of section 8.60, and shall be used only  
49 for the purpose of enforcing the provisions of this  
50 chapter pesticide fund established in section 206.12A.

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1 and the remainder of each fee collected shall be  
2 placed in the agriculture management account of the  
3 groundwater protection fund.

4 Sec. 51. NEW SECTION. 206.12A PESTICIDE FUND.

5 1. A pesticide fund is established in the state  
6 treasury under the control of the department. The  
7 fund shall consist of any moneys appropriated to the  
8 fund by the general assembly and any other moneys  
9 available to and obtained or accepted by the  
10 department from the federal government or private  
11 sources for placement in the fund. Fees collected  
12 under section 206.12 shall be deposited in the fund.  
13 The moneys in the fund shall be used only for the  
14 purpose of enforcing the provisions of this chapter.

15 2. All moneys in the pesticide fund are subject to  
16 audit by the auditor of state. The fund is subject at  
17 all times to warrants by the director of revenue and  
18 finance, drawn upon written requisition of the  
19 secretary. Notwithstanding section 8.33, moneys in  
20 the pesticide fund shall remain in the fund and shall  
21 not revert to the general fund of the state.  
22 Notwithstanding section 12C.7, subsection 2, interest  
23 or earnings on moneys deposited in the pesticide fund  
24 shall be credited to the pesticide fund.

25 Sec. 52. Section 452A.79, unnumbered paragraph 2,  
26 and subsections 1, 2, 3, 4, and 5, Code 1995, are  
27 amended to read as follows:

28 All moneys derived from the excise tax on the sale  
29 of motor fuel used in watercraft shall be deposited in  
30 the general marine fuel tax fund of the state  
31 established in section 452A.83. Moneys deposited to  
32 the general fund under this section and section  
33 452A.84 are subject to the requirements of section  
34 8.60 and are subject to appropriation by the general  
35 assembly to the department of natural resources for  
36 use in its recreational boating program, which may  
37 include but is not limited to:

38 1. Dredging and renovation of natural lakes of  
39 this state.

40 2. Acquisition, development and maintenance of  
41 access to public boating waters.

42 3. Development and maintenance of boating

43 facilities and navigation aids.

44 4. Administration, operation, and maintenance of  
45 recreational boating activities of the department of  
46 natural resources.

47 5. Acquisition, development and maintenance of  
48 recreation facilities associated with recreational  
49 boating.

50 Sec. 53. NEW SECTION. 452A.83 MARINE FUEL TAX

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1 FUND.

2 1. A marine fuel tax fund is established in the  
3 state treasury under the control of the department.  
4 The fund shall consist of any moneys appropriated to  
5 the fund by the general assembly and any other moneys  
6 available to and obtained or accepted by the  
7 department from the federal government or private  
8 sources for placement in the fund. Moneys collected  
9 pursuant to section 452A.79 shall be deposited in the  
10 fund. Moneys collected pursuant to this chapter from  
11 the motor fuel tax fund shall be transferred to the  
12 fund as provided in section 452A.84.

13 2. Moneys deposited or transferred into the fund  
14 are subject to appropriation by the general assembly  
15 to the department of natural resources for its  
16 recreational boating program which may include, but is  
17 not limited to:

18 a. Dredging and renovation of natural lakes of  
19 this state.

20 b. Acquisition, development, and maintenance of  
21 access to public boating waters.

22 c. Development and maintenance of boating  
23 facilities and navigation aids.

24 d. Administration, operation, and maintenance of  
25 recreational boating activities of the department of  
26 natural resources.

27 e. Acquisition, development, and maintenance of  
28 recreation facilities associated with recreational  
29 boating.

30 3. All moneys in the marine fuel tax fund are  
31 subject to audit by the auditor of state. The fund is  
32 subject at all times to warrants by the director of  
33 revenue and finance, drawn upon written requisition of  
34 the department. Notwithstanding section 8.33, moneys  
35 in the marine fuel tax fund shall remain in the fund  
36 and shall not revert to the general fund of the state.  
37 Notwithstanding section 12C.7, subsection 2, interest  
38 or earnings on moneys deposited in the marine fuel tax  
39 fund shall be credited to the marine fuel tax fund.

40 Sec. 54. Section 452A.84, Code 1995, is amended to  
41 read as follows:

42 452A.84 TRANSFER TO STATE GENERAL MARINE FUEL TAX  
43 FUND.

44 The treasurer of state shall transfer from the  
45 motor fuel tax fund to the general marine fuel tax  
46 fund of the state established pursuant to section  
47 452A.83, that portion of moneys collected under this  
48 chapter attributable to motor fuel used in watercraft  
49 computed as follows:

50 1. Determine monthly the total amount of motor

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1 fuel tax collected under this chapter and multiply the  
2 amount by nine-tenths of one percent.

3 2. Subtract from the figure computed pursuant to  
4 subsection 1 of this section three percent of the  
5 figure for administrative costs and further subtract  
6 from the figure the amounts refunded to commercial  
7 fishers pursuant to section 452A.17, subsection 13.

8 All moneys remaining after claims for refund and the  
9 cost of administration have been made shall be  
10 transferred to the general marine fuel tax fund of the  
11 state.

12 Sec. 55. Section 455B.183A, subsection 2,  
13 paragraph b, Code 1995, is amended to read as follows:

14 b. The operation of a public water supply system,  
15 including any part of the system. ~~The fees may be~~  
16 ~~based on the type and size of community served by the~~  
17 ~~system.~~ The commission shall adopt a fee schedule  
18 which shall be based on the total number of persons  
19 served by public water supply systems in this state.

20 The commission shall calculate all fees in the  
21 schedule to produce total revenues equaling four  
22 hundred seventy-five thousand dollars for the fiscal  
23 year beginning July 1, 1994, and ending June 30, 1995,  
24 seven hundred thousand dollars for the fiscal year  
25 beginning July 1, 1995, and ending June 30, 1996, nine  
26 hundred thousand dollars for the fiscal year beginning  
27 July 1, 1996, and ending June 30, 1997, and one  
28 million two hundred thousand dollars for each  
29 subsequent fiscal year. For the fiscal year beginning  
30 July 1, 1994, and ending June 30, 1995, twenty-five  
31 thousand dollars shall be deposited in the  
32 administration account and four hundred fifty thousand  
33 dollars shall be deposited in the public water supply  
34 system account. For each subsequent fiscal year, one-  
35 half of the fees shall be deposited into the  
36 administration account and one-half of the fees shall

37 be deposited into the public water supply system  
38 account. By May 1 of each year, the department shall  
39 estimate the total revenue expected to be collected  
40 from the overpayment of fees, which are all fees in  
41 excess of the amount of the total revenues which are  
42 expected to be collected under the current fee  
43 schedule, and the total revenue expected to be  
44 collected from the payment of fees during the next  
45 fiscal year. The commission shall adjust the fees if  
46 the estimate exceeds the amount of revenue required to  
47 be deposited in the fund pursuant to this paragraph.  
48 Sec. 56. Section 455E.11, subsection 2, paragraph  
49 a, subparagraph (12), subparagraph subdivision (c),  
50 Code 1995, is amended to read as follows:

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1 (c) Twelve and one-half cents per ton per year is  
2 appropriated to the department of natural resources to  
3 provide additional toxic cleanup days and for the  
4 natural resource geographic information system  
5 required under section 455E.8, subsection 6.  
6 Departmental rules adopted for implementation of toxic  
7 cleanup days shall provide sufficient flexibility to  
8 respond to the household hazardous material collection  
9 needs of both small and large communities.

10 Sec. 57. EFFECTIVE DATES.

11 1. Sections 14, 17, 19, and 26 of this Act, being  
12 deemed of immediate importance, take effect upon  
13 enactment.

14 2. The amendments in this Act to 1993 Iowa Acts,  
15 chapter 176, section 25, subsection 2, as amended by  
16 1994 Iowa Acts, chapter 1198, section 31, being deemed  
17 of immediate importance, take effect upon enactment.

18 3. The amendments in this Act to 1994 Iowa Acts,  
19 chapter 1119, section 32, being deemed of immediate  
20 importance, take effect upon enactment.

21 4. The amendments in this Act to section  
22 455B.183A, being deemed of immediate importance, take  
23 effect upon enactment.

24 5. Sections 8.60, 192.111, 192.112, 192.133,  
25 192A.30, 194.14, 194.19, 194.20, 195.9, 198.9, 198.9A,  
26 200.4, 200.8, 200.9, 201.13, 206.12, 206.12A, 452A.79,  
27 452A.83, and 452A.84, Code 1995, as amended or enacted  
28 by this Act take effect July 1, 1996.

29 6. This section, being deemed of immediate  
30 importance, takes effect upon enactment."

31 2. Title page, by striking lines 1 through 4 and  
32 inserting the following: "An Act relating to  
33 agriculture and natural resources, by providing for

34 appropriations and revenue, providing related  
35 statutory changes, and providing effective dates."

DENNIS H. BLACK

S-3437

1 Amend Senate File 481 as follows:

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

4 "ROAD USE TAX FUND

5 Sec. \_\_\_\_ . There is appropriated from the rebuild  
6 Iowa infrastructure account of the state to the road  
7 use tax fund for the fiscal year beginning July 1,  
8 1995, and ending June 30, 1996, the following amount,  
9 to be distributed in accordance with section 312.2:

10 ..... \$ 10,000,000

11 Notwithstanding section 8.33, funds appropriated  
12 under this section shall not revert to the rebuild  
13 Iowa infrastructure account of the state, but shall  
14 remain available until expended."

15 2. By renumbering as necessary.

RICHARD F. DRAKE  
RODNEY HALVORSON  
DON GETTINGS  
STEWART IVERSON, JR.

S-3438

1 Amend Senate File 473 as follows:

2 1. Page 1, by striking lines 1 through 18 and  
3 inserting the following:

4 "Section 1. REFUND OF PROPERTY TAXES ERRONEOUSLY  
5 ASSESSED. Notwithstanding section 445.60, the board  
6 of supervisors of a county having a population of more  
7 than twenty-five thousand but not more than twenty-six  
8 thousand may refund the property taxes erroneously  
9 paid by a taxpayer with all interest, fees, and costs  
10 actually paid by the taxpayer. The refund shall apply  
11 only to property taxes erroneously paid by a taxpayer  
12 which resulted from an overassessment of the  
13 taxpayer's property for property taxes payable in the  
14 fiscal year beginning July 1, 1986, and for subsequent  
15 fiscal years through the fiscal year beginning July 1,  
16 1992.

17 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This  
18 Act, being deemed of immediate importance, takes  
19 effect upon enactment, and applies retroactively to  
20 property taxes payable in the fiscal period beginning

21 July 1, 1986, and ending June 30, 1993.  
22 Sec. 3. REPEAL. This Act is repealed effective  
23 June 15, 1995.”

STEWART IVERSON, Jr.  
WILLIAM PALMER  
ALBERT SORENSEN  
DERRYL McLAREN

S-3439

1 Amend House File 303, as passed by the House, as  
2 follows:  
3 1. Page 3, by inserting after line 3 the  
4 following:  
5 “Sec. \_\_\_\_ . NEW SECTION. 476.78A PUBLIC UTILITY  
6 -- SEPARATE AFFILIATE REQUIRED.  
7 A rate-regulated utility, as defined in section  
8 476.1, which engages in the business of selling  
9 plumbing, heating, or cooling systems, or which  
10 engages in the business of servicing or installing  
11 plumbing, heating, or cooling systems, or which  
12 performs electrical contracting services, shall  
13 establish a separate affiliate business entity for the  
14 purpose of engaging in such business or performing  
15 such assessments.”  
16 2. By renumbering as necessary.

JIM LIND  
TOM FLYNN  
DONALD B. REDFERN  
MARY A. LUNDBY

S-3440

1 Amend the amendment, S-3436, to House File 553, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 9, line 20, by striking the figure  
5 “450,000” and inserting the following: “400,000”.  
6 2. Page 14, by inserting after line 12 the  
7 following:  
8 “Sec. \_\_\_\_ . ANIMAL FEEDING OPERATIONS -- PILOT  
9 PROJECTS. There is appropriated from the general fund  
10 of the state to the division of soil conservation of  
11 the department of agriculture and land stewardship for  
12 the fiscal year beginning July 1, 1995, and ending  
13 June 30, 1996, the following amount, or so much  
14 thereof as is necessary, to be used for the purposes  
15 designated:

16 For purposes of supporting pilot projects to  
 17 determine the impact of plantings, including fast  
 18 growing trees, surrounding manure storage structures  
 19 which are connected to or part of an animal feeding  
 20 operation, in reducing or redirecting the dispersal of  
 21 odor originating from such structure:  
 22 ..... \$ 50,000

23 The moneys shall be awarded to the owner of an  
 24 animal feeding operation who applies to the division  
 25 according to procedures adopted by the division. The  
 26 division shall provide for an initial application  
 27 period of sixty days in which not more than one person  
 28 from each county may be awarded moneys under this  
 29 section. After the completion of the initial  
 30 application period, any person may be awarded moneys  
 31 under this section, regardless of whether another  
 32 person in the same county has received an award. All  
 33 moneys shall be awarded on a cost-share basis.  
 34 However, a person shall not receive more than \$1,500,  
 35 regardless of the number of animal feeding operations  
 36 owned by the person.

37 The division shall submit a report containing  
 38 findings and recommendations to the general assembly  
 39 not later than January 10, 1998.

40 On August 31 following the close of the fiscal year  
 41 beginning July 1, 1995, and ending June 30, 1996,  
 42 moneys which are not obligated or encumbered on June  
 43 30, 1996, shall be deposited into the organic nutrient  
 44 management fund as created in section 161C.5 for  
 45 purposes of supporting the organic nutrient management  
 46 program."

47 3. By renumbering as necessary.

BERL E. PRIEBE

S-3441

1 Amend the amendment, S-3371, to House File 258, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. By striking page 1, line 3, through page 3,  
 5 line 33, and inserting the following:

6 "\_\_\_\_. By striking everything after the enacting  
 7 clause and inserting the following:

8 "Section 1. Section 730.5, subsection 1, Code  
 9 1995, is amended to read as follows:

10 1. As used in this section, unless the context  
 11 otherwise requires:

12 a. "drug Drug test" means any blood, urine,  
 13 saliva, chemical, or skin tissue test conducted for

14 the purpose of detecting the presence of a chemical  
15 substance in an individual.

16 b. "Preemployment" means that period of time  
17 when a bona fide offer of employment is made  
18 and when employment begins.

19 Sec. 2. Section 730.5, subsection 2, Code 1995, is  
20 amended to read as follows:

21 2. Except as provided in subsection 7, an employer  
22 shall not require or request employees or applicants  
23 for employment to submit to a drug test as a condition  
24 of employment, preemployment, promotion, or change in  
25 status of employment. An employer shall not request,  
26 require, or conduct random or blanket drug testing of  
27 employees. However, this section does not apply to  
28 preemployment drug tests authorized for peace officers  
29 or correctional officers of the state, or to drug  
30 tests required under federal statutes or under federal  
31 regulations adopted as of July 1, 1990 in effect on or  
32 before February 16, 1995, or to drug tests conducted  
33 pursuant to a nuclear regulatory commission  
34 regulation, or to drug tests conducted to determine if  
35 an employee is ineligible to receive workers'  
36 compensation under section 85.16, subsection 2.

37 The exemption granted by this subsection relating  
38 to drug testing pursuant to federal regulations  
39 adopted as of July 1, 1990 in effect on or before  
40 February 16, 1995, is of no effect, as it applies to a  
41 particular regulation, upon a finding by a court of  
42 competent jurisdiction, including any appeal of such  
43 finding, that the particular regulation is  
44 unconstitutional or otherwise invalid. The decision  
45 of a court invalidating any regulation exempted by  
46 this section shall not be stayed pending appeal.

47 Sec. 3. Section 730.5, subsection 3, paragraph a,  
48 Code 1995, is amended to read as follows:

49 a. The employer has probable cause to believe that  
50 an employee's faculties are impaired on the job. For

Page 2

1 purposes of this paragraph, an employer has probable  
2 cause to believe that an employee's faculties are  
3 impaired on the job if the employer is investigating  
4 an accident in the workplace and all of the following  
5 conditions are met:

6 (1) The employer has reasonable grounds to believe  
7 that the employee proposed to be tested either  
8 directly caused or directly contributed to the  
9 accident.

10 (2) The employer has reasonable grounds to believe

11 that the employee's faculties were impaired and that  
12 the impairment was likely a substantial factor in  
13 causing the accident.

14 (3) The accident results in a personal injury  
15 which requires medical treatment away from the  
16 workplace or damage to property, including equipment,  
17 in an amount reasonably estimated to exceed five  
18 thousand dollars at the time of the accident.

19 (4) Prior to the accident, the employer has  
20 provided the employee to be tested with written notice  
21 of the employer's rules or policies regarding alcohol  
22 and controlled substances and testing when a workplace  
23 accident or injury occurs.

24 Sec. 4. Section 730.5, subsection 3, paragraph c,  
25 Code 1995, is amended to read as follows:

26 c. The test sample withdrawn from the employee is  
27 analyzed by a laboratory or testing facility that has  
28 been approved under rules adopted by the department of  
29 public health. The laboratory or testing facility  
30 shall test for and report to the employer only the  
31 presence of alcohol or illegal controlled substances  
32 in any test sample. Upon request by an employee or  
33 applicant for employment, the employer shall provide  
34 to the employee or applicant the results of any drug  
35 test. The rules adopted by the department of public  
36 health shall provide for all of the following:

37 (1) The initial screening test may utilize  
38 immunoassay, thin layer, high performance liquid or  
39 gas chromatography, or an equivalent technology. If  
40 the initial test utilizes immunoassay, the test kit  
41 must meet the requirements of the United States food  
42 and drug administration.

43 (2) Samples which have tested positive by initial  
44 testing, with the exception of alcohol, shall be  
45 confirmed by gas chromatography-mass spectrometry or  
46 by a scientifically equivalent technique approved by  
47 the department.

48 (3) All initial positive drug test results with  
49 the exception of alcohol shall be confirmed by gas  
50 chromatography-mass spectrometry or an equivalent test

Page 3

1 approved by the department before being reported as  
2 positive or negative.

3 (4) All initial positive test results for alcohol  
4 shall be confirmed by gas chromatography, or a test  
5 that is recognized by the department as an equivalent  
6 test before being reported as positive or negative.

7 (5) Preliminary reports for drugs other than

8 alcohol shall not be issued in the absence of  
9 confirmation by gas chromatography-mass spectrometry  
10 or a scientifically equivalent test approved by the  
11 department.

12 (6) Complete chain of custody procedures shall be  
13 used for referred specimens. When sample volumes  
14 permit, it is recommended that only an aliquot of the  
15 original specimen be sent to a reference laboratory.

16 Sec. 5. Section 730.5, subsection 7, Code 1995, is  
17 amended to read as follows:

18 7. A drug test conducted as a part of a physical  
19 examination performed as a part of a preemployment  
20 physical or as a part of a regularly scheduled  
21 physical is only permissible. In addition to drug  
22 testing permitted by subsection 3, drug testing of an  
23 employee or applicant for employment shall also be  
24 permitted under the following circumstances:

25 a. For a preemployment physical, the employer  
26 shall include notice that a drug test will be part of  
27 a preemployment physical in any notice or  
28 advertisement soliciting applicants for employment or  
29 in the application for employment, and an applicant  
30 for employment shall be personally informed of the  
31 requirement for a drug test at the first interview.

32 b. For a regularly scheduled physical, the  
33 employer shall give notice that a drug test will be  
34 part of the physical at least thirty days prior to the  
35 date the physical is scheduled.

36 c. An employer may require an employee, as a  
37 condition of employment, to undergo drug testing if  
38 that employee has been referred by the employer for  
39 substance abuse evaluation pursuant to subsection 3,  
40 paragraph "f", and treatment, if recommended by the  
41 evaluation. The employee may be required to undergo  
42 drug testing without prior notice, but in no case  
43 shall more than two tests be conducted in the twelve-  
44 month period following the employee's completion of  
45 substance abuse treatment if the treatment was  
46 recommended by the evaluation. A drug test shall not  
47 be required of an employee by an employer during drug  
48 treatment of the employee, if such testing would  
49 duplicate testing of the employee conducted in the  
50 course of treatment and the employee has waived

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1 confidentiality as to the employer of the results of  
2 such testing. An employer shall not require an  
3 employee to submit to drug testing under this  
4 paragraph if more than twelve months have elapsed

5 since the employee successfully completed drug  
6 treatment and the employee has not had a drug test  
7 conducted indicating the presence of alcohol or an  
8 illegal controlled substance during that twelve-month  
9 period.

10 Drug testing conducted under this subsection shall  
11 conform to the requirements of subsection 3,  
12 paragraphs "c", "d", "e", and "f"; however, paragraph  
13 "f" shall not apply to drug tests conducted as a part  
14 of a preemployment physical.

15 Sec. 6. Section 730.5, Code 1995, is amended by  
16 adding the following new subsection:

17 NEW SUBSECTION. 12. An employer who conducts a  
18 drug test pursuant to this section shall, for each  
19 fiscal year beginning on or after July 1, 1995, file  
20 an annual written report with the labor division of  
21 the department of employment services consisting of  
22 the following information:

23 a. The number of drug tests conducted by the  
24 employer and the number of employees employed by the  
25 employer.

26 b. The number of drug tests conducted as part of a  
27 preemployment application process, a regularly  
28 scheduled physical, or as a result of a drug test  
29 conducted pursuant to a finding of probable cause as  
30 provided by subsection 3, paragraph "a". Of the drug  
31 tests conducted pursuant to a finding of probable  
32 cause, the employer shall indicate the number of drug  
33 tests conducted as a result of a workplace accident  
34 that resulted in personal injury, property damage, or  
35 both personal injury and property damage.

36 c. The number of drug tests that resulted in a  
37 confirmed positive test result indicating the presence  
38 of alcohol and the number of drug tests that resulted  
39 in a confirmed positive test result indicating the  
40 presence of an illegal controlled substance.

41 d. The number of personal injuries, and the dollar  
42 loss for property damage, arising out of the use of  
43 alcohol and illegal controlled substances by  
44 employees.

45 e. The cost of substance abuse evaluation and  
46 treatment for employees."

47 — . Title page, line 2, by striking the word  
48 "defenses" and inserting the following: "reporting of  
49 drug tests".

50 2. By renumbering as necessary.

TOM VILSACK  
DICK L. DEARDEN  
RANDAL J. GIANNETTO

DERRYL MCLAREN  
MARY KRAMER  
JIM LIND

S-3442

1 Amend the amendment, S-3436, to House File 553, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 19, by striking the figure  
5 "44.50" and inserting the following: "46.45".  
6 2. Page 1, by striking lines 42 through 49 and  
7 inserting the following: "this paragraph "a", no  
8 executive officer II position shall be supported from  
9 that amount in the department after September 30,  
10 1995."

PATTY JUDGE

S-3443

1 Amend the amendment, S-3436, to House File 553, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 14, by striking lines 38 through 43.  
5 2. By renumbering as necessary.

PATTY JUDGE  
MARY NEUHAUSER

S-3444

1 Amend the amendment, S-3436, to House File 553, as  
2 amended, passed, and reprinted as follows:  
3 1. Page 24, by inserting after line 24 the fol-  
4 lowing:  
5 "Sec. \_\_\_\_ . Section 331.427, subsection 2, Code  
6 1995, is amended by adding the following new  
7 paragraph:  
8 NEW PARAGRAPH. m. Closure and postclosure care of  
9 a sanitary disposal project under section 455B.302."  
10 2. By renumbering as necessary.

LARRY MURPHY  
ALLEN BORLAUG  
DENNIS H. BLACK  
BRAD BANKS

S-3445

- 1 Amend Senate File 481 as follows:
- 2 1. Page 6, line 17, by inserting after the word
- 3 "safety" the following: ", renovation, or for
- 4 deferred maintenance".
- 5 2. Page 6, line 20, by inserting after the word
- 6 "safety" the following: ", renovation, or for
- 7 deferred maintenance".

ROD HALVORSON

S-3446

- 1 Amend House File 103, as passed by the House, as
- 2 follows:
- 3 1. By striking page 1, line 23 through page 3,
- 4 line 20.
- 5 2. Page 4, by striking lines 4 through 8.
- 6 3. Page 4, by striking lines 9 through 13 and
- 7 inserting the following:
- 8 "\_\_\_\_. "Participant" means a person who engages in
- 9 an activity involving one or more domesticated
- 10 animals, regardless of whether the person pays or
- 11 receives compensation. A participant does not include
- 12 a person who is a spectator, except when the person is
- 13 in an area specifically prohibited to spectators and
- 14 has been warned not to be in that area."
- 15 4. Page 4, by striking lines 15 through 21 and
- 16 inserting the following:
- 17 "1. A nonprofit organization sponsoring an
- 18 activity involving one or more domesticated animals,
- 19 shall not be liable for damage, injury, or death
- 20 suffered by a participant during the course of that
- 21 domesticated animal activity when all of the following
- 22 occur:
- 23 a. The damage, injury, or death suffered by the
- 24 participant results solely from the inherent risks of
- 25 a domesticated animal activity.
- 26 b. The nonprofit organization complied with the
- 27 notice requirements of section 673.3.
- 28 c. The participant signed a release substantially
- 29 in the following form:
- 30 A number of inherent risks are associated with
- 31 activities involving domesticated animals. A
- 32 domesticated animal may behave in a manner that
- 33 results in damages to property or an injury or death
- 34 to a person. Risks associated with the activity may
- 35 include injuries caused by bucking, biting, stumbling,
- 36 rearing, trampling, scratching, pecking, falling, or

37 butting.

38 The animal may act unpredictably to conditions,  
39 including, but not limited to, a sudden movement; a  
40 loud noise; an unfamiliar environment; or the  
41 introduction of unfamiliar persons, animals, or  
42 objects.

43 The animal may also react in a dangerous manner  
44 when a condition or treatment is considered hazardous  
45 to the welfare of the domesticated animal or a  
46 collision occurs with an object or animal.

47 My signature below evidences that I understand that  
48 there are inherent risks associated with activities  
49 involving domesticated animals and I willingly accept  
50 those inherent risks while participating in the

## Page 2

1 following listed activity, at the following listed  
2 location, for the following listed period of time.”

3 5. Page 5, by striking lines 2 through 4 and  
4 inserting the following: “same type of domesticated  
5 animal activity.”

6 6. By striking page 5, line 13 through page 6,  
7 line 19 and inserting the following:

8 “A nonprofit organization shall post and maintain a  
9 sign on real property in which the nonprofit  
10 organization holds an interest, if the nonprofit  
11 organization conducts domesticated animal activities  
12 on the property. The location of the sign may be near  
13 or on a stable, corral, or arena owned or controlled  
14 by the nonprofit organization. The sign must be  
15 clearly visible to the participant. This section does  
16 not require a sign to be posted on a domesticated  
17 animal or a vehicle powered by a domesticated animal.  
18 The notice shall appear in black letters a minimum of  
19 one inch high and in the following form:

20 **WARNING**

21 Under Iowa law, a nonprofit organization is not liable  
22 for damages suffered by, for an injury to, or for the  
23 death of a participant resulting from the inherent  
24 risks of domesticated animal activities, pursuant to  
25 Iowa Code chapter 673. You are assuming the inherent  
26 risks of participating in this domesticated animal  
27 activity.

28 Sec. \_\_\_\_ . COMMISSIONER OF INSURANCE -- STUDY AND  
29 CURE OF COVERAGE PROBLEMS. The commissioner of  
30 insurance shall conduct a closed claim study to  
31 determine the number, severity, and outcome of any and  
32 all insurance claims arising out of damage, injury, or  
33 death suffered by participants in domesticated animal

34 activities sponsored by nonprofit organizations and  
 35 for-profit organizations between January 1, 1988, and  
 36 December 31, 1993. The commissioner shall also study,  
 37 for the period between January 1, 1988, and December  
 38 31, 1995, the accessibility and cost of policies  
 39 available to nonprofit and for-profit organizations to  
 40 insure themselves with regard to damages, injuries, or  
 41 deaths suffered by participants in domesticated animal  
 42 activities sponsored by such organizations. The  
 43 commissioner shall report the findings of the study to  
 44 the general assembly no later than December 31, 1995.  
 45 The commissioner shall also take steps to cure any  
 46 other coverage problems that are identified during the  
 47 course of the study."

TOM VILSACK

S-3447

1 Amend Senate File 478 as follows:  
 2 1. Page 1, by striking lines 24 through 27 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_ . This Act applies to tax years beginning  
 5 on or after its effective date."  
 6 2. Title page, by striking line 4 and inserting  
 7 the following: "subsidiaries and providing an  
 8 applicability date provision."

TOM VILSACK  
 RICHARD F. DRAKE  
 JOANN DOUGLAS

S-3448

1 Amend House File 247, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting after line 5 the  
 4 following:  
 5 "Sec. \_\_\_\_ . NEW SECTION. 505.22 CERTAIN RELIGIOUS  
 6 ORGANIZATION ACTIVITIES EXEMPT FROM REGULATION.  
 7 A religious organization which, through its  
 8 publication to subscribers, solicits funds for the  
 9 payment of medical expenses of other subscribers,  
 10 shall not be considered to be engaging in the business  
 11 of insurance for purposes of this chapter or any other  
 12 provision of Title XIII, and shall not be subject to  
 13 the jurisdiction of the commissioner of insurance, if  
 14 all of the following apply:  
 15 1. The religious publication is provided by a  
 16 nonprofit charitable organization described in section

17 501(c)(3) of the Internal Revenue Code.

18 2. Participation is limited to subscribers who are  
19 members of the same denomination or religion.

20 3. The publication is registered with the United  
21 States postal service and acts as an organizational  
22 clearinghouse for information between subscribers who  
23 have financial, physical, or medical needs, and  
24 subscribers who choose to assist with those needs,  
25 matching subscribers with the present ability to pay  
26 with subscribers with a present financial or medical  
27 need.

28 4. The organization, through its publication,  
29 provides for the payment for subscriber financial or  
30 medical needs through direct payments from one  
31 subscriber to another.

32 5. The organization, through its publication,  
33 suggests amounts to contribute that are voluntary  
34 among the subscribers, with no assumption of risk or  
35 promise to pay either among the subscribers or between  
36 the subscribers and the publication."

37 2. Renumber as necessary.

BRAD BANKS  
BERL E. PRIEBE  
MERLIN E. BARTZ

S-3449

1 Amend the House amendment, S-3433, to Senate File  
2 433, as amended, passed, and reprinted by the Senate,  
3 as follows:

- 4 1. Page 1, by striking lines 3 through 22.
- 5 2. Page 1, by striking lines 40 through 42.
- 6 3. By renumbering as necessary.

ELAINE SZYMONIAK

S-3450

1 Amend Senate File 481 as follows:

- 2 1. Page 7, line 2, by inserting after the word  
3 "regarding" the following: "actual and proposed  
4 project".
- 5 2. Page 10, by inserting after line 17 the  
6 following:  
7 "Of the total appropriation in this section, up to  
8 \$2,400,000 may be used for fire and environmental

9 safety improvements for the department of corrections'  
10 and the department of human services' institutions."

ROD HALVORSON

S-3451

- 1 Amend Senate File 480 as follows:
- 2 1. Page 43, line 17, by inserting after the word
- 3 "gallon." the following: "However, on-farm storage of
- 4 undyed special fuel shall be exempt from the inventory
- 5 requirements and the tax imposed under this section."

MERLIN E. BARTZ

S-3452

- 1 Amend House File 159 as follows:
- 2 1. Page 1, line 6, by striking the words "or
- 3 otherwise".

ELAINE SZYMONIAK

S-3453

- 1 Amend Senate File 471 as follows:
- 2 1. Page 1, by striking lines 9 through 14 and
- 3 inserting the following: "receipts over three million
- 4 dollars. However, beginning January 1, 1997 1999, the
- 5 rate on any amount of 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 percent. The taxes imposed by this
- 10 section shall".

ROD HALVORSON

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 387

S-3454

- 1 Amend the Senate amendment, H-3836, to House File
- 2 387, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 " \_\_\_\_ . Page 1, line 7, by striking the word "two"
- 6 and inserting the following: "four"."

- 7 2. Page 1, by striking lines 6 through 24.  
 8 3. Page 1, by inserting after line 27 the  
 9 following:  
 10 "\_\_\_ . Page 2, line 7, by striking the word "two-  
 11 year" and inserting the following: "four-year"."  
 12 4. Page 1, by striking lines 28 through 31.  
 13 5. By renumbering, relettering, or redesignating  
 14 and correcting internal references as necessary.

S-3455

1 Amend House File 481, as passed by the House, as		
2 follows:		
3 1. Page 6, lines 7 and 8, by striking the words		
4 "governor for the drug enforcement and abuse		
5 prevention coordinator" and inserting the following:		
6 "attorney general".		
7 2. Page 6, line 16, by striking the words "drug		
8 enforcement and abuse coordinator" and inserting the		
9 following: "office of the attorney general".		
10 3. Page 18, line 1, by inserting after the word		
11 "law" the following: ", in the following amounts for		
12 the purposes indicated".		
13 4. Page 18, by inserting after line 1 the		
14 following:		
15 "1. For plant and animal disease and pest control,		
16 grant number 10025:		
17 .....	\$	665,540
18 2. For assistance for intrastate meat and poultry,		
19 grant number 10475:		
20 .....	\$	954,286
21 3. For farmers market nutrition program, grant		
22 number 10577:		
23 .....	\$	412,981
24 4. For soil and water conservation, grant number		
25 10902:		
26 .....	\$	57,000
27 5. For food and drug -- research grants, grant		
28 number 13103:		
29 .....	\$	154,522
30 6. For surface coal mining regulation, grant		
31 number 15250:		
32 .....	\$	153,169
33 7. For abandoned mine land reclamation, grant		
34 number 15252:		
35 .....	\$	3,462,736
36 8. For pesticide enforcement program, grant number		
37 66700:		
38 .....	\$	672,170
39 9. For pesticide certification program, grant		

40	number 66720:		
41	.....	\$	65,520"
42	5. Page 18, line 23, by inserting after the word		
43	"law" the following: ", in the following amounts for		
44	the purposes indicated".		
45	6. Page 18, by inserting after line 23 the		
46	following:		
47	"1. For vocational rehabilitation -- FICA, grant		
48	number 13802:		
49	.....	\$	286,876
50	2. For assistive technology information network,		

## Page 2

1	grant number 84224:		
2	.....	\$	22,980
3	3. For rehabilitation services -- basic support,		
4	grant number 84126:		
5	.....	\$	4,394,181
6	4. For rehabilitation training, grant number		
7	84129:		
8	.....	\$	18,894
9	5. For independent living project, grant number		
10	84169:		
11	.....	\$	110,857
12	6. For older blind, grant number 84177:		
13	.....	\$	192,240
14	7. For supported employment, grant number 84187:		
15	.....	\$	52,541"
16	7. Page 19, line 34, by inserting after the word		
17	"law" the following: ", in the following amounts for		
18	the purposes indicated".		
19	8. Page 19, by inserting after line 34 the		
20	following:		
21	"1. For historic preservation grants-in-aid, grant		
22	number 15904:		
23	.....	\$	524,572
24	2. For promotion of the arts -- education, grant		
25	number 45003:		
26	.....	\$	95,500
27	3. For promotion of the arts -- federal and state,		
28	grant number 45007:		
29	.....	\$	471,000
30	4. For promotion of the arts -- special projects,		
31	grant number 45011:		
32	.....	\$	102,825"
33	9. Page 20, line 7, by inserting after the word		
34	"law" the following: ", in the following amounts for		
35	the purposes indicated".		
36	10. Page 20, by inserting after line 7 the		

37 following:

38	"1. For nutrition program for elderly, grant	
39	number 10570:	
40	.....	\$ 2,212,991
41	2. For senior community service employment	
42	program, grant number 17235:	
43	.....	\$ 1,035,295
44	3. For prevention of elder abuse, grant number	
45	93041:	
46	.....	\$ 28,161
47	4. For preventive health, grant number 93043:	
48	.....	\$ 201,504
49	5. For supportive services, grant number 93044:	
50	.....	\$ 4,516,282

Page 3

1	6. For nutrition, grant number 93045:	
2	.....	\$ 6,038,894
3	7. For frail elderly, grant number 93046:	
4	.....	\$ 83,704
5	8. For ombudsman activity, grant number 93042:	
6	.....	\$ 54,182
7	9. For benefits counseling, grant number 93049:	
8	.....	\$ 26,242"
9	11. Page 20, line 15, by inserting after the word	
10	"law" the following: ", in the following amounts for	
11	the purposes indicated".	
12	12. Page 20, by inserting after line 15 the	
13	following:	
14	"1. For Trade Expansion Act, grant number 11309:	
15	.....	\$ 10,000
16	2. For child support enforcement, grant number	
17	13783:	
18	.....	\$ 109,068
19	3. For employment statistics, grant number 17002:	
20	.....	\$ 1,400,416
21	4. For research and statistics, grant number	
22	17005:	
23	.....	\$ 97,206
24	5. For labor certification, grant number 17202:	
25	.....	\$ 108,885
26	6. For employment service, grant number 17207:	
27	.....	\$ 10,720,817
28	7. For unemployment insurance grant to state,	
29	grant number 17225:	
30	.....	\$ 19,730,000
31	8. For occupational safety and health, grant	
32	number 17500:	
33	.....	\$ 1,676,362

34	9. For disabled veterans outreach, grant number	
35	17801:	
36	.....	\$ 1,016,101
37	10. For local veterans employment representation,	
38	grant number 17804: •	
39	.....	\$ 1,382,805
40	11. For unemployment insurance trust receipts,	
41	grant number 17998:	
42	.....	\$184,010,000"
43	13. Page 21, line 4, by inserting after the word	
44	"law" the following: ", in the following amounts for	
45	the purposes indicated".	
46	14. Page 21, by inserting after line 4 the	
47	following:	
48	"1. For juvenile justice and delinquency	
49	prevention, grant number 16540:	
50	.....	\$ 612,558

## Page 4

1	2. For weatherization assistance, grant number	
2	81042:	
3	.....	\$ 4,992,011
4	3. For client assistance, grant number 84161:	
5	.....	\$ 100,000
6	4. For low-income home energy assistance, grant	
7	number 93568:	
8	.....	\$ 26,290,443
9	5. For community services block grant, grant	
10	number 93572:	
11	.....	\$ 4,418,251"
12	15. Page 21, line 12, by inserting after the word	
13	"law" the following: ", in the following amounts for	
14	the purposes indicated".	
15	16. Page 21, by inserting after line 12 the	
16	following:	
17	"1. For assistance for intrastate meat and	
18	poultry, grant number 10475:	
19	.....	\$ 28,085
20	2. For food and drug -- research grants, grant	
21	number 13103:	
22	.....	\$ 8,388
23	3. For Title XVIII medicare inspections, grant	
24	number 13773:	
25	.....	\$ 1,685,106
26	4. For state medicaid fraud control unit, grant	
27	number 13775:	
28	.....	\$ 14,762
29	5. For state medicaid fraud control, grant number:	
30	93775:	

31	.....	\$	305,954"
32	17. Page 22, line 7, by inserting after the word		
33	33 "law" the following: " , in the following amounts for		
34	34 the purposes indicated".		
35	18. Page 22, by inserting after line 7 the		
36	36 following:		
37	37 "1. For forestry incentive program, grant number		
38	38 10064:		
39	.....	\$	1,235,000
40	2. For cooperative forestry assistance, grant		
41	41 number 10664:		
42	.....	\$	485,000
43	3. For surface coal mining regulation, grant		
44	44 number 15250:		
45	.....	\$	28,894
46	4. For fish restoration, grant number 15605:		
47	.....	\$	3,855,000
48	5. For wildlife restoration, grant number 15611:		
49	.....	\$	2,700,000
50	6. For rare and endangered species conservation,		

## Page 5

1	grant number 15612:		
2	.....	\$	21,575
3	7. For acquisition, development, and planning,		
4	4 grant number 15916:		
5	.....	\$	250,000
6	8. For recreation boating safety financial		
7	7 assistance, grant number 20005:		
8	.....	\$	494,000
9	9. For Clean Lakes Act, grant number 66435:		
10	.....	\$	440,501
11	10. For consolidated environmental programs		
12	12 support, grant number 66600:		
13	.....	\$	8,993,210
14	11. For energy conservation, grant number 81041:		
15	.....	\$	431,006
16	12. For grants for local government, grant number		
17	17 81052:		
18	.....	\$	695,853"
19	19. Page 22, line 29, by inserting after the word		
20	20 "law" the following: " , in the following amounts for		
21	21 the purposes indicated".		
22	20. Page 22, by inserting after line 29 the		
23	23 following:		
24	24 "1. For military operations -- Army national		
25	25 guard, grant number 12991:		
26	.....	\$	7,612,676
27	2. For superfund authorization, grant number		

28	83011:		
29	.....	\$	79,000
30	3. For federal hazmat training, grant number		
31	83012:		
32	.....	\$	3,430
33	4. For emergency management training, grant number		
34	83403:		
35	.....	\$	6,000
36	5. For emergency management assistance, grant		
37	number 83503:		
38	.....	\$	920,250
39	6. For state disaster preparedness grants, grant		
40	number 83505:		
41	.....	\$	20,000
42	7. For state and local emergency operation		
43	centers, grant number 83512:		
44	.....	\$	2,000,000
45	8. For disaster assistance, grant number 83516:		
46	.....	\$	16,681,513
47	9. For hazard mitigation, grant number 83519:		
48	.....	\$	430,000"
49	21. Page 23, line 9, by inserting after the word		
50	"law" the following: ", in the following amounts for		

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1	the purposes indicated".		
2	22. Page 23, by inserting after line 9 the		
3	following:		
4	"1. For agricultural experiment, grant number		
5	10203:		
6	.....	\$	3,870,819
7	2. For 1890 land grant colleges, grant number		
8	10205:		
9	.....	\$	50,000
10	3. For cooperative extension service, grant number		
11	10500:		
12	.....	\$	8,500,000
13	4. For school breakfast program, grant number		
14	10553:		
15	.....	\$	9,054
16	5. For school lunch program, grant number 10555:		
17	.....	\$	209,429
18	6. For maternal and child health, grant number		
19	13110:		
20	.....	\$	104,276
21	7. For cancer treatment research, grant number		
22	13395:		
23	.....	\$	40,805
24	8. For general research, grant number 83500:		

25	.....	\$226,358,348
26	9. For education of handicapped children, grant	
27	number 84009:	
28	.....	\$ 20,713
29	10. For handicapped -- state grants, grant number	
30	84027:	
31	.....	\$ 272,050"
32	23. Page 24, line 21, by inserting after the word	
33	"law" the following: " , in the following amounts for	
34	the purposes indicated".	
35	24. Page 24, by inserting after line 21 the	
36	following:	
37	"1. For department of housing and urban	
38	development, grant number 14000:	
39	.....	\$ 25,000
40	2. For department of justice, grant number 16000:	
41	.....	\$ 480,000
42	3. For marijuana control, grant number 16580:	
43	.....	\$ 58,000
44	4. For state and community highway safety, grant	
45	number 20600:	
46	.....	\$ 3,587,883"
47	25. Page 24, line 29, by inserting after the word	
48	"law" the following: " , in the following amounts for	
49	the purposes indicated".	
50	26. Page 24, by inserting after line 29 the	

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1	following:	
2	"1. For women, infants, and children, grant number	
3	10557:	
4	.....	\$ 29,397,925
5	2. For food and drug -- research grants, grant	
6	number 13103:	
7	.....	\$ 10,802
8	3. For primary care services, grant number 13130:	
9	.....	\$ 144,715
10	4. For health services -- grants and contracts,	
11	grant number 13226:	
12	.....	\$ 185,605
13	5. For drug abuse research grant, grant number	
14	13279:	
15	.....	\$ 49,200
16	6. For prevention disability, grant number 13283:	
17	.....	\$ 89,636
18	7. For asbestos enforcement, grant number 66706:	
19	.....	\$ 16,739
20	8. For health programs for refugees, grant number	
21	13987:	

22	.....	\$	37,980
23	9. For alcohol and drug abuse block grant, grant		
24	number 13992:		
25	.....	\$	12,315,234
26	10. For radon control, grant number 66032:		
27	.....	\$	348,853
28	11. For toxic substance compliance monitoring,		
29	grant number 66701:		
30	.....	\$	169,871
31	12. For asbestos enforcement program, grant number		
32	66702:		
33	.....	\$	155,051
34	13. For drug-free schools -- communities, grant		
35	number 84186:		
36	.....	\$	1,084,256
37	14. For hazardous waste, grant number 66802:		
38	.....	\$	50,596
39	15. For regional delivery systems, grant number		
40	93110:		
41	.....	\$	242,076
42	16. For TB control -- elimination, grant number		
43	93116:		
44	.....	\$	211,649
45	17. For AIDS prevention project, grant number		
46	93118:		
47	.....	\$	1,106,712
48	18. For physician education, grant number 93161:		
49	.....	\$	386,405
50	19. For childhood lead abatement, grant number		

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1	93197:		
2	.....	\$	730,303
3	20. For family planning projects, grant number		
4	93217:		
5	.....	\$	598,468
6	21. For immunization program, grant number 93268:		
7	.....	\$	1,498,835
8	22. For needs assessment grant, grant number		
9	93283:		
10	.....	\$	1,385,046
11	23. For model programs for adolescents, grant		
12	number 93902:		
13	.....	\$	702,961
14	24. For rural health, grant number 93913:		
15	.....	\$	43,341
16	25. For HIV cares grants, grant number 93917:		
17	.....	\$	333,799
18	26. For trauma care, grant number 93953:		

19	.....	\$	120,767
20	27. For preventive health services, grant number		
21	93977:		
22	.....	\$	585,877
23	28. For preventive health blocks, grant number		
24	93991:		
25	.....	\$	1,807,096
26	29. For maternal and child health block grant,		
27	grant number 93994:		
28	.....	\$	6,927,002
29	30. For Aids prevention project, grant number		
30	93940:		
31	.....	\$	52,135
32	31. For substance abuse program grants, grant		
33	number 93959:		
34	.....	\$	685,751
35	32. For refugee health, grant number 93987:		
36	.....	\$	11,164
37	33. For alcohol/drug abuse block grant, grant		
38	number 93992:		
39	.....	\$	29,680"
40	27. Page 25, line 2, by inserting after the word		
41	"law" the following: ", in the following amounts for		
42	the purposes indicated".		
43	28. Page 25, by inserting after line 2 the		
44	following:		
45	"1. For food stamps, grant number 10551:		
46	.....	\$	3,843,072
47	2. For administration expense for food stamps,		
48	grant number 10561:		
49	.....	\$	10,435,468
50	3. For commodity support food program, grant		

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1	number 10565:		
2	.....	\$	309,557
3	4. For temporary emergency food assistance, grant		
4	number 10568:		
5	.....	\$	332,440
6	5. For child care planning and development, grant		
7	number 13673:		
8	.....	\$	14,281
9	6. For Title XVIII medicare inspections, grant		
10	number 13773:		
11	.....	\$	100,000
12	7. For foster grandparents program, grant number		
13	72001:		
14	.....	\$	351,430
15	8. For retired senior volunteer program, grant		

16	number 72002:		
17	.....	\$	12,263
18	9. For child care for at-risk families, grant		
19	number 93574:		
20	.....	\$	197,708
21	10. For projects with industries, grant number		
22	84128:		
23	.....	\$	462,765
24	11. For mental health, grant number 93125:		
25	.....	\$	105,679
26	12. For mental health training, grant number		
27	93244:		
28	.....	\$	300,000
29	13. For family support payments to states, grant		
30	number 93560:		
31	.....	\$	95,524,994
32	14. For job opportunities and basic skills		
33	training, grant number 93561:		
34	.....	\$	13,218,008
35	15. For child support enforcement, grant number		
36	93563:		
37	.....	\$	20,497,111
38	16. For refugee and entrant assistance, grant		
39	number 93566:		
40	.....	\$	4,686,585
41	17. For child care development block grant, grant		
42	number 93575:		
43	.....	\$	8,546,421
44	18. For developmental disabilities basic support,		
45	grant number 93630:		
46	.....	\$	854,067
47	19. For children's justice, grant number 93643:		
48	.....	\$	171,347
49	20. For child welfare services, grant number		
50	93645:		

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1	.....	\$	4,962,484
2	21. For crisis nursery, grant number 93656:		
3	.....	\$	136,242
4	22. For foster care Title IV-E, grant number		
5	93658:		
6	.....	\$	18,493,805
7	23. For adoption assistance, grant number 93659:		
8	.....	\$	7,898,799
9	24. For social services block grant, grant number		
10	93667:		
11	.....	\$	31,975,889
12	25. For child abuse basic, grant number 93669:		

13	.....	\$	280,024
14	26. For child abuse challenge, grant number 93672:		
15	.....	\$	57,507
16	27. For development of dependent care, grant		
17	number 93673:		
18	.....	\$	50,601
19	28. For Title IV-E independent living, grant		
20	number 93674:		
21	.....	\$	481,440
22	29. For sexually transmitted disease control		
23	program, grant number 93777:		
24	.....	\$	2,662,000
25	30. For medical assistance, grant number 93778:		
26	.....	\$	777,216,322
27	31. For community mental health services, grant		
28	number 93958:		
29	.....	\$	2,100,000"
30	29. Page 25, line 10, by inserting after the word		
31	"law" the following: ", in the following amounts for		
32	the purposes indicated".		
33	30. Page 25, by inserting after line 10 the		
34	following:		
35	"1. For department of agriculture, grant number		
36	10000:		
37	.....	\$	122,000
38	2. For young adult conservation corps, grant		
39	number 10663:		
40	.....	\$	750,000
41	3. For state and local planning, grant number		
42	11305:		
43	.....	\$	72,000
44	4. For procurement office/department of defense,		
45	grant number 12600:		
46	.....	\$	83,000
47	5. For community development block grant state		
48	program, grant number 14228:		
49	.....	\$	44,402,179
50	6. For national Affordable Housing Act, grant		

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1	number 14239:		
2	.....	\$	9,715,815
3	7. For department of labor, grant number 17000:		
4	.....	\$	319,028
5	8. For Job Training Partnership Act, grant number		
6	17250:		
7	.....	\$	19,055,048
8	9. For small business administration tree program,		
9	grant number 59045:		

10	.....	\$	160,000
11	10. For community service act funds, grant number		
12	94003:		
13	.....	\$	946,000
14	11. For Job Training Partnership Act – dislocated		
15	workers, grant number 17246:		
16	.....	\$	7,229,202”
17	31. Page 25, line 18, by inserting after the word		
18	“law” the following: “, in the following amounts for		
19	the purposes indicated”.		
20	32. Page 25, by inserting after line 18 the		
21	following:		
22	“1. For airport improvement program – federal		
23	aviation administration, grant number 20106:		
24	.....	\$	100,000
25	2. For highway research, plan and construction,		
26	grant number 20205:		
27	.....	\$	269,267,000
28	3. For motor carrier safety assistance, grant		
29	number 20217:		
30	.....	\$	50,000
31	4. For local rail service assistance, grant number		
32	20308:		
33	.....	\$	400,000
34	5. For urban mass transportation, grant number		
35	20507:		
36	.....	\$	2,000,000”
37	33. Page 25, line 25, by inserting after the word		
38	“law” the following: “, in the following amounts for		
39	the purposes indicated”.		
40	34. Page 25, by inserting after line 25 the		
41	following:		
42	“1. For school breakfast program, grant number		
43	10553:		
44	.....	\$	5,512,500
45	2. For school lunch program, grant number 10555:		
46	.....	\$	44,210,250
47	3. For special milk program for children, grant		
48	number 10556:		
49	.....	\$	252,000
50	4. For child care food program, grant number		

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1	10558:		
2	.....	\$	17,565,030
3	5. For summer food service for children, grant		
4	number 10559:		
5	.....	\$	1,075,725
6	6. For administration expenses for child		

7	nutrition, grant number 10560:		
8	.....	\$	883,485
9	7. For public telecommunication facilities, grant		
10	number 11550:		
11	.....	\$	150,000
12	8. For vocational rehabilitation -- state		
13	supplementary assistance, grant number 13625:		
14	.....	\$	350,572
15	9. For vocational rehabilitation -- FICA, grant		
16	number 13802:		
17	.....	\$	9,025,345
18	10. For nutrition education and training, grant		
19	number 10564:		
20	.....	\$	115,000
21	11. For mine health and safety, grant number		
22	17600:		
23	.....	\$	80,000
24	12. For veterans education, grant number 64111:		
25	.....	\$	172,270
26	13. For asbestos enforcement program, grant number		
27	66702:		
28	.....	\$	6,000
29	14. For adult education, grant number 84002:		
30	.....	\$	892,176
31	15. For bilingual education, grant number 84003:		
32	.....	\$	75,000
33	16. For civil rights, grant number 84004:		
34	.....	\$	308,622
35	17. For education of handicapped children, grant		
36	number 84009:		
37	.....	\$	657,000
38	18. For E.C.I.A. -- chapter 1, grant number 84010:		
39	.....	\$	46,000,000
40	19. For migrant education, grant number 84011:		
41	.....	\$	250,000
42	20. For educationally deprived children, grant		
43	number 84012:		
44	.....	\$	400,000
45	21. For education for neglected -- delinquent		
46	children, grant number 84013:		
47	.....	\$	300,000
48	22. For handicapped education, grant number 84025:		
49	.....	\$	98,000
50	23. For handicapped -- state grants, grant number		

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1	84027:		
2	.....	\$	25,558,783
3	24. For handicapped professional preparation,		

4	grant number 84029:		
5	.....	\$	118,000
6	25. For public library services, grant number		
7	84034:		
8	.....	\$	971,153
9	26. For interlibrary cooperation, grant number		
10	84035:		
11	.....	\$	229,155
12	27. For vocational education -- state grants,		
13	grant number 84048:		
14	.....	\$	9,795,940
15	28. For vocational education -- consumer and		
16	homemaking, grant number 84049:		
17	.....	\$	393,572
18	29. For vocational education -- state advisory		
19	councils, grant number 84053:		
20	.....	\$	179,289
21	30. For national diffusion network, grant number		
22	84073:		
23	.....	\$	95,405
24	31. For rehabilitation services -- basic support,		
25	grant number 84126:		
26	.....	\$	16,629,105
27	32. For rehabilitation training, grant number		
28	84129:		
29	.....	\$	59,689
30	33. For chapter 2 block grant, grant number 84151:		
31	.....	\$	4,171,482
32	34. For public library construction, grant number		
33	84154:		
34	.....	\$	200,000
35	35. For transition services, grant number 84158:		
36	.....	\$	124,379
37	36. For emergency immigrant education, grant		
38	number 84162:		
39	.....	\$	58,395
40	37. For EESA Title II, grant number 84164:		
41	.....	\$	1,716,566
42	38. For independent living project, grant number		
43	84169:		
44	.....	\$	337,007
45	39. For education of handicapped -- incentive,		
46	grant number 84173:		
47	.....	\$	3,999,180
48	40. For education of handicapped -- infants and		
49	toddlers, grant number 84181:		
50	.....	\$	1,980,000

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1	41. For Byrd scholarship program, grant number		
2	84185:		
3	.....	\$	219,000
4	42. For drug free schools/communities, grant		
5	number 84186:		
6	.....	\$	2,905,925
7	43. For supported employment, grant number 84187:		
8	.....	\$	271,267
9	44. For homeless youth and children, grant number		
10	84196:		
11	.....	\$	189,344
12	45. For vocational education-community, grant		
13	number 84174:		
14	.....	\$	135,271
15	46. For even start, grant number 84213:		
16	.....	\$	670,265
17	47. For E.C.I.A. capital expense, grant number		
18	84216:		
19	.....	\$	500,000
20	48. For E.C.I.A. state improvements, grant number		
21	84218:		
22	.....	\$	400,000
23	49. For foreign language assistance, grant number		
24	84249:		
25	.....	\$	136,491
26	50. For literacy resource center, grant number		
27	84254:		
28	.....	\$	73,458
29	51. For AIDS prevention project, grant number		
30	93118:		
31	.....	\$	265,000
32	52. For headstart collaborative grant, grant		
33	number 93600:		
34	.....	\$	128,816
35	53. For serve America, grant number 94001:		
36	.....	\$	177,784
37	54. For youth apprenticeship, grant number 17249:		
38	.....	\$	223,323
39	55. For environment education grants, grant number		
40	66951:		
41	.....	\$	5,000
42	56. For teacher preparation education, grant		
43	number 84243:		
44	.....	\$	1,216,528
45	57. For department of education contracts, grant		
46	number 84999:		
47	.....	\$	50,000
48	58. For child development association scholarship,		

49 grant number 93614:  
 50 ..... \$ 14,840"

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- 1 35. Page 26, line 3, by striking the word "are"
- 2 and inserting the following: "and".
- 3 36. Page 26, line 3, by inserting after the word
- 4 "abuse" the following: "shall, notwithstanding 1989
- 5 Acts, chapter 225, section 5, be transferred to the
- 6 office of the attorney general".
- 7 37. Page 26, line 6, by inserting after the word
- 8 "law" the following: " , in the following amounts for
- 9 the purposes indicated".
- 10 38. Page 26, by inserting after line 6 the
- 11 following:
- 12 "For narcotics control assistance, grant number
- 13 16579:
- 14 ..... \$ 13,267,000"

COMMITTEE ON APPROPRIATIONS  
 LARRY MURPHY, Chairperson

S-3456

- 1 Amend House File 492, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 8 the
- 4 following:
- 5 "Sec. \_\_\_\_ . Section 562A.5, Code 1995, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 8. Occupancy in housing owned by
- 8 a nonprofit organization whose purpose is to provide
- 9 transitional housing for persons released from drug or
- 10 alcohol treatment facilities and in housing for
- 11 homeless persons.
- 12 Sec. \_\_\_\_ . Section 562A.6, Code 1995, is amended by
- 13 adding the following new subsection:
- 14 NEW SUBSECTION. 15. "Transitional housing" means
- 15 temporary or nonpermanent housing.
- 16 Sec. \_\_\_\_ . Section 562A.21, subsection 1,
- 17 unnumbered paragraph 1, Code 1995, is amended to read
- 18 as follows:
- 19 Except as provided in this chapter, if there is a
- 20 material noncompliance by the landlord with the rental
- 21 agreement or a noncompliance with section 562A.15
- 22 materially affecting health and safety, the tenant may
- 23 elect to commence an action under this section and
- 24 shall deliver a written notice to the landlord
- 25 specifying the acts and omissions constituting the

26 breach and that the rental agreement will terminate  
27 upon a date not less than ~~thirty seven~~ seventy-two days after  
28 receipt of the notice if the breach is not remedied in  
29 ~~fourteen seven~~ seven days, and the rental agreement shall  
30 terminate and the tenant shall surrender as provided  
31 in the notice subject to the following:

32 Sec. \_\_\_\_ . Section 562A.21, subsection 1, paragraph  
33 b, Code 1995, is amended to read as follows:

34 b. If substantially the same act or omission which  
35 constituted a prior noncompliance of which notice was  
36 given recurs within six months, the tenant may  
37 terminate the rental agreement upon at least ~~fourteen~~  
38 seven days' written notice specifying the breach and  
39 the date of termination of the rental agreement unless  
40 the landlord has exercised due diligence and effort to  
41 remedy the breach which gave rise to the  
42 noncompliance."

43 2. Page 1, line 9, by striking the words and  
44 figures "subsections 1 and 2" and inserting the  
45 following: "subsection 1".

46 3. Page 1, line 10, by striking the word "are"  
47 and inserting the following: "is".

48 4. Page 1, lines 18 and 19, by striking the words  
49 "~~days seventy-two hours~~" and inserting the following:  
50 "seven days".

## Page 2

1 5. Page 1, line 28, by striking the words "~~days'~~  
2 seventy-two hours" and inserting the following:  
3 "seven days".

4 6. By striking page 1, line 31, through page 2,  
5 line 1, and inserting the following:

6 "Sec. \_\_\_\_ . Section 562A.27, subsection 4,  
7 paragraph b, Code 1995, is amended to read as follows:

8 b. That the tenant notified the landlord at least  
9 ~~fourteen seven~~ seven days prior to the due date of the  
10 tenant's rent payment of the tenant's intention to  
11 correct the condition constituting the breach referred  
12 to in paragraph "a" of ~~this subsection~~ at the  
13 landlord's expense; and".

14 7. Page 2, lines 9 and 10, by striking the words  
15 "~~three days' seventy-two hours~~" and inserting the  
16 following: "three days".

17 8. Page 2, by striking lines 15 through 17 and  
18 inserting the following: "to quit."

19 9. Page 2, line 20, by striking the word "five"  
20 and inserting the following: "five three".

21 10. Page 3, line 2, by striking the words "~~days~~  
22 seventy-two hours" and inserting the following:

- 23 "seven days".
- 24 11. Page 3, by striking lines 10 through 21.
- 25 12. By striking page 3, line 35, through page 4,
- 26 line 2, and inserting the following: "to quit. The".
- 27 13. Page 4, line 5, by striking the word "five"
- 28 and inserting the following: "five three".
- 29 14. Page 4, by striking lines 23 through 34.
- 30 15. By striking page 4, line 35, through page 5,
- 31 line 6.
- 32 16. Page 5, lines 17 and 18, by striking the
- 33 words "days seventy-two hours" and inserting the
- 34 following: "three days".
- 35 17. Page 5, line 22, by striking the words "days"
- 36 "seventy-two-hour" and inserting the following: "three
- 37 days".
- 38 18. Page 5, lines 29 and 30, by striking the
- 39 words "days seventy-two hours" and inserting the
- 40 following: "three days".
- 41 19. Page 5, by inserting after line 32 the
- 42 following:
- 43 "Sec. \_\_\_\_ . EFFECTIVE DATE. The amendments in this
- 44 Act to sections 562A.5 and 562A.6, being deemed of
- 45 immediate importance, take effect upon enactment."
- 46 20. Title page, line 1, by inserting after the
- 47 word "to" the following: "the exclusion of certain
- 48 nonprofit transitional housing from landlord-tenant
- 49 agreements and remedies, tenant remedies for landlord
- 50 noncompliance with a rental agreement,".

### Page 3

- 1 21. Title page, line 3, by inserting after the
- 2 word "danger" the following: ", and providing an
- 3 effective date".
- 4 22. By renumbering as necessary.

ELAINE SZYMONIAK

S-3457

- 1 Amend the amendment, S-3439, to House File 303, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "assessments." the following: "For purposes of this
- 5 section, "electrical contracting services" does not
- 6 include the transmission of electricity to the
- 7 customers of a public utility."

JIM LIND

S-3458

1 Amend House File 461, as passed by the House, as  
2 follows:

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

5 "Sec. \_\_\_\_ . Notwithstanding any other provision of  
6 law to the contrary, a connection to be made  
7 associated with Part III of the Iowa communications  
8 network shall not be completed or made through the use  
9 of a fiber optic cable route used or to be used for  
10 connecting an Iowa national guard facility to the  
11 network, if the vendor completing such route submitted  
12 a bid in response to the request for proposals issued  
13 by the national guard on the basis of the purchase and  
14 ownership of the route by the national guard and the  
15 route, upon completion, is not owned by the Iowa  
16 national guard, until such time as the studies  
17 required by this Act are completed and such connection  
18 is authorized by a constitutional majority of each  
19 house of the general assembly and approved by the  
20 governor."

21 2. Renumber as necessary.

DERRYL McLAREN

S-3459

1 Amend House File 486, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 33 the  
4 following:

5 "(5) The name of the purchaser, beneficiary, and  
6 the amount of each agreement referred to in section  
7 523A.1 made in the preceding year and the date on  
8 which it was made.

9 (6) Other information reasonably required by the  
10 commissioner for purposes of administration of this  
11 chapter."

12 2. Page 34, by inserting after line 17 the  
13 following:

14 "(5) The name of the purchaser, beneficiary, and  
15 the amount of each agreement referred to in section  
16 523E.1 made in the preceding year and the date on  
17 which it was made.

18 (6) Other information reasonably required by the  
19 commissioner for purposes of administration of this  
20 chapter."

SHELDON RITTMER

S-3460

1 Amend House File 486, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 5, by striking lines 5 through 10.

4 2. Page 31, by inserting after line 30 the  
5 following:

6 "Sec. \_\_\_\_ . NEW SECTION. 523A.23 MINIMUM FIDELITY  
7 BOND OR INSURANCE POLICY.

8 The seller, in connection with an offer or sale of  
9 an agreement referred to in section 523A.1, shall  
10 obtain and maintain at all times a fidelity bond or  
11 insurance policy covering losses resulting from  
12 dishonest or fraudulent acts committed by employees of  
13 the seller which cause a loss, theft, or  
14 misappropriation of cash, property, or a negotiable  
15 instrument submitted to the seller pursuant to the  
16 agreement. The fidelity bond or insurance policy must  
17 be maintained in an amount not less than fifty  
18 thousand dollars."

19 3. Page 35, by striking lines 24 through 29.

20 4. Page 38, by inserting after line 19 the  
21 following:

22 "Sec. \_\_\_\_ . NEW SECTION. 523E.22 MINIMUM FIDELITY  
23 BOND OR INSURANCE POLICY.

24 The seller, in connection with an offer or sale of  
25 an agreement referred to in section 523E.1, shall  
26 obtain and maintain at all times a fidelity bond or  
27 insurance policy covering losses resulting from  
28 dishonest or fraudulent acts committed by employees of  
29 the seller which cause a loss, theft, or  
30 misappropriation of cash, property, or a negotiable  
31 instrument submitted to the seller pursuant to the  
32 agreement. The fidelity bond or insurance policy must  
33 be maintained in an amount not less than fifty  
34 thousand dollars."

35 5. Page 67, by striking lines 30 through 34.

36 6. Renumber as necessary.

SHELDON RITTMER

S-3461

1 Amend Senate File 19 as follows:

2 1. Page 1, line 6, by inserting after the word  
3 "greenhouses" the following: "or otherwise".

4 2. Title, by striking lines 1 through 3 and  
5 inserting the following: "An Act relating to the

6 production of ornamental, flowering, or vegetable  
7 plants for the purposes of the state sales tax."

ELAINE SZYMONIAK

S-3462

1 Amend the amendment, S-3372, to House File 492, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 3 and 4 and  
5 inserting the following:

6 "\_\_\_ . By striking page 1, line 1, through page 2,  
7 line 1, and inserting the following:"

8 2. Page 1, by inserting after line 15 the  
9 following:

10 "\_\_\_ . By striking page 2, line 29, through page  
11 3, line 21."

12 3. Page 1, by striking lines 16 and 17 and  
13 inserting the following:

14 "\_\_\_ . By striking page 4, line 14, through page  
15 5, line 32, and inserting the following:"

16 4. Page 1, by inserting after line 24 the  
17 following:

18 "\_\_\_ . Title page, lines 1 and 2, by striking the  
19 words "tenant noncompliance with a rental agreement  
20 and"."

21 5. By renumbering as necessary.

JOHNIE HAMMOND

S-3463

1 Amend the amendment, S-3437, to Senate File 481, as  
2 follows:

3 1. Page 1, line 10, by striking the figure  
4 "10,000,000" and inserting the following:  
5 "28,500,000".

JIM LIND

S-3464

1 Amend Senate File 477 as follows:

2 1. Page 1, by striking lines 16 through 20 and  
3 inserting the following: "of committee members from  
4 each house. Members shall be appointed and serve for  
5 terms beginning upon the convening of the first  
6 session of each general assembly, except that the  
7 initial members may be appointed after the convening

8 of the first session of the Seventy-sixth General  
9 Assembly."

10 2. Page 4, by striking lines 30 through 33 and  
11 inserting the following: "legislative council each  
12 year as provided by the legislative council, for  
13 approval or amendment by the legislative council for  
14 the following year."

MARY NEUHAUSER

S-3465

1 Amend House File 494, as passed by the House, as  
2 follows:

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

5 "Sec. \_\_\_\_ . Section 47.8, subsection 1, Code 1995,  
6 is amended to read as follows:

7 1. ~~There is established a~~ A state voter  
8 registration commission ~~is established~~ which shall  
9 meet at least quarterly to make and review policy,  
10 adopt rules, and establish procedures to be followed  
11 by the registrar in discharging the duties of that  
12 office, ~~and to promote interagency cooperation and~~  
13 planning. The commission shall consist of the state  
14 commissioner of elections or the state commissioner's  
15 designee, ~~and~~ the state chairpersons of the two  
16 political parties whose candidates for president of  
17 the United States or governor, as the case may be,  
18 received the greatest and next greatest number of  
19 votes in the most recent general election, or their  
20 respective designees, ~~who~~ and a county commissioner of  
21 registration appointed by the president of the Iowa  
22 state association of county auditors, or an employee  
23 of the commissioner. The commission membership shall  
24 be balanced by political party affiliation pursuant to  
25 section 69.16. Members shall serve without additional  
26 salary or reimbursement.

27 The state commissioner of elections, or the state  
28 commissioner's designee, shall serve as chairperson of  
29 the state voter registration commission.

30 Sec. \_\_\_\_ . Section 47.8, subsection 3, Code 1995,  
31 is amended to read as follows:

32 3. The registrar shall provide staff services to  
33 the commission and shall make available to it all  
34 information relative to the activities of the  
35 registrar's office in connection with the voter  
36 registration of voters in this state policy which may  
37 be requested by any commission member. The registrar  
38 shall also provide to the commission at no charge

39 statistical reports for planning and analyzing voter  
40 registration services in the state.  
41 PARAGRAPH DIVIDED. The commission may authorize  
42 the registrar to employ such additional staff  
43 personnel as it deems necessary to permit the duties  
44 of the registrar's office to be adequately and  
45 promptly discharged. Such personnel shall be employed  
46 pursuant to chapter 19A."  
47 2. By renumbering as necessary.

RICHARD F. DRAKE  
MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 41

S-3466

1 Amend the Senate amendment, H-3863, to House File  
2 41, as passed by the House, as follows:  
3 1. Page 1, by inserting after line 34 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 347.16, subsection 3, Code  
6 1995, is amended to read as follows:  
7 3. Care and treatment may be furnished in a county  
8 public hospital to any sick or injured person who has  
9 legal settlement outside the county which maintains  
10 the hospital, subject to such policies and rules as  
11 the board of hospital trustees may adopt. If care and  
12 treatment is provided under this subsection to a  
13 person who is indigent, the county in which that  
14 person has legal settlement shall pay to the board of  
15 hospital trustees the fair and reasonable cost of the  
16 care and treatment provided by the county public  
17 hospital unless the cost of the indigent person's care  
18 and treatment is otherwise provided for. If care and  
19 treatment is provided to an indigent person under this  
20 subsection, the county public hospital furnishing the  
21 care and treatment shall immediately notify, by  
22 regular mail, the auditor of the county of legal  
23 settlement of the indigent person of the provision of  
24 care and treatment to the indigent person."  
25 2. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 85

S-3467

- 1 Amend Senate File 85, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the word "deer"  
4 and inserting the following: "deer;"
- 5 2. Page 1, line 7, by striking the word "elk" and  
6 inserting the following: "elk;"
- 7 3. Page 2, by striking lines 15 through 28.
- 8 4. Page 2, by striking line 32 and inserting the  
9 following: "farm deer. As used in this paragraph,  
10 farm deer means an animal belonging to the cervidae  
11 family and classified as part of the dama species of  
12 the dama genus, commonly referred to as fallow deer;  
13 part of the elaphus species of the cervus genus,  
14 commonly referred to as red deer or elk; or part of  
15 the nippon species of the cervus genus, commonly  
16 referred to as sika. However, a farm deer does not  
17 include any unmarked free ranging elk."
- 18 5. Page 3, line 1, by inserting after the word  
19 "deer" the following: ", as defined in section  
20 481A.1".
- 21 6. Page 3, by inserting after line 2 the  
22 following:
- 23 "Sec. \_\_\_\_ . The department of agriculture and land  
24 stewardship shall conduct a study relating to the  
25 needs and desirability of adopting or enhancing animal  
26 health requirements including health certificates for  
27 farm deer. In conducting the study, the department  
28 shall solicit comments and participation from  
29 organizations representing farm deer producers, cattle  
30 producers, pork producers, sheep producers, and the  
31 department of natural resources. As used in this  
32 section, "farm deer" means an animal belonging to the  
33 cervidae family and classified as part of the dama  
34 species of the dama genus, commonly referred to as  
35 fallow deer; part of the elaphus species of the cervus  
36 genus, commonly referred to as red deer or elk; or  
37 part of the nippon species of the cervus genus,  
38 commonly referred to as sika. However, a farm deer  
39 does not include any unmarked free ranging elk."
- 40 7. By renumbering, relettering, or redesignating  
41 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 432

S-3468

1 Amend Senate File 432, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by inserting after the words  
4 "notify the" the following: "county attorney for the  
5 county in which the person was convicted and the".

6 2. By striking page 1, line 35 through page 2,  
7 line 22.

8 3. Page 2, line 33, by striking the word  
9 "corrections" and inserting the following: "human  
10 services".

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

13 "Sec. \_\_\_\_ . Section 910A.9A, Code 1995, is amended  
14 to read as follows:

15 910A.9A NOTIFICATION BY DEPARTMENT OF HUMAN  
16 SERVICES.

17 The department of human services shall notify a  
18 victim registered with the department, regarding a  
19 juvenile adjudicated delinquent for a violent crime,  
20 committed to the custody of the department of human  
21 services, and placed at the state training school at  
22 Eldora or Toledo, or regarding a person determined to  
23 be a sexually violent predator under chapter 709C, and  
24 committed to the custody of the department of human  
25 services, of the following:

26 1. The date on which the juvenile or sexually  
27 violent predator is expected to be temporarily  
28 released from the custody of the department of human  
29 services, and whether the juvenile is expected to  
30 return to the community where the registered victim  
31 resides.

32 2. The juvenile's or the sexually violent  
33 predator's escape from custody.

34 3. The recommendation by the department to  
35 consider the juvenile or sexually violent predator for  
36 release or placement.

37 4. The date on which the juvenile or sexually  
38 violent predator is expected to be released from a  
39 facility pursuant to a plan of placement."

40 5. Title page, by striking lines 1 through 3 and  
41 inserting the following: "An Act relating to sexually  
42 violent predators, by providing notice of the petition  
43 to the attorney general by specifying the location for  
44 trial, by requiring the state to pay the".

45 6. Title page, line 5, by inserting after the

- 46 word "proceedings," the following: "providing for  
 47 notification of victims,"  
 48 7. By renumbering, relettering, or redesignating  
 49 and correcting internal references as necessary.

S-3469

- 1 Amend Senate File 481 as follows:  
 2 1. Page 4, by inserting after line 8 as follows:  
 3 "h. For the installation of diaper changing  
 4 stations in the men's and women's restrooms in all of  
 5 the rest areas located within the state which do not  
 6 currently have diaper changing stations."  
 7 2. By renumbering and relettering as necessary.

JOHNNIE HAMMOND

S-3470

- 1 Amend Senate File 480 as follows:  
 2 1. Page 26, by striking lines 24 through 26 and  
 3 inserting the following: "accumulated two hundred  
 4 fifty dollars in credits for one calendar year. A  
 5 claim for refund may be filed anytime within the  
 6 calendar year that the two hundred fifty dollar  
 7 minimum has been met. If the two hundred fifty  
 8 dollar".  
 9 2. Page 26, line 29, by striking the word  
 10 "claimant" and inserting the following: "taxpayer".  
 11 3. Page 26, line 30, by striking the word "sixty"  
 12 and inserting the following: "two hundred fifty".  
 13 4. Page 40, by striking lines 8 through 12 and  
 14 inserting the following: "division I and this  
 15 division of this chapter. Enforcement personnel or  
 16 requested peace".  
 17 5. Title page, by striking lines 2 and 3 and  
 18 inserting the following: "vehicle fuel by requiring  
 19 suppliers, restrictive suppliers, importers,  
 20 exporters, dealers, users, or blenders".

MARY NEUHAUSER

S-3471

- 1 Amend House File 552, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 26, by striking lines 24 through 27 and  
 4 inserting the following: "accumulated sixty dollars  
 5 in credits for one calendar year. A claim for refund  
 6 may be filed any time the sixty dollar minimum has

- 7 been met within the calendar year. If the sixty  
8 dollar minimum has not".
- 9 2. Page 26, line 29, by striking the words "the  
10 taxpayer" and inserting the following: "the  
11 claimant".
- 12 3. Page 26, line 31, by striking the words "two  
13 hundred fifty" and inserting the following: "sixty".
- 14 4. Page 40, line 9, by inserting after the word  
15 "chapter." the following: "The department of revenue  
16 and finance shall adopt rules providing for  
17 enforcement under division I and this division of this  
18 chapter regarding the use of motor fuel or special  
19 fuel in implements of husbandry."
- 20 5. Title page, by striking lines 2 and 3 and  
21 inserting the following: "vehicle fuel by requiring  
22 supplier's, restrictive supplier's, importer's,  
23 exporter's, dealer's, user's, or blender's licenses."

MARY NEUHAUSER

S-3472

- 1 Amend House File 552, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 43, line 14, by inserting after the word  
4 "gallon." the following: "However, on-farm storage of  
5 undyed special fuel shall be exempt from the inventory  
6 requirements and the tax imposed under this section."

MERLIN E. BARTZ

S-3473

- 1 Amend the amendment, S-3445, to Senate File 481, as  
2 follows:
- 3 1. Page 1, line 3, by striking the word  
4 "renovation,".
- 5 2. Page 1, line 6, by striking the word  
6 "renovation,".

JIM LIND

S-3474

- 1 Amend Senate File 478 as follows:
- 2 1. Page 1, by inserting after line 23 the  
3 following:
- 4 "Sec. \_\_\_\_ . Section 524.1802, subsection 1, Code  
5 1995, is amended by adding the following new  
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the ten  
8 percent limitation in this subsection, a bank holding  
9 company which does not have an investment in an  
10 investment subsidiary, as defined in section 422.61,  
11 during its tax year may have through the banks,  
12 savings and loan associations, and savings banks it  
13 owns or controls in the state up to fifteen percent,  
14 in the aggregate, of the total time and demand  
15 deposits of all banks, savings and loan associations,  
16 and savings banks in this state."

TONY BISIGNANO  
WILLIAM D. PALMER

S-3475

1 Amend House File 461, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting after line 17 the  
4 following:  
5 "( ) Providing redundancy for Parts I and II of  
6 the network at no cost to the state by a purchaser of  
7 the network."  
8 2. Page 1, by inserting after line 22 the  
9 following:  
10 "( ) Providing for a long-term lease of capacity  
11 sufficient to meet the needs of existing and future  
12 educational users of the network identified in chapter  
13 8D.  
14 ( ) Proposed terms and costs associated with the  
15 use of public rights-of-way.  
16 ( ) A forecast of capacity requirements for the  
17 next five to ten years and the manner in which such  
18 capacity requirements can be satisfied.  
19 ( ) Terms of access for uses other than  
20 educational uses.  
21 ( ) A listing of the compete inventory to be sold  
22 including, but not limited to, the following:  
23 (a) The transfer of existing manufacturers'  
24 warranties.  
25 (b) The transfer of existing agreements with other  
26 network facility providers.  
27 (c) Fiber optic cable facility characteristics  
28 including sizing by cross section.  
29 (d) Terminal and regeneration spacing.  
30 (e) Operation and use of existing switches and  
31 equipment.  
32 ( ) A review of whether a sale of the network  
33 should be completed pursuant to a request for  
34 proposals or by auction.

35 ( ) A review of the impact of federal  
36 communications commission policy and regulations on  
37 the potential sale of the network in its entirety or  
38 in parts, and a recommendation as to the manner in  
39 which the network should be sold as a result of this  
40 review.”  
41 3. By renumbering as necessary.

DERRYL McLAREN  
DONALD B. REDFERN

S-3476

1 Amend Senate File 478 as follows:  
2 1. Page 1, line 18, by striking the word “and”  
3 and inserting the following: “or”.  
4 2. Page 1, line 19, by striking the word “and”  
5 and inserting the following: “or”.  
6 3. Page 1, by striking lines 24 through 27 and  
7 inserting the following:  
8 “Sec. \_\_\_\_ . This Act applies to tax years beginning  
9 on or after its effective date.”  
10 4. Title page, by striking line 4 and inserting  
11 the following: “subsidiaries and providing an  
12 applicability date provision.”

RANDAL J. GIANNETTO

HOUSE AMENDMENT TO  
SENATE FILE 315

S-3477

1 Amend Senate File 315, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting after line 33 the  
4 following:  
5 “Sec. \_\_\_\_ . Section 228.1, subsection 1, Code 1995,  
6 is amended to read as follows:  
7 1. “Administrative information” means an  
8 individual’s name, identifying number, age, sex,  
9 address, dates and character of professional services  
10 provided to the individual, fees for the professional  
11 services, third-party payor name and payor number of a  
12 patient, if known, name and location of the facility  
13 where treatment is received, the date of the  
14 individual’s admission to the facility, and the name  
15 of the individual’s attending physician or attending  
16 mental health professional.  
17 Sec. \_\_\_\_ . Section 229.24, Code 1995, is amended by

18 adding the following new subsection:

19 **NEW SUBSECTION. 3.** If all or part of the costs  
20 associated with hospitalization of an individual under  
21 this chapter are chargeable to a county of legal  
22 settlement, the county of legal settlement and the  
23 county in which the hospitalization order is entered  
24 shall have access to the following information  
25 pertaining to the individual which would be  
26 confidential under subsection 1:

27 a. Administrative information, as defined in  
28 section 228.1.

29 b. An evaluation order under this chapter and the  
30 location of the individual's placement under the  
31 order.

32 c. A hospitalization or placement order under this  
33 chapter and the location of the individual's placement  
34 under the order.

35 d. The date, location, and disposition of any  
36 hearing concerning the individual held under this  
37 chapter.

38 e. Any payment source available for the costs of  
39 the individual's care.

40 Sec. \_\_\_\_ . Section 230.20, Code 1995, is amended by  
41 adding the following new subsection:

42 **NEW SUBSECTION. 7.** The department shall provide a  
43 county with information, which is not otherwise  
44 confidential under law, in the department's possession  
45 concerning a patient whose cost of care is chargeable  
46 to the county, including but not limited to the  
47 information specified in section 229.24, subsection 3.

48 Sec. 100. Section 331.438, subsection 3, paragraph  
49 b, Code 1995, is amended to read as follows:

50 b. The management committee shall consist of not

Page 2

1 more than ~~nine~~ eleven voting members representing the  
2 state and counties: as follows:

3 . (1) An equal number of ~~the~~ not more than nine  
4 members shall be appointed by the director of human  
5 services and the Iowa state association of counties  
6 and one additional member shall be jointly appointed  
7 by both entities. Members appointed by the Iowa state  
8 association of counties shall be selected from a pool  
9 nominated by the county supervisor affiliate of the  
10 association with four members from the affiliate. The  
11 affiliate shall select the nominees through a secret  
12 ballot process.

13 (2) ~~In addition,~~ the The committee shall also  
14 include one member nominated by service providers and

15 one member nominated by service advocates and  
 16 consumers, with both members appointed by the  
 17 governor.

18 (3) In addition, the committee shall include four  
 19 members of the general assembly with one each  
 20 designated by the majority leader and minority leader  
 21 of the senate and the speaker and minority leader of  
 22 the house of representatives. A legislative member  
 23 serves in an ex officio, nonvoting capacity and is  
 24 eligible for per diem and expenses as provided in  
 25 section 2.10.

26 (4) A member who is not a legislator shall have  
 27 expenses and other costs paid by the state or the  
 28 county entity that the member represents. The  
 29 committee shall establish terms for its members, elect  
 30 officers, adopt operating procedures, and meet as  
 31 deemed necessary by the committee."

32 2. Page 3, by inserting after line 22 the  
 33 following:

34 "Sec. \_\_\_\_ . APPLICABILITY. The provisions of  
 35 section 100 of this Act shall apply to appointments  
 36 made on or after July 1, 1995, for expired terms and  
 37 to fill vacancies in the membership of the state-  
 38 county management committee."

39 3. Title page, line 3, by striking the word "and"  
 40 and inserting the following: ", providing for access  
 41 to certain mental health information by a county  
 42 responsible for payment of costs, and".

43 4. Title page, by striking lines 4 and 5 and  
 44 inserting the following: "applying certain  
 45 requirements to the state-county management committee,  
 46 and providing an applicability provision and an  
 47 effective date."

#### HOUSE AMENDMENT TO SENATE FILE 201

S-3478

1 Amend Senate File 201, as passed by the Senate, as  
 2 follows:

3 1. Page 1, line 16, by striking the word and  
 4 figures "January 1, 1994" and inserting the following:  
 5 "January 1, 1994 April 15."

6 2. Page 1, by inserting after line 16 the  
 7 following:

8 "Sec. \_\_\_\_ . Section 422.7, Code 1995, is amended by  
 9 adding the following new subsection:

10 NEW SUBSECTION. 33. Subtract the amount of the  
 11 employer social security credit allowable for the tax

12 year under section 45B of the Internal Revenue Code to  
 13 the extent that the credit increases federal adjusted  
 14 gross income.”

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

17 “Sec. \_\_\_\_ . Section 422.35, Code 1995, is amended  
 18 by adding the following new subsection:

19 NEW SUBSECTION. 17. Subtract the amount of the  
 20 employer social security credit allowable for the tax  
 21 year under section 45B of the Internal Revenue Code to  
 22 the extent that the credit increases federal adjusted  
 23 gross income.”

24 4. Title page, line 2, by inserting after the  
 25 word “Code” the following: “, allowing a deduction  
 26 for the employer social security credit.”.

27 5. By renumbering, relettering, or redesignating  
 28 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 398

S-3479

1 Amend Senate File 398, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 6, by striking the word “ten” and  
 4 inserting the following: “five”.

5 2. Page 1, by inserting after line 17 the  
 6 following:

7 “Sec. \_\_\_\_ . Section 914.2, Code 1995, is amended to  
 8 read as follows:

9 914.2 RIGHT OF APPLICATION.

10 A Except as otherwise provided in section 902.2, a  
 11 person convicted of a criminal offense has the right  
 12 to make application to the board of parole for  
 13 recommendation or to the governor for a reprieve,  
 14 pardon, commutation of sentence, remission of fines or  
 15 forfeitures, or restoration of rights of citizenship  
 16 at any time following the conviction.

17 Sec. \_\_\_\_ . Section 914.3, subsection 1, Code 1995,  
 18 is amended to read as follows:

19 1. The Except as otherwise provided in section  
 20 902.2, the board of parole shall periodically review  
 21 all applications by persons convicted of criminal  
 22 offenses and shall recommend to the governor the  
 23 reprieve, pardon, commutation of sentence, remission  
 24 of fines or forfeitures, or restoration of the rights  
 25 of citizenship for persons who have by their conduct  
 26 given satisfactory evidence that they will become or  
 27 continue to be law-abiding citizens.”

28 3. By renumbering, relettering, or redesignating  
29 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 457

S-3480

1 Amend Senate File 457, as passed by the Senate, as  
2 follows:

- 3 1. Page 6, by striking line 13.
- 4 2. Title page, lines 2 and 3, by striking the  
5 words ", and the promotion and transfer of employed  
6 disabled persons".

S-3481

1 Amend House File 203, as passed by the House, as  
2 follows:

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

5 "Sec. \_\_\_\_ . Section 35A.3, Code 1995, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 13. Conduct an equal number of  
8 meetings at Camp Dodge and the Iowa veterans home.  
9 The agenda for each meeting shall include a reasonable  
10 time period for public comment."

- 11 2. Page 1, by inserting after line 4 the  
12 following:

13 "Sec. \_\_\_\_ . INFORMATION STORAGE -- TRAINING --  
14 REPORTS.

15 The commission of veterans affairs shall do the  
16 following:

- 17 1. Develop and issue for response requests for  
18 proposals for storing information and data concerning  
19 the military service records of Iowa veterans, and  
20 other information the commission deems appropriate,  
21 upon microfilm, electronic computer, or data  
22 processing equipment, and for proposals for the  
23 purchase of the equipment necessary to store the  
24 records and information. The commission shall also  
25 make every reasonable effort to obtain federal funding  
26 for the storing of information and data and the  
27 purchase of equipment as provided in this subsection.  
28 The commission shall deliver a written report on all  
29 proposals submitted in response to the requests for  
30 proposals along with the commission's recommendations  
31 to the general assembly not later than January 1,  
32 1996.

- 33 2. Study the costs of training provided to

- 34 executive directors of county commissions of veteran
- 35 affairs under subsection 12. The commission shall
- 36 submit a report of its findings and recommendations to
- 37 the general assembly by January 1, 1996."
- 38 3. By renumbering as necessary.

RANDAL J. GIANNETTO

S-3482

- 1 Amend Senate File 478 as follows:
- 2 1. Page 1, line 18, by striking the word "and"
- 3 and inserting the following: "or".
- 4 2. Page 1, line 19, by striking the word "and"
- 5 and inserting the following: "or".
- 6 3. Page 1, by striking lines 24 through 27.
- 7 4. Title page, by striking line 4 and inserting
- 8 the following: "subsidiaries."

RANDAL J. GIANNETTO  
-RICHARD F. DRAKE

S-3483

- 1 Amend Senate File 477 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "member." the following: "All appointments shall be
- 4 approved by the legislative council."
- 5 2. Page 8, by inserting after line 20 the
- 6 following:
- 7 "Sec. \_\_\_\_ NEW SECTION. 2.74 ABOLISHMENT OF
- 8 COMMITTEE.
- 9 Sections 2.71 through 2.73 and this section are
- 10 repealed on July 1, 1999."
- 11 3. Title page, line 2, by inserting after the
- 12 word "committee," the following: "providing for the
- 13 abolishment of the committee,".
- 14 4. By renumbering as necessary.

MARY LUNDBY

S-3484

- 1 Amend House File 519, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. \_\_\_\_ . Section 13.13, subsection 2, Code 1995,
- 6 is amended to read as follows:
- 7 2. The farm assistance program coordinator shall

8 contract with a nonprofit organization chartered in  
9 this state to provide mediation services as provided  
10 in chapters 654A and 654B. The contract shall be  
11 awarded to the organization by July 1, 1990. The farm  
12 assistance program coordinator shall contract with a  
13 nonprofit organization to provide mediation services  
14 as provided in chapter 654C based upon a designation  
15 forwarded by the organic nutrient management board. A  
16 contract may be terminated by the coordinator upon  
17 written notice and for good cause. The coordinator  
18 shall notify the board six months prior to the  
19 expiration of a contract or ten days prior to the  
20 termination of a contract involving a nonprofit  
21 organization providing mediation services as provided  
22 in chapter 654C. The coordinator shall select an  
23 organization to provide mediation services under  
24 chapter 654C, if the coordinator does not receive the  
25 board's selection in writing within thirty days  
26 following the board's receipt of the notice of  
27 expiration or termination of the contract. An  
28 organization awarded the contract is designated as the  
29 farm mediation service for the chapter for which the  
30 organization is to provide mediation services, for the  
31 duration of the contract. The An organization may,  
32 upon approval by the coordinator, provide mediation  
33 services other than as provided by law. The farm  
34 mediation service is not a state agency for the  
35 purposes of chapters 19A, 20, and 669.  
36 Sec. \_\_\_\_ . Section 13.14, subsections 1 and 2, Code  
37 1995, are amended to read as follows:  
38 1. Meetings of the a farm mediation service are  
39 closed meetings and are not subject to chapter 21.  
40 2. Verbal or written information relating to the  
41 mediation process and transmitted between a party to a  
42 dispute and the a farm mediation service, including a  
43 mediator or the mediation staff, or any other person  
44 present during any stage of the mediation process  
45 conducted by the a service, whether reflected in  
46 notes, memoranda, or other work products in the case  
47 files, is a confidential communication. Mediators and  
48 staff members shall not be examined in any judicial or  
49 administrative proceeding regarding confidential  
50 communications and are not subject to judicial or

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1 administrative process requiring the disclosure of  
2 confidential communications.  
3 Sec. \_\_\_\_ . Section 13.15, unnumbered paragraph 1,  
4 Code 1995, is amended to read as follows:

5 The A farm mediation service providing mediation  
6 services under chapter 654A or 654B shall recommend  
7 rules to administer those chapters to the farm  
8 assistance program coordinator. A mediation service  
9 providing mediation services under chapter 654C shall  
10 recommend rules to administer that chapter to the  
11 organic nutrient management board. The board shall  
12 submit the recommendations with comments or its own  
13 recommendations to the farm assistance program  
14 coordinator. The coordinator shall adopt rules  
15 pursuant to chapter 17A to set the compensation of  
16 mediators and to implement this subchapter and  
17 chapters 654A and 654B.

18 Sec. \_\_\_\_ . Section 13.16, Code 1995, is amended to  
19 read as follows:

20 13.16 LIMITATION ON LIABILITY -- IMMUNITY FROM  
21 SPECIAL ACTIONS.

22 1. A member of the ~~a farm mediation~~ mediation's  
23 staff, including a mediator, employee, or agent of the  
24 service, or member of a board for the service, is not  
25 liable for civil damages for a statement or decision  
26 made in the process of mediation, unless the member  
27 acts in bad faith, with malicious purpose, or in a  
28 manner exhibiting willful and wanton disregard of  
29 human rights, safety, or property.

30 2. A judicial action which seeks an injunction,  
31 mandamus, or similar equitable relief shall not be  
32 brought against ~~the a farm mediation service,~~  
33 including a mediator, employee, or agent of the  
34 service, or a member of a board for the service until  
35 completion of the mediation process."

36 2. Page 1, by striking lines 6 through 11 and  
37 inserting the following: "feet from a designated  
38 area, unless one of the following applies:

39 1. The manure is applied by injection or  
40 incorporation within twenty-four hours following the  
41 application.

42 2. An area of permanent vegetation cover exists  
43 for fifty feet surrounding the designated area and  
44 that area is not subject to manure application.

45 As used in this section, "designated area" means a  
46 known sinkhole, or a cistern, abandoned well,  
47 unplugged agricultural drainage well, agricultural  
48 drainage well surface inlet, drinking water well, or  
49 lake, or a farm pond, or privately owned lake as  
50 defined in section 462A.2. However, a "designated

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1 area" does not include a terrace tile outlet."

2 3. Page 1, line 14, by striking the words "an  
3 animal" and inserting the following: "a confinement".

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

6 "1A. "Animal weight capacity" means the same as  
7 defined in section 455B.161."

8 5. Page 2, by striking line 2 and inserting the  
9 following: "subject to a construction permit issued  
10 by the".

11 6. Page 2, line 25, by striking the word and  
12 figure "section 455B.191" and inserting the following:  
13 "chapter 455B".

14 7. Page 2, line 25, by striking the words  
15 "required to" and inserting the following: "who".

16 8. Page 3, line 1, by inserting after the words  
17 "related to" the following: "cleaning up the site of  
18 the confinement feeding operation, including".

19 9. Page 3, line 4, by striking the word "two" and  
20 inserting the following: "one".

21 10. Page 3, line 29, by striking the words "five  
22 hundred thousand" and inserting the following: "one  
23 million".

24 11. Page 4, by striking lines 3 through 6 and  
25 inserting the following: "The amount of the fees  
26 shall be based on the following:

27 1. If the animal feeding operation has an animal  
28 weight capacity of less than six hundred twenty-five  
29 thousand pounds, the following shall apply:

30 a. For all animals other than poultry, the amount  
31 of the fee shall be five cents per animal unit of  
32 capacity for confinement feeding operations.

33 b. For poultry, the amount of the fee shall be two  
34 cents per animal unit of capacity for confinement  
35 feeding operations.

36 2. If the animal feeding operation has an animal  
37 weight capacity of six hundred twenty-five thousand or  
38 more pounds but less than one million two hundred  
39 fifty thousand pounds, the following shall apply:

40 a. For all animals other than poultry, the amount  
41 of the fee shall be seven and one-half cents per  
42 animal unit of capacity for confinement feeding  
43 operations.

44 b. For poultry, the amount of the fee shall be  
45 three cents per animal unit of capacity for  
46 confinement feeding operations.

47 3. If the animal feeding operation has an animal  
48 weight capacity of one million two hundred fifty

49 thousand or more pounds, the following shall apply:

50 a. For all animals other than poultry, the amount

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1 of the fee shall be ten cents per animal unit of

2 capacity for confinement feeding operations.

3 b. For poultry, the amount of the fee shall be

4 four cents per animal unit of capacity for confinement

5 feeding operations.

6 The".

7 12. Page 4, line 14, by inserting after the words

8 "costs of" the following: "cleaning up the site of

9 the confinement feeding operation, including the costs

10 of".

11 13. Page 4, line 32, by striking the word "fifty"

12 and inserting the following: "one hundred".

13 14. Page 4, by striking lines 33 and 34 and

14 inserting the following: "percent of the claim, as

15 provided in this section. If".

16 15. Page 5, by inserting after line 25 the

17 following:

18 "Sec. \_\_\_\_ . **NEW SECTION. 204.4A MANURE REMOVAL.**

19 A county which has acquired real estate containing

20 a confinement feeding operation structure, as defined

21 in section 455B.161, following the nonpayment of taxes

22 pursuant to section 446.19, may remove and dispose of

23 the manure at any time, and seek reimbursement for the

24 costs of the removal and disposal from the person

25 abandoning the real estate.

26 16. Page 5, by inserting after line 33 the

27 following:

28 "Sec. \_\_\_\_ . Section 260E.3, Code 1995, is amended

29 by adding the following new subsection:

30 **NEW SUBSECTION. 6.** After August 31, 1995, a

31 community college shall not enter into an agreement

32 for a project which includes program services for

33 employees of a confinement feeding operation as

34 defined in section 455B.161.

35 Sec. \_\_\_\_ . **NEW SECTION. 455A.7A ORGANIC NUTRIENT**

36 **MANAGEMENT BOARD.**

37 1. An organic nutrient management board is

38 established. Sections 69.16 and 69.16A apply to the

39 composition of the board. Members shall be entitled

40 to receive per diem as provided in section 7E.6 and

41 actual expenses.

42 2. The board shall consist of the following:

43 a. The following persons appointed as voting

44 members by the governor:

45 (1) Four persons actively engaged in agricultural

46 production. Each person must be a member of a  
47 commodity organization or association which represents  
48 agricultural producers generally.  
49 (2) One person who is interested in environmental  
50 quality issues. The person must be a member of an

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1 association or organization interested in the  
2 protection or preservation of the natural environment.

3 b. The following persons who shall serve as voting  
4 members:

5 (1) The director of the soil conservation division  
6 of the department of agriculture and land stewardship  
7 or a designee.

8 (2) The chairperson of the Iowa business council  
9 or a designee.

10 c. The following persons who shall serve as ex  
11 officio nonvoting members:

12 (1) A designee of the state office of the natural  
13 resources conservation service of the United States  
14 department of agriculture, upon request by the  
15 governor.

16 (2) The director of the department of natural  
17 resources or the director's designee.

18 (3) The dean of the college of agriculture at Iowa  
19 state university or the dean's designee.

20 (4) Four members of the general assembly two of  
21 whom are state senators, one appointed by the  
22 president of the senate, after consultation with the  
23 majority leader of the senate, and one appointed by  
24 the minority leader of the senate, after consultation  
25 with the president of the senate, from their  
26 respective parties; and two of whom are state  
27 representatives appointed by the speaker of the house,  
28 one from the majority party after consultation with  
29 the majority leader of the house and one from the  
30 minority party after consultation with the minority  
31 leader of the house.

32 3. The department shall furnish the board with a  
33 meeting place, staff, and all articles, supplies, and  
34 services necessary to enable the board to perform its  
35 duties.

36 4. The members appointed by the governor shall  
37 serve three-year terms beginning and ending as  
38 provided in section 69.19. However, the governor  
39 shall appoint some initial members to serve for less  
40 than three years to ensure members serve staggered  
41 terms. A member appointed by the governor is eligible  
42 for reappointment. However, a member shall not serve

43 for more than two full consecutive terms. A vacancy  
44 on the board shall be filled for the unexpired portion  
45 of the regular term in the same manner as regular  
46 appointments are made. The board shall elect a  
47 chairperson each year and meet at least once every  
48 three months, and at the call of the chairperson or  
49 upon the written request to the chairperson of three  
50 or more voting members. Written notice of the time

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1 and place of the meeting shall be given to each  
2 member. Four voting members constitute a quorum and  
3 the affirmative vote of a majority of the voting  
4 members present is necessary for any substantive  
5 action to be taken by the board, except that a lesser  
6 number may adjourn a meeting. The majority shall not  
7 include any member who has a conflict of interest and  
8 a statement by a member that the member has a conflict  
9 of interest is conclusive for this purpose. A vacancy  
10 in the membership does not impair the duties of the  
11 board.

12 5. The board shall do all of the following:

13 a. Advise the department and the environmental  
14 protection commission regarding manure management  
15 practices.

16 b. Study the effects of animal feeding operations  
17 and recommend to the department and commission  
18 solutions and policy or regulatory alternatives  
19 relating to animal feeding operations, including  
20 recommendations for rulemaking by the department  
21 pursuant to chapter 17A or recommendations to the  
22 general assembly.

23 c. Designate to the farm assistance program  
24 coordinator as provided in section 13.13, a nonprofit  
25 organization to provide mediation services under  
26 chapter 654C. The board shall consider designating  
27 the farm mediation service selected by the farm  
28 assistance program coordinator to provide mediation  
29 services under chapters 654A and 654B. The board  
30 shall forward its designation to the farm assistance  
31 program coordinator not later than thirty days  
32 following the board's receipt of a notice by the  
33 coordinator of the expiration or termination of a  
34 contract with a nonprofit organization providing  
35 mediation services under chapter 654C.

36 d. Consider rules submitted by a farm mediation  
37 service to the board, and make comments or further  
38 recommendations which shall be submitted to the farm  
39 assistance program coordinator pursuant to section

40 13.15.

41 e. Provide other information or perform other  
42 duties which may be of assistance to animal feeding  
43 operations.

44 Sec. \_\_\_\_ . Section 455B.109, subsection 4, Code  
45 1995, is amended to read as follows:

46 4. All civil penalties assessed by the department  
47 and interest on the penalties shall be deposited in  
48 the general fund of the state. However, civil  
49 penalties assessed by the department and interest on  
50 the penalties, arising out of violations imposed upon

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1 a person obtaining a permit for the construction of an  
2 animal feeding operation, as provided in division II,  
3 part 2, shall be deposited in the manure storage  
4 indemnity fund as created in section 204.2. Civil  
5 penalties assessed by the department and interest on  
6 the penalties arising out of a violation imposed upon  
7 a person obtaining a permit for an animal feeding  
8 operation as provided in division III, which may be  
9 assessed pursuant to section 455B.191, shall be  
10 deposited in the manure storage indemnity fund as  
11 created in section 204.2.

12 Sec. \_\_\_\_ . **NEW SECTION.** 455B.110 ANIMAL FEEDING  
13 OPERATIONS – COMMISSION APPROVAL.

14 The department shall not initiate an enforcement  
15 action in response to a violation by an animal feeding  
16 operation as provided in this chapter or a rule  
17 adopted pursuant to this chapter, or request the  
18 commencement of legal action by the attorney general  
19 pursuant to section 455B.141, unless the commission  
20 has approved the intended action. This section shall  
21 not apply to an order to terminate an emergency issued  
22 by the director pursuant to section 455B.175.”

23 17. Page 6, line 30, by striking the words  
24 “SEPARATION DISTANCE” and inserting the following:  
25 “ANIMAL FEEDING OPERATIONS”.

26 18. Page 6, line 30, by inserting after the word  
27 “PART” the following: “2”.

28 19. Page 7, line 25, by inserting after the word  
29 “storage.” the following: “An animal feeding  
30 operation does not include a livestock market.”

31 20. By striking page 7, line 32, through page 8,  
32 line 6, and inserting the following:

33 “ \_\_\_\_ . “Commercial enterprise” means a building  
34 which is used as a part of a business that  
35 manufactures goods, delivers services, or sells goods  
36 or services, which is customarily and regularly used

37 by the general public during the entire calendar year  
 38 and which is connected to utility services, which may  
 39 include electric, water, or sewer services. A  
 40 commercial enterprise does not include a farm  
 41 operation."

42 21. Page 8, line 22, by striking the word "twice"  
 43 and inserting the following: "once".

44 22. Page 8, line 35, by inserting after the word  
 45 "manure" the following: "from a confinement feeding  
 46 operation".

47 23. Page 9, by inserting after line 2 the  
 48 following:

49 "\_\_\_ . "Livestock market" means any place where  
 50 animals are assembled from two or more sources for

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1 public auction, private sale, or on a commission  
 2 basis, which is under state or federal supervision,  
 3 including a livestock sale barn or auction market, if  
 4 such animals are kept for ten days or less."

5 24. Page 9, by striking lines 6 through 8 and  
 6 inserting the following:

7 "\_\_\_ . "Public use area" means an area within a  
 8 park owned by the state or by a political subdivision,  
 9 with facilities which attract the public to congregate  
 10 and remain in the area for significant periods of  
 11 time, including but not limited to picnic grounds,  
 12 campgrounds, lodges, shelter houses, and swimming  
 13 beaches."

14 25. Page 9, by inserting after line 11 the  
 15 following:

16 "17. "Small animal feeding operation" means an  
 17 animal feeding operation which has an animal weight  
 18 capacity of two hundred thousand pounds or less for  
 19 animals other than beef cattle, or four hundred  
 20 thousand pounds or less for beef cattle."

21 26. By striking page 9, line 25, through page 10,  
 22 line 13, and inserting the following:

23	"Minimum separation	
24	distance in feet	Minimum separation
25	for operations	distance in feet
26	having an animal	for operations
27	weight capacity	having an animal
28	of less than	weight capacity of
29	1,250,000 pounds	1,250,000 or more
30	for animals other	pounds for animals
31	than beef cattle,	other than beef
32	or less than	cattle, or 3,200,000
33	3,200,000 pounds	or more pounds for

34		for beef cattle	beef cattle
35	Type of structure		
36	Anaerobic lagoon	1,250	2,500
37	Uncovered earthen manure		
38	storage basin	1,250	2,500
39	Uncovered formed manure		
40	storage structure	1,000	2,000
41	Covered earthen manure		
42	storage basin	750	1,500
43	Covered formed manure		
44	storage structure	750	1,500
45	Confinement building	750	1,500
46	Egg washwater storage		
47	structure	750	1,500"
48	27. Page 10, line 16, by inserting after the word		
49	"or" the following: "a residence not owned by the		
50	owner of the animal feeding operation, a commercial		

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1	enterprise, a bona fide religious institution, or an		
2	educational institution located within".		
3	28. Page 10, by striking lines 18 through 31 and		
4	inserting the following:		
5		"Minimum separation	
6		distance in feet	Minimum separation
7		for operations	distance in feet
8		having an animal	for operations
9		weight capacity	having an animal
10		of less than	weight capacity of
11		1,250,000 pounds	1,250,000 or more
12		for animals other	pounds for animals
13		than beef cattle,	other than beef
14		or less than	cattle, or 3,200,000
15		3,200,000 pounds	or more pounds for
16		for beef cattle	beef cattle
17			
18	Type of structure		
19	Animal feeding		
20	operation structure	1,250	2,500".
21	29. Page 11, line 34, by striking the words "An		
22	animal feeding operation" and inserting the following:		
23	"A confinement feeding operation structure".		
24	30. Page 12, by striking lines 3 and 4 and		
25	inserting the following: "confinement feeding		
26	operation which qualifies as a small animal feeding		
27	operation."		
28	31. Page 12, line 28, by inserting after the word		
29	"institution," the following: "commercial		
30	enterprise".		

31 32. Page 12, line 29, by inserting before the  
32 word "religious" the following: "bona fide".

33 33. Page 12, line 30, by inserting after the  
34 words "educational institution," the following:  
35 "commercial enterprise."

36 34. Page 12, line 30, by inserting before the  
37 word "religious" the following: "bona fide".

38 35. Page 13, by inserting after line 2 the the  
39 following:

40 "Sec. \_\_\_\_ . NEW SECTION. 455B.166 PUBLIC  
41 HEARINGS.

42 The city, upon request, shall hold a public hearing  
43 of residents who are affected by the construction or  
44 expansion of the animal feeding operation within the  
45 corporate limits of the city. A county, upon request,  
46 shall hold a public hearing of residents who are  
47 affected by the construction or expansion of an animal  
48 feeding operation within the county. The hearing  
49 shall be held within thirty days of a request for a  
50 public hearing by a resident. The city or county

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1 shall provide ten days' advance notice of the date,  
2 time, and location of the public hearing."

3 36. Page 13, line 13, by inserting after the word  
4 "disposal." the following: "An animal feeding  
5 operation does not include a livestock market as  
6 defined in section 455B.161."

7 37. Page 13, by inserting after line 13 the  
8 following:

9 "NEW SUBSECTION. 1B. "Animal weight capacity"  
10 means the same as defined in section 455B.161."

11 38. Page 13, by inserting after line 20 the  
12 following:

13 "NEW SUBSECTION. 23A. "Small animal feeding  
14 operation" means the same as defined in section  
15 455B.161."

16 39. Page 14, line 13, by inserting after the word  
17 "operations." the following: "The department shall  
18 not require that a person obtain a permit for the  
19 construction of an animal feeding operation structure,  
20 if the structure is part of a small animal feeding  
21 operation."

22 40. Page 14, line 18, by striking the words "the  
23 construction of".

24 41. Page 14, line 22, by inserting after the word  
25 "permit." the following: "The department shall make a  
26 determination regarding the approval or denial of a  
27 permit within sixty days from the date that the

- 28 department receives a completed application for a  
29 permit.”
- 30 42. Page 14, by striking lines 23 through 33.
- 31 43. Page 15, line 14, by striking the word  
32 “offense” and inserting the following: “violation”.
- 33 44. Page 15, line 14, by striking the word  
34 “animal” and inserting the following: “confinement”.
- 35 45. Page 15, line 17, by striking the word  
36 “offender” and inserting the following: “violation”.
- 37 46. Page 15, line 19, by striking the word  
38 “offender” and inserting the following: “violation”.
- 39 47. Page 15, line 20, by striking the word  
40 “offender” and inserting the following: “violation”.
- 41 48. Page 15, line 22, by striking the word  
42 “offenders” and inserting the following: “violators”.
- 43 49. Page 15, line 30, by striking the word  
44 “offender” and inserting the following: “violation”.
- 45 50. Page 15, line 31, by inserting after the word  
46 “each” the following: “subsequent violation for  
47 each”.
- 48 51. Page 15, line 31, by striking the word  
49 “offense” and inserting the following: “violation”.
- 50 52. Page 15, line 33, by striking the word

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- 1 “offender” and inserting the following: “violation”.
- 2 53. Page 15, line 33, by striking the word  
3 “offenses” and inserting the following: “violations”.
- 4 54. Page 15, line 34, by striking the words  
5 “prior to or”.
- 6 55. Page 16, line 2, by striking the words  
7 “offense, counting any offense” and inserting the  
8 following: “violation, counting any violation”.
- 9 56. Page 16, line 5, by striking the word  
10 “offender” and inserting the following: “violation”.
- 11 57. Page 16, line 6, by striking the word  
12 “animal” and inserting the following: “confinement”.
- 13 58. Page 16, line 8, by striking the word  
14 “offenses” and inserting the following: “violations”.
- 15 59. Page 16, line 9, by striking the word  
16 “offenses” and inserting the following: “violations”.
- 17 60. Page 16, line 10, by striking the word  
18 “offense” and inserting the following: “violation”.
- 19 61. Page 16, line 11, by striking the word  
20 “offense” and inserting the following: “violation”.
- 21 62. Page 16, line 11, by striking the word  
22 “offenses” and inserting the following: “violations”.
- 23 63. Page 16, by striking line 12 and inserting  
24 the following: “separate violations regardless of

25 whether the violations were”.

26 64. Page 16, line 13, by striking the word  
27 “offense” and inserting the following: “violation”.

28 65. Page 17, line 14, by striking the word  
29 “offender” and inserting the following: “violator”.

30 66. Page 17, line 18, by striking the words  
31 “required to obtain” and inserting the following:  
32 “obtaining”.

33 67. Page 17, line 29, by inserting after the word  
34 “surface” the following: “water”.

35 68. Page 17, line 30, by inserting before the  
36 word “this” the following: “the provisions of state  
37 law, including”.

38 69. Page 17, by inserting after line 34 the  
39 following:

40 “\_\_\_ . The owner of the confinement feeding  
41 operation which discontinues the use of the operation  
42 shall remove all manure from related confinement  
43 feeding operation structures used to store manure, by  
44 a date specified in an order issued to the operation  
45 by the department of natural resources, or six months  
46 following the date that the confinement feeding  
47 operation is discontinued, whichever is earlier.”

48 70. By striking page 17, line 35, through page  
49 19, line 33, and inserting the following:

50 “Sec. \_\_\_ . NEW SECTION. 455B.202 MANURE

## Page 12

### 1 MANAGEMENT PLAN -- REQUIREMENTS.

2 1. In order to receive a permit for the  
3 construction of a confinement feeding operation as  
4 provided in section 455B.173, a person shall submit a  
5 manure management plan to the department together with  
6 the application for a construction permit.

7 2. A manure management plan shall include all of  
8 the following:

9 a. Calculations necessary to determine the land  
10 area required for the application of manure from a  
11 confinement feeding operation based on nitrogen use  
12 levels in order to obtain optimum crop yields  
13 according to a crop schedule specified in the plan,  
14 and according to requirements adopted by the  
15 department after receiving recommendations from the  
16 organic nutrient management advisory board established  
17 pursuant to section 455A.7A.

18 b. Manure nutrient levels as determined by either  
19 manure testing or accepted standard manure nutrient  
20 values.

21 c. Manure application methods, timing of manure

22 application, and the location of the manure  
 23 application.  
 24 d. If the location of the application is on land  
 25 other than land owned by the person applying for the  
 26 construction permit, the plan shall include a copy of  
 27 each written agreement executed between the person and  
 28 the landowner where the manure will be applied.  
 29 e. An estimate of the annual livestock production  
 30 and manure volume or weight produced by the  
 31 confinement feeding operation.  
 32 f. Methods, structures, or practices to prevent or  
 33 diminish soil loss and potential surface water  
 34 pollution.  
 35 g. Methods or practices to minimize potential  
 36 odors caused by the application of manure by the use  
 37 of spray irrigation equipment.  
 38 3. A person classified as a habitual violator or a  
 39 confinement feeding operation in which a habitual  
 40 violator owns a controlling interest, as provided in  
 41 section 455B.191, shall submit a manure management  
 42 plan to the department on an annual basis, which must  
 43 be approved by the department for the following year  
 44 of operation.”  
 45 71. Page 20, line 17, by striking the word  
 46 “offender” and inserting the following: “violator”.  
 47 72. Page 20, line 23, by striking the words  
 48 “required to submit” and inserting the following:  
 49 “submitting”.  
 50 73. Page 21, by striking lines 8 through 11 and

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1 inserting the following: “known sinkhole, or a  
 2 cistern, abandoned well, unplugged agricultural  
 3 drainage well, agricultural drainage well surface  
 4 inlet, drinking water well, or lake, or a farm pond or  
 5 privately owned lake as defined in section 462A.2.”  
 6 74. Page 21, by inserting before line 12 the  
 7 following:  
 8 “Sec. —. NEW SECTION. 654C.1 DEFINITIONS.  
 9 As used in this chapter, unless otherwise required:  
 10 1. “Animal feeding operation structure” means the  
 11 same as defined in section 455B.161.  
 12 2. “Dispute” means a controversy between a  
 13 permittee and a neighbor, which arises from  
 14 negotiations between the parties to establish an  
 15 animal feeding operation structure within the  
 16 separation distance.  
 17 3. “Farm mediation service” means the organization  
 18 selected pursuant to section 13.13.

19 4. "Neighbor" means a person benefiting from a  
20 separation distance required pursuant to section  
21 455B.162, including a person owning a residence other  
22 than the owner of the animal feeding operation, a  
23 commercial enterprise, bona fide religious  
24 institution, educational institution, or a city,  
25 authorized to execute a waiver.

26 5. "Participate" or "participation" means  
27 attending a mediation meeting, and having knowledge  
28 about and discussing issues concerning a subject  
29 relating to a dispute.

30 6. "Permittee" means a person obtaining a permit  
31 for the construction of an animal feeding operation  
32 structure as provided in section 455B.173.

33 7. "Waiver" means a waiver executed between a  
34 permittee and a neighbor as provided in section  
35 455B.165.

36 Sec. — . NEW SECTION. 654C.2 MEDIATION  
37 PROCEEDINGS.

38 1. A person who is a permittee or a neighbor may  
39 file a request for mediation with the farm mediation  
40 service. Upon receipt of the request for mediation,  
41 the farm mediation service shall conduct an initial  
42 consultation with each party to the dispute privately  
43 and without charge. Mediation shall be cancelled  
44 after the initial consultation, unless both parties  
45 agree to proceed.

46 2. Both parties to the dispute shall file with the  
47 farm mediation service information required by the  
48 service to conduct mediation.

49 3. Unless mediation is cancelled, within twenty-  
50 one days after receiving a mediation request, the farm

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1 mediation service shall send a mediation meeting  
2 notice to all parties to the dispute setting a time  
3 and place for an initial mediation meeting between the  
4 parties and a mediator directed by the farm mediation  
5 service to assist in mediation. An initial mediation  
6 meeting shall be held within twenty-one days of the  
7 issuance of the mediation meeting notice.

8 Sec. — . NEW SECTION. 654C.3 DUTIES OF THE  
9 MEDIATOR.

10 At the initial mediation meeting and subsequent  
11 meetings, the mediator shall:

12 1. Listen to all involved parties.

13 2. Attempt to mediate between all involved  
14 parties.

15 3. Encourage compromise and workable solutions.

16 4. Advise, counsel, and assist the parties in  
17 attempting to arrive at an agreement for the future  
18 conduct of relations among themselves.

19 Sec. \_\_\_\_ . NEW SECTION. 654C.4 MEDIATION PERIOD.

20 The mediator may call mediation meetings during the  
21 mediation period, which is up to forty-two days after  
22 the farm mediation service received the mediation  
23 request. However, if all parties consent, mediation  
24 may continue after the end of the mediation period.

25 Sec. \_\_\_\_ . NEW SECTION. 654C.5 MEDIATION  
26 AGREEMENT.

27 1. If an agreement is reached between all parties,  
28 the mediator shall draft a written mediation  
29 agreement, which shall be signed by the parties. The  
30 mediation release shall provide for a waiver which the  
31 mediator shall file in the office of the recorder of  
32 deeds of the county in which the benefited land is  
33 located, as provided in section 455B.165. The  
34 mediator shall forward a mediation agreement to the  
35 farm mediation service.

36 2. The parties shall participate in at least one  
37 mediation meeting. A party to a dispute may be  
38 represented by another person, if the person  
39 participates in mediation and has authority to discuss  
40 the dispute on behalf of the party being represented.  
41 This section does not require a party to reach an  
42 agreement. This section does not require a person to  
43 change a position, alter an activity which is a  
44 subject of the dispute, alter an application for a  
45 permit for construction of an animal feeding  
46 operation, or restructure a contract.

47 3. The parties to the mediation agreement may  
48 enforce the mediation agreement as a legal contract.

49 4. If the parties do not agree to proceed with  
50 mediation, or if a mediation agreement is not reached,

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1 the parties may sign a statement prepared by the  
2 mediator that mediation proceedings were not conducted  
3 or concluded or that the parties did not reach an  
4 agreement.

5 Sec. \_\_\_\_ . NEW SECTION. 654C.6 EXTENSION OF  
6 DEADLINES.

7 Upon petition by all parties, the farm mediation  
8 service may, for good cause, extend a deadline imposed  
9 by section 654B.2 or 654B.4 for up to thirty days.

10 Sec. \_\_\_\_ . NEW SECTION. 654C.7 EFFECT OF  
11 MEDIATION.

12 An interest in property or rights and obligations

13 under a contract are not affected by the failure of a  
14 person to obtain a mediation agreement.”

15 75. Page 21, line 26, by striking the words “the  
16 construction of”.

17 76. Page 21, line 33, by inserting after the word  
18 “voluntarily.” the following: “However, if a person  
19 submits a manure management plan as required pursuant  
20 to section 455B.203 for a small animal feeding  
21 operation, the person is not required to obtain a  
22 permit as provided in section 455B.173 in order to  
23 enjoy the same nuisance suit protection.”

24 77. Page 22, line 14, by striking the words “of  
25 water”.

26 78. By striking page 22, line 31, through page  
27 23, line 15.

28 79. Page 25, line 4, by striking the word  
29 “Seventy-fifth” and inserting the following:  
30 “Seventy-sixth”.

31 80. Page 25, line 16, by striking the word  
32 “shall” and inserting the following: “may”.

33 81. Page 25, line 19, by inserting after the  
34 figure “266.39.” the following: “The identity of the  
35 ten animal feeding operations shall be confidential  
36 and not subject to chapter 22. The findings of the  
37 study shall not be used in a case or proceeding  
38 brought against a person based upon a violation of  
39 state law.”

40 82. Page 25, by inserting after line 21, the  
41 following:

42 “Sec. . . INTERIM STUDY COMMITTEE -- LIVESTOCK  
43 PRODUCTION.

44 1. The legislative council is requested to  
45 establish an interim study committee to examine the  
46 practices engaged in by packers, processors, and  
47 buyers, including persons regulated by the grain  
48 inspection, packers and stockyards administration,  
49 United States department of agriculture, under the  
50 federal Packers and Stockyards Act of 1921, as

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1 amended, 21 U.S.C. § 181, et seq. The interim  
2 committee shall study the following issues:

3 a. The increasing degree of vertical integration  
4 of the livestock market by packers and processors,  
5 including threats to economic competition, independent  
6 production, and consumer protection.

7 b. Market practices engaged in by packers,  
8 processors, or buyers which increasingly threaten open  
9 and fair markets, by establishing arbitrary and

10 inconsistent pricing without public disclosure or  
 11 price discovery mechanisms, including price  
 12 differences based on the time of delivery, transaction  
 13 volume, and private pricing arrangements under  
 14 contract.  
 15 2. The interim committee shall hold a public  
 16 hearing in each congressional district.  
 17 3. The interim committee shall report its findings  
 18 and recommendations to the general assembly not later  
 19 than the first day of the 1996 legislative session,  
 20 unless another date is established by the legislative  
 21 council."  
 22 83. By renumbering, relettering, or redesignating  
 23 and correcting internal references as necessary.

COMMITTEE ON AGRICULTURE  
 BERL E. PRIEBE, Chairperson

S-3485

1 Amend Senate File 477 as follows  
 2 1. By striking page 1, line 1, through page 8,  
 3 line 20, and inserting the following:  
 4 "Sec. \_\_\_\_ . Section 2.46, Code 1995, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 6. OVERSIGHT, AUDIT AND  
 7 GOVERNMENT REFORM. Review and analyze state  
 8 government structure and operations for purposes of  
 9 ensuring an efficient and innovative system of  
 10 government which effectively administers programs and  
 11 carries out its regulatory functions, provides for  
 12 operating with the greatest possible fiscal integrity,  
 13 enhances the government's relationship with its  
 14 citizens, and provides for the greatest possible  
 15 accountability of the government to the public. The  
 16 committee shall conduct a review of state programs and  
 17 rules. The committee shall study all of the  
 18 following:  
 19 a. State government budget practices and  
 20 procedures in order to ensure the accountability of  
 21 state government to the general assembly.  
 22 b. Methods to encourage innovation in state  
 23 government.  
 24 c. Utilization of state government facilities and  
 25 equipment, including purchase, lease-purchase, and  
 26 leasing arrangements.  
 27 d. Performance evaluations and performance-based  
 28 budgeting of state government operations, including  
 29 standards and procedures for the administration of  
 30 programs and regulations.

31 The study may include the need to develop  
 32 indicators, including benchmarks, for purposes of  
 33 measuring state government performance.  
 34 Upon request by the committee, the attorney general  
 35 or the state auditor may investigate abuses of  
 36 discretion, malfeasance, or the misappropriation of  
 37 moneys by officers or employees of a unit of state  
 38 government, or pursuant to contracts executed by units  
 39 of state government. Upon request by the committee,  
 40 the state auditor shall review state programs or  
 41 regulations, and perform evaluations, including  
 42 measurement of performance according to indicators,  
 43 such as benchmarks. The attorney general or state  
 44 auditor shall report to the committee the findings and  
 45 any recommendations of an investigation or review.”  
 46 2. By renumbering as necessary.

WAYNE BENNETT

S-3486

1 Amend the House amendment, S-3410, to Senate File  
 2 459, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 3, by inserting after line 26 the  
 5 following:  
 6 “Sec. \_\_\_\_ . **NEW SECTION. 100.55 IOWA FIRE**  
 7 **SERVICE TRAINING AND EQUIPMENT FUND.**  
 8 1. An Iowa fire service training and equipment  
 9 fund is created in the office of the treasurer of  
 10 state under the authority of the division of fire  
 11 protection of the department of public safety. The  
 12 fund consists of all revenues and all other moneys  
 13 lawfully credited or transferred to the fund. The  
 14 moneys credited to the fund may be expended by the  
 15 division for approved training activities and  
 16 equipment by qualified fire departments,  
 17 administrative costs associated with the fund, and  
 18 costs associated with the fire service advisory board,  
 19 pursuant to rules adopted by the state fire marshal.  
 20 2. For each fiscal year there is appropriated from  
 21 the general fund of the state to the Iowa fire service  
 22 training and equipment fund, the amount of one million  
 23 dollars.  
 24 3. Section 8.33 does not apply to moneys in the  
 25 Iowa fire service training and equipment fund under  
 26 this section.  
 27 4. Notwithstanding section 12C.7, interest or  
 28 earnings on investments or time deposits of the moneys  
 29 in the Iowa fire service training and equipment fund

30 shall be credited to the Iowa fire service training  
31 and equipment fund.

32 Sec. — . NEW SECTION. 100.56 FIRE SERVICE  
33 ADVISORY BOARD.

34 1. A fire service advisory board is created. The  
35 board shall be comprised of seven members appointed by  
36 the commissioner of public safety with special  
37 expertise in matters pertaining to fire service  
38 training and equipment needs. The members shall serve  
39 for a term of four years. Any vacancies on the board  
40 shall be filled, for the remainder of the term  
41 vacated, by appointment by the commissioner.

42 2. The advisory board shall advise and confer with  
43 the state fire marshal in matters relating to the Iowa  
44 fire service training and equipment fund and shall, at  
45 the request of the state fire marshal, hold public  
46 hearings and perform such other functions relating to  
47 the fund.

48 3. A member may be removed from the board by the  
49 commissioner for inefficiency, neglect of duty, or  
50 misconduct or malfeasance of office, after receiving

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1 prior written notice and an opportunity to be heard.

2 4. Each member of the board shall receive per diem  
3 compensation at the rate specified by section 7E.6,  
4 and all necessary expenses incurred, while in the  
5 performance of their duties for the board.

6 5. The board shall meet at least once a year and  
7 such additional times as requested by the state fire  
8 marshal. Four members of the board shall constitute a  
9 quorum.

10 6. The state fire marshal shall adopt rules  
11 pursuant to chapter 17A providing for the  
12 administration and distribution of the Iowa fire  
13 service training and equipment fund. The rules shall  
14 provide for receiving advice concerning the  
15 distribution of moneys in the fund from the fire  
16 service advisory board."

17 2. Page 5, by inserting after line 11 the  
18 following:

19 "Sec. — . TEMPORARY PROVISIONS. Notwithstanding  
20 section 100.56 as enacted by this Act, of the initial  
21 appointees to the fire service advisory board, three  
22 shall be appointed for a two-year term and four shall  
23 be appointed for a four-year term."

24 3. By renumbering as necessary.

S-3487

- 1 Amend House File 560 as follows:  
 2 1. Page 1, by striking lines 19 through 21 and  
 3 inserting the following: "the combined stock of the  
 4 family farm corporation owned by a designated person  
 5 as defined in paragraph "a" is equal to at least  
 6 fifty-one".  
 7 2. Page 1, by striking lines 25 and 26 and  
 8 inserting the following: "owned by a designated  
 9 person as defined in paragraph "a" is equal to at  
 10 least".

JOHN P. KIBBIE

S-3488

- 1 Amend Senate File 482 as follows:  
 2 1. Page 54, by inserting after line 21 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 321J.4B, subsection 12, as  
 5 enacted by 1995 Iowa Acts, Senate File 446, is amended  
 6 to read as follows:  
 7 12. Operating a motor vehicle on a street or  
 8 highway in this state in violation of an order of  
 9 impoundment or immobilization is a serious  
 10 misdemeanor. A motor vehicle which is subject to an  
 11 order of impoundment or immobilization that is  
 12 operated on a street or highway in this state during  
 13 the period of impoundment or immobilization in  
 14 violation of the order shall be seized and forfeited  
 15 to the state under chapter 809."  
 16 2. Page 55, by inserting after line 32 the  
 17 following:  
 18 "DIVISION VI  
 19 ASSAULTS  
 20 Sec. \_\_\_\_ . Section 708.2, subsection 2, Code 1995,  
 21 is amended to read as follows:  
 22 2. A person who commits an assault, as defined in  
 23 section 708.1, ~~without the intent to inflict a serious~~  
 24 ~~injury upon another,~~ and who causes bodily injury or  
 25 ~~disabling~~ mental illness, is guilty of a serious  
 26 misdemeanor.  
 27 Sec. \_\_\_\_ . Section 708.2A, subsection 2, paragraph  
 28 b, Code 1995, is amended to read as follows:  
 29 b. A serious misdemeanor, if the domestic abuse  
 30 ~~assault is committed without the intent to inflict a~~  
 31 ~~serious injury upon another, and the assault causes~~  
 32 ~~bodily injury or disabling~~ mental illness.  
 33 Sec. \_\_\_\_ . Section 708.2C, subsection 3, Code 1995,

34 is amended to read as follows:

35 3. A person who commits an assault in violation of  
 36 individual rights ~~without the intent to inflict a~~  
 37 ~~serious injury upon another~~, and who causes bodily  
 38 injury or ~~disabling~~ mental illness, is guilty of an  
 39 aggravated misdemeanor.

40 Sec. \_\_\_\_ . NEW SECTION. 708.4A INTENTIONAL  
 41 ASSAULT CAUSING INJURY.

42 Any person who does an act which is not justified  
 43 and which is intended to cause serious injury to  
 44 another, but which causes bodily injury or mental  
 45 illness which is not a serious injury, commits a class  
 46 "D" felony."

47 3. By numbering, renumbering, and changing  
 48 internal references as necessary.

COMMITTEE ON JUDICIARY  
 RANDAL J. GIANNETTO, Chairperson

HOUSE AMENDMENT TO  
 SENATE FILE 358

S-3489

1 Amend Senate File 358, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 15.

4 2. Page 3, by striking lines 14 through 17 and  
 5 inserting the following: "whichever occurs later. A  
 6 license to".

7 3. Page 3, by striking lines 34 and 35.

8 4. Page 4, line 1, by striking the word and  
 9 figure "subsection 2".

10 5. Page 4, by inserting after line 2 the  
 11 following:

12 "Sec. \_\_\_\_ . Section 321J.4B, subsection 12, as  
 13 enacted by 1995 Iowa Acts, Senate File 446, is amended  
 14 to read as follows:

15 12. Operating a motor vehicle on a street or  
 16 highway in this state in violation of an order of  
 17 impoundment or immobilization is a serious  
 18 misdemeanor. A motor vehicle which is subject to an  
 19 order of impoundment or immobilization that is  
 20 operated on a street or highway in this state ~~during~~  
 21 the period of impoundment or immobilization in  
 22 violation of the order shall be seized and forfeited  
 23 to the state under chapter 809."

24 6. Page 4, lines 13 and 14, by striking the words  
 25 "temporary restricted license shall not be issued or

26 a" and inserting the following: "temporary restricted  
27 license shall not be issued or a".

28 7. Page 4, by inserting after line 16 the  
29 following:

30 "Sec. \_\_\_\_ . Section 321J.20, Code 1995, is amended  
31 by adding the following new subsection:  
32 NEW SUBSECTION. 6. Following the minimum period  
33 of ineligibility, a temporary restricted license under  
34 this section shall not be issued until such time as  
35 the applicant installs an ignition interlock device of  
36 a type approved by the commissioner of public safety  
37 on all motor vehicles owned or operated by the  
38 applicant, in accordance with section 321J.4,  
39 subsection 7. Installation of an ignition interlock  
40 device under this section shall be required for the  
41 period of time for which the temporary restricted  
42 license is issued, but no longer than one year, unless  
43 the court order under section 321J.4, subsection 7,  
44 provides for a longer period of time."

45 8. Page 4, by inserting after line 16 the  
46 following:

47 "Sec. \_\_\_\_ . NEW SECTION. 321J.24A YOUTHFUL  
48 OFFENDER SUBSTANCE ABUSE AWARENESS PROGRAM.

49 1. As used in this section, unless the context  
50 otherwise requires:

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1 a. "Participant" means a person whose motor  
2 vehicle license or operating privilege has been  
3 revoked for a violation of section 321J.2A, if enacted  
4 by 1995 Iowa Acts, Senate File 446.

5 b. "Program" means a substance abuse awareness  
6 program provided under a contract entered into between  
7 the provider and the commission on substance abuse of  
8 the Iowa department of public health under chapter  
9 125.

10 c. "Program coordinator" means a person assigned  
11 the duty to coordinate a participant's activities in a  
12 program by the program provider.

13 2. A substance abuse awareness program is  
14 established in each of the regions established by the  
15 commission on substance abuse. The program shall  
16 consist of an insight class and a substance abuse  
17 evaluation, which shall be attended by the  
18 participant, to discuss issues related to the  
19 potential consequences of substance abuse. The parent  
20 or parents of the participant shall also be encouraged  
21 to participate in the program. The program provider  
22 shall consult with the participant or the parents of

23 the participant in the program to determine the timing  
24 and appropriate level of participation for the  
25 participant and any participation by the participant's  
26 parents. The program may also include a supervised  
27 educational tour by the participant to any or all of  
28 the following:

29 a. A hospital or other emergency medical care  
30 facility which regularly receives victims of motor  
31 vehicle accidents, to observe treatment of appropriate  
32 victims of motor vehicle accidents involving  
33 intoxicated drivers, under the supervision of a  
34 registered nurse, physician, paramedic, or emergency  
35 medical technician.

36 b. A facility for the treatment of chemical  
37 substance abuse as defined in section 125.2, under the  
38 supervision of appropriately licensed medical  
39 personnel.

40 c. If approved by the state or county medical  
41 examiner, a morgue or a similar facility to receive  
42 appropriate educational material and instruction  
43 concerning damage caused by the consumption of alcohol  
44 or other drugs, under the supervision of the county  
45 medical examiner or deputy medical examiner.

46 3. If the program includes a tour, the program  
47 coordinator shall explain and discuss the experiences  
48 which may be encountered during the tour to the  
49 participant. If the program coordinator determines at  
50 any time before or during a tour that the tour may be

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1 traumatic or otherwise inappropriate for the  
2 participant, the program coordinator shall terminate  
3 the tour without prejudice to the participant.

4 4. Upon the revocation of the motor vehicle  
5 license or operating privileges of a person who is  
6 fourteen years of age or older for a violation of  
7 section 321J.2A, if enacted, if the person has had no  
8 previous revocations under either section 321J.2 or  
9 section 321J.2A, if enacted, a person may participate  
10 in the substance abuse awareness program. The state  
11 department of transportation shall notify a potential  
12 program participant of the possibility and potential  
13 benefits of attending a program and shall notify a  
14 potential program participant of the availability  
15 programs which exist in the area in which the person  
16 resides. The state department of transportation shall  
17 consult with the Iowa department of public health to  
18 determine what programs are available in various areas  
19 of the state. The period of revocation for a person

20 whose motor vehicle license or operating privilege has  
 21 been revoked under section 321J.2A, if enacted, shall  
 22 be reduced by fifty percent upon receipt by the state  
 23 department of transportation of a certification by a  
 24 program provider that the person has completed a  
 25 program.

26 5. Program providers and facilities toured during  
 27 the program are not liable for any civil damages  
 28 resulting from injury to the participant, or civil  
 29 damages caused by the participant during or from any  
 30 activities related to a tour, except for willful or  
 31 grossly negligent acts intended to, or reasonably  
 32 expected to result in, such injury or damage.

33 6. The program provider shall determine fees to be  
 34 paid by participants in the program. The program fees  
 35 shall be paid on a sliding scale, based upon the  
 36 ability of a participant and a participant's family to  
 37 pay the fees, and shall not exceed one hundred dollars  
 38 per participant. The program provider shall use the  
 39 fees to pay all costs associated with the program."

40 9. Page 5, by inserting after line 1 the  
 41 following:

42 "Sec. \_\_\_\_ . Section 321J.12, subsection 5, as  
 43 enacted by 1995 Iowa Acts, Senate File 446, is amended  
 44 to read as follows:

45 5. Upon certification, subject to penalty of  
 46 perjury, by the peace officer that there existed  
 47 reasonable grounds to believe that the person had been  
 48 operating a motor vehicle in violation of section  
 49 321J.2A, that there existed one or more of the  
 50 necessary conditions for chemical testing described in

Page 4

1 section 321J.6, subsection 1, and that the person  
 2 submitted to chemical testing and the test results  
 3 indicated an alcohol concentration as defined in  
 4 section 321J.1 of .02 or more but less than .10, the  
 5 department shall revoke the person's motor vehicle  
 6 license or operating privilege for a period of ~~thirty~~  
 7 sixty days if the person has had no revocations within  
 8 the previous six years under section 321J.2A, and for  
 9 a period of ninety days if the person has had one or  
 10 more previous revocations within the previous six  
 11 years under section 321J.2A."

12 10. Title page, line 1, by striking the word  
 13 "habitual" and inserting the following: "certain".

14 11. Title page, line 3, by inserting after the  
 15 word "status," the following: "providing for a  
 16 youthful offender substance abuse awareness program,".

- 17 12. Title page, line 3, by inserting after the  
18 word "status," the following: "requiring ignition  
19 interlock devices for temporary restricted licenses,".  
20 13. Title page, line 3, by inserting after the  
21 word "status," the following: "providing penalties,".  
22 14. By renumbering, relettering, or redesignating  
23 and correcting internal references as necessary.

## S-3490

- 1 Amend the House amendment, S-3468, to Senate File  
2 432, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by inserting after line 10 the  
5 following:  
6 " \_\_\_\_ . Page 3, line 7, by striking the figure  
7 "1996" and inserting the following: "1997"."  
8 2. Page 1; by inserting after line 39 the  
9 following:  
10 " \_\_\_\_ . Page 3, by inserting after line 12 the  
11 following:  
12 "Sec. \_\_\_\_ . DEPARTMENTAL STUDY. The department of  
13 justice, in consultation with the department of human  
14 services, shall conduct a study of the issues involved  
15 in the implementation of chapter 709C, including, but  
16 not limited to, the costs associated with the current  
17 hearing process, the costs of and security problems  
18 related to the confinement of sexually violent  
19 predators, legal issues surrounding the commitment and  
20 confinement of sexually violent predators, and  
21 potential alternatives to commitment and confinement  
22 of sexually violent predators. In conducting the  
23 study, the department shall also consult with an  
24 association of county attorneys and the department of  
25 corrections. The department of justice shall submit  
26 its findings and any recommendations in a report to  
27 the general assembly by January 1, 1996.""  
28 3. Page 1, line 47, by inserting after the word  
29 "victims," the following: "providing for a  
30 departmental study,".  
31 4. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 373

S-3491

1 Amend Senate File 373, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 23 through 30 and  
4 inserting the following: "constitute contempt of  
5 court. As part of the order discharging an offender  
6 from probation, the court shall enter a civil judgment  
7 against the offender for the balance, if any, of any  
8 restitution owed by the offender to the victim of the  
9 crime."

10 2. Page 1, by inserting after line 30, the  
11 following:

12 "Sec. \_\_\_\_ . Section 910.5, subsection 1, unnumbered  
13 paragraph 2, Code 1995, is amended to read as follows:

14 An offender committed to a penal or correctional  
15 facility of the state, shall make restitution while  
16 placed in that facility. Upon commitment to the  
17 custody of the director of the Iowa department of  
18 corrections, the director or the director's designee  
19 shall prepare a restitution plan of payment or modify  
20 any existing plan of payment. The new or modified  
21 plan of payment shall reflect the offender's present  
22 circumstances concerning the offender's income,  
23 physical and mental health, education, employment, and  
24 family circumstances. The director or the director's  
25 designee may modify the plan of payment at any time to  
26 reflect the offender's present circumstances. After  
27 the expiration of the offender's sentence, the failure  
28 of an offender to comply with the plan of restitution  
29 ordered by the court shall constitute contempt of  
30 court. Upon the expiration of the offender's  
31 sentence, the department shall notify the court which  
32 sentenced the offender and the court shall enter a  
33 civil judgment against the offender for the balance,  
34 if any, of any restitution owed by the offender to the  
35 victim of the crime."

36 3. Page 2, by striking lines 17 through 23 and  
37 inserting the following: "court. Upon the expiration  
38 of the offender's sentence, the bureau chief shall  
39 notify the court which sentenced the offender and the  
40 court shall enter a civil judgment against the  
41 offender for the balance, if any, of any restitution  
42 owed by the offender to the victim of the crime."  
43 4. Page 3, by striking lines 7 through 14 and  
44 inserting the following: "contempt of court. Upon  
45 the expiration of the offender's sentence, the office

46 or individual charged with supervision of the offender  
 47 shall notify the court which sentenced the offender  
 48 and the court shall enter a civil judgment against the  
 49 offender for the balance, if any, of any restitution  
 50 owed by the offender to the victim of the crime."

Page 2

1 5. By striking page 3, line 34, through page 4,  
 2 line 5, and inserting the following: "of court. Upon  
 3 the expiration of the offender's sentence, the parole  
 4 officer shall notify the court which sentenced the  
 5 offender and the court shall enter a civil judgment  
 6 against the offender for the balance, if any, of any  
 7 restitution owed by the offender to the victim of the  
 8 crime."

9 6. Title page, line 3, by inserting after the  
 10 word "ended" the following: "and providing for the  
 11 entry of a civil judgment for restitution owed to a  
 12 victim".

S-3492

1 Amend the House amendment, S-3479, to Senate File  
 2 398, as amended, passed, and reprinted by the Senate,  
 3 as follows:

- 4 1. Page 1, by striking lines 3 and 4.
- 5 2. By renumbering as necessary.

MARY NEUHAUSER

S-3493

1 Amend House File 197, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking line 7 and inserting the  
 4 following "health care facilities, ~~or~~ health care  
 5 referral programs, or charitable organizations, free".  
 6 2. Page 1, line 13, by striking the words "or  
 7 health" and inserting the following: "~~or~~ health".  
 8 3. Page 1, line 14, by inserting after the word  
 9 "programs" the following: ", or charitable  
 10 organizations".  
 11 4. Page 1, line 24, by striking the words "or  
 12 health" and inserting the following: "~~or~~ health".  
 13 5. Page 1, line 25, by inserting after the word  
 14 "programs" the following: ", or charitable  
 15 organizations".  
 16 6. Page 1, line 28, by inserting after the word  
 17 "program," the following: "a charitable

18 organization”.

19 7. Page 2, line 5, by striking the words “or  
20 health care referral program” and inserting the  
21 following: “or health care referral program, or  
22 charitable organization”.

23 8. Page 2, by inserting after line 12 the  
24 following:

25 “5. For the purposes of this section, “charitable  
26 organization” means a charitable organization within  
27 the meaning of section 501(c)(3) of the Internal  
28 Revenue Code which has as its primary purpose the  
29 sponsorship or support of programs designed to improve  
30 the quality, awareness, and availability of medical  
31 services to children and to serve as a funding  
32 mechanism for provision of medical services, including  
33 but not limited to immunizations, to children in this  
34 state.”

35 9. Title page, line 2, by inserting after the  
36 word “providers” the following: “and to apply to  
37 certain charitable organizations”.

MARY E. KRAMER

S-3494

1 Amend Senate File 323 as follows:

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

4 “Section 1. Section 135.24, Code 1995, is amended  
5 to read as follows:

6 **135.24 VOLUNTEER PHYSICIAN HEALTH CARE PROVIDER**  
7 **PROGRAM 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, or health  
11 care referral programs, free medical services given on  
12 a voluntary basis by physicians licensed under chapter  
13 148, 150, or 150A health care providers. A  
14 participating physician health care provider shall  
15 register with the department and obtain from the  
16 department a list of eligible, participating  
17 hospitals, clinics, or other health care facilities,  
18 or health care referral programs.

19 2. The department, in consultation with the  
20 department of human services, shall adopt rules to  
21 implement the volunteer physician health care provider  
22 program which shall include the following:

23 a. Procedures for registration of physicians  
24 health care providers deemed qualified by the board of  
25 medical examiners, the board of physician assistant

26 examiners, and the board of nursing.  
 27 b. Criteria for and identification of hospitals,  
 28 clinics, or other health care facilities, or health  
 29 care referral programs eligible to participate in the  
 30 provision of free medical services through the  
 31 volunteer physician health care provider program. A  
 32 health care facility, a health care referral program,  
 33 or a health care provider participating in the program  
 34 shall not bill or charge a patient for any physician  
 35 health care provider service provided under the  
 36 volunteer physician health care provider program.  
 37 3. A physician health care provider providing free  
 38 care under this section shall be considered an  
 39 employee of the state under chapter 669 and shall be  
 40 afforded protection as an employee of the state under  
 41 section 669.21, provided that the physician health  
 42 care provider has done all of the following:  
 43 a. Registered with the department pursuant to  
 44 subsection 1.  
 45 b. Provided medical services through a hospital,  
 46 clinic, or other health care facility, or health care  
 47 referral program listed as eligible and participating  
 48 by the department pursuant to subsection 1.  
 49 4. For the purposes of this section, "health care  
 50 provider" means a physician licensed under chapter

Page 2

1 148, 150, or 150A, a physician assistant licensed and  
 2 practicing under a supervising physician pursuant to  
 3 chapter 148C, a licensed practical nurse, or a  
 4 registered nurse."

5 2. Title page, by striking line 2 and inserting  
 6 the following: "program to include other health care  
 7 providers."

MARY E. KRAMER

S-3495

1 Amend House File 482, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, line 18, by striking the words  
 4 "coordination and".  
 5 2. Page 4, by inserting after line 23 the  
 6 following:  
 7 "4. STUDY COORDINATOR.  
 8 For the annual salary rate to be paid to the  
 9 coordinator of the study relating to the sale or  
 10 conversion of the Iowa communications network pursuant

11 to House File 461, if enacted by the general assembly  
12 during the 1995 regular session:

13 .....\$ 102,000

14 The Iowa telecommunications and technology  
15 commission shall employ an individual to coordinate  
16 and oversee the completion of the study relating to  
17 the sale or conversion of the Iowa communications  
18 network pursuant to House File 461, if enacted by the  
19 general assembly during the 1995 regular session. The  
20 individual shall work with the commission and the  
21 general assembly in fulfilling the individual's  
22 duties. Upon completion of the study, the individual  
23 shall work with the general assembly and the governor  
24 in coordinating the implementation of the  
25 recommendations of the study, as appropriate. The  
26 individual shall also work with the general assembly  
27 and the governor in developing a long-term plan  
28 related to the network consistent with the  
29 recommendations of the study."

STEVEN D. HANSEN

S-3496

1 Amend Senate File 472 as follows:

2 1. Page 2, by striking line 3 and inserting the  
3 following: "subsection 3."

4 2. Page 2, by striking lines 4 through 12.

5 3. Page 2, line 13, by striking the figure "4."

6 and inserting the following: "3."

7 4. By renumbering as necessary.

ELAINE SZYMONIAK

S-3497

1 Amend Senate File 413 as follows:

2 1. Page 11, by inserting after line 17 the  
3 following:

4 "Sec. \_\_\_\_ . Section 455G.13, subsection 1, Code  
5 1995, is amended to read as follows:

6 1. ~~FULL RECOVERY SOUGHT FROM OWNER~~. The board  
7 shall may seek ~~full~~ recovery from the owner, operator,  
8 or other potentially responsible party liable for the  
9 released petroleum which is the subject of a  
10 corrective action, for which the fund expends moneys  
11 from the remedial account for corrective action or  
12 third-party liability, and for all other costs,  
13 including reasonable and necessary attorney fees and  
14 costs of litigation for which moneys are expended by

15 the fund in connection with the release. The  
 16 liability of the owner, operator or other potentially  
 17 responsible party is limited to that percentage of the  
 18 released petroleum which was the subject of the  
 19 corrective action and which the board through clear  
 20 and convincing evidence, demonstrates was released by  
 21 the owner, operator, or other potentially responsible  
 22 party. When federal cleanup funds are recovered, the  
 23 funds are to be deposited to the remedial account of  
 24 the fund and used solely for the purpose of future  
 25 cleanup activities."

26 2. Page 16, by inserting after line 21 the  
 27 following:

28 "Sec. \_\_\_\_ . APPLICABILITY. The section of this Act  
 29 that amends section 455G.13, subsection 1, applies to  
 30 all cases that are tried on or after the effective  
 31 date of this Act."

32 3. Title page, line 5, by inserting after the  
 33 word "requirements," the following: "limiting cost  
 34 recovery,".

35 4. By renumbering as necessary.

BRAD BANKS  
 RANDAL J. GIANNETTO  
 DERRYL McLAREN  
 WILLIAM D. PALMER  
 JOANN DOUGLAS  
 BERL E. PRIEBE  
 SHELDON RITTMER  
 TONY BISIGNANO

S-3498

1 Amend the amendment, S-3376, to House File 486, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, line 9, by inserting after the word  
 5 "counties" the following: "or cities".

6 2. Page 1, line 10, by inserting after the word  
 7 "counties" the following: "or cities".

O. GENE MADDOX

S-3499

1 Amend House File 482, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. By striking page 1, line 16, through page 3,  
 4 line 23.

5 2. Page 4, by striking lines 16 and 17 and

6 inserting the following:

7 "3. STUDY RELATING TO SALE OR CONVERSION OF  
8 NETWORK."

9 3. Page 5, by inserting after line 20 the  
10 following:

11 "Upon the appropriation of the funds in this  
12 section to the Iowa communications network fund, the  
13 Iowa telecommunications and technology commission  
14 shall immediately transfer \$12,783,000 of the  
15 appropriated amount to a separate fund established in  
16 the office of the treasurer of state, to be used  
17 solely for debt service for the Iowa communications  
18 network. The commission shall certify to the  
19 treasurer of state when a debt service payment is due,  
20 and upon receipt of the certification the treasurer  
21 shall make the payment. The commission shall pay any  
22 additional amount due from funds deposited in the Iowa  
23 communications network fund."

24 4. By renumbering as necessary.

TOM FLYNN  
ROBERT DVORSKY

HOUSE AMENDMENT TO  
SENATE FILE 422

S-3500

1 Amend Senate File 422, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 9, line 10, by inserting after the word  
4 "recorder" the following: "or a successor county  
5 officer".

6 2. Page 9, line 11, by inserting after the word  
7 "recorder" the following: "or a successor county  
8 officer".

9 3. Page 9, line 15, by inserting after the word  
10 "recorders" the following: "or their successor county  
11 officers".

HOUSE AMENDMENT TO  
SENATE FILE 208

S-3501

1 Amend Senate File 208, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 8 through 16.

4 2. Page 2, line 23, by striking the words "Two  
5 mental health professionals who are" and inserting the

6 following: "One mental health professional who is".

7 3. Page 2, line 25, by striking the words "Two  
8 social workers who are" and inserting the following:  
9 "One social worker who is".

10 4. Page 3, line 2, by striking the words "Three  
11 others" and inserting the following: "One other".

12 5. Page 4, line 35, by striking the words "areas  
13 of the state" and inserting the following: "of the  
14 department's county clusters".

15 6. Page 5, line 8, by inserting after the word  
16 "assessment." the following: "The department shall  
17 commence the assessment within seventy-two hours of  
18 the receipt of the report."

19 7. Page 5, line 34, by striking the words "and  
20 shall" and inserting the following: "within twenty-  
21 one calendar days of the receipt of the report. The  
22 assessment shall".

23 8. Page 6, by striking lines 10 through 20 and  
24 inserting the following:

25 "6. The department shall provide the county  
26 attorney with a written copy of any assessment which  
27 includes a recommendation for a juvenile or criminal  
28 court action or petition. The county attorney shall  
29 notify the department of any action taken concerning  
30 an assessment provided by the department."

31 9. Page 6, line 35, by striking the word "The"  
32 and inserting the following: "In the opinion of a  
33 health practitioner or mental health professional,  
34 the".

35 10. Page 7, by inserting after line 10 the  
36 following:

37 "c. If information is placed in the central  
38 registry as a case of founded child abuse, all of the  
39 provisions of sections 235A.13 to 235A.23 which apply  
40 to a case of founded child abuse shall apply to a case  
41 of founded child abuse under this section."

42 11. Page 8, by inserting after line 5 the  
43 following:

44 "Sec. \_\_\_\_ . DEPARTMENT OF HUMAN SERVICES PILOT  
45 PROJECTS. In implementing the pilot projects for  
46 child abuse assessment required under section 232.71A,  
47 as enacted by this Act, the department may apply a  
48 special protocol for conducting an assessment in  
49 response to a child abuse report to which all of the  
50 following circumstances apply:

## Page 2

1 1. Three previous child abuse reports have been  
2 made involving the same alleged perpetrator or a

- 3 family member of the alleged perpetrator.  
 4 2. The three previous reports were made within a  
 5 period of two years prior to the date of the latest  
 6 report.  
 7 3. The assessments resulting from the previous  
 8 three reports did not identify any child protection  
 9 concerns.  
 10 The special protocol may involve an abbreviated  
 11 assessment process, such as a telephone contact or  
 12 other means, to address the abuse allegation without  
 13 subjecting the family of the alleged perpetrator to  
 14 repeated or extensive assessments regarding abuse  
 15 allegations which have no basis."  
 16 12. Page 8, by striking lines 6 through 14.  
 17 13. By renumbering, relettering, or redesignating  
 18 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 461

S-3502

- 1 Amend the Senate amendment, H-3976, to House File  
 2 461, as passed by the House, as follows:  
 3 1. Page 1, by striking lines 3 through 7.  
 4 2. Page 1, by striking lines 14 through 31.  
 5 3. By renumbering as necessary.

S-3503

- 1 Amend House File 247, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by inserting after line 2 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 507B.4, subsection 7, Code  
 6 1995, is amended by adding the following new  
 7 paragraph:  
 8 NEW PARAGRAPH. c. Making or permitting any  
 9 discrimination in the sale of insurance solely on the  
 10 basis of domestic abuse as defined in section 236.2."  
 11 2. Renumber as necessary.

MICHAEL E. GRONSTAL

S-3504

- 1 Amend Senate File 477 as follows:  
 2 1. Page 1, by striking lines 1 through 15 and  
 3 inserting the following:

4. "Sec. \_\_\_\_ . Section 2.46, Code 1995, is amended by  
5 adding the following new unnumbered paragraph before  
6 unnumbered paragraph 1:  
7 NEW UNNUMBERED PARAGRAPH. The legislative fiscal  
8 committee is established. Meetings of the committee  
9 may be called by the co-chairpersons or by a  
10 majority".
- 11 2. By striking page 1, line 24, through page 4,  
12 line 28, and inserting the following:  
13 "Sec. \_\_\_\_ . Section 2.46, Code 1995, is amended by  
14 adding the following new unnumbered paragraph:  
15 NEW UNNUMBERED PARAGRAPH. Each year the committee  
16 shall develop a budget for".
- 17 3. By striking page 4, line 34, through page 8,  
18 line 20, and inserting the following:  
19 "Sec. \_\_\_\_ . Section 2.46, Code 1995, is amended by  
20 adding the following new unnumbered paragraph:  
21 NEW UNNUMBERED PARAGRAPH. The committee shall  
22 review and analyze state government structure and  
23 operations for purposes of ensuring an efficient and  
24 innovative system of government which effectively  
25 administers programs and carries out its regulatory  
26 functions, provides for operating with the greatest  
27 possible fiscal integrity, enhances the government's  
28 relationship with its citizens, and provides for the  
29 greatest possible accountability of the government to  
30 the public. The committee shall conduct a review of  
31 state programs and rules. The committee shall study  
32 state government budget practices and procedures in  
33 order to ensure the accountability of state government  
34 to the general assembly; methods to encourage  
35 innovation in state government; the utilization of  
36 state government facilities and equipment, including  
37 purchase, lease-purchase, and leasing arrangements;  
38 and performance evaluations and performance-based  
39 budgeting of state government operations, including  
40 standards and procedures for the administration of  
41 programs and regulations.
- 42 The study may include the need to develop  
43 indicators, including benchmarks, for purposes of  
44 measuring state government performance.
- 45 Upon request by the committee, the attorney general  
46 or the state auditor may investigate abuses of  
47 discretion, malfeasance, or the misappropriation of  
48 moneys by officers or employees of a unit of state  
49 government, or pursuant to contracts executed by units  
50 of state government. Upon request by the committee,

## Page 2

1 the state auditor shall review state programs or  
2 regulations, and perform evaluations, including  
3 measurement of performance according to indicators,  
4 such as benchmarks. The attorney general or state  
5 auditor shall report to the committee the findings and  
6 any recommendations of an investigation or review.”  
7 4. By renumbering as necessary.

WAYNE BENNETT

## S-3505

1 Amend Senate File 482 as follows:  
2 1. Page 50, by inserting after line 4 the  
3 following:  
4 “\_\_\_ . A person receiving more than ten thousand  
5 dollars in cash in any single transaction, which is  
6 not otherwise subject to a reporting requirement,  
7 shall complete and forward to the department of public  
8 safety within ten days of the transaction a report of  
9 private currency transaction. The report shall be on  
10 a form prescribed by the department and shall include  
11 the date of the transaction and the name and address  
12 of the person providing the cash. A person who  
13 knowingly violates this subsection commits a serious  
14 misdemeanor.”  
15 2. By renumbering and correcting internal  
16 references as necessary.

RANDAL J. GIANNETTO  
TONY BISIGNANO

## S-3506

1 Amend the House amendment, S-3489, to Senate File  
2 358, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by striking lines 3 through 9.  
5 2. Page 1, by striking lines 24 through 27.  
6 3. By renumbering as necessary.

JIM LIND  
DON GETTINGS  
RANDAL J. GIANNETTO  
MARY A. LUNDBY

HOUSE AMENDMENT TO  
SENATE FILE 394

S-3507

1 Amend Senate File 394, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 10 through 12 and  
4 inserting the following: "original signatures. The  
5 instruments".

6 2. Page 1, by striking lines 15 and 16 and  
7 inserting the following: "at least eight and one-half  
8 inches across the page by two inches in length, on  
9 which space shall be typed or legibly printed across  
10 the page on the bottom one-fourth inch of this space,  
11 the name, address, and telephone number of the  
12 individual who prepared the instrument. The remaining  
13 portion of this space shall be reserved for use by the  
14 county recorder.".

15 3. Page 1, by striking lines 22 through 24 and  
16 inserting the following: "print or type the  
17 signatures appearing on the instrument."

18 4. Page 1, by inserting after line 29 the  
19 following:

20 "Sec. \_\_\_\_ . APPLICABILITY. This Act applies to  
21 instruments signed or notarized on or after January 1,  
22 1996."

23 5. Title page, line 2, by inserting after the  
24 word "recorder" the following: "and providing for the  
25 Act's applicability".

26 6. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 427

S-3508

1 Amend Senate File 427, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by striking the word "senior"  
4 and inserting the following: "senior".

5 2. Page 1, line 15, by striking the word  
6 "retiring" and inserting the following: "who  
7 retires".

8 3. Page 1, line 16, by inserting after the figure  
9 "1994" the following: "and who is appointed a senior  
10 judge under section 602.9203".

S-3509

1 Amend the House amendment, S-3501, to Senate File  
2 208, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 11 the  
5 following:

6 "\_\_\_\_. Page 4, by inserting after line 5 the  
7 following:

8 "Sec. \_\_\_\_ . Section 232.69, subsection 1,  
9 unnumbered paragraph 1, Code 1995, is amended to read  
10 as follows:

11 The following classes of persons shall make a  
12 report within twenty-four hours and as provided in  
13 section 232.70, of cases of child abuse. In addition,  
14 the classes of persons shall make a report of cases of  
15 abuse of a child who is thirteen years of age or  
16 younger and may make a report of cases of abuse of a  
17 child who is fourteen years of age or older, which  
18 would be defined as child abuse under section 232.68,  
19 subsection 2, paragraph "c" or "e", except that the  
20 abuse resulted from the acts or omissions of a person  
21 other than a person responsible for the care of the  
22 child."

23 \_\_\_\_ . Page 4, by inserting after line 28 the  
24 following:

25 "Sec. \_\_\_\_ . Section 232.71, Code 1995, is amended  
26 by adding the following new subsection:

27 NEW SUBSECTION. 1A. If a report would be  
28 determined to constitute an allegation of child abuse  
29 as defined under section 232.68, subsection 2,  
30 paragraph "c" or "e", except that the suspected abuse  
31 resulted from the acts or omissions of a person other  
32 than a person responsible for the care of the child,  
33 the department shall refer the report to the  
34 appropriate law enforcement agency having jurisdiction  
35 to investigate the allegation. The department shall  
36 refer the report orally as soon as practicable and in  
37 writing within seventy-two hours of receiving the  
38 report."

39 2. Page 1, by inserting after line 41 the  
40 following:

41 "\_\_\_\_. Page 7, by inserting after line 19 the  
42 following:

43 "Sec. \_\_\_\_ . Section 232.75, subsection 1, Code  
44 1995, is amended to read as follows:

45 1. Any A person, official, agency, or institution,  
46 required by this chapter to report a suspected case of  
47 child abuse and suspected abuse of a child who is  
48 thirteen years of age or younger which would be

49 defined as child abuse under section 232.68,  
50 subsection 2, paragraph "c" or "e", except that the

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1 abuse resulted from the acts or omissions of a person  
2 other than a person responsible for the care of the  
3 child, who knowingly and willfully fails to do so is  
4 guilty of commits a simple serious misdemeanor."

JOHNIE HAMMOND

S-3510

1 Amend House File 94, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting after line 24 the  
4 following:  
5 "(4) There are no children of the marriage for  
6 whom support, as defined under section 598.1, may be  
7 ordered."  
8 2. Page 1, by inserting after line 35 the  
9 following:  
10 "(3) There are no children of the marriage for  
11 whom support, as defined under section 598.1, may be  
12 ordered."

MARY NEUHAUSER

S-3511

1 Amend House File 482, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, line 1, by inserting after the word  
4 "purposes," the following: "for the subsidization of  
5 video rates for authorized users as determined by the  
6 commission and consistent with chapter 8D,".  
7 2. Page 4, by striking lines 6 through 11.

DERRYL McLAREN

S-3512

1 Amend the amendment, S-3484, to House File 519, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 8, by striking lines 7 through 13 and  
5 inserting the following:  
6 ""\_\_\_. "Public use area" means that portion of  
7 public land where persons customarily congregate, or

- 8 where persons are planning to customarily congregate,  
 9 as provided for in a recreation master plan approved  
 10 by the area's policymaking body.””
- 11 2. Page 10, line 25, by inserting before the  
 12 words "The department" the following: "An applicant  
 13 for a construction permit shall not begin construction  
 14 at the location of a site planned for the construction  
 15 of an animal feeding operation structure, until the  
 16 person has been granted a permit for the construction  
 17 of the structure by the department."
- 18 3. Page 10, by striking line 30.
- 19 4. Page 10, by inserting before line 31 the  
 20 following:  
 21 "\_\_\_ . Page 14, line 30, by striking the word  
 22 "may" and inserting the following: "shall"."
- 23 5. Page 15, by inserting after line 25 the  
 24 following:  
 25 "\_\_\_ . Page 22, by striking lines 25 through 30."
- 26 6. By renumbering, relettering, or redesignating  
 27 and correcting internal references as necessary.

COMMITTEE ON NATURAL RESOURCES,  
 ENVIRONMENT AND ENERGY  
 BILL FINK, Chairperson

S-3513

- 1 Amend Senate File 482 as follows:  
 2 1. Page 30, by striking lines 26 through 31.

RANDAL J. GIANNETTO

S-3514

- 1 Amend House File 528, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, lines 8 and 9, by striking the words  
 4 "including the name of a juvenile involved".  
 5 2. Page 1, lines 33 and 34, by striking the words  
 6 "including the name of a juvenile involved".  
 7 3. Page 2, by striking lines 31 and 32 and  
 8 inserting the following: "those facilities or  
 9 institutions. Human immunodeficiency".  
 10 4. By striking page 3, line 24, through page 4,  
 11 line 13.  
 12 5. Page 5, line 21, by striking the word "shall"  
 13 and inserting the following: "may".  
 14 6. Page 6, line 10, by striking the word "shall"  
 15 and inserting the following: "shall may".  
 16 7. By striking page 6, line 20, through page 7,

17 line 1.

18 8. Page 7, by striking lines 17 through 23 and  
19 inserting the following: "prosecuted as otherwise  
20 provided by law. The district court shall have all  
21 the dispositional powers of the juvenile court under  
22 this chapter, notwithstanding section 124.401B and  
23 chapters 902 and 903, regarding a child convicted of a  
24 violation excluded from the jurisdiction of the  
25 juvenile court under this paragraph. Alternatively,  
26 the child may be sentenced, as an adult, pursuant to  
27 section 124.401B or chapter 902 or 903."

28 9. Page 7, by striking lines 24 through 27.

29 10. Page 8, line 8, by striking the words "may  
30 shall" and inserting the following: "may".

31 11. Page 8, line 10, by striking the words  
32 "However, wherever possible the" and inserting the  
33 following: "~~However, wherever possible the~~ The".

34 12. Page 8, by striking lines 15 through 23.

35 13. By striking page 9, line 27, through page 10,  
36 line 9.

37 14. Page 11, line 2, by inserting after the word  
38 "act" the following: ", which would be an aggravated  
39 misdemeanor or felony if committed by an adult,".

40 15. Page 11, by inserting after line 18 the  
41 following:

42 "Sec. \_\_\_\_ . NEW SECTION. 280.17B STUDENTS  
43 SUSPENDED OR EXPELLED FOR POSSESSION OF DANGEROUS  
44 WEAPONS.

45 The board of directors of a public school and the  
46 authorities in control of a nonpublic school shall  
47 prescribe procedures for continued school involvement  
48 with a student who is suspended or expelled for  
49 possession of a dangerous weapon, as defined in  
50 section 702.7, on school premises in violation of

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1 school policy or state law and for the reintegration  
2 of the student into the school following the  
3 suspension or expulsion.

4 Sec. \_\_\_\_ . NEW SECTION. 280.21B EXPULSION --  
5 WEAPONS IN SCHOOL.

6 The board of directors of a school district and the  
7 authorities in charge of a nonpublic school which  
8 receives services supported by federal funds shall  
9 expel from school for a period of not less than one  
10 year a student who is determined to have brought a  
11 weapon to a school under the jurisdiction of the board  
12 or the authorities. However, the superintendent or  
13 chief administering officer of a school or school

14 district may modify expulsion requirements on a case-  
15 by-case basis. This section shall not be construed to  
16 prevent the board of directors of a school district or  
17 the authorities in charge of a nonpublic school that  
18 have expelled a student from the student's regular  
19 school setting from providing educational services to  
20 the student in an alternative setting. If both this  
21 section and section 282.4 apply, this section takes  
22 precedence over section 282.4. For purposes of this  
23 section, "weapon" means a firearm as defined in 18  
24 U.S.C. § 921. This section shall be construed in a  
25 manner consistent with the federal Individuals with  
26 Disabilities Education Act, 20 U.S.C. § 1400 et seq."  
27 16. Page 19, line 18, by striking the word  
28 "twenty-three" and inserting the following: "twenty-  
29 one".  
30 17. Page 19, line 20, by striking the word  
31 "twenty-three" and inserting the following: "twenty-  
32 one".  
33 18. Page 19, by striking lines 25 and 26 and  
34 inserting the following: "and also includes the  
35 source documents of the information included in the  
36 criminal history data and fingerprint records."  
37 19. Page 22, line 31, by striking the word  
38 "designee," and inserting the following: "designee;  
39 the attorney general or the attorney general's  
40 designee;".  
41 20. Page 23, line 8, by inserting after the word  
42 "issues;" the following: "two members of the senate,  
43 one each appointed by the majority and minority  
44 leaders and two members of the house of  
45 representatives, appointed by the speaker of the house  
46 of representatives after consultation with the  
47 majority and minority leaders;".  
48 21. Title page, line 5, by striking the  
49 words "identifying information regarding juveniles  
50 involved in" and inserting the following:

### Page 3

1 "information regarding".  
2 22. Title page, lines 7 and 8, by striking the  
3 words "placing a juvenile in detention as a  
4 dispositional alternative," and inserting the  
5 following: "providing for the expulsion of a student  
6 for bringing a weapon to school."  
7 23. Title page, lines 16 through 18, by striking  
8 the words "authorizing the transmission of  
9 communicable disease information by radio in certain  
10 circumstances, and enhancing or" and inserting the

- 11 following: "and".  
12 24. By renumbering as necessary.

JOHNIE HAMMOND

S-3515

- 1 Amend the amendment, S-3484, to House File 519, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 10, by inserting after line 21 the  
5 following:  
6 "\_\_\_ . Page 14, line 15, by inserting after the  
7 word "permit." the following: "The department shall  
8 not approve a permit for the construction of three or  
9 more animal feeding operation structures unless the  
10 applicant files a statement approved by a professional  
11 engineer registered pursuant to chapter 542B  
12 certifying that the construction of the animal feeding  
13 operation structure will not impede the drainage  
14 through established drainage tile lines which cross  
15 property boundary lines unless measures are taken to  
16 reestablish the drainage prior to completion of  
17 construction.""

DERRYL McLAREN  
STEWART IVERSON, JR.

S-3516

- 1 Amend the amendment, S-3484, to House File 519, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 7, by striking lines 12 through 22.

BILL FINK  
MICHAEL E. GRONSTAL

S-3517

- 1 Amend the amendment, S-3484, as amended, passed,  
2 and reprinted by the House, as follows:  
3 1. Page 10, line 29, by inserting after the word  
4 "permit." the following: "However, the sixty-day  
5 requirement shall not apply to an application, if the  
6 applicant is not required to obtain a permit in order  
7 to construct an animal feeding operation structure or  
8 to operate an animal feeding operation."

BILL FINK

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 481

S-3518

- 1 Amend the Senate amendment, H-3979, to House File
- 2 481, as passed by the House, as follows:
- 3 1. Page 1, by striking lines 3 through 9.
- 4 2. Page 15, by striking lines 1 through 6.
- 5 3. By renumbering as necessary.

S-3519

- 1 Amend the amendment, S-3484, to House File 519, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 11, by striking lines 4 and 5 and
- 5 inserting the following:
- 6 "\_\_\_ . Page 15, by striking lines 34 and 35, and
- 7 inserting the following: "as described in this
- 8 subsection. To be considered a violation that is
- 9 applicable to a habitual violator determination, a
- 10 violation must have been committed prior to the
- 11 effective date of this Act and be subject to an action
- 12 which is pending on the effective date of this Act, or
- 13 the violation must be committed on or after the
- 14 effective date of this Act. In addition, each
- 15 violation must be subject to the assessment"."
- 16 2. Page 11, line 8, by striking the word
- 17 "violation," and inserting the following: "violation
- 18 provided in this subsection,".

STEWART IVERSON, Jr.  
EMIL J. HUSAK

S-3520

- 1 Amend the amendment, H-3484, to House File 519, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 8, by inserting after line 20 the
- 5 following:
- 6 "\_\_\_ . Page 9, by striking line 20 and inserting
- 7 the following:
- 8 "1. Except as provided in subsection 2, the
- 9 following table shall apply to animal feeding
- 10 operation structures:
- 11 a. The following table represents the minimum
- 12 separation"."

13 2. Page 8, by inserting after line 47 the  
14 following:

15 "\_\_\_\_. Page 10, line 14, by striking the figure  
16 "2." and inserting the following: "b.""

17 3. Page 9, by inserting after line 20 the  
18 following:

19 "\_\_\_\_. Page 10, by inserting before line 32 the  
20 following:

21 "2. A confinement feeding operation having an  
22 animal weight capacity of one million two hundred  
23 fifty thousand or more pounds for animals other than  
24 beef cattle, or three million two hundred thousand or  
25 more pounds for beef cattle, shall only use a  
26 confinement feeding operation, which, to every extent  
27 practicable, incorporates generally accepted methods  
28 and techniques for the treatment and stabilization of  
29 sewage originating from human populations, according  
30 to rules adopted by the department. The type and  
31 degree of treatment technology required to be  
32 installed shall be based on the size of the  
33 confinement feeding operation. The rules shall  
34 require that a confinement feeding operation subject  
35 to this subsection, and constructed on or after the  
36 effective date of this Act, be required to install a  
37 treatment system employing bacterial action which is  
38 maintained by the utilization of air or oxygen, and  
39 which shall include aeration equipment. The equipment  
40 shall be installed, operated, and maintained in  
41 accordance with the manufacturer's instructions and  
42 the requirements of rules adopted pursuant to this  
43 subsection. This subsection shall not apply to a  
44 confinement feeding operation which stores manure as  
45 dry matter, or to an egg washwater storage  
46 structure."

EMIL J. HUSAK

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 486

S-3521

1 Amend the Senate amendment, H-3989, to House File  
2 486, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 2, by striking lines 6 through 12 and  
5 inserting the following:

6 "\_\_\_\_. Page 65, by striking lines 13 through 15  
7 and inserting the following: "exempt from section

8 566A.2D. Political subdivisions of the state which  
9 are counties are exempt from this chapter. Political  
10 subdivisions of the state other than counties are  
11 subject only to sections 566A.1A, 566A.2A, 566A.2B,  
12 and 566A.2E."

HOUSE AMENDMENT TO  
SENATE FILE 256

S-3522

1 Amend Senate File 256, as passed by the Senate, as  
2 follows:

3 1. By striking page 1, lines 1 through 21, and  
4 inserting the following:

5 "Section 1. Section 206.2, subsection 7, Code  
6 1995, is amended by striking the subsection.

7 Sec. 2. Section 206.5, subsection 6, Code 1995, is  
8 amended by striking the subsection.

9 Sec. 3. Section 206.19, subsection 3, Code 1995,  
10 is amended to read as follows:

11 3. Determine in cooperation with municipalities,  
12 the proper notice to be given by a commercial or  
13 public applicator to occupants of adjoining properties  
14 in urban areas prior to or after the exterior  
15 application of pesticides, and establish a schedule to  
16 determine the periods of application least harmful to  
17 living beings; and adopt rules to implement these  
18 provisions. The rules shall provide that a commercial  
19 or public applicator must provide notice only if an  
20 occupant requests that the commercial or public  
21 applicator provide the occupant notice in a timely  
22 manner prior to the application. The request shall  
23 include the name and address of the occupant, a  
24 telephone number of a location where the occupant may  
25 be contacted during normal business hours and evening  
26 hours, and the address of each property that adjoins  
27 the occupant's property. The notification shall  
28 expire on December 31 of each year, or the date when  
29 the occupant no longer occupies the property,  
30 whichever is earlier. Municipalities shall cooperate  
31 with the department by reporting infractions and in  
32 implementing this subsection.

33 Sec. 4. Section 206.22, subsection 4, Code 1995,  
34 is amended by striking the subsection.

35 Sec. 5. REPEAL. Chapter 206A, Code 1995, is  
36 repealed."

37 2. Title page, lines 1 and 2, by striking the  
38 words "notification of the application of pesticides"  
39 and inserting the following: "pesticides, by

40 providing for the notification of application and  
41 providing for the elimination of provisions relating  
42 to chemigation."

S-3523

1 Amend the amendment, S-3484, as amended, passed,  
2 and reprinted by the House, as follows:  
3 1. Page 15, by striking lines 15 through 27 and  
4 inserting the following:  
5 "\_\_\_ . Page 21, by inserting before line 12 the  
6 following:  
7 "Sec. \_\_\_ . Section 657.1, Code 1995, is amended to  
8 read as follows:  
9 657.1 NUISANCE -- WHAT CONSTITUTES -- ACTION TO  
10 ABATE.

11 Whatever is injurious to health, indecent, or  
12 unreasonably offensive to the senses, or an  
13 obstruction to the free use of property, so as  
14 essentially to interfere with the comfortable  
15 enjoyment of life or property, is a nuisance, and a  
16 civil action by ordinary proceedings may be brought to  
17 enjoin and abate the same and to recover damages  
18 sustained on account thereof.

19 Sec. \_\_\_ . Section 657.2, subsection 1, Code 1995,  
20 is amended to read as follows:

21 1. The erecting, continuing, or using any building  
22 or other place for the exercise of any trade,  
23 employment, or manufacture, which, by occasioning  
24 noxious exhalations, unreasonably offensive smells, or  
25 other annoyances, becomes injurious and dangerous to  
26 the health, comfort, or property of individuals or the  
27 public."

28 \_\_\_ . By striking page 21, line 25, through page  
29 22, line 30, and inserting the following:

30 "\_\_\_ . If a person obtains all applicable permits  
31 as required in chapter 455B for an animal feeding  
32 operation as defined in section 455B.161, and if the  
33 animal feeding operation complies with federal  
34 statutes and regulations and state statutes and rules,  
35 there shall be a rebuttable presumption that the  
36 animal feeding operation is not a public or private  
37 nuisance under this chapter or under principles of  
38 common law, regardless of the established date of the  
39 animal feeding operation's construction or expansion,  
40 or whether the person is required to obtain a permit  
41 or has obtained a permit voluntarily. However, if a  
42 person submits a manure management plan as required  
43 pursuant to section 455B.203 for a small animal  
44 feeding operation, the person is not required to

45 obtain a permit as provided in section 455B.173 in  
46 order to enjoy the same nuisance suit protection. The  
47 rebuttable presumption may be overcome by clear and  
48 convincing evidence that the animal feeding operation  
49 unreasonably and continuously interferes with an  
50 adjoining landowner's use and enjoyment of the

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1 landowner's real property in a manner that causes harm  
2 to the use and enjoyment of the landowner's real  
3 property. This nuisance suit protection includes  
4 protection for, but is not limited to, the care and  
5 feeding of animals; the handling or transportation of  
6 animals; the treatment or disposal of wastes resulting  
7 from animals; the transportation and application of  
8 animal wastes; and the creation of noise, odor, dust,  
9 or fumes arising from an animal feeding operation.

10 —. If a claim contains an averment of a public  
11 or private nuisance, it shall be accompanied by a  
12 verification. The verification shall constitute a  
13 certification by the signor that the party and the  
14 party's attorney have carefully read the pleadings,  
15 motions, or other papers of the case, and based on a  
16 reasonable inquiry, believe that the claim is well  
17 grounded in fact, is warranted by existing law, or a  
18 good faith argument can be made for the extension,  
19 modification, or reversal of existing law; or that the  
20 claim is not made for an improper purpose, including  
21 to harass, to cause unnecessary delay, or to impose a  
22 needless increase in the cost of litigation. The  
23 court, upon motion or its own initiative, shall award  
24 the prevailing party costs of an action, which shall  
25 be paid by the losing party or the losing party's  
26 attorney, and which costs may include but are not  
27 limited to reasonable attorney fees, if the action is  
28 based upon a claim of public or private nuisance,  
29 which is not well grounded in fact and is not  
30 warranted by existing law or a good faith argument for  
31 the extension, modification, or reversal of existing  
32 law, or is brought for an improper purpose.

33 —. The nuisance suit protection provided in this  
34 section does not apply to a nuisance action brought  
35 against an animal feeding operation which arises out  
36 of an injury to a person or damages to property caused  
37 by the animal feeding operation before the effective  
38 date of this Act. If the applicable permits are or  
39 the manure management plan is obtained on or after the  
40 effective date of this Act, the nuisance suit  
41 protection does not apply to injury or damages caused

42 before the date the applicable permits are obtained or  
43 the manure management plan is submitted.””  
44 2. By renumbering as necessary.

TOM VILSACK  
BERL E. PRIEBE  
WILLIAM D. PALMER

S-3524

1 Amend the amendment, S-3484, to House File 519, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 12, by inserting after line 44 the  
5 following:  
6 “\_\_\_ . By striking page 19, line 34, through page  
7 20, line 10.  
8 \_\_\_ . Page 20, by striking lines 12 through 14 and  
9 inserting the following: “operation at any time  
10 during normal working hours. The department shall  
11 regularly”.”

DERRYL McLAREN  
BRAD BANKS

S-3525

1 Amend the amendment, S-3484, to House File 519, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 15, line 23, by inserting after the word  
5 “protection.” the following: “A person is not  
6 required to submit a manure management plan for an  
7 animal feeding operation which has an animal weight  
8 capacity of one hundred fifty thousand pounds or less,  
9 to enjoy the protection.”

H. KAY HEDGE

S-3526

1 Amend the amendment, S-3481, to House File 203, as  
2 passed by the House, as follows:  
3 1. Page 1, by inserting after line 2 the  
4 following:  
5 “\_\_\_ . Page 1, by inserting before line 1 the  
6 following:  
7/ “Section 1. Section 35A.2, subsection 2, Code  
8 1995, is amended to read as follows:  
9 2. Five Six commissioners shall be honorably

10 discharged members of the armed forces of the United  
 11 States. The American legion of Iowa, disabled  
 12 American veterans department of Iowa, veterans of  
 13 foreign wars department of Iowa, American veterans of  
 14 World War II, Korea, and Vietnam, the Vietnam veterans  
 15 of America, and the military order of the purple  
 16 heart, through their department commanders, shall  
 17 submit two names respectively from their organizations  
 18 to the governor. The governor shall appoint from each  
 19 of the organizations one representative to serve as a  
 20 member of the commission, unless the appointments  
 21 would conflict with the bipartisan and gender balance  
 22 provisions of sections 69.16 and 69.16A. In addition,  
 23 the governor shall appoint ~~two members~~ one member of  
 24 the public, knowledgeable in the general field of  
 25 veterans affairs, to serve on the commission.””

RANDAL J. GIANNETTO  
 JOHN W. JENSEN  
 EMIL J. HUSAK  
 JOHN P. KIBBIE

S-3527

1 Amend the amendment, S-3484, to House File 519, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 3, by inserting after line 15 the  
 5 following:  
 6 “\_\_\_ . Page 2, line 30, by striking the word and  
 7 figure “section 455B.191” and inserting the following:  
 8 “chapter 455B”.”  
 9 2. Page 8, by inserting after line 13 the  
 10 following:  
 11 “\_\_\_ . Page 9, line 9, by striking the words  
 12 “building, constructed” and inserting the following:  
 13 “building”.  
 14 \_\_\_ . Page 9, by striking line 10 and inserting  
 15 the following: “in which an active”.”  
 16 3. Page 9, line 42, by striking the word “The”  
 17 and inserting the following: “A”.

MERLIN E. BARTZ

S-3528

1 Amend House File 519, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 13, by inserting before line 3 the  
 4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 455B.167 AUTHORITY OF  
6 COUNTIES.

7 A county may adopt more stringent requirements than  
8 provided in this part or in rules adopted by the  
9 department pursuant to this part."

10 2. By renumbering as necessary.

ANDY McKEAN  
MARY A. LUNDBY  
ROD HALVORSON

S-3529

1 Amend the amendment, S-3484, to Senate File 519, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 10 through 27 and  
5 inserting the following: "in chapters 654A ~~and~~, 654B,  
6 ~~and~~ 654C. ~~The contract shall be awarded to the~~  
7 ~~organization by July 1, 1990.~~ The contract may be  
8 terminated by the coordinator upon written notice and  
9 for good cause. The".

10 2. By striking page 1, line 36, through page 2,  
11 line 35, and inserting the following:

12 "Sec. \_\_\_\_ . Section 13.15, unnumbered paragraph 1,  
13 Code 1995, is amended to read as follows:

14 The farm mediation service shall recommend rules to  
15 the farm assistance program coordinator. The  
16 coordinator shall adopt rules pursuant to chapter 17A  
17 to set the compensation of mediators and to implement  
18 this subchapter and chapters 654A, ~~and~~ 654B, ~~and~~  
19 654C."

20 3. By striking page 4, line 35, through page 6,  
21 line 43.

22 4. Page 12, by striking lines 15 through 17 and  
23 inserting the following: "department."

24 5. Page 15, by striking lines 26 and 27 and  
25 inserting the following:

26 "\_\_\_\_ . Page 22, line 35, by inserting after the  
27 word "association," the following: "the Iowa  
28 environmental council, the Iowa association of soil  
29 and water district commissioners,""

BILL FINK

S-3530

1 Amend the amendment, S-3484, to House File 519, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 15, line 23, by inserting after the word  
5 "protection." the following: "A person is not  
6 required to submit a manure management plan for an  
7 animal feeding operation which has an animal weight  
8 capacity of one hundred thousand pounds or less, to  
9 enjoy the protection."

H. KAY HEDGE

S-3531

1 Amend House File 519, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 14, line 8, by inserting after the figure  
4 "12." the following: "a."

5 2. Page 15, line 9, by striking the word  
6 "subsection" and inserting the following:  
7 "paragraph".

8 3. Page 15, line 13, by striking the word  
9 "subsection" and inserting the following:  
10 "paragraph".

11 4. Page 15, by inserting after line 26 the  
12 following:

13 "b. Provide for the issuance of permits for the  
14 application of manure by spray irrigation equipment.  
15 The department shall revoke a permit issued to a  
16 person, and shall not issue a permit to a person,  
17 under this paragraph, for five years after the date of  
18 the last offense committed by the person or a  
19 confinement feeding operation in which the person  
20 holds a controlling interest, during which the person  
21 or operation is classified as a habitual violator  
22 under section 455B.191."

23 5. Page 17, by inserting after line 34 the  
24 following:

25 "— . A person shall not apply manure by spray  
26 irrigation equipment, unless the person holds a permit  
27 issued by the department authorizing such application,  
28 as provided in section 455B.173."

29 6. By renumbering as necessary.

DERRYL McLAREN  
ALBERT G. SORENSEN

S-3532

1 Amend House File 519, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 14, line 34, by inserting before the word  
4 "Prior" the following: "The department shall not

5 approve a permit for the construction of an animal  
 6 feeding operation or animal feeding operation  
 7 structure, unless the applicant files a statement  
 8 approved by the county board of supervisors or a  
 9 designee of the board, where the construction is to  
 10 occur, that the county board of supervisors or  
 11 designee has approved the construction site."

BILL FINK

S-3533

1 Amend the amendment, S-3484, to House File 519, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 8, by striking lines 23 through 47 and  
 5 inserting the following:

6		"Minimum	
7		separation	
8		distance	
9		in feet	Minimum
10	Minimum	for opera-	separation
11	separation	tions hav-	distance
12	distance	ing an	in feet
13	in feet	animal	for opera-
14	for opera-	weight ca-	tions hav-
15	tions hav-	capacity of	ing an
16	ing an	625,000	animal
17	animal	or more	weight ca-
18	weight ca-	pounds but	capacity of
19	capacity of	less than	1,250,000
20	less than	1,250,000	or more
21	625,000	pounds	pounds
22	pounds	for ani-	for
23	for ani-	mals other	animals
24	animals	than beef	other
25	other	cattle, or	than
26	than	1,600,000	beef
27	beef	or more	cattle, or
28	cattle,	pounds but	3,200,000
29	or less	less than	or more
30	than	3,200,000	pounds
31	1,600,000	pounds	for
32	pounds	for beef	beef
33	for beef	cattle	cattle
34	cattle	1,875	2,500
35	1,250		
36	Type of structure		
37	Anaerobic lagoon		
	Uncovered earthen		
	manure storage		
	basin	1,875	2,500
		1,250	

38	Uncovered formed			
39	manure storage			
40	structure	1,000	1,500	2,000
41	Covered earthen			
42	manure storage			
43	basin	750	1,000	1,500
44	Covered formed			
45	manure storage			
46	structure	750	1,000	1,500
47	Confinement			
48	building	750	1,000	1,500
49	Egg washwater			
50	storage structure	750	1,000	1,500".

Page 2

1 2. Page 9, by striking lines 5 through 20 and  
 2 inserting the following:

3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30	Type of structure			
31	Animal feeding			
32	operation structure	1,250	1,875	2,500".

STEWART IVERSON, Jr.  
 EMIL J. HUSAK

S-3534

- 1 Amend the House amendment, S-3501, to Senate File
- 2 208, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 12 through 14 and
- 5 inserting the following:
- 6 "\_\_\_\_. Page 4, line 35, by inserting after the
- 7 word "state" the following: " , each of which is at
- 8 least the size of a departmental county cluster,"."
- 9 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-3535

- 1 Amend House File 519, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 14, by striking line 26 and inserting the
- 4 following: "confinement feeding operation or
- 5 confinement feeding operation structure".
- 6 2. Page 14, line 31, by inserting after the word
- 7 "supervisors," the following: "regarding compliance
- 8 by the applicant with the legal requirements for the
- 9 construction of the confinement feeding operation
- 10 structure as provided in this chapter, and rules
- 11 adopted by the department pursuant to this chapter,".

BRAD BANKS

S-3536

- 1 Amend the amendment, S-3484, to House File 519, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 9, by striking lines 21 through 23 and
- 5 inserting the following:
- 6 "\_\_\_\_. Page 11, by striking lines 34 and 35."
- 7 2. By renumbering as necessary.

STEWART IVERSON, Jr.

S-3537

- 1 Amend Senate File 478 as follows:
- 2 1. Page 1, line 18, by striking the word "entity"
- 3 and inserting the following: "affiliate".
- 4 2. Page 1, line 18, by striking the word "and"
- 5 and inserting the following: "or".
- 6 3. Page 1, line 19, by striking the word "and"

- 7 and inserting the following: "or".  
 8 4. Page 1, by striking lines 24 through 27.  
 9 5. Title page, by striking line 4 and inserting  
 10 the following: "subsidiaries."

RANDAL J. GIANNETTO  
 RICHARD F. DRAKE

HOUSE AMENDMENT TO  
 SENATE CONCURRENT RESOLUTION 11

S-3538

- 1 Amend Senate Concurrent Resolution 11 to read as  
 2 follows:  
 3 1. By striking page 1, line 29, through page 2,  
 4 line 2.  
 5 2. Page 2, by striking lines 15 and 16.  
 6 3. Page 2, line 17, by striking the figure "4."  
 7 and inserting the following: "3."

S-3539

- 1 Amend the amendment, S-3484, to Senate File 519, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 10 through 27 and  
 5 inserting the following: "in chapters 654A and 654B,  
 6 and 654C. The contract shall be awarded to the  
 7 organization by July 1, 1990. The contract may be  
 8 terminated by the coordinator upon written notice and  
 9 for good cause. The".  
 10 2. By striking page 1, line 36, through page 2,  
 11 line 35, and inserting the following:  
 12 "Sec. \_\_\_\_ . Section 13.15, unnumbered paragraph 1,  
 13 Code 1995, is amended to read as follows:  
 14 The farm mediation service shall recommend rules to  
 15 the farm assistance program coordinator. The  
 16 coordinator shall adopt rules pursuant to chapter 17A  
 17 to set the compensation of mediators and to implement  
 18 this subchapter and chapters 654A, and 654B, and  
 19 654C."  
 20 3. By striking page 4, line 35, through page 6,  
 21 line 43.  
 22 4. Page 12, by striking lines 15 through 17 and  
 23 inserting the following: "department."  
 24 5. Page 15, by inserting before line 28 the  
 25 following:  
 26 " \_\_\_\_ . Page 22, line 35, by inserting after the  
 27 word "association," the following: "the Iowa

28 environmental council, the Iowa association of soil  
29 and water district commissioners.””

BILL FINK

S-3540

1 Amend House File 519, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 25, by inserting before line 22 the  
4 following:  
5 “Sec. \_\_\_\_ . SEVERABILITY. If any provision of this  
6 Act or the application of this Act to any person or  
7 circumstance is held invalid, the invalidity does not  
8 affect other provisions or applications of this Act  
9 which shall be given effect without the invalid  
10 provision or application, and to this end the  
11 provisions of this Act are severable.”  
12 2. By renumbering as necessary.

STEWART IVERSON, Jr.  
BERL E. PRIEBE

S-3541

1 Amend House File 519, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 22, by inserting before line 31 the  
4 following:  
5 “\_\_\_\_ . This section shall not require a person to  
6 submit a manure management plan for an animal feeding  
7 operation which has an animal weight capacity of one  
8 hundred thousand pounds or less.”  
9 2. By renumbering as necessary.

H. KAY HEDGE

S-3542

1 Amend House File 519, as amended, passed, and re-  
2 printed by the House, as follows:  
3 1. Page 23, line 15, by striking the word and  
4 figures “March 31, 2005” and inserting the following:  
5 “July 1, 1995”.

BERL E. PRIEBE

HOUSE AMENDMENT TO  
SENATE FILE 150

S-3543

1 Amend Senate File 150 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 232.2, subsection 4, Code  
6 1995, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. g. A case permanency plan  
9 agreement between the child's parent, guardian, or  
10 custodian and the department or agency involved with  
11 developing the plan. The agreement shall specify the  
12 actions expected of the parent, guardian, or custodian  
13 in order for the department or agency to recommend  
14 that the court terminate a dispositional order for the  
15 child's out-of-home placement and for the department  
16 or agency to end its involvement with the child and  
17 the child's family upon completion of the agreement  
18 requirements.

19 Sec. \_\_\_\_ . Section 232.88, Code 1995, is amended to  
20 read as follows:

21 232.88 SUMMONS, NOTICE, SUBPOENAS AND SERVICES.

22 After a petition has been filed the court shall  
23 issue and serve summons, notice, subpoenas, and other  
24 process in the same manner as for adjudicatory  
25 hearings in cases of juvenile delinquency as provided  
26 in section 232.37. In addition to the parties  
27 required to be provided notice under section 232.37,  
28 notice for any hearing under this division shall be  
29 provided to the agency, facility, institution, or  
30 person, including a foster parent, with whom a child  
31 has been placed for the purposes of foster care.

32 Sec. \_\_\_\_ . Section 232.91, Code 1995, is amended to  
33 read as follows:

34 232.91 PRESENCE OF PARENTS, AND GUARDIAN AD LITEM,  
35 AND FOSTER PARENTS AT HEARINGS.

36 1. Any hearings or proceedings under this division  
37 subsequent to the filing of a petition shall not take  
38 place without the presence of the child's parent,  
39 guardian, custodian, or guardian ad litem in  
40 accordance with and subject to section 232.38. A  
41 parent without custody may petition the court to be  
42 made a party to proceedings under this division.

43 2. An agency, facility, institution, or person,  
44 including a foster parent, may petition the court to  
45 be made a party to proceedings under this division.

46 Sec. \_\_\_\_ . Section 232.104, subsection 2, paragraph  
47 b, Code 1995, is amended to read as follows:  
48 b. Enter an order pursuant to section 232.102 to  
49 continue placement of the child for an additional six  
50 months at which time the court shall hold a hearing to

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1 consider modification of its permanency order. An  
2 order entered under this paragraph shall enumerate the  
3 specific factors, conditions, or expected behavioral  
4 changes which comprise the basis for the determination  
5 that the need for removal of the child from the  
6 child's home will no longer exist at the end of the  
7 additional six-month period."

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

10 "Sec. \_\_\_\_ . Section 232.2, subsection 6, paragraph  
11 o, Code 1995, is amended by striking the paragraph and  
12 inserting in lieu thereof the following:

13 o. Who is described by any other paragraph of this  
14 subsection and in whose body there is an illegal drug  
15 present as a direct consequence of the acts or  
16 omissions of the child's parent, guardian, or  
17 custodian which a reasonable and prudent person knew  
18 or should have known is likely to lead to the drug's  
19 presence in the child's body. The presence of the  
20 drug shall be determined in accordance with a  
21 medically relevant test as defined in section 232.73.

22 Sec. \_\_\_\_ . Section 232.68, subsection 2, paragraph  
23 f, Code 1995, is amended to read as follows:

24 f. An illegal drug is present in a child's body as  
25 a direct and foreseeable consequence of the acts or  
26 omissions of the person responsible for the care of  
27 the child which a reasonable and prudent person knew  
28 or should have known is likely to lead to the drug's  
29 presence in the child's body.

30 Sec. \_\_\_\_ . Section 232.73, unnumbered paragraph 2,  
31 Code 1995, is amended to read as follows:

32 As used in this section and section 232.77,  
33 "medically relevant test" means a test that produces  
34 reliable results of exposure to cocaine, heroin,  
35 amphetamine, methamphetamine, or other illegal drugs,  
36 or combinations or derivatives thereof, including a  
37 drug urine screen test. The Iowa department of public  
38 health, in consultation with the department of human  
39 services and the council on chemically exposed infants  
40 and children created in chapter 235C, shall adopt  
41 rules specifying minimum standards for reliable  
42 results of medically relevant tests. The rules shall

43 include but are not limited to standards which  
44 minimize the incidence of false positive test results.  
45 The Iowa department of public health shall maintain a  
46 list of laboratories which are approved to perform  
47 medically relevant tests in accordance with the  
48 standards adopted in administrative rules.  
49 Sec. 100. NEW SECTION. 232.106 TERMS AND  
50 CONDITIONS ON CHILD'S PARENT.

Page 3

1 If the court enters an order under this chapter  
2 which imposes terms and conditions on the child's  
3 parent, guardian, or custodian, the purpose of the  
4 terms and conditions shall be to assure the protection  
5 of the child. The order is subject to the following  
6 provisions:

7 1. The order shall state the reasons for and  
8 purpose of the terms and conditions.  
9 2. If a parent, guardian, or custodian is required  
10 to have a chemical test of blood or urine for the  
11 purpose of determining the presence of an illegal  
12 drug, the test shall be a medically relevant test as  
13 defined in section 232.73. The parent, guardian, or  
14 custodian may select the laboratory which processes  
15 the test from among the laboratories approved pursuant  
16 to section 232.73. A positive test result shall not  
17 be used for the criminal prosecution of a parent,  
18 guardian, or custodian for the presence of an illegal  
19 drug."

20 3. Page 1, line 10, by inserting after the word  
21 "child" the following: "or constituted imminent  
22 danger to the child".

23 4. Page 1, by inserting after line 33 the  
24 following:

25 "Sec. \_\_\_\_ . Section 232.119, subsection 5, Code  
26 1995, is amended to read as follows:

27 5. A request to defer registering the child on the  
28 exchange shall be submitted in writing and shall be  
29 granted if any of the following conditions exist:

30 a. The child is in an adoptive placement.

31 b. The child's foster parents or another person  
32 with a significant relationship is being considered as  
33 the adoptive family.

34 c. The child needs A diagnostic study or testing  
35 is necessary to clarify the child's problem needs and  
36 to provide an adequate description of the problem  
37 child's needs.

38 d. The At the time of the request, the child is  
39 currently hospitalized and receiving medical care,

40 mental health treatment, or other treatment and the  
41 child's care or treatment provider has determined that  
42 does not permit adoptive placement meeting prospective  
43 adoptive parents is not in the child's best interest.  
44 e. The child is fourteen years of age or older and  
45 will not consent to an adoption plan and the  
46 consequences of not being adopted have been explained  
47 to the child.  
48 Upon receipt of a valid written request for  
49 deferral pursuant to paragraphs "a" through "e", the  
50 exchange shall grant the deferral; except that a

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1 deferral based on paragraph "b" or "c" shall be  
2 granted for no more than a one-time, ninety-day period  
3 unless the termination of parental rights order is  
4 appealed. However, if the foster parents or another  
5 person with a significant relationship continues to be  
6 considered the child's prospective adoptive family,  
7 additional extensions of the deferral may be granted  
8 until ninety days after the date of the final decision  
9 regarding the appeal.

10 6. The following requirements apply to a request  
11 to defer registering a child on the adoption exchange  
12 under subsection 5:

13 a. For a deferral granted by the exchange pursuant  
14 to subsection 5, paragraph "a", "b", or "e", the  
15 child's guardian shall address the child's deferral  
16 status in the report filed with the court and the  
17 court shall review the deferral status in the six-  
18 month review hearings held pursuant to section  
19 232.117, subsection 6.

20 b. In addition to the requirements of paragraph  
21 "a", a deferral granted by the exchange pursuant to  
22 subsection 5, paragraph "b", shall be limited to not  
23 more than a one-time, ninety-day period unless the  
24 termination of parental rights order is appealed or  
25 the child is placed in a hospital or other  
26 institutional placement. However, if the foster  
27 parents or another person with a significant  
28 relationship continues to be considered the child's  
29 prospective adoptive family, additional extensions of  
30 the deferral request under subsection 5, paragraph  
31 "b", may be granted until sixty days after the date of  
32 the final decision regarding the appeal or until the  
33 date the child is discharged from a hospital or other  
34 institutional placement.

35 c. A deferral granted by the exchange pursuant to  
36 subsection 5, paragraph "c", shall be limited to not

37 more than a one-time, ninety-day period.  
38 d. A deferral granted by the exchange pursuant to  
39 subsection 5, paragraph "d", shall be limited to not  
40 more than a one-time, one hundred-twenty-day period."

41 5. Page 1, by inserting after line 33 the  
42 following:

43 "Sec. \_\_\_\_ . Section 232.189, Code 1995, is amended  
44 to read as follows:

45 232.189 REASONABLE EFFORTS ADMINISTRATIVE  
46 REQUIREMENTS.

47 Based upon a model reasonable efforts family court  
48 initiative, the director of human services and the  
49 chief justice of the supreme court or their designees  
50 shall jointly establish and implement a statewide

Page 5

1 protocol for reasonable efforts to prevent or  
2 eliminate the need for placement of a child outside  
3 the child's home. In addition, the director and the  
4 chief justice shall design and implement a system for  
5 judicial and departmental reasonable efforts education  
6 for deployment throughout the state. The system for  
7 reasonable efforts education shall be developed in a  
8 manner which addresses the particular needs of rural  
9 areas and shall include but is not limited to all of  
10 the following topics:

11 1. Regular training concerning mental or emotional  
12 disorders which may afflict children and the impact  
13 children with such disorders have upon their families.

14 2. The duties of judicial and departmental  
15 employees associated with placing a child removed from  
16 the child's home into a permanent home and the urgency  
17 of the placement for the child.

18 3. The essential elements, including writing  
19 techniques, in developing effective permanency plans.

20 4. The essential elements of gathering evidence  
21 sufficient for the evidentiary standards required for  
22 judicial orders under this chapter.

23 Sec. \_\_\_\_ . **NEW SECTION. 234.7 DEPARTMENT DUTIES.**

24 The department of human services shall comply with  
25 the following requirement associated with child foster  
26 care licensees under chapter 237:

27 The department shall include a child's foster  
28 parent in and provide timely notice of planning and  
29 review activities associated with the child, including  
30 but not limited to permanency planning, a clinical  
31 assessment and consultation team review or other  
32 activity, and placement review meetings."

33 6. Page 2, by inserting after line 13 the

34 following:

35 "Sec. \_\_\_\_ . Section 235C.3, subsection 3, Code  
36 1995, is amended to read as follows:

37 3. IDENTIFICATION. The council shall develop  
38 recommendations regarding state programs or policies  
39 to increase the accuracy of the identification of  
40 chemically exposed infants and children."

41 7. Page 2, by inserting after line 13 the  
42 following:

43 "Sec. \_\_\_\_ . Section 237.15, subsection 1, Code  
44 1995, is amended by adding the following new  
45 paragraph:

46 NEW PARAGRAPH. j. A case permanency plan  
47 agreement between the child's parent, guardian, or  
48 custodian and the agency responsible for creating the  
49 plan. The agreement shall specify the actions  
50 expected of the parent, guardian, or custodian in

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1 order for the agency to recommend that the court  
2 terminate a dispositional order for the child's out-  
3 of-home placement and for the agency to end its  
4 involvement with the child and the child's family upon  
5 completion of the agreement requirements.

6 Sec. \_\_\_\_ . Section 273.2, subsection 1, Code 1995,  
7 is amended to read as follows:

8 1. In-service training programs for employees of  
9 school districts and area education agencies, provided  
10 at the time programs and services are established they  
11 do not duplicate programs and services available in  
12 that area from the universities under the state board  
13 of regents and from other universities and four-year  
14 institutions of higher education in Iowa. The in-  
15 service training programs shall include but are not  
16 limited to regular training concerning mental or  
17 emotional disorders which may afflict children and the  
18 impact children with such disorders have upon their  
19 families."

20 8. Page 2, by inserting before line 14 the  
21 following:

22 "Sec. \_\_\_\_ . Section 598.41, subsections 1 and 2,  
23 Code 1995, are amended to read as follows:

24 1. a. The court, insofar as is reasonable and in  
25 the best interest of the child, shall order the  
26 custody award, including liberal visitation rights  
27 where appropriate, which will assure the child the  
28 opportunity for the maximum continuing physical and  
29 emotional contact with both parents after the parents  
30 have separated or dissolved the marriage, and which

- 31 will encourage parents to share the rights and  
32 responsibilities of raising the child unless direct  
33 physical harm or significant emotional harm to the  
34 child, other children, or a parent is likely to result  
35 from such contact with one parent; and which will  
36 encourage parents to share the rights and  
37 responsibilities of raising the child.
- 38 b. Notwithstanding paragraph "a", if the court  
39 finds credible evidence of a history of domestic  
40 abuse, a rebuttable presumption against the awarding  
41 of joint custody exists.
- 42 c. The court shall consider the denial by one  
43 parent of the child's opportunity for maximum  
44 continuing contact with the other parent, without just  
45 cause, a significant factor in determining the proper  
46 custody arrangement. Just cause may include a  
47 determination by the court pursuant to subsection 3,  
48 paragraph "j", that credible evidence of domestic  
49 abuse exists between the parents.
- 50 d. If credible evidence of domestic abuse exists

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- 1 as determined by a court pursuant to subsection 3,  
2 paragraph "j", and if a parent who is a victim of such  
3 domestic abuse relocates or is not present during the  
4 determination of custody or visitation based upon the  
5 fear of or actual acts or threats of domestic abuse  
6 perpetrated by the other parent, the court shall not  
7 consider the relocation or absence of that parent as a  
8 factor against that parent in the awarding of custody  
9 or visitation to the absent parent.
- 10 e. Unless otherwise ordered by the court in the  
11 custody decree, both parents shall have legal access  
12 to information concerning the child, including but not  
13 limited to medical, educational and law enforcement  
14 records.
- 15 2. a. On the application of either parent, the  
16 court shall consider granting joint custody in cases  
17 where the parents do not agree to joint custody.
- 18 b. If the court does not grant joint custody under  
19 this subsection, the court shall cite clear and  
20 convincing evidence, pursuant to the factors in  
21 subsection 3, that joint custody is unreasonable and  
22 not in the best interest of the child to the extent  
23 that the legal custodial relationship between the  
24 child and a parent should be severed.
- 25 c. A finding by the court of credible evidence of  
26 domestic abuse, as specified in subsection 3,  
27 paragraph "j", which is not rebutted, shall outweigh

28 consideration of any other factor specified in  
29 subsection 3 in determination of the awarding of  
30 custody under this subsection.

31 d. Before ruling upon the joint custody petition  
32 in these cases, unless the court determines that  
33 credible evidence exists of domestic abuse as  
34 specified in subsection 3, paragraph "i", or unless  
35 the court determines that direct physical harm or  
36 significant emotional harm to the child, other  
37 children, or a parent is likely to result, the court  
38 may require the parties to participate in custody  
39 mediation counseling to determine whether joint  
40 custody is in the best interest of the child. The  
41 court may require the child's participation in the  
42 mediation counseling insofar as the court determines  
43 the child's participation is advisable.

44 e. The costs of custody mediation counseling shall  
45 be paid in full or in part by the parties and taxed as  
46 court costs.

47 Sec. \_\_\_\_ . Section 598.41, subsection 3, Code 1995,  
48 is amended by adding the following new paragraph:  
49 NEW PARAGRAPH. j. Whether credible evidence of  
50 domestic abuse exists. In determining whether

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1 credible evidence exists under this paragraph, the  
2 court shall consider the history of a parent as a  
3 perpetrator of domestic abuse, including the parent's  
4 history of perpetration of acts intended to cause  
5 pain, injury, or to place the victim in fear of  
6 physical contact which will be painful, injurious,  
7 insulting, or offensive coupled with the apparent  
8 ability to execute the act. Evidence of the parent's  
9 history may include, but is not limited to,  
10 commencement of an action pursuant to section 236.3,  
11 the issuance of a protective order against the parent  
12 or the issuance of a court order or consent agreement  
13 pursuant to section 236.5, the issuance of an  
14 emergency order pursuant to section 236.6, the holding  
15 of a parent in contempt pursuant to section 236.8, the  
16 response of a peace officer to the scene of alleged  
17 domestic abuse or the arrest of a parent following  
18 response to a report of alleged domestic abuse, or a  
19 conviction for domestic abuse assault pursuant to  
20 section 708.2A.

21 Sec. \_\_\_\_ . Section 598.41, Code 1995, is amended by  
22 adding the following new subsection:

23 NEW SUBSECTION. 7. If an application for  
24 modification of a decree or a petition for

25 modification of an order is filed, based upon  
 26 differences between the parents regarding the custody  
 27 arrangement established under the decree or order, the  
 28 court may require the parents to participate in  
 29 mediation to attempt to resolve the differences  
 30 between the parents."

31 9. Page 2, by striking lines 19 through 31.

32 10. Page 2, by inserting after line 31 the  
 33 following:

34 "Sec. \_\_\_\_ . Section 600B.40, Code 1995, is amended  
 35 by adding the following new unnumbered paragraph:  
 36 NEW UNNUMBERED PARAGRAPH. In determining the  
 37 visitation or custody arrangements of a child born out  
 38 of wedlock, if a judgment of paternity is entered and  
 39 the mother of the child has not been awarded sole  
 40 custody, section 598.41 shall apply to the  
 41 determination, as applicable, and the court shall  
 42 consider the factors specified in section 598.41,  
 43 subsection 3, including but not limited to the factor  
 44 related to a parent's history of domestic abuse.

45 Sec. \_\_\_\_ . Section 602.1203, Code 1995, is amended  
 46 to read as follows:

47 602.1203 PERSONNEL CONFERENCES.

48 The chief justice may order conferences of judicial  
 49 officers or court employees on matters relating to the  
 50 administration of justice or the affairs of the

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1 department. For judges and other court employees who  
 2 handle cases involving children and family law, the  
 3 chief justice shall require regular training  
 4 concerning mental or emotional disorders which may  
 5 afflict children and the impact children with such  
 6 disorders have upon their families."

7 11. Page 2, by inserting after line 31 the  
 8 following:

9 "Sec. \_\_\_\_ . APPLICABILITY AND EFFECTIVE DATE.

10 Section 100 of this Act, enacting section 232.106,  
 11 being deemed of immediate importance, takes effect  
 12 upon enactment and applies to medically relevant tests  
 13 performed on or after the effective date of this Act  
 14 pursuant to court orders imposing terms and conditions  
 15 which are in effect on or after the effective date of  
 16 this Act."

17 12. Title page, line 1, by inserting after the  
 18 word "to" the following: "children, including".

19 13. Title page, line 2, by striking the word  
 20 "cases" and inserting the following: "cases, the  
 21 department of human services' adoption information

22 exchange.”

23 14. Title page, line 3, by inserting after the  
24 word “information” the following: “, case permanency  
25 plans for children in out-of-home placements, state  
26 foster care requests, and custody and visitation  
27 determinations”.

28 15. Title page, line 3, by inserting after the  
29 word “information” the following: “and providing an  
30 applicability and effective date”.

31 16. By renumbering, relettering, or redesignating  
32 and correcting internal references as necessary.

S-3544

1 Amend House File 505 as passed by the House as  
2 follows:

3 1. Page 1, line 30, by striking the word  
4 “licensed”.

ELAINE SZYMONIAK

S-3545

1 Amend House File 560, as passed by the House, as  
2 follows:

3 1. Page 1, by striking lines 5 through 7 and  
4 inserting the following: “includes the owner of the  
5 tract or a person related to the owner as, the owner’s  
6 spouse, parent, grandparent, the owner’s child,  
7 grandchild, or stepchild, and their spouses, or the  
8 owner’s relative within the third degree of  
9 consanguinity, and the relative’s spouse.”

MERLIN E. BARTZ

S-3546

1 Amend Senate File 484 as follows:

2 1. Page 44, by inserting after line 16 the  
3 following:

4 “Sec. \_\_\_\_ . Section 537.2504, unnumbered paragraph  
5 1, Code 1995, is amended to read as follows:  
6 With respect to a consumer credit transaction in  
7 which the rate of finance charge required to be  
8 disclosed in the transaction pursuant to section  
9 537.3201 does not exceed eighteen percent per year,  
10 other than a consumer lease or a consumer rental  
11 purchase agreement, the creditor may, by agreement  
12 with the consumer, refinance the unpaid balance and  
13 may contract for and receive a finance charge based on

14 the amount financed resulting from the refinancing at  
15 a rate not exceeding that permitted by the provisions  
16 on finance charge for consumer credit sales other than  
17 open end credit in section 537.2201 if a consumer  
18 credit sale is refinanced, the provisions on finance  
19 charge for a consumer loan other than a supervised  
20 loan in section 537.2401, subsection 1, or the  
21 provisions on finance charge for a supervised loan not  
22 pursuant to open end credit in section 537.2401,  
23 subsection 2, as applicable, if a consumer loan is  
24 refinanced. With respect to a consumer credit  
25 transaction in which the rate of finance charge  
26 required to be disclosed in the transaction to the  
27 consumer pursuant to section 537.3201 exceeds eighteen  
28 percent per year, other than a consumer lease or a  
29 consumer rental purchase agreement, the creditor may  
30 by agreement with the consumer, refinance the unpaid  
31 balance and may contract for and receive a finance  
32 charge based on the amount financed resulting from the  
33 refinancing at a rate of finance charge not to exceed  
34 that which was required to be disclosed in the  
35 original transaction to the consumer rate permitted  
36 for consumer credit sales pursuant to section ~~537.3201~~  
37 537.2201 or the rate permitted for consumer loans  
38 pursuant to section 537.2401, whichever is greater.  
39 For the purpose of determining the finance charge  
40 permitted, the amount financed resulting from the  
41 refinancing consists of:"

JOHN W. JENSEN

S-3547

1 Amend Senate File 484 as follows:  
2 1. Page 11, by inserting after line 15 the  
3 following:  
4 "If Senate File 358 is enacted by the Seventy-sixth  
5 General Assembly, 1995 Regular Session, there is  
6 appropriated from the general fund of the state to the  
7 appeals and fair hearings division for the fiscal year  
8 beginning July 1, 1995, and ending June 30, 1996, an  
9 additional sum of \$45,000, or so much thereof as is  
10 necessary, and 1.50 FTEs to carry out the  
11 responsibilities of the division as specified in  
12 Senate File 358."

RANDAL J. GIANNETTO

S-3548

1 Amend Senate File 484 as follows:

2 1. Page 9, by inserting after line 35 the  
3 following:

4 "Sec. \_\_\_\_ . CHILD DAY CARE PROGRAM.

5 1. There is appropriated from the general fund of  
6 the state to the department of general services for  
7 the fiscal year beginning July 1, 1995, and ending  
8 June 30, 1996, the following amount or so much thereof  
9 as is necessary, to be used for the purposes  
10 designated:

11 For planning, design, site acquisition and  
12 preparation, and other expenditures necessary to  
13 establish a fee-based child day care program available  
14 to public employees officed at or near the capitol  
15 complex:

16 ..... \$ 600,000

17 2. Notwithstanding section 8.33, the moneys  
18 appropriated in this section that remain unencumbered  
19 and unobligated on June 30 of the fiscal year in which  
20 the moneys were appropriated, shall not revert to the  
21 general fund of the state but shall remain available  
22 for expenditure for the purposes designated during the  
23 succeeding fiscal year.

24 3. The general assembly considers child day care  
25 to be an important service for employers, employees,  
26 and their children. Employer-supported child care can  
27 have a positive impact upon employee morale and  
28 retention and can positively affect the children who  
29 are receiving child care services. High quality child  
30 care is of significant value to employers. It is  
31 believed that a quality, on-site child care program  
32 available to the children of state employees will  
33 provide a model for other employers in this state to  
34 emulate.

35 4. a. The legislative council is requested to  
36 appoint a capitol complex child day care program  
37 steering committee to provide direction to the  
38 department of general services in developing facility  
39 plans, establishing the facilities, developing  
40 operation policies, contracting with a vendor to  
41 operate the program, and other decisions involving  
42 establishment and operation of the program. The  
43 steering committee shall utilize the March 1990  
44 consultant report to the capitol complex ad hoc  
45 committee on child care, particularly the intermediate  
46 quality recommendations, in its decision making.

47 b. The steering committee membership shall include  
48 members of the general assembly; representatives of

49 the departments of general services, personnel, human  
50 services, and education; employees officed at the

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1 capitol complex who purchase child day care services;  
2 a representative of the state board of regents center  
3 for early childhood education; a representative of the  
4 Iowa state university of science and technology early  
5 childhood education programs; and other persons  
6 knowledgeable concerning child day care programs.  
7 5. In consultation with the steering committee,  
8 the director of the department of general services  
9 shall retain a consultant to oversee the process of  
10 developing the program and shall contract with a  
11 vendor to manage the program.  
12 6. The program shall be designed to operate with a  
13 capacity of 150 children and to regularly serve  
14 infants, toddlers, preschool, school age, and mildly  
15 ill children."  
16 2. By renumbering as necessary.

JOHNIE HAMMOND

S-3549

1 Amend the amendment, S-3514, to House File 528, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, line 1, by striking the words "school  
5 policy or".

ALLEN BORLAUG

S-3550

1 Amend House File 482, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, by inserting after line 23 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 8D.13, Code 1995, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 5A. Notwithstanding subsection 5,  
8 the state may own fiber optic cable facilities or  
9 facilities with DS-3 capacity for a part III  
10 connection which is a spur connection. For purposes  
11 of this subsection, "spur connection" means a  
12 connection which is associated with a part III  
13 authorized user which is a school district, a library,  
14 or an area education agency and which is located no

15 more than one and one-half miles from a fiber optic  
 16 cable route used or to be used for connecting a  
 17 facility, identified in the Iowa national guard  
 18 request for proposals dated October 10, 1994, and any  
 19 subsequent addendum, to the network, or no more than  
 20 one and one-half miles from an Iowa national guard  
 21 facility which is or is to be connected to the  
 22 network. The spur connection shall be for a single  
 23 site within the school district, library, or area  
 24 education agency as determined by the local school  
 25 board, governing authority of the library, or area  
 26 education agency board, and approved by the  
 27 commission. The spur connection shall be no more than  
 28 one and one-half miles long and shall be connected to  
 29 such fiber optic cable route or national guard  
 30 facility.

31 Sec. \_\_\_\_ . There is appropriated from the general  
 32 fund of the state to the Iowa telecommunications  
 33 network fund under the control of the Iowa  
 34 telecommunications and technology commission for the  
 35 fiscal year beginning July 1, 1995, and ending June  
 36 30, 1996, the following amount, or so much thereof as  
 37 may be necessary, to be deposited in a separate  
 38 account and to be used, notwithstanding section 8D.13,  
 39 for costs associated with spur connections to the  
 40 network as defined in section 8D.13, subsection 5A,  
 41 which extend from a connection to an Iowa national  
 42 guard facility:

43 ..... \$ 1,000,000"  
 44 2. By renumbering as necessary.

ROD HALVORSON

S-3551

- 1 Amend Senate File 484 as follows:
- 2 1. Page 3, by striking line 35 and inserting the
- 3 following:
- 4 "a. For salaries, support, maintenance,
- 5 miscellaneous purposes,"
- 6 2. Page 4, line 3, by striking the figure
- 7 "2,777,339" and inserting the following: "2,977,339".
- 8 3. Page 4, line 4, by striking the figure "90.50"
- 9 and inserting the following: "94.50".
- 10 4. Page 4, line 5, by inserting before the word
- 11 "Of" the following: "b."
- 12 5. Page 4, line 8, by inserting before the word
- 13 "The" the following: "c."
- 14 6. Page 4, line 11, by inserting before the word
- 15 "The" the following: "d."

16 7. Page 4, line 20, by striking the letter "a."  
17 and inserting the following: "(1)".

18 8. Page 4, line 23, by striking the letter "b."  
19 and inserting the following: "(2)".

20 9. Page 4, by inserting after line 25 the  
21 following:

22 "e. (1) Of the amounts appropriated to the  
23 insurance division in this subsection not more than  
24 \$100,000 shall be used for continuing the division's  
25 senior health insurance information program and for  
26 the purpose of establishing a pilot consumer health  
27 education and assistance program.

28 (2) The purpose of the consumer health education  
29 and assistance program is to educate and assist health  
30 care consumers to make more informed health insurance  
31 and care choices in the marketplace. Both oral and  
32 written educational assistance relating to health care  
33 insurance, delivery systems, provider services and  
34 coverage, billing procedures, and sources of  
35 information shall be provided by the division. The  
36 division of insurance may request, and other state  
37 agencies shall provide, assistance in implementing and  
38 administering the health care education and assistance  
39 program.

40 (3) The commissioner of insurance shall appoint an  
41 advisory committee consisting of knowledgeable and  
42 interested citizens and state and local public  
43 officials to provide advice and review the program. A  
44 majority of the members of the advisory committee  
45 shall be bona fide representatives of consumers.

46 (4) The commissioner of insurance shall prepare a  
47 progress report relating to the activities of the  
48 program, the report to be submitted to the governor  
49 and the members of the general assembly not later than  
50 March 1, 1996. The governor and the legislative

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1 council may request progress reports from the  
2 commissioner of insurance as deemed appropriate."

3 10. By striking page 30, line 33, through page  
4 32, line 8.

5 11. Page 45, by striking lines 8 through 12.

MICHAEL E. GRONSTAL  
MARY E. KRAMER

S-3552

- 1 Amend Senate File 484 as follows:
- 2 1. Page 30, by striking lines 12 through 32.
- 3 2. Page 45, line 16, by striking the figures and
- 4 word "49, 51, and 52" and inserting the following:
- 5 "and 49".
- 6 3. Page 45, by striking lines 17 through 19 and
- 7 inserting the following: "importance, take effect
- 8 upon enactment. Sections 26, 27, and 28 of this".
- 9 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3553

- 1 Amend Senate File 478 as follows:
- 2 1. Page 1, by striking lines 25 through 27 and
- 3 inserting the following: "takes effect upon enactment
- 4 and applies to expenses incurred on or after the date
- 5 of enactment."

MICHAEL GRONSTAL

S-3554

- 1 Amend the amendment, S-3499, to House File 482, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 and 4 and
- 5 inserting the following:
- 6 "\_\_\_\_. By striking page 1, line 16, through page
- 7 3, line 19, and inserting the following:
- 8 "Sec. \_\_\_\_ . Section 8D.13, Code 1995, is amended by
- 9 adding the following new subsection:"

TOM FLYNN  
 ROBERT DVORSKY  
 DERRYL McLAREN

HOUSE AMENDMENT TO  
 SENATE FILE 390

S-3555

- 1 Amend Senate File 390, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the follow-
- 4 ing:
- 5 "Section 1. Section 262.75, Code 1995, is amended

- 6 by adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. In lieu of the payment  
 8 of monetary recompense to a cooperating teacher, the  
 9 cooperating teacher may direct that the monetary  
 10 recompense be paid by the institution directly into a  
 11 scholarship fund which has been established jointly by  
 12 the board of directors of the school district that  
 13 employs the teacher and the local teachers'  
 14 association. In such cases, the cooperating teacher  
 15 shall receive neither monetary recompense nor any  
 16 reduction in tuition at the institution."  
 17 2. Title page, line 1, by inserting after the  
 18 word "to" the following: "recompense to a cooperating  
 19 teacher and to".  
 20 3. By renumbering as necessary.

S-3556

- 1 Amend Senate File 484 as follows:  
 2 1. Page 6, by inserting after line 32 the  
 3 following:  
 4 "\_\_\_ . CAPITOL PLANNING COMMISSION  
 5 For expenses of the members in carrying out their  
 6 duties under chapter 18A:  
 7 ..... \$ 2,000"

JOHN W. JENSEN

S-3557

- 1 Amend the House amendment, S-3543, to Senate File  
 2 150, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 8, by striking line 31.  
 5 2. By renumbering as necessary.

MERLIN E. BARTZ

S-3558

- 1 Amend the House amendment, S-3501, to Senate File  
 2 208, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by inserting after line 2 the  
 5 following:  
 6 "\_\_\_ . Page 1, by inserting after line 18 the  
 7 following:  
 8 "Sec. \_\_\_ . Section 80B.11, subsection 1, Code  
 9 1995, is amended to read as follows:  
 10 1. a. Minimum entrance requirements, course of

11 study, attendance requirements, and equipment and  
 12 facilities required at approved law enforcement  
 13 training schools. Minimum age requirements for  
 14 entrance to approved law enforcement training schools  
 15 shall be eighteen years of age.

16 b. Minimum course of study requirements shall  
 17 include a separate domestic abuse curriculum, which  
 18 ~~may shall include; but is not limited to;~~ a minimum of  
 19 twelve hours of instruction on domestic abuse dynamics  
 20 and domestic abuse law which may include outside  
 21 speakers from domestic abuse shelters and crime victim  
 22 assistance organizations.

23 Sec. \_\_\_\_ . Section 80B.11, subsection 3, Code 1995,  
 24 is amended by adding the following new unnumbered  
 25 paragraph:

26 NEW UNNUMBERED PARAGRAPH. In-service training  
 27 under this subsection shall also include at least four  
 28 hours of instruction per year on domestic abuse  
 29 dynamics and domestic abuse law.”

30 2. Page 1, by inserting after line 11 the  
 31 following:

32 “ \_\_\_\_ . Page 4, by inserting after line 5 the  
 33 following:

34 “Sec. \_\_\_\_ . Section 232.8, subsection 1, Code 1995,  
 35 is amended by adding the following new paragraph:  
 36 NEW PARAGRAPH. c. The juvenile court shall have  
 37 jurisdiction in proceedings commenced against a child  
 38 pursuant to section 236.3 over which the district  
 39 court has waived its jurisdiction. The juvenile court  
 40 shall hear the action in the manner of an adjudicatory  
 41 hearing under section 232.47, subject to the  
 42 following:

43 (1) The juvenile court shall abide by the  
 44 provisions of sections 236.4 and 236.6 in holding  
 45 hearings and making a disposition.

46 (2) The plaintiff is entitled to proceed pro se  
 47 under sections 236.3A and 236.3B.

48 Sec. \_\_\_\_ . Section 232.22, subsection 1, Code 1995,  
 49 is amended by adding the following new paragraph:

50 NEW PARAGRAPH. f. There is probable cause to

## Page 2

1 believe that the child has committed a delinquent act  
 2 which would be domestic abuse under chapter 236 or a  
 3 domestic abuse assault under section 708.2A if  
 4 committed by an adult.

5 Sec. \_\_\_\_ . Section 232.29, Code 1995, is amended by  
 6 adding the following new subsection:

7 NEW SUBSECTION. 3. An informal adjustment

8 agreement regarding a child who has been placed in  
9 detention under section 232.22, subsection 1,  
10 paragraph "f", may include a provision that the child  
11 voluntarily participate in a batterers' treatment  
12 program under section 708.2B.

13 Sec. \_\_\_\_ . Section 232.46, Code 1995, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 1A. A consent decree entered  
16 regarding a child placed in detention under section  
17 232.22, subsection 1, paragraph "f", shall require the  
18 child to attend a batterers' treatment program under  
19 section 708.2B. The second time the child fails to  
20 attend the batterers' treatment as required by the  
21 consent decree shall result in the decree being  
22 vacated and proceedings commenced under section  
23 232.47.

24 Sec. \_\_\_\_ . Section 232.52, subsection 2, Code 1995,  
25 is amended by adding the following new paragraph:

26 NEW PARAGRAPH. g. In the case of a child  
27 adjudicated delinquent for an act which would be a  
28 violation of chapter 236 or section 708.2A if  
29 committed by an adult, an order requiring the child to  
30 attend a batterers' treatment program under section  
31 708.2B."

32 3. Page 1, by inserting after line 41 the  
33 following:

34 " \_\_\_\_ . Page 7, by inserting after line 26 the  
35 following:

36 "Sec. \_\_\_\_ . Section 236.2, subsection 4, Code 1995,  
37 is amended to read as follows:

38 4. a. "Family or household members" means  
39 spouses, persons cohabiting, parents, or other persons  
40 related by consanguinity or affinity, except children  
41 under eighteen.

42 b. "Family or household members" does not include  
43 children under age eighteen of persons listed in  
44 paragraph "a".

45 Sec. \_\_\_\_ . Section 236.3, Code 1995, is amended by  
46 adding the following new unnumbered paragraph:

47 NEW UNNUMBERED PARAGRAPH. If the person against  
48 whom relief from domestic abuse is being sought is  
49 seventeen years of age or younger, the district court  
50 shall waive its jurisdiction over the action to the

Page 3

1 juvenile court.

2 Sec. \_\_\_\_ . Section 236.3B, Code 1995, is amended by  
3 adding the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. The county attorney may

5 use the fees distributed to the county treasurer in  
6 section 602.8105, subsection 2, paragraph "a", to  
7 defray the costs of the assistance authorized in this  
8 section.

9 Sec. \_\_\_\_ . Section 236.5, Code 1995, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 2A. The court may order that the  
12 defendant pay the plaintiff's attorneys fees and court  
13 costs.

14 Sec. 101. Section 236.5, subsection 4, Code 1995,  
15 is amended to read as follows:

16 4. A certified copy of any order or approved  
17 consent agreement shall be issued to the plaintiff,  
18 the defendant, and the county sheriff having  
19 jurisdiction to enforce the order or consent  
20 agreement, and the twenty-four hour dispatcher for the  
21 county sheriff, and the statewide protective order  
22 registry established in section 236.19. Any  
23 subsequent amendment or revocation of an order or  
24 consent agreement shall be forwarded by the clerk to  
25 all individuals, and the county sheriff, and the  
26 statewide registry previously notified. The clerk  
27 shall notify the county sheriff and the twenty-four  
28 hour dispatcher for the county sheriff in writing so  
29 that the county sheriff and the county sheriff's  
30 dispatcher receive written notice within six hours of  
31 filing the order, approved consent agreement,  
32 amendment, or revocation. The clerk may fulfill this  
33 requirement by sending the notice by facsimile or  
34 other electronic transmission which reproduces the  
35 notice in writing within six hours of filing the  
36 order. The county sheriff's dispatcher shall notify  
37 all law enforcement agencies having jurisdiction over  
38 the matter and the twenty-four hour dispatcher for the  
39 law enforcement agencies upon notification by the  
40 clerk. The clerk shall send or deliver a written copy  
41 of any such document to the law enforcement agencies  
42 and the twenty-four hour dispatcher within twenty-four  
43 hours of filing the document.

44 Sec. \_\_\_\_ . Section 236.8, Code 1995, is amended to  
45 read as follows:

46 236.8 CONTEMPT -- HEARINGS.

47 The A person commits a simple misdemeanor or the  
48 court may hold a party person in contempt for a  
49 violation of an order or court-approved consent  
50 agreement entered under this chapter, for violation of

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1 a temporary or permanent protective order or order to  
2 vacate the homestead under chapter 598, or for  
3 violation of any order that establishes conditions of  
4 release or is a protective order or sentencing order  
5 in a criminal prosecution arising from a domestic  
6 abuse assault. If convicted or held in contempt, the  
7 defendant shall serve a jail sentence. Any jail  
8 sentence of more than one day imposed under this  
9 section shall be served on consecutive days. A  
10 defendant who is held in contempt or convicted may be  
11 ordered by the court to pay the plaintiff's attorneys  
12 fees and court costs incurred in the proceedings under  
13 this section.

14 A hearing in a contempt proceeding brought pursuant  
15 to this section shall be held not less than five and  
16 not more than fifteen days after the issuance of a  
17 rule to show cause, as set by the court.

18 A person shall not be convicted of and held in  
19 contempt for the same violation of an order or court-  
20 approved consent agreement entered under this chapter,  
21 for the same violation of a temporary or permanent  
22 protective order or order to vacate the homestead  
23 under chapter 598, or for violation of any order that  
24 establishes conditions of release or is a protective  
25 order or sentencing order in a criminal prosecution  
26 arising from a domestic abuse assault.

27 Sec. \_\_\_\_ . Section 236.10, Code 1995, is amended to  
28 read as follows:

29 236.10 CONFIDENTIALITY OF RECORDS.

30 The file in a domestic abuse case shall be sealed  
31 by the clerk of court only upon the application of the  
32 petitioner when it is complete and after the time for  
33 appeal has expired. However, the clerk shall open the  
34 file upon application to and order of the court for  
35 good cause shown.

36 Sec. \_\_\_\_ . Section 236.12, Code 1995, is amended by  
37 adding the following new subsection:

38 NEW SUBSECTION. 2A. A peace officer shall seize a  
39 dangerous weapon displayed or used in an assault when  
40 arresting a person under subsection 2, paragraph "d",  
41 and any firearms owned or possessed by the person. A  
42 law enforcement agency or peace officer shall not  
43 return possession of the dangerous weapon or firearms  
44 to the person arrested if the person is subject to an  
45 order or approved consent agreement entered under this  
46 chapter, a temporary or permanent protective order or  
47 order to vacate the homestead under chapter 598, or an  
48 order establishing conditions of release or a

49 protective or sentencing order in a criminal  
50 prosecution arising from a domestic abuse assault.

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1 Sec. 102. Section 236.14, subsection 2, unnumbered  
2 paragraph 4, Code 1995, is amended to read as follows:

3 The clerk of the district court shall also provide  
4 notice and copies of the no-contact order to the  
5 applicable law enforcement agencies and the twenty-  
6 four hour dispatcher for the law enforcement agencies,  
7 and the statewide protective order registry  
8 established in section 236.19, in the manner provided  
9 for protective orders under section 236.5. The clerk  
10 shall provide notice and copies of modifications or  
11 vacations of these orders in the same manner.

12 Sec. 103. NEW SECTION. 236.19 STATEWIDE  
13 PROTECTIVE ORDER REGISTRY.

14 A central registry of protective orders is  
15 established in the department of public safety. The  
16 registry shall be staffed and accessible on a  
17 continuous basis for use by law enforcement agencies  
18 and peace officers. The registry shall contain the  
19 following:

20 1. Orders and court-approved consent agreements  
21 entered under this chapter.

22 2. Temporary and permanent protective orders and  
23 orders to vacate the homestead entered under chapter  
24 598.

25 3. Orders establishing conditions of release,  
26 protective orders, and sentencing orders in criminal  
27 prosecutions arising from a domestic abuse assault.

28 The registry may be colocated with another  
29 department of public safety facility which operates  
30 twenty-four hours a day on a year-round basis.

31 Sec. \_\_\_\_ . NEW SECTION. 236.20 FOREIGN PROTECTIVE  
32 ORDERS -- REGISTRATION -- ENFORCEMENT.

33 1. As used in this section, "foreign protective  
34 order" means a protective order entered in a state  
35 other than Iowa which would be an order or court-  
36 approved consent agreement entered under this chapter,  
37 a temporary or permanent protective order or order to  
38 vacate the homestead under chapter 598, or an order  
39 that establishes conditions of release or is a  
40 protective order or sentencing order in a criminal  
41 prosecution arising from a domestic abuse assault if  
42 it had been entered in Iowa.

43 2. A copy of a foreign protective order  
44 authenticated in accordance with the statutes of this  
45 state may be filed with the clerk of the district

46 court of the county in which the person in whose favor  
47 the order was entered resides. The clerk shall  
48 provide copies of the order as required by section  
49 236.5.  
50 3. A foreign protective order so filed has the

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1 same effect and shall be enforced in the same manner  
2 as a protective order issued in this state.  
3 Sec. \_\_\_\_ . NEW SECTION. 236.21 MUTUAL PROTECTIVE  
4 ORDERS PROHIBITED -- EXCEPTIONS.

5 A court in an action under this chapter shall not  
6 issue mutual protective orders against the victim and  
7 the abuser unless both file a petition requesting a  
8 protective order.

9 Sec. \_\_\_\_ . Section 331.756, subsection 4, Code  
10 1995, is amended to read as follows:

11 4. Prosecute misdemeanors when not otherwise  
12 engaged in the performance of other official duties.  
13 However, the county attorney shall not decline to  
14 prosecute misdemeanors under chapter 236.

15 Sec. \_\_\_\_ . Section 331.756, Code 1995, is amended  
16 by adding the following new subsection:

17 NEW SUBSECTION. 48A. Develop written procedures  
18 and policies to be followed in the prosecution of  
19 domestic abuse cases under chapters 236 and 708.

20 Sec. 104. Section 598.42, Code 1995, is amended to  
21 read as follows:

22 598.42 NOTICE OF CERTAIN ORDERS BY CLERK OF COURT.

23 The clerk of the district court shall provide  
24 notice and copies of temporary or permanent protective  
25 orders and orders to vacate the homestead entered  
26 pursuant to this chapter to the applicable law  
27 enforcement agencies, ~~and~~ the twenty-four hour  
28 dispatcher for the law enforcement agencies, and the  
29 statewide protective order registry established in  
30 section 236.19 in the manner provided for protective  
31 orders under section 236.5. The clerk shall provide  
32 notice and copies of modifications or vacations of  
33 these orders in the same manner.

34 Sec. \_\_\_\_ . Section 602.6306, subsection 2, Code  
35 1995, is amended to read as follows:

36 2. District associate judges also have  
37 jurisdiction in civil actions for money judgment where  
38 the amount in controversy does not exceed ten thousand  
39 dollars, jurisdiction over involuntary commitment,  
40 treatment, or hospitalization proceedings under  
41 chapters 125 and 229, jurisdiction of indictable  
42 misdemeanors, and felony violations of section 321J.2,

43 jurisdiction to enter a temporary or emergency order  
 44 of protection under chapter 236, and to make court  
 45 appointments and set hearings in criminal matters,  
 46 jurisdiction to enter orders in probate which do not  
 47 require notice and hearing and to set hearings in  
 48 actions under chapter 633, and the jurisdiction  
 49 provided in section 602.7101 when designated as a  
 50 judge of the juvenile court. While presiding in these

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1 subject matters a district associate judge shall  
 2 employ district judges' practice and procedure.  
 3 Sec. \_\_\_\_ . Section 602.8105, subsection 1,  
 4 paragraph c, Code 1995, is amended to read as follows:  
 5 c. For entering a final decree of dissolution of  
 6 marriage, ~~thirty forty~~ dollars. It is the intent of  
 7 the general assembly that the ~~funds generated from~~  
 8 thirty dollars of the dissolution fees be  
 9 appropriated and used for sexual assault and domestic  
 10 violence centers.

11 Notwithstanding section 602.8108 or any other  
 12 provision of law to the contrary, ten dollars of the  
 13 dissolution fee shall be distributed by the clerk of  
 14 the district court to the county treasurer for use by  
 15 the county attorney in providing legal assistance to  
 16 pro se plaintiffs in domestic abuse actions under  
 17 section 236.3 or in contempt actions under section  
 18 236.8.

19 Sec. 105. Section 708.2A, subsection 6, Code 1995,  
 20 is amended to read as follows:

21 6. The clerk of the district court shall provide  
 22 notice and copies of a judgment entered under this  
 23 section to the applicable law enforcement agencies,  
 24 ~~and~~ the twenty-four hour dispatcher for the law  
 25 enforcement agencies, and the statewide protective  
 26 order registry established in section 236.19 in the  
 27 manner provided for protective orders under section  
 28 236.5. The clerk shall provide notice and copies of  
 29 modifications of the judgment in the same manner.

30 Sec. \_\_\_\_ . Section 708.2B, Code 1995, is amended by  
 31 adding the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. District departments or  
 33 contract service providers shall receive upon request  
 34 peace officers' investigative reports regarding  
 35 persons participating in programs under this section.  
 36 The receipt of reports under this section shall not  
 37 waive the confidentiality of the reports under section  
 38 22.7.

39 Sec. \_\_\_\_ . Section 907.3, subsection, 1, paragraph

40 i, Code 1995, is amended to read as follows:

41 i. The offense is a conviction for or plea of  
42 guilty to a violation of section 236.8 or a finding of  
43 contempt pursuant to section 236.8 or 236.14.  
44 Sec. \_\_\_\_ . Section 907.3, subsection 2, Code 1995,  
45 is amended to read as follows:  
46 2. At the time of or after pronouncing judgment  
47 and with the consent of the defendant, the court may  
48 defer the sentence and assign the defendant to the  
49 judicial district department of correctional services.  
50 However, the court shall not defer the sentence for a

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1 violation of section 708.2A if the defendant has  
2 previously received a deferred judgment or sentence  
3 for a violation of section 708.2 or 708.2A which was  
4 issued on a domestic abuse assault, or if similar  
5 relief was granted anywhere in the United States  
6 concerning that jurisdiction's statutes which  
7 substantially correspond to domestic abuse assault as  
8 provided in section 708.2A. In addition, the court  
9 shall not defer a sentence if it is imposed for a  
10 conviction for or plea of guilty to a violation of  
11 section 236.8 or for contempt pursuant to section  
12 236.8 or 236.14. Upon a showing that the defendant is  
13 not fulfilling the conditions of probation, the court  
14 may revoke probation and impose any sentence  
15 authorized by law. Before taking such action, the  
16 court shall give the defendant an opportunity to be  
17 heard on any matter relevant to the proposed action.

18 Upon violation of the conditions of probation, the  
19 court may proceed as provided in chapter 908.  
20 Sec. 106. Section 910A.11, subsection 5, Code  
21 1995, is amended to read as follows:

22 5. The clerk of the district court shall provide  
23 notice and copies of restraining orders issued  
24 pursuant to this section in a criminal case involving  
25 an alleged violation of section 708.2A to the  
26 applicable law enforcement agencies, and the twenty-  
27 four hour dispatcher for the law enforcement agencies,  
28 and the statewide protective order registry  
29 established in section 236.19, in the manner provided  
30 for protective orders under section 236.5. The clerk  
31 shall provide notice and copies of modifications or  
32 vacations of these orders in the same manner.

33 Sec. \_\_\_\_ . The commissioner of insurance shall  
34 evaluate model legislation which will be proposed by  
35 the national association of insurance commissioners  
36 regarding using domestic abuse as a factor in

37 determining whether a person shall be offered  
 38 insurance coverage and make recommendations to the  
 39 general assembly regarding adopting the model  
 40 legislation.””

41 4. Page 2, by inserting after line 16 the  
 42 following:

43 “\_\_\_ . Page 8, by inserting after line 17 the  
 44 following:

45 “Sec. \_\_\_ . EFFECTIVE DATE. Sections 101, 102,  
 46 103, 104, 105, and 106 of this Act take effect July 1,  
 47 1996.

48 Sec. \_\_\_ . CONDITIONAL EFFECTIVENESS PROVISION. A  
 49 state mandate contained within this Act shall not take  
 50 effect unless an appropriation is made which complies

### Page 9

1 with section 25B.2, subsection 3.””

2 5. Page 2, by inserting before line 17 the  
 3 following:

4 “\_\_\_ . Title page, line 2, by striking the words  
 5 “and providing an effective date” and inserting the  
 6 following: “domestic abuse and victim protection, and  
 7 providing a conditional effective date and other  
 8 effective dates”.”

ELAINE SZYMONIAK

### S-3559

1 Amend the amendment, S-3551, to Senate File 484 as  
 2 follows:

3 1. Page 1, line 25, by inserting after the word  
 4 “and” the following: “not more than \$100,000 shall be  
 5 used”.

MICHAEL E. GRONSTAL  
 MARY E. KRAMER

### S-3560

1 Amend the amendment, S-3548, to Senate File 484 as  
 2 follows:

3 1. Page 1, by striking lines 5 through 23.  
 4 2. Page 1, line 35, by inserting after the word  
 5 “a.” the following: “The director of general services  
 6 shall develop a plan for establishing and operating a  
 7 fee-based child day care program available to public  
 8 employees officed at or near the capitol complex. The  
 9 plan shall include all of the information contained in

- 10 the steering committee description contained in this  
 11 paragraph and shall be submitted to the general  
 12 assembly on or before March 1, 1996.”  
 13 3. Page 2, by striking lines 9 through 11 and  
 14 inserting the following: “may retain a consultant to  
 15 assist in developing a plan which may provide for a  
 16 vendor contract to manage the program.”  
 17 4. By renumbering as necessary.

PATTY JUDGE  
 MERLIN E. BARTZ

S-3561

- 1 Amend Senate File 484 as follows:  
 2 1. Page 30, by inserting after line 32 the  
 3 following:  
 4 “Sec. \_\_\_\_ . **NEW SECTION. 476.78A PUBLIC UTILITY**  
 5 **-- SEPARATE AFFILIATE REQUIRED.**  
 6 A rate-regulated utility, as defined in section  
 7 476.1, which engages in a nonutility service, as  
 8 defined in section 476.72, shall establish a separate  
 9 affiliate business entity for the purpose of engaging  
 10 in such service. The separate affiliate shall not use  
 11 in any manner, any name, logo, property, equipment, or  
 12 facilities owned or leased by, or personnel employed  
 13 by, the rate-regulated utility.”  
 14 2. Renumber as necessary.

ROBERT E. DVORSKY  
 EMIL J. HUSAK  
 MARY A. LUNDBY  
 JIM LIND

S-3562

- 1 Amend Senate File 484, as follows:  
 2 1. Page 28, by inserting after line 31 the  
 3 following:  
 4 “Sec. \_\_\_\_ . Section 216.16, subsection 5, Code  
 5 1995, is amended to read as follows:  
 6 5. The district court may grant any relief in an  
 7 action under this section which is authorized by  
 8 section 216.15, subsection 8 to be issued by the  
 9 commission. The district court may also award the  
 10 respondent reasonable attorney’s fees and court costs  
 11 when the court finds that the complainant’s action was  
 12 frivolous. In an action authorized under this  
 13 section, the district court retains the powers of a  
 14 court in addition to any special powers conferred on

15 the court by this chapter. An action authorized under  
16 this section may be tried to a jury on the same basis  
17 as an ordinary civil action."  
18 2. By renumbering as necessary.

JIM LIND  
TOM VILSACK

S-3563

1 Amend the House amendment, S-3501, to Senate File  
2 208, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by inserting after line 11 the  
5 following:  
6 "\_\_\_ . Page 3, by striking lines 20 through 22 and  
7 inserting the following:  
8 "e. Develop protocols for and establish a  
9 committee to review child abuse investigations which  
10 involve the death of a child.  
11 4. The following individuals shall designate a  
12 liaison to assist the review team in fulfilling its  
13 responsibilities:  
14 a. Director of public health.  
15 b. Director of human services.  
16 c. Commissioner of public safety.  
17 d. Administrator of the division of vital records  
18 of the Iowa department of public health.  
19 e. Attorney general.  
20 f. Director of transportation.  
21 g. Director of the department of education.""  
22 2. By renumbering as necessary.

ELAINE SZYMONIAK

S-3564

1 Amend House File 437, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 13, by inserting after line 31 the  
4 following:  
5 "Sec. \_\_\_ . Section 56.41, subsection 1, Code 1995,  
6 is amended to read as follows:  
7 1. A candidate and the candidate's committee shall  
8 use campaign funds only for campaign purposes,  
9 educational and other expenses associated with the  
10 duties of office, or constituency services, and shall  
11 not use campaign funds for personal expenses or  
12 personal benefit. The purchase of subscriptions to  
13 newspapers from or which circulate within the area

14 represented by the office which a candidate is seeking  
15 or holds is presumed to be an expense that is  
16 associated with the duties of the campaign for and  
17 duties of office."

18 2. By numbering and renumbering as necessary.

MERLIN E. BARTZ

S-3565

1 Amend Senate File 484 as follows:

2 1. Page 30, by inserting after line 32 the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 514C.11 PATIENT ACCESS

5 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN  
6 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

7 Notwithstanding section 514C.6, a managed care  
8 health plan or indemnity plan with a limited provider  
9 network shall provide patients direct access to each  
10 type of physician, as defined in section 135.1 and  
11 licensed under chapter 148, 150A, or 151, and shall  
12 not condition that access upon a referral by a  
13 physician licensed under another chapter. Access to a  
14 specialist may be conditioned upon a referral by a  
15 primary care provider licensed under the same chapter.  
16 Any copayment, deductible, cost containment mechanism,  
17 or premium rate shall not discriminate directly or  
18 indirectly upon the basis of the license held by the  
19 physician. Access to a specialist may be subject to a  
20 different copayment or deductible than access to a  
21 primary care provider. Access to a nonparticipating  
22 physician may be restricted or may be subject to  
23 different copayments, deductibles, or premium rates,  
24 or may be excluded, provided that a plan shall not  
25 differentiate or exclude a physician directly or  
26 indirectly upon the basis of the license held by the  
27 physician.

28 Each plan must demonstrate that it is capable of  
29 serving appropriately the needs of the subscriber  
30 population in the service area of the plan with regard  
31 to patient access to each type of physician.

32 For purposes of this section, "managed care health  
33 plan or indemnity plan with a limited provider  
34 network" means a health maintenance organization,  
35 organized delivery system, accountable health plan,  
36 health care insurance plan which limits the number of  
37 licensed physicians who can provide services under the  
38 plan, preferred provider organization, exclusive  
39 provider organization, restricted access network, or  
40 similar health-care plan. For purposes of this

- 41 section, "physician" means as defined in section 135.1
- 42 and licensed under chapter 148, 150A, or 151."
- 43 2. By renumbering as necessary.

MICHAEL E. GRONSTAL  
 EUGENE S. FRAISE  
 EMIL J. HUSAK  
 JOHN W. JENSEN  
 BRAD BANKS  
 MARY A. LUNDBY

S-3566

- 1 Amend Senate File 484 as follows:
- 2 1. Page 14, by inserting after line 29 the
- 3 following:
- 4 "\_\_\_ . COUNCIL ON HUMAN INVESTMENT
- 5 For administrative costs relating to the council on
- 6 human investment:
- 7 ..... \$ 196,618"

ELAINE SZYMONIAK  
 MAGGIE TINSMAN

S-3567

- 1 Amend the amendment, S-3548, to Senate File 484 as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 23.
- 4 2. Page 1, line 35, by inserting after the word
- 5 "a." the following: "The director of general services
- 6 shall develop a plan for establishing and operating a
- 7 fee-based child day care program available to public
- 8 employees officed at or near the capitol complex. The
- 9 plan shall include all of the information contained in
- 10 the steering committee description contained in this
- 11 paragraph and shall be submitted to the general
- 12 assembly on or before March 1, 1996."
- 13 3. Page 2, by striking lines 9 through 11 and
- 14 inserting the following: "shall develop a child day
- 15 care program plan giving consideration to the
- 16 recommendations of the March 1990 consultant report."
- 17 4. By renumbering as necessary.

PATTY JUDGE  
 MERLIN E. BARTZ

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 471

S-3568

1 Amend the Senate amendment, H-3928, to House File  
2 471, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, line 12, by striking the words "in the  
5 possession or" and inserting the following: "using or  
6 in".

7 2. Page 1, line 24, by striking the words "term  
8 less than" and inserting the following: "mandatory  
9 minimum term which is less than the mandatory minimum  
10 term which is".

11 3. Page 2, by inserting after line 23, the  
12 following:

13 " . . . A representative from a county board of  
14 supervisors."

15 4. Page 2, line 35, by striking the word  
16 "rehabilitation" and inserting the following:  
17 "rehabilitation,".

18 5. Page 2, line 38, by inserting after the word  
19 "process." the following: "In conducting the study,  
20 the department shall also consult with faculty members  
21 with expertise in risk assessment who are from Iowa  
22 institutions of higher education which offer degree  
23 programs in criminology."

24 6. Page 2, by inserting after line 40, the  
25 following:

26 "Sec. . . . SPLIT-SENTENCING PILOT PROJECT.

27 1. The general assembly finds that the  
28 implementation of a split-sentencing pilot project  
29 within this state could serve as a test for a fair and  
30 flexible method of dispensing criminal justice which  
31 provides for an incremental approach to the imposition  
32 of aggravated misdemeanor and felony criminal  
33 sentences and may help to reduce the current prison  
34 overcrowding problems while protecting the public  
35 safety. A split-sentencing pilot project is therefore  
36 established in a judicial district to be determined by  
37 the supreme court. The judicial district shall be  
38 selected based on the availability of jail space  
39 within the judicial district, and whether the judicial  
40 district in consultation with the county board or  
41 boards of supervisors and the sheriff or sheriffs  
42 desires to participate in the project.  
43 Notwithstanding any other contrary provision of law,  
44 subsection 2 of this section shall apply within and

45 only within the judicial district which is selected to  
46 participate in this pilot project from the date of the  
47 enactment of this Act through June 30, 1996.  
48 2. By record entry at the time of or after  
49 sentencing for an aggravated misdemeanor or a felony,  
50 other than a class "A" felony, the court may sentence

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1 the defendant to serve up to ninety days of the  
2 sentence in the county jail and suspend the balance of  
3 the term imposed. If the person is ordered to serve  
4 up to ninety days in jail, the costs of the person's  
5 confinement shall be paid by the state at the rate  
6 negotiated by the department of corrections with the  
7 judicial district under section 904.908. Payment  
8 shall be made by the department of revenue and finance  
9 upon submission of a voucher executed by the sheriff.  
10 Persons serving time in a county jail under this  
11 subsection shall be committed to the custody of the  
12 director of the department of corrections and the  
13 department shall be responsible for all prisoner  
14 medical costs."

15 7. Page 2, line 46, by inserting after the word  
16 "study," the following: "providing for a pilot  
17 project,".

18 8. By renumbering, relettering, or redesignating  
19 and correcting internal references as necessary.

S-3569

1 Amend Senate File 484 as follows:  
2 1. Page 15, by inserting after line 2 the  
3 following:  
4 "The department of management shall conduct a study  
5 of the positions of deputy director throughout the  
6 executive branch of state government. The study shall  
7 include the responsibilities of each deputy director,  
8 the salaries of the deputy directors, the number of  
9 deputy director positions, and the variation of  
10 responsibilities among the deputy director positions.  
11 The department shall report its findings to the  
12 chairpersons and ranking members of the joint  
13 subcommittees on oversight, audit and government  
14 reform, and to the legislative fiscal bureau by  
15 September 1, 1995."

MARY NEUHAUSER  
LARRY MURPHY

S-3570

1 Amend Senate File 413 as follows:

2 1. Page 6, by inserting after line 7 the  
3 following:

4 "Sec. \_\_\_\_ . Section 455G.2, subsection 15, Code  
5 1995, is amended by striking the subsection and  
6 inserting in lieu thereof the following:

7 15. "Responsible person" means any of the  
8 following:

9 a. The owner or operator of the property, site, or  
10 facility at which, or an underground storage tank from  
11 which, a petroleum release occurred.

12 b. A person who at the time of a petroleum release  
13 owned or operated the property, site, or facility at  
14 which, or an underground storage tank from which, the  
15 release occurred.

16 c. A person who owned the property, site, or  
17 facility or owned or operated an underground storage  
18 tank at the property, site, or facility at any time  
19 when released petroleum was present unless the  
20 underground storage tank was not operated on the  
21 property, site, or facility during the period of that  
22 ownership and the owner had no actual knowledge that  
23 the underground storage tank had been operated on the  
24 property, site, or facility.

25 d. A person who by contract, agreement, or  
26 otherwise arranged for disposal or caused any release  
27 of petroleum.

28 e. A person who caused or contributed to a  
29 petroleum release on the property, site, or facility.

30 f. Successors or assigns of a responsible person."

31 2. Page 11, by inserting after line 17 the  
32 following:

33 "Sec. \_\_\_\_ . Section 455G.13, Code 1995, is amended  
34 to read as follows:

35 455G.13 COST RECOVERY ENFORCEMENT.

36 1. FULL COST RECOVERY SOUGHT FROM OWNER ACTIONS.

37 a. The board shall seek full recovery, a claimant,  
38 or both, may recover from the owner, operator, or  
39 other potentially a responsible party liable for the  
40 released petroleum which is the subject of a  
41 corrective action, for which the fund expends moneys  
42 person moneys that have been expended or will be  
43 expended in the future for corrective action or and  
44 third-party liability, and for all other costs,  
45 including reasonable attorney fees and costs of  
46 litigation for which moneys are expended by the fund  
47 in connection with the release. The board shall not  
48 seek recovery from past or present owners or operators

49 and other responsible persons who are small  
50 businesses, except pursuant to subsections 2, 3, and

Page 2

1 4.

2 b. When The department of natural resources is  
3 authorized to recover federal cleanup funds are  
4 recovered, the funds which are to be deposited to in  
5 the remedial account of the fund and used solely for  
6 the purpose of future cleanup activities.

7 2. LIMITATION OF LIABILITY OF OWNER OR OPERATOR.

8 Except as provided in subsection 3:

9 a. The board ~~or the department of natural~~  
10 ~~resources shall not seek recovery for expenses in~~  
11 ~~connection with corrective action for a release under~~  
12 subsection 1 from an owner or operator eligible for  
13 regarding any site where the owner or operator  
14 receives assistance under the remedial account for  
15 that site, except for any unpaid portion of the  
16 insurance deductible under section 455G.11 or remedial  
17 copayment amounts under section 455G.9, subsection 4.

18 ~~This section does not affect any authorization of the~~  
19 ~~department of natural resources to impose or collect~~  
20 ~~civil or administrative fines or penalties or fees.~~

21 ~~The remedial account shall not be held liable for any~~  
22 ~~third-party liability.~~

23 b. ~~An owner or operator's liability for a release~~  
24 ~~for which coverage is admitted under the insurance~~  
25 ~~account shall not exceed the amount of the deductible~~  
26 The liability of an owner or operator who is insured  
27 under the insurance account for the release for which  
28 coverage is admitted shall not exceed the amount of  
29 the deductible.

30 c. ~~The department of natural resources shall not~~  
31 ~~seek recovery from an owner or operator regarding any~~  
32 ~~site where the owner or operator receives assistance~~  
33 under the remedial account for that site. This  
34 section does not affect the department of natural  
35 resources' authority to impose or collect civil or  
36 administrative fines or penalties or fees.

37 3. OWNER OR OPERATOR NOT IN COMPLIANCE, SUBJECT TO  
38 FULL AND TOTAL COST RECOVERY. Notwithstanding

39 subsection 2, the liability of an owner or operator  
40 shall be the full and total costs of corrective action  
41 and bodily injury or property damage to third parties,  
42 as specified in subsection 1, if the owner or operator  
43 has not complied with the financial responsibility or  
44 other underground storage tank rules of the department  
45 of natural resources or with this chapter and rules

46 adopted under this chapter.

47 4. TREBLE DAMAGES FOR CERTAIN VIOLATIONS.

48 Notwithstanding subsections 2 and 3, the owner or

49 operator, or both, of a ~~tank~~ who receive benefits

50 under section 455G.9 are liable to the fund for

Page 3

1 punitive damages in an amount equal to three times the  
2 amount of any ~~cost incurred or moneys expended by the~~  
3 ~~fund as a result of a release of petroleum from the~~  
4 ~~tank recoverable under subsection 1~~, if the owner or  
5 operator did any of the following:

6 a. Failed, without sufficient cause, to respond to  
7 a release of petroleum from the tank upon, or in  
8 accordance with, a notice issued by the director of  
9 the department of natural resources.

10 b. After May 5, 1989, failed to perform any of the  
11 following:

12 (1) Failed to register the underground storage  
13 tank, which was known to exist or reasonably should  
14 have been known to exist.

15 (2) Intentionally failed to report a known  
16 release.

17 The punitive damages imposed under this subsection  
18 are in addition to any costs or expenditures recovered  
19 from the owner or operator pursuant to this chapter  
20 and in addition to any other penalty or relief  
21 provided by this chapter or any other law.

22 However, the state, a city, county, or other  
23 political subdivision shall not be liable for punitive  
24 damages.

25 The provisions of chapter 668A do not apply to this  
26 subsection.

27 5. LIEN ON UNDERGROUND STORAGE TANK SITE. Any

28 amount for which ~~an owner or operator~~ a claimant is

29 liable to the fund, if not paid when due, by statute,

30 rule, or contract, or determination of liability by

31 the board or department of natural resources after

32 hearing, shall constitute a lien upon the real

33 property where the underground storage tank, which was

34 the subject of corrective action, is situated, and the

35 liability shall be collected in the same manner as the

36 environmental protection charge pursuant to section

37 424.11.

38 6. JOINDER OF PARTIES. The department of natural

39 resources has standing in any case or contested action

40 related to the fund or ~~a~~ an underground storage tank

41 to assert any claim that the department may have

42 regarding the underground storage tank at issue in the

43 case or contested action; upon motion and sufficient  
44 showing by a party to a cost recovery or subrogation  
45 action provided for under this section, the court or  
46 the administrative law judge shall join to the action  
47 any potentially responsible party who may be liable  
48 for costs and expenditures of the type recoverable  
49 pursuant to this section. No other action may be  
50 joined with an action brought under subsection 1.

Page 4

1 7. STRICT LIABILITY, DEFENSES AND DAMAGES --  
2 COMPARATIVE FAULT. The standard of liability for a  
3 release of petroleum or other regulated substance as  
4 defined in section 455B-471 is strict liability.  
5 Responsible persons are strictly liable for damages  
6 and costs recoverable under this section. The rule of  
7 joint and several liability applies in any action  
8 brought pursuant to this section.

9 In order to establish the liability of a  
10 responsible person who owned, operated, or leased the  
11 site or an underground storage tank prior to the  
12 claimant, the board or the claimant need only show  
13 petroleum contamination was present during the time of  
14 ownership, operation, or leasehold of the person.

15 The amount of money expended by the board for  
16 corrective action and third-party liability is  
17 presumed to be reasonable.

18 8. THIRD-PARTY CONTRACTS NOT BINDING ON BOARD,  
19 PROCEEDINGS AGAINST RESPONSIBLE PARTY NO TRANSFER OF  
20 LIABILITY. An insurance, indemnification, hold  
21 harmless, conveyance, or similar risk-sharing or risk-  
22 shifting agreement shall not be effective to transfer  
23 any liability for costs expenditures recoverable under  
24 this section. The fund; board; or department of  
25 natural resources may proceed directly against the  
26 owner or operator or other allegedly a responsible  
27 party person. This section does not bar any agreement  
28 to insure, hold harmless, or indemnify a party to the  
29 agreement for any costs or expenditures under this  
30 chapter, and does not modify rights between the  
31 parties to an the agreement, except to the extent the  
32 agreement shifts liability to an owner or operator  
33 eligible for assistance under the remedial account for  
34 any damages or other expenses in connection with a  
35 corrective action for which another potentially  
36 responsible party is or may be liable a claimant. Any  
37 such provision is null and void and of no force or  
38 effect.

39 9. LATER PROCEEDINGS PERMITTED AGAINST OTHER

40 PARTIES. The entry of judgment against a party to the  
41 a cost recovery action does not bar a future action by  
42 the board, a claimant, or the department of natural  
43 resources against another person who is later alleged  
44 to be or discovered to be liable for costs and  
45 expenditures paid by the fund recoverable under this  
46 section. Notwithstanding section 668.5 no other  
47 potentially responsible party may seek contribution or  
48 any other recovery from an owner or operator eligible  
49 for assistance under the remedial account for damages  
50 or other expenses in connection with corrective action

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1 for a release for which the potentially responsible  
2 party is or may be liable. Subsequent successful  
3 proceedings against another party shall not modify or  
4 reduce the liability of a party against whom judgment  
5 has been previously entered.

6 **10. CLAIMS AGAINST POTENTIALLY RESPONSIBLE**  
7 **PARTIES.** Upon payment by the fund for corrective  
8 action or third-party liability pursuant to this  
9 chapter, the rights of the claimant to recover payment  
10 from any potentially responsible party, are assumed by  
11 the board to the extent paid by the fund. A claimant  
12 is precluded from receiving double compensation for  
13 the same injury.

14 **10. CLAIMANT'S ACTION.** In an action brought by a  
15 claimant pursuant to this chapter seeking damages for  
16 corrective action or third-party liability section,  
17 the court shall permit evidence and argument as to the  
18 replacement or indemnification of actual economic  
19 losses incurred or to be incurred in the future by the  
20 claimant by reason of insurance benefits, governmental  
21 benefits or programs, or from any other source.

22 If evidence and argument regarding previous  
23 payments or future rights of payment is permitted  
24 pursuant to this subsection, the court shall also  
25 permit evidence and argument as to the costs to the  
26 claimant of procuring the previous payments or future  
27 rights of payment and as to any existing rights of  
28 indemnification or subrogation relating to the  
29 previous payments or future rights of payment.

30 If evidence or argument is permitted pursuant to  
31 this subsection, the court shall, unless otherwise  
32 agreed to by all parties, except the board, instruct  
33 the jury to answer special interrogatories or, if  
34 there is no jury, shall make findings indicating the  
35 effect of such evidence or argument on the verdict.

36 A claimant may elect to permit the board to pursue

37 the claimant's cause of action for any injury not  
38 compensated by the fund against any potentially  
39 responsible party moneys expended by the claimant  
40 recoverable under this section, provided the attorney  
41 general determines such representation would not be a  
42 conflict of interest. If a claimant so elects, the  
43 board's litigation expenses shall be shared on a pro  
44 rata proportionate basis with the claimant, but the  
45 claimant's share of litigation expenses are payable  
46 exclusively from any share of the settlement or  
47 judgment payable to the claimant.

48 11. EXCLUSION OF PUNITIVE DAMAGES. The fund shall  
49 not be liable in any case for punitive damages.

50 12. RECOVERY OR SUBROGATION - INSTALLERS AND

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1 INSPECTORS. Notwithstanding any other provision  
2 contained in this chapter, the board or a person  
3 insured under the insurance account has no right of  
4 recovery or right of subrogation against an installer  
5 or an inspector insured by the fund for at the time of  
6 the installation or inspection of the underground  
7 storage tank giving rise to the liability other than  
8 for recovery of any deductibles paid.

9 13. CONTRIBUTION. A defendant to a cost recovery  
10 action under this section shall not seek contribution,  
11 fault allocation, or any recovery from the board or a  
12 claimant in an action allowed under this section.

13 14. LIMITATIONS OF ACTIONS. A suit brought under  
14 this section for the recovery of moneys expended under  
15 the remedial account must be commenced no later than  
16 five years after the last payment for corrective  
17 action.

18 15. RIGHT TO JURY TRIAL. Any party to an action  
19 brought pursuant to this section is entitled to a jury  
20 trial upon demand.

21 16. DEFINITIONS. For purposes of this section:  
22 a. "Operator" means a person who has or had  
23 control of or the responsibility for the operation of  
24 an underground storage tank or the property, site, or  
25 facility where the underground storage tank is or was  
26 situated.

27 b. "Owner" means the person who owns or owned the  
28 underground storage tank or the property, site, or  
29 facility where the underground storage tank is or was  
30 situated.

31 c. "Underground storage tank" means as defined in  
32 section 455B.471, subsection 11, notwithstanding the  
33 requirement to maintain proof of financial

- 34 responsibility under federal or state law.  
35 17. RETROACTIVE APPLICATION. This section applies  
36 to any release whether existing before or after the  
37 effective date of this section of this Act."  
38 3. Title page, line 7, by inserting after the  
39 word "benefits," the following: "expanding cost  
40 recovery enforcement,".  
41 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3571

- 1 Amend the amendment, S-3543, to Senate File 150, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by striking lines 8 through 11 and  
5 inserting the following:  
6 "NEW PARAGRAPH. g. The".  
7 2. Page 1, lines 17 and 18, by striking the words  
8 "upon completion of the agreement requirements".  
9 3. Page 5, by striking lines 30 through 32 and  
10 inserting the following: "but not limited to  
11 permanency planning and placement review meetings,  
12 which shall include discussion of the child's  
13 rehabilitative treatment needs."  
14 4. Page 5, by striking lines 46 through 49 and  
15 inserting the following:  
16 "NEW PARAGRAPH. j. The actions".  
17 5. Page 6, lines 4 and 5, by striking the words  
18 "upon completion of the agreement requirements".  
19 6. Page 8, line 30, by inserting after the word  
20 "parents." the following: "The court may, in deciding  
21 whether to order the parties to participate in  
22 mediation, consider whether ordering mediation may  
23 place a party at risk of domestic abuse if there is a  
24 credible history of domestic abuse between the  
25 parties."

ROBERT DVORSKY

HOUSE AMENDMENT TO  
SENATE FILE 475

S-3572

- 1 Amend Senate File 475, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 26, by striking the words "fifty"  
4 thirty" and inserting the following: "fifty".

5 2. Page 3, line 7, by striking the word  
6 "estimates" and inserting the following: "estimate".

7 3. Page 3, line 12, by striking the words "a.  
8 The" and inserting the following: "The".

9 4. Page 3, by striking lines 15 through 22.

10 5. Page 3, by inserting after line 24 the  
11 following:

12 "Sec. \_\_\_\_ . Section 282.31, subsection 1, Code  
13 1995, is amended to read as follows:

14 1. a. A child who lives in a facility pursuant to  
15 section 282.30, subsection 1, paragraph "a", and who  
16 is not enrolled in the educational program of the  
17 district of residence of the child, shall receive  
18 appropriate educational services. The area education  
19 agency shall submit a proposed program and budget to  
20 the department of education by January 1 for the next  
21 succeeding school year. The department of education  
22 shall review and approve or modify the program and  
23 proposed budget and shall notify the department of  
24 revenue and finance and the area education agency of  
25 its action by February 1. ~~Beginning with the fiscal~~  
26 ~~year commencing July 1, 1990, and ending June 30,~~  
27 ~~1991, and in succeeding years, the~~ The department of  
28 revenue and finance shall pay the approved budget  
29 amount for an area education agency in monthly  
30 installments beginning September 15 and ending June 15  
31 of the next succeeding school year. The installments  
32 shall be as nearly equal as possible as determined by  
33 the department of management, taking into  
34 consideration the relative budget and cash position of  
35 the state's resources. The department of revenue and  
36 finance shall transfer the approved budget amount for  
37 an area education agency from the moneys appropriated  
38 under section 257.16 and make the payment to the area  
39 education agency. The area education agency shall  
40 submit an accounting for the actual cost of the  
41 program to the department of education by August 1 of  
42 the following school year. The department shall  
43 review and approve or modify all expenditures incurred  
44 in compliance with the guidelines pursuant to section  
45 256.7, subsection 10, and shall notify the department  
46 of revenue and finance of the approved accounting  
47 amount. The approved accounting amount shall be  
48 compared with any amounts paid by the department of  
49 revenue and finance to the area education agency and  
50 any differences added to or subtracted from the

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1 October payment made under this paragraph for the next  
2 school year. Any amount paid by the department of  
3 revenue and finance shall be deducted monthly from the  
4 state foundation aid paid under section 257.16 to all  
5 school districts in the state during the remainder of  
6 that subsequent fiscal year to all school districts in  
7 the state. The portion of the total amount of the  
8 approved budget that shall be deducted from the state  
9 aid of a school district shall be the same as the  
10 ratio that the budget enrollment for the budget year  
11 of the school district bears to the total budget  
12 enrollment in the state for that budget year in which  
13 the deduction is made.

14 b. A child who lives in a facility or home  
15 pursuant to section 282.19, and who does not require  
16 special education and who is not enrolled in the  
17 educational program of the district of residence of  
18 the child, shall be included in the basic enrollment  
19 of the school district in which the facility or home  
20 is located.

21 However, on June 30 of a school year, if the board  
22 of directors of a school district determines that the  
23 number of children under this paragraph who were  
24 counted in the basic enrollment of the school district  
25 on the third Friday of September of that school year  
26 is fewer than the sum of the number of months all  
27 children were enrolled in the school district under  
28 this paragraph during the school year divided by nine,  
29 the secretary of the school district may submit a  
30 claim to the department of education by August 1  
31 following the school year for an amount equal to the  
32 district cost per pupil of the district for the  
33 previous school year multiplied by the difference  
34 between the number of children counted and the number  
35 of children calculated by the number of months of  
36 enrollment. The amount of the claim shall be paid by  
37 the department of revenue and finance to the school  
38 district by October 1. The department of revenue and  
39 finance shall transfer the total amount of the  
40 approved claim of a school district from the moneys  
41 appropriated under section 257.16 and the amount paid  
42 shall be deducted monthly from the state foundation  
43 aid paid to all school districts in the state during  
44 the remainder of that the subsequent fiscal year to  
45 all school districts in the state in the manner  
46 provided in paragraph "a".

47 Sec. \_\_\_\_ . Section 282.31, subsection 3, Code 1995,  
48 is amended to read as follows:

49 3. The actual special education instructional  
50 costs, including transportation, for a child who

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1 requires special education shall be paid by the  
2 department of revenue and finance to the school  
3 district in which the facility or home is located,  
4 only when a district of residence cannot be  
5 determined, and the child was not included in the  
6 weighted enrollment of any district pursuant to  
7 section 256B.9, and the payment pursuant to subsection  
8 2, paragraph "a" was not made by any district. The  
9 district shall submit a proposed program and budget to  
10 the department of education by January 1 for the next  
11 succeeding school year. The department of education  
12 shall review and approve or modify the program and  
13 proposed budget and shall notify the district by  
14 February 1. The district shall submit a claim by  
15 August 1 following the school year for the actual cost  
16 of the program. The department shall review and  
17 approve or modify the claim and shall notify the  
18 department of revenue and finance of the approved  
19 claim amount by September 1. The total amount of the  
20 approved claim shall be paid by the department of  
21 revenue and finance to the school district by October  
22 1. The total amount paid by the department of revenue  
23 and finance shall be deducted monthly from the state  
24 foundation aid paid under section 257.16 to all school  
25 districts in the state during the remainder of that  
26 subsequent fiscal year to all school districts in the  
27 state. The portion of the total amount of the  
28 approved claims that shall be deducted from the state  
29 aid of a school district shall be the same as the  
30 ratio that the budget enrollment for the budget year  
31 of the school district bears to the total budget  
32 enrollment in the state for the budget year in which  
33 the deduction is made. The department of revenue and  
34 finance shall transfer the total amount of the  
35 approved claims from moneys appropriated under section  
36 257.16 for payment to the school district."

37 6. Page 4, by inserting after line 28 the  
38 following:

39 "Sec. \_\_\_\_ . 1994 Iowa Acts, chapter 1193, sections  
40 2, 4, and 35, are repealed.

41 Sec. \_\_\_\_ . SPECIAL FUNDS -- SPECIAL AUTHORIZATION  
42 FOR GAAP SALARY ACCRUAL. The department of management  
43 may authorize supplemental expenditures for the fiscal  
44 year beginning July 1, 1994, in amounts necessary to  
45 accrue salaries in accordance with generally accepted

46 accounting principles, for those departmental  
47 revolving, trust, or special funds which are not part  
48 of the general fund of the state and for which the  
49 general assembly has established an operating budget.”  
50 7. Page 4, by striking lines 29 through 31 and

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1 inserting the following:  
2 “Sec. \_\_\_\_ . EFFECTIVE DATE. Section 6 of this  
3 division of this Act, amending section 260D.12, takes  
4 effect July 1, 1995, and the remainder of the  
5 division, being deemed of immediate importance, takes  
6 effect upon enactment.”  
7 8. By striking page 4, line 32 through page 6,  
8 line 18.  
9 9. Page 6, by inserting after line 20 the  
10 following:  
11 “Sec. \_\_\_\_ . Section 8.55, subsection 2, Code 1995,  
12 is amended to read as follows:  
13 2. The maximum balance of the fund is the amount  
14 equal to five percent of the adjusted revenue estimate  
15 for the fiscal year. If the amount of moneys in the  
16 Iowa economic emergency fund is equal to the maximum  
17 balance, moneys in excess of this amount shall be  
18 transferred to the general rebuild Iowa infrastructure  
19 fund created in section 8.57.”  
20 10. Page 6, lines 26 and 27 by striking the words  
21 “or other nonrecurring”.  
22 11. Page 6, line 30, by inserting after the word  
23 “obligations.” the following: “An appropriation shall  
24 not be made from the fund unless the appropriation is  
25 in a bill or joint resolution which is approved by  
26 vote of at least three-fifths of the members of both  
27 chambers of the general assembly and is signed by the  
28 governor.”  
29 12. Page 6, by inserting before line 31 the  
30 following:  
31 “Sec. \_\_\_\_ . Section 8.55, subsection 4, Code 1995,  
32 is amended to read as follows:  
33 4. Notwithstanding section 12C.7, subsection 2,  
34 interest or earnings on moneys deposited in the Iowa  
35 economic emergency fund shall be credited to the  
36 rebuild Iowa economic emergency infrastructure fund.”  
37 13. Page 7, by inserting after line 14 the  
38 following:  
39 “Sec. \_\_\_\_ . Section 8.56, subsection 4, paragraph  
40 b, Code 1995, is amended to read as follows:  
41 b. In addition to the requirements of paragraph  
42 “a”, an appropriation shall not be made from the cash

43 reserve fund which would cause the fund's balance to  
44 be less than three percent of the adjusted revenue  
45 estimate for the year for which the appropriation is  
46 made unless the bill or joint resolution making the  
47 appropriation is approved by vote of at least three-  
48 fifths of the members of both chambers of the general  
49 assembly and is signed by the governor.  
50 Sec. \_\_\_\_ . Section 8.57, subsection 1, paragraph a,

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1 Code 1995, is amended by striking the paragraph and  
2 inserting in lieu thereof the following:

3 a. The "cash reserve goal percentage" for fiscal  
4 years beginning on or after July 1, 1995, is five  
5 percent of the adjusted revenue estimate. For each  
6 fiscal year beginning on or after July 1, 1995, in  
7 which the appropriation of the surplus existing in the  
8 general fund of the state at the conclusion of the  
9 prior fiscal year pursuant to paragraph "b" was not  
10 sufficient for the cash reserve fund to reach the cash  
11 reserve goal percentage for the current fiscal year,  
12 there is appropriated from the general fund of the  
13 state an amount to be determined as follows:

14 (1) If the balance of the cash reserve fund in the  
15 current fiscal year is not more than four percent of  
16 the adjusted revenue estimate for the current fiscal  
17 year, the amount of the appropriation under this  
18 lettered paragraph is one percent of the adjusted  
19 revenue estimate for the current fiscal year.

20 (2) If the balance of the cash reserve fund in the  
21 current fiscal year is more than four percent but less  
22 than five percent of the adjusted revenue estimate for  
23 that fiscal year, the amount of the appropriation  
24 under this lettered paragraph is the amount necessary  
25 for the cash reserve fund to reach five percent of the  
26 adjusted revenue estimate for the current fiscal year.

27 (3) The moneys appropriated under this lettered  
28 paragraph shall be credited in equal and proportionate  
29 amounts in each quarter of the current fiscal year.

30 Sec. \_\_\_\_ . Section 8.57, subsection 1, paragraph b,  
31 Code 1995, is amended to read as follows:

32 b. Commencing June 30, 1993, the The surplus  
33 existing in the general fund of the state at the  
34 conclusion of the fiscal year is appropriated for  
35 distribution in the succeeding fiscal year as provided  
36 in this section subsections 2 and 3. Moneys credited  
37 to the cash reserve fund from the appropriation made  
38 in this paragraph shall not exceed the amount  
39 necessary for the cash reserve fund to reach the cash

40 reserve goal percentage for the succeeding fiscal  
 41 year. As used in this paragraph, "surplus" means the  
 42 excess of revenues and other financing sources over  
 43 expenditures and other financing uses for the general  
 44 fund of the state in a fiscal year."

45 14. Page 7, by striking line 15 and inserting the  
 46 following:

47 "Sec. \_\_\_\_ . Section 8.57, subsections 2 and 3, Code  
 48 1995, are amended".

49 15. Page 8, line 22, by striking the words  
 50 "credited to" and inserting the following: "credited

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1 in equal amounts to the rebuild Iowa infrastructure  
 2 fund and".

3 16. Page 8, by inserting after line 23 the  
 4 following:

5 "3. To the extent that moneys appropriated under  
 6 subsection 1 exceed the amounts necessary for the cash  
 7 reserve fund to reach its maximum balance and the  
 8 amounts necessary to eliminate Iowa's GAAP deficit,  
 9 including elimination of the making of any  
 10 appropriation in an incorrect fiscal year, the moneys  
 11 shall be ~~appropriated~~ credited in equal amounts to the  
 12 rebuild Iowa infrastructure fund and the Iowa economic  
 13 emergency fund."

14 17. Page 11, by inserting after line 3 the  
 15 following:

### "DIVISION \_\_\_\_

### BUDGET SUBMISSIONS

18 Sec. \_\_\_\_ . Section 8.23, unnumbered paragraph 1,  
 19 Code 1995, is amended to read as follows:

20 On or before ~~September~~ October 1, prior to each  
 21 legislative session, all departments and  
 22 establishments of the government shall transmit to the  
 23 director, on blanks to be furnished by the director,  
 24 estimates of their expenditure requirements, including  
 25 every proposed expenditure, for the ensuing fiscal  
 26 year, classified so as to distinguish between  
 27 expenditures estimated for administration, operation,  
 28 and maintenance, and the cost of each project  
 29 involving the purchase of land or the making of a  
 30 public improvement or capital outlay of a permanent  
 31 character, together with supporting data and  
 32 explanations as called for by the director. The  
 33 budget estimates shall include for those agencies  
 34 which pay for energy directly a line item for energy  
 35 expenses itemized by type of energy and location. The  
 36 estimates of expenditure requirements shall be based

37 upon seventy-five percent of the funding provided for  
38 the current fiscal year accounted for by program  
39 reduced by the historical employee vacancy factor in  
40 form specified by the director and the remainder of  
41 the estimate of expenditure requirements prioritized  
42 by program. The estimates shall be accompanied with  
43 performance measures for evaluating the effectiveness  
44 of the program. If a department or establishment  
45 fails to submit estimates within the time specified,  
46 the governor shall cause estimates to be prepared for  
47 that department or establishment as in the governor's  
48 opinion are reasonable and proper. The director shall  
49 furnish standard budget request forms to each  
50 department or agency of state government.

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1 Sec. \_\_\_\_ . Section 8.35A, subsection 2, Code 1995,  
2 is amended to read as follows:

3 2. Commencing ~~September~~ October 1, the director  
4 shall provide weekly budget tapes in the form and  
5 level of detail requested by the legislative fiscal  
6 bureau reflecting finalized agency budget requests for  
7 the following fiscal year as submitted to the  
8 governor. The director shall transmit all agency  
9 requests in final form to the legislative fiscal  
10 bureau by November 15. Final budget records  
11 containing the governor's recommendation and final  
12 agency requests shall be transmitted to the  
13 legislative fiscal bureau by January 1 or no later  
14 than the date the governor's budget document is  
15 delivered to the printer. The governor's  
16 recommendation included on this record shall be  
17 considered confidential by the legislative fiscal  
18 bureau until it is made public by the governor. The  
19 legislative fiscal bureau shall use this data in the  
20 preparation of information for the legislative  
21 appropriation process.

22 Sec. \_\_\_\_ . Section 456A.19, unnumbered paragraph 2,  
23 Code 1995, is amended to read as follows:

24 The department shall ~~annually on or before~~  
25 September by October 1 of each year submit to the  
26 department of management for transmission to the  
27 general assembly a detailed estimate of the amount  
28 required by the department during the succeeding year  
29 for carrying on the activities embraced in the fish  
30 and wildlife division. The estimate shall be in the  
31 same general form and detail as required by law in  
32 estimates submitted by other state departments."

S-3573

- 1 Amend the amendment, S-3413, to House File 247, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, line 31, by inserting after the word  
 5 "formed" the following: "on or after July 1, 1995".

STEWART IVERSON, Jr.

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 530

S-3574

- 1 Amend the Senate amendment, H-3944, to House File  
 2 530, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by striking lines 3 and 4.  
 5 2. Page 1, by striking line 7 and inserting the  
 6 following:  
 7 "..... \$ 75,000."  
 8 3. Page 1, by inserting after line 12 the  
 9 following:  
 10 "\_\_\_ . Page 6, by inserting after line 10 the  
 11 following:  
 12 "(3) The health data commission shall provide a  
 13 match of one dollar in advance of each state dollar  
 14 provided."  
 15 4. Page 2, by inserting after line 34 the  
 16 following:  
 17 "\_\_\_ . Page 22, line 15, by striking the word  
 18 "The" and inserting the following: "Except for the  
 19 persons with disabilities division which shall be  
 20 administered by the director of the department of  
 21 human rights, the."  
 22 5. Page 2, by striking lines 35 through 37.  
 23 6. Page 2, by striking lines 38 through 40 and  
 24 inserting the following:  
 25 "\_\_\_ . By striking page 23, line 27, through page  
 26 24, line 1, and inserting the following:  
 27 "Sec. \_\_\_ . DEPARTMENT OF HUMAN RIGHTS --  
 28 ADMINISTRATIVE STRUCTURE. The divisions of the  
 29 department of human rights shall study options for  
 30 transferring the responsibilities of the department  
 31 into other agencies of state government, should the  
 32 department of human rights be eliminated at the  
 33 commencement of the fiscal year beginning July 1,  
 34 1996. The goal of the shift of the administrative

35 responsibilities of the divisions is to eliminate  
 36 duplication and increase efficiency while maintaining  
 37 the advocacy responsibilities of the divisions. The  
 38 study shall include advantages and disadvantages of  
 39 any proposed options. The divisions shall report the  
 40 study findings to the governor and the general  
 41 assembly on or before December 15, 1995. The study  
 42 shall include the following:

- 43 1. The community action agencies division shall
- 44 identify the most appropriate state agencies as
- 45 options for relocation for administrative efficiency.
- 46 2. The deaf services division shall plan for
- 47 becoming a separate department of state government.
- 48 3. The Iowa state civil rights commission and the
- 49 divisions of persons with disabilities, Latino
- 50 affairs, and the status of African-Americans shall

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1 plan for incorporating the divisions' functions into  
 2 the commission.

3 4. The division on the status of women and the  
 4 director of the department of economic development  
 5 shall plan for incorporating the division into the  
 6 department.

7 5. The criminal and juvenile justice planning  
 8 division shall consult with the office of the attorney  
 9 general and the governor's substance abuse coordinator  
 10 to identify the most appropriate state agency to which  
 11 the division would relocate."

12 \_\_\_\_ . Page 24, by inserting before line 2 the  
 13 following:

14 "Sec. \_\_\_\_ . Section 216A.2, Code 1995, is amended  
 15 to read as follows:

16 **216A.2 APPOINTMENT OF DEPARTMENT DIRECTOR AND**  
 17 **ADMINISTRATORS.**

18 The governor shall appoint a director of the  
 19 department of human rights, subject to confirmation by  
 20 the senate. The department director shall serve at  
 21 the pleasure of the governor. The department director  
 22 shall:

23 1. Establish general operating policies for the  
 24 department to provide general uniformity among the  
 25 divisions while providing for necessary flexibility.

26 2. Receive budgets submitted by each commission  
 27 and reconcile the budgets among the divisions. The  
 28 department director shall submit a budget for the  
 29 department, subject to the budget requirements  
 30 pursuant to chapter 8.

31 3. Coordinate and supervise personnel services and

32 shared administrative support services to assure  
33 maximum support and assistance to the divisions.  
34 4. Identify and, with the chief administrative  
35 officers of each division, facilitate the  
36 opportunities for consolidation and efficiencies  
37 within the department.

38 5. In cooperation with the commissions, make  
39 recommendations to the governor regarding the  
40 appointment of the administrator of each division.

41 6. Serve as an ex officio member of all  
42 commissions or councils within the department.

43 7. Serve as chairperson of the human rights  
44 administrative-coordinating council.

45 8. Evaluate each administrator, after receiving  
46 recommendations from the appropriate commissions or  
47 councils, and submit a written report of the completed  
48 evaluations to the governor and the appropriate  
49 commissions or councils, annually.

50 9. Administer the division of persons with

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1 disabilities.

2 The governor shall appoint the administrators of  
3 each of the divisions, except for the division of  
4 persons with disabilities, subject to confirmation by  
5 the senate. Each administrator shall serve at the  
6 pleasure of the governor and is exempt from the merit  
7 system provisions of chapter 19A. The governor shall  
8 set the salary of the division administrators within  
9 the ranges set by the general assembly.

10 Sec. \_\_\_\_ . Section 216A.71, subsection 1, Code  
11 1995, is amended to read as follows:

12 1. "Administrator" means the administrator of the  
13 division of persons with disabilities of the  
14 department of human rights."

15 7. By renumbering, relettering, or redesignating  
16 and correcting internal references as necessary.

S-3575

1 Amend House File 126, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Section 1. Section 523H.2, Code 1995, is amended  
6 to read as follows:

7 523H.2 APPLICABILITY.

8 This chapter applies to a new or existing franchise  
9 that is operated in the state of Iowa. For purposes

10 of this chapter, the franchise is operated in this  
11 state only if the premises from which the franchise is  
12 operated is physically located in this state. For  
13 purposes of this chapter, a franchise including  
14 marketing rights in or to this state, is deemed to be  
15 operated in this state only if the franchisee's  
16 principal business office is physically located in  
17 this state. This chapter does not apply to a  
18 franchise solely because an agreement relating to the  
19 franchise provides that the agreement is subject to or  
20 governed by the laws of this state. The provisions of  
21 this chapter do not apply to any existing or future  
22 contracts between Iowa franchisors and ~~out-of-state~~  
23 franchisees who operate franchises located out-of-  
24 state.

25 Sec. 2. Section 523H.5, Code 1995, is amended to  
26 read as follows:

27 523H.5 TRANSFER OF FRANCHISE.

28 1. A franchisee may transfer the franchised  
29 business and franchise to a transferee, provided that  
30 the transferee satisfies the reasonable current  
31 qualifications of the franchisor for new franchisees.  
32 For the purposes of this section, a reasonable current  
33 qualification for a new franchisee is a qualification  
34 based upon a legitimate business reason. If the  
35 proposed transferee does not meet the reasonable  
36 current qualifications of the franchisor, the  
37 franchisor may refuse to permit the transfer, provided  
38 that the refusal of the franchisor to consent to the  
39 transfer is not arbitrary or capricious ~~when compared~~  
40 ~~to the actions of the franchisor in other similar~~  
41 ~~circumstances.~~

42 2. Except as otherwise provided in this section, a  
43 franchisor may exercise a right of first refusal  
44 contained in a franchise agreement after receipt of a  
45 proposal from the franchisee to transfer the  
46 franchise.

47 3. A franchisor may require as a condition of a  
48 transfer any of the following:

49 a. That the transferee successfully complete a  
50 reasonable training program.

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1 b. That a reasonable transfer fee be paid to  
2 reimburse the franchisor for the franchisor's  
3 reasonable and actual expenses directly attributable  
4 to the transfer.

5 c. That the franchisee pay or make provision  
6 reasonably acceptable to the franchisor to pay any

7 amount due the franchisor or the franchisor's  
8 affiliate.

9 d. That the financial terms of the transfer comply  
10 at the time of the transfer with the franchisor's  
11 current financial requirements for franchisees.

12 4. A franchisor shall not withhold consent to a  
13 franchisee making a public offering of the  
14 franchisee's securities without good cause, provided  
15 the franchisee or the owners of the franchise retain  
16 control of more than fifty percent of the voting power  
17 in the franchise.

18 5. A franchisee may transfer the franchisee's  
19 interest in the franchise, for the unexpired term of  
20 the franchise agreement, and a franchisor shall not  
21 require the franchisee or the transferee to enter into  
22 a new or different franchise agreement as a condition  
23 of the transfer.

24 6. A franchisee shall give the franchisor no  
25 less than sixty days' written notice of a transfer  
26 which is subject to the provisions of this section,  
27 and on request from the franchisor shall provide in  
28 writing the ownership interests of all persons holding  
29 or claiming an equitable or beneficial interest in the  
30 franchise subsequent to the transfer or the  
31 franchisee, as appropriate. A franchisee shall not  
32 circumvent the intended effect of a contractual  
33 provision governing the transfer of the franchise or  
34 an interest in the franchise by means of a management  
35 agreement, lease, profit-sharing agreement,  
36 conditional assignment, or other similar device.

37 7. A franchisor shall not transfer its interest  
38 in a franchise unless the franchisor makes reasonable  
39 provision for the performance of the franchisor's  
40 obligations under the franchise agreement by the  
41 transferee. A franchisor shall provide the franchisee  
42 notice of a proposed transfer of the franchisor's  
43 interest in the franchise at the time the disclosure  
44 is required of the franchisor under applicable  
45 securities laws, if interests in the franchisor are  
46 publicly traded, or if not publicly traded, at the  
47 time such disclosure would be required if the  
48 interests in the franchisor were publicly traded. For  
49 purposes of this subsection, "reasonable provision"  
50 means that upon the transfer, the entity assuming the

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1 franchisor's obligations has the financial means to  
2 perform the franchisor's obligations in the ordinary  
3 course of business, but does not mean that the

4 franchisor transferring the franchise is required to  
5 guarantee obligations of the underlying franchise  
6 agreement.

7 ~~8: 7.~~ A transfer by a franchisee is deemed to be  
8 approved sixty days after the franchisee submits the  
9 request for consent to the transfer unless the  
10 franchisor withholds consent to the transfer as  
11 evidenced in writing, specifying the reason or reasons  
12 for withholding the consent. The written notice must  
13 be delivered to the franchisee prior to the expiration  
14 of the sixty-day period. Any such notice is  
15 privileged and is not actionable based upon a claim of  
16 defamation.

17 ~~9: 8.~~ A franchisor shall not discriminate against  
18 a proposed transferee of a franchise on the basis of  
19 race, color, national origin, religion, sex, or  
20 physical handicap disability.

21 ~~10: 9.~~ A franchisor, as a condition to a transfer  
22 of a franchise, shall not obligate a franchisee to  
23 undertake obligations or relinquish any rights  
24 unrelated to the franchise proposed to be transferred,  
25 or to enter into a release of claims broader than a  
26 similar release of claims by the franchisor against  
27 the franchisee which is entered into by the  
28 franchisor.

29 ~~11: 10.~~ A franchisor, after a transfer of a  
30 franchise, shall not seek to enforce any covenant of  
31 the transferred franchise against the transferor which  
32 prohibits the transferor from engaging in any lawful  
33 occupation or enterprise. However, this subsection  
34 does not prohibit the franchisor from enforcing a  
35 contractual covenant against the transferor not to  
36 exploit the franchisor's trade secrets or intellectual  
37 property rights, unless otherwise agreed to by the  
38 parties.

39 ~~12: 11.~~ For purposes of this section, "transfer"  
40 means any change in ownership or control of a  
41 franchise, franchised business, or a franchisee.

42 ~~13: 12.~~ The following occurrences shall not be  
43 considered transfers requiring the consent of the  
44 franchisor under a franchise agreement, and shall not  
45 result in the imposition of any penalties or make  
46 applicable any right of first refusal by the  
47 franchisor:

48 a. The succession of ownership of a franchise upon  
49 the death or disability of a franchisee, or of an  
50 owner of a franchise, to the franchisee's surviving

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1 spouse, child or children heir, or a partner active in  
2 the management of the franchisee unless the successor  
3 fails to meet within one year the then current  
4 reasonable qualifications of the franchisor for  
5 franchisees and the enforcement of the reasonable  
6 current qualifications is not arbitrary or capricious  
7 when compared to actions of the franchisor in other  
8 similar circumstances.

9 b. The succession of a spouse, child, partner, or  
10 other owner as operating manager upon the death or  
11 disability of the operating manager, unless the  
12 successor fails to meet the then current reasonable  
13 qualifications of the franchisor for an operating  
14 manager, and enforcement of the reasonable current  
15 qualifications is not arbitrary or capricious when  
16 compared to actions of the franchisor in other similar  
17 circumstances.

18 e. d. Incorporation of a proprietorship  
19 franchisee, provided that such incorporation does not  
20 prohibit a franchisor from requiring a personal  
21 guaranty by the franchisee of obligations related to  
22 the franchise.

23 d. c. A transfer within an existing ownership  
24 group of a franchise provided that more than fifty  
25 percent of the franchise is held by persons who meet  
26 the franchisor's reasonable current qualifications for  
27 franchisees. If less than fifty percent of the  
28 franchise would be owned by persons who meet the  
29 franchisor's reasonable current qualifications, the  
30 franchisor may refuse to authorize the transfer,  
31 provided that enforcement of the reasonable current  
32 qualifications is not arbitrary or capricious when  
33 compared to actions of the franchisor in other similar  
34 circumstances.

35 e. d. A transfer of less than a controlling  
36 interest in the franchise to the franchisee's spouse  
37 or child or children, provided that more than fifty  
38 percent of the entire franchise is held by those who  
39 meet the franchisor's reasonable current  
40 qualifications. If less than fifty percent of the  
41 franchise would be owned by persons who meet the  
42 franchisor's reasonable current qualifications, the  
43 franchisor may refuse to authorize the transfer,  
44 provided that enforcement of the reasonable current  
45 qualifications is not arbitrary or capricious when  
46 compared to actions of the franchisor in other similar  
47 circumstances.

48 f. e. A transfer of less than a controlling

49 interest in the franchise of an employee stock  
50 ownership plan, or employee incentive plan, provided

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1 that more than fifty percent of the entire franchise  
2 is held by those who meet the franchisor's reasonable  
3 current qualifications for franchisees. If less than  
4 fifty percent would be owned by persons who meet the  
5 franchisor's reasonable current qualifications, the  
6 franchisor may refuse to authorize the transfer,  
7 provided that enforcement of the reasonable current  
8 qualifications is not arbitrary or capricious ~~when~~  
9 ~~compared to actions of the franchisor in other similar~~  
10 ~~circumstances.~~

11 ~~g. f.~~ A grant or retention of a security interest  
12 in the franchised business or its assets, or an  
13 ownership interest in the franchisee, provided the  
14 security agreement establishes an obligation on the  
15 part of the secured party enforceable by the  
16 franchisor to give the franchisor notice of the  
17 secured party's intent to foreclose on the collateral  
18 simultaneously with notice to the franchisee, and a  
19 reasonable opportunity to redeem the interests of the  
20 secured party and recover the secured party's interest  
21 in the franchise or franchised business by paying the  
22 secured obligation.

23 ~~14. 13.~~ A franchisor shall not interfere or  
24 attempt to interfere with any disposition of an  
25 interest in a franchise or franchised business as  
26 described in subsection ~~13~~ 12, paragraphs "a" through  
27 ~~"g" "f".~~

28 Sec. 3. Section 523H.6, Code 1995, is amended by  
29 striking the section and inserting in lieu thereof the  
30 following:

31 523H.6 ENCROACHMENT.

32 1. If a franchisor develops, or grants to a  
33 franchisee the right to develop, a new outlet or  
34 location which sells essentially the same goods or  
35 services under the same trademark, service mark, trade  
36 name, logotype, or other commercial symbol as an  
37 existing franchisee and the new outlet or location has  
38 an adverse effect on the gross sales of the existing  
39 franchisee's outlet or location, the existing  
40 adversely affected franchisee has a cause of action  
41 for monetary damages in an amount calculated pursuant  
42 to subsection 3, unless any of the following apply:  
43 a. The franchisor has first offered the new outlet  
44 or location to the existing franchisee on the same  
45 basic terms and conditions available to the other

46 potential franchisee, or, if the new outlet or  
47 location is to be owned by the franchisor, on the  
48 terms and conditions that would ordinarily be offered  
49 to a franchisee for a similarly situated outlet or  
50 location.

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1 b. The adverse impact on the existing franchisee's  
2 annual gross sales, based on a comparison to the  
3 annual gross sales from the existing outlet or  
4 location during the twelve-month period immediately  
5 preceding the opening of the new outlet or location,  
6 is determined to have been less than five percent  
7 during the first twelve months of operation of the new  
8 outlet or location.

9 c. The existing franchisee, at the time the  
10 franchisor develops, or grants to a franchisee the  
11 right to develop, a new outlet or location is not in  
12 compliance with the franchisor's then current  
13 reasonable criteria for eligibility for a new  
14 franchise. A franchisee determined to be ineligible  
15 pursuant to this paragraph shall be afforded the  
16 opportunity to seek compensation pursuant to the  
17 formal procedure established under paragraph "d",  
18 subparagraph (2). Such procedure shall be the  
19 franchisee's exclusive remedy.

20 d. The franchisor has established both of the  
21 following:

22 (1) A formal procedure for hearing and acting upon  
23 claims by an existing franchisee with regard to a  
24 decision by the franchisor to develop, or grant to a  
25 franchisee the right to develop, a new outlet or  
26 location, prior to the opening of the new outlet or  
27 location.

28 (2) A reasonable formal procedure for awarding  
29 compensation or other form of consideration to a  
30 franchisee to offset all or a portion of the  
31 franchisee's lost profits caused by the establishment  
32 of the new outlet or location. The procedure shall  
33 involve, at the option of the franchisee, one of the  
34 following:

35 (a) A panel, comprised of an equal number of  
36 members selected by the franchisee and the franchisor,  
37 and one additional member to be selected unanimously  
38 by the members selected by the franchisee and the  
39 franchisor.

40 (b) A neutral third-party mediator or an  
41 arbitrator with the authority to make a decision or  
42 award in accordance with the formal procedure. The

43 procedure shall be deemed reasonable if approved by a  
44 majority of the franchisor's franchisees in the United  
45 States, either individually or by an elected  
46 representative body.

47 (c) Arbitration of any dispute before neutral  
48 arbitrators pursuant to the rules of the American  
49 arbitration association. The award of an arbitrator  
50 pursuant to this subparagraph subdivision is subject

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1 to judicial review pursuant to chapter 679A.

2 2. A franchisor shall establish and make available  
3 to its franchisees a written policy setting forth its  
4 reasonable criteria to be used by the franchisor to  
5 determine whether an existing franchisee is eligible  
6 for a franchise for an additional outlet or location.

7 3. a. In establishing damages under a cause of  
8 action brought pursuant to this section, the  
9 franchisee has the burden of proving the amount of  
10 lost profits attributable to the compensable sales.  
11 In any action brought under this section, the damages  
12 payable shall be limited to no more than three years  
13 of the proven lost profits. For purposes of this  
14 subsection, "compensable sales" means the annual gross  
15 sales from the existing outlet or location during the  
16 twelve-month period immediately preceding the opening  
17 of the new outlet or location less both of the  
18 following:

19 (1) Five percent.

20 (2) The actual gross sales from the operation of  
21 the existing outlet or location for the twelve-month  
22 period immediately following the opening of the new  
23 outlet or location.

24 b. Compensable sales shall exclude any amount  
25 attributable to factors other than the opening and  
26 operation of the new outlet or location.

27 4. Any cause of action brought under this section  
28 must be filed within eighteen months of the opening of  
29 the new outlet or location or within three months  
30 after the completion of the procedure under subsection  
31 1, paragraph "d", subparagraph (2), whichever is  
32 later.

33 5. Upon petition by the franchisor or the  
34 franchisee, the district court may grant a permanent  
35 or preliminary injunction to prevent injury or  
36 threatened injury for a violation of this section or  
37 to preserve the status quo pending the outcome of the  
38 formal procedure under subsection 1, paragraph "d",  
39 subparagraph (2).

40 Sec. 4. Section 523H.7, Code 1995, is amended to  
41 read as follows:

42 523H.7 TERMINATION.

43 1. Except as otherwise provided by this chapter, a  
44 franchisor shall not terminate a franchise prior to  
45 the expiration of its term except for good cause. For  
46 purposes of this section, "good cause" is cause based  
47 upon a legitimate business reason. "Good cause"  
48 includes the failure of the franchisee to comply with  
49 any material lawful requirement of the franchise  
50 agreement, provided that the termination by the

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1 franchisor is not arbitrary or capricious when  
2 compared to the actions of the franchisor in other  
3 similar circumstances. The burden of proof of showing  
4 that action of the franchisor is arbitrary or  
5 capricious shall rest with the franchisee.

6 2. Prior to termination of a franchise for good  
7 cause, a franchisor shall provide a franchisee with  
8 written notice stating the basis for the proposed  
9 termination. After service of written notice, the  
10 franchisee shall have a reasonable period of time to  
11 cure the default, which in no event shall be less than  
12 thirty days or more than ninety days. In the event of  
13 nonpayment of moneys due under the franchise  
14 agreement, the period to cure need not exceed thirty  
15 days.

16 3. Notwithstanding subsection 2, a franchisor may  
17 terminate a franchisee upon written notice and without  
18 an opportunity to cure if any of the following apply:

19 a. The franchisee or the business to which the  
20 franchise relates is declared bankrupt or judicially  
21 determined to be insolvent.

22 b. All or a substantial part of the assets of the  
23 franchise or the business to which the franchisee  
24 relates are assigned to or for the benefit of any  
25 creditor which is subject to chapter 681. An  
26 assignment for the benefit of any creditor pursuant to  
27 this paragraph does not include the granting of a  
28 security interest in the normal course of business.

29 c. The franchisee voluntarily abandons the  
30 franchise by failing to operate the business for five  
31 consecutive business days during which the franchisee  
32 is required to operate the business under the terms of  
33 the franchise, or any shorter period after which it is  
34 not unreasonable under the facts and circumstances for  
35 the franchisor to conclude that the franchisee does  
36 not intend to continue to operate the franchise,

37 unless the failure to operate is due to circumstances  
 38 beyond the control of the franchisee.  
 39 e- d. The franchisor and franchisee agree in  
 40 writing to terminate the franchise.  
 41 d- e. The franchisee knowingly makes any material  
 42 misrepresentations or knowingly omits to state any  
 43 material facts relating to the acquisition or  
 44 ownership or operation of the franchise business.  
 45 e- f. ~~The franchisee repeatedly fails to comply~~  
 46 ~~with the same material provision of a franchise~~  
 47 ~~agreement, when the enforcement of the material~~  
 48 ~~provision by the franchisor is not arbitrary or~~  
 49 ~~capricious when compared to the franchisor in other~~  
 50 ~~similar circumstances. After three material breaches~~

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1 of a franchise agreement occurring within a twelve-  
 2 month period, for which the franchisee has been given  
 3 notice and an opportunity to cure, the franchisor may  
 4 terminate upon any subsequent material breach within  
 5 the twelve-month period without providing an  
 6 opportunity to cure, provided that the action is not  
 7 arbitrary and capricious.

8 f- g. The franchised business or business premises  
 9 of the franchisee are lawfully seized, taken over, or  
 10 foreclosed by a government authority or official.

11 g- h. The franchisee is convicted of a felony or  
 12 any other criminal misconduct which materially and  
 13 adversely affects the operation, maintenance, or  
 14 goodwill of the franchise in the relevant market.

15 h- i. The franchisee operates the franchised  
 16 business in a manner that imminently endangers the  
 17 public health and safety.

18 Sec. 5. Section 523H.8, Code 1995, is amended to  
 19 read as follows:

#### 20 523H.8 NONRENEWAL OF A FRANCHISE.

21 1. A franchisor shall not refuse to renew a  
 22 franchise unless both of the following apply:

23 1- a. The franchisee has been notified of the  
 24 franchisor's intent not to renew at least six months  
 25 prior to the expiration date or any extension of the  
 26 franchise agreement.

27 2- b. Any of the following circumstances exist:

28 a- (1) Good cause exists as defined in section  
 29 523H-7, provided that the refusal of the franchisor to  
 30 renew is not arbitrary or capricious when compared to  
 31 the actions of the franchisor in other similar  
 32 circumstances. For purposes of this section, "good  
 33 cause" means cause based on a legitimate business

34 reason.

35 b. (2) The franchisor and franchisee agree not to  
36 renew the franchise, provided that upon the expiration  
37 of the franchise, the franchisor agrees not to seek to  
38 enforce any covenant of the nonrenewed franchise not  
39 to compete with the franchisor or franchisees of the  
40 franchisor.

41 e. (3) The franchisor completely withdraws from  
42 directly or indirectly distributing its products or  
43 services in the geographic market served by the  
44 franchisee, provided that upon expiration of the  
45 franchise, the franchisor agrees not to seek to  
46 enforce any covenant of the nonrenewed franchisee not  
47 to compete with the franchisor or franchisees of the  
48 franchisor.

49 2. As a condition of renewal of the franchise, a  
50 franchise agreement may require that the franchisee

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1 meet the then current requirements for franchises and  
2 that the franchisee execute a new agreement  
3 incorporating the then current terms and fees for new  
4 franchises.

5 Sec. 6. Section 523H.11, Code 1995, is amended to  
6 read as follows:

7 523H.11 REPURCHASE OF ASSETS.

8 A franchisor shall not prohibit a franchisee from,  
9 or enforce a prohibition against a franchisee,  
10 engaging in any lawful business at any location after  
11 a termination or refusal to renew by a franchisor,  
12 unless it is one which relies on a substantially  
13 similar marketing program as the terminated or  
14 nonrenewed franchise or unless the franchisor offers  
15 in writing no later than ten business days before  
16 expiration of the franchise to purchase the assets of  
17 the franchised business for its fair market value as a  
18 going concern. The value of the assets shall not  
19 include the goodwill of the business attributable to  
20 the trademark licensed to the franchisee in the  
21 franchise agreement. The offer may be conditioned  
22 upon the ascertainment of a fair market value by an  
23 impartial appraiser. This section does not apply to  
24 assets of the franchised business which the franchisee  
25 did not purchase from the franchisor, or the agent of  
26 the franchisor."

PATRICK J. DELUHERY  
TONY BISIGNANO  
MICHAEL E. GRONSTAL

JOHN W. JENSEN  
DONALD B. REDFERN

S-3576

1 Amend the amendment, S-3359, to House File 288, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, line 38, by striking the figure "3."  
5 and inserting the following: "3 and inserting the  
6 following:

7 "Sec. \_\_\_\_ . NEW SECTION. 280.17B STUDENTS  
8 SUSPENDED OR EXPELLED FOR POSSESSION OF DANGEROUS  
9 WEAPONS.

10 The board of directors of a public school and the  
11 authorities in control of a nonpublic school shall  
12 prescribe procedures for continued school involvement  
13 with a student who is suspended or expelled for  
14 possession of a dangerous weapon, as defined in  
15 section 702.7, on school premises in violation of  
16 school policy or state law and for the reintegration  
17 of the student into the school following the  
18 suspension or expulsion.""

19 2. By renumbering as necessary.

MIKE CONNOLLY

S-3577

1 Amend House File 505, as passed by the House, as  
2 follows:

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

5 "Section 1. Section 222.60, subsections 1 and 2,  
6 Code 1995, are amended to read as follows:

7 1. The county in which such person has legal  
8 settlement as defined in section 252.16, provided the  
9 person is diagnosed as having mental retardation in  
10 accordance with the provisions of this section with an  
11 intelligence quotient equal to or less than seventy.

12 2. The state when such person has no legal  
13 settlement or when such settlement is unknown, or when  
14 the person has legal settlement and is diagnosed as  
15 having mental retardation in accordance with the  
16 provisions of this section with an intelligence  
17 quotient of more than seventy."

18 2. By renumbering as necessary.

BERL E. PRIEBE  
JOHN P. KIBBIE

H. KAY HEDGE  
SHELDON RITTMER  
WILLIAM D. PALMER  
ALLEN BORLAUG

S-3578

- 1 Amend Senate File 413 as follows:  
2 1. Page 6, line 19, by striking the figures and  
3 word "455G.11, and 455G.13," and inserting the  
4 following: "and 455G.11, and 455G.13,".  
5 2. Page 7, by inserting after line 30 the  
6 following:  
7 "Sec. \_\_\_\_ . Section 455G.8, subsection 5, Code  
8 1995, is amended to read as follows:  
9 5. COST RECOVERY ENFORCEMENT. Cost recovery  
10 enforcement net proceeds as provided by section  
11 455G.13 shall be allocated ~~among the fund's accounts~~  
12 as directed by the board to the innocent landowners  
13 fund created under section 455G.21, subsection 2,  
14 paragraph "a". When federal cleanup funds are  
15 recovered, the funds are to be deposited to the  
16 remedial account of the fund and used solely for the  
17 purpose of future cleanup activities."  
18 3. Page 13, line 34, by inserting after the word  
19 "board." the following: "The innocent landowners fund  
20 shall also include any moneys recovered pursuant to  
21 cost recovery enforcement under section 455G.13."  
22 4. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3579

- 1 Amend Senate File 413 as follows:  
2 1. Page 1, by striking lines 11 through 14 and  
3 inserting the following:  
4 "(2) Beginning January 1, 1996, through December  
5 31, 1997, two million five hundred thousand dollars  
6 per quarter, shall be deposited into and credited to  
7 the Iowa comprehensive petroleum underground storage  
8 tank marketability fund created in section 455G.21,  
9 Beginning January 1, 1998, through December 31, 2002,  
10 four million two hundred fifty thousand dollars per  
11 quarter, shall be deposited into and credited to the  
12 Iowa comprehensive petroleum underground storage tank  
13 marketability fund created in section 455G.21. The  
14 moneys so deposited".  
15 2. Page 1, line 20, by striking the letter "a."  
16 3. By striking page 1, line 30, through page 2,

17 line 1.

18 4. Page 2, line 31, by striking the word  
19 "reclassifying" and inserting the following:  
20 "classifying".

21 5. Page 4, by inserting after line 20 the  
22 following:

23 "(g) Remediation shall not be required on a site  
24 that does not present an increased cancer risk at the  
25 point of exposure of one in one million for  
26 residential areas or one in ten thousand for  
27 nonresidential areas."

28 6. Page 13, by inserting after line 8 the  
29 following:

30 "7A. The board may provide for exemption from the  
31 certification requirements of this section for a  
32 professional engineer registered pursuant to chapter  
33 542B, if the person is qualified in the field of  
34 geotechnical, hydrological, environmental groundwater,  
35 or hydrogeological engineering."

36 7. Page 13, line 23, by striking the word  
37 "moneys".

38 8. Page 13, line 24, by striking the words  
39 "Seventeen million dollars per year" and inserting the  
40 following: "Moneys allocated to the fund".

41 9. Page 14, line 16, by striking the words  
42 "Twelve million dollars per year" and inserting the  
43 following: "The remainder of the moneys".

44 10. Page 14, by striking lines 22 and 23 and  
45 inserting the following: "subparagraph (2) is  
46 repealed on January 1, 2003."

47 11. Page 15, line 20, by inserting after the word  
48 "report" the following: "jointly with the department  
49 of natural resources".

50 12. Page 15, by striking line 25 and inserting

## Page 2

1 the following: "when final rules referred to in  
2 subparagraph (2) are adopted by the environmental  
3 protection commission."

4 13. Page 16, line 2, by striking the word "Take"  
5 and inserting the following: "Shall take".

6 14. Page 16, by striking lines 10 through 12 and  
7 inserting the following:

8 "3. During the period of time from the enactment  
9 of this Act until such time as the rules implementing  
10 the amendments to section 455B.474, contained in this  
11 Act, become effective, the department of natural  
12 resources may require an owner or operator to proceed  
13 with corrective action only if the action is necessary

14 to protect public health and safety or the  
 15 environment. An owner or operator may elect to  
 16 proceed with corrective action pursuant to rules of  
 17 the department existing on January 1, 1995, until such  
 18 time as the rules implementing the amendments to  
 19 section 455B.474, contained in this Act, become  
 20 effective. However, the board may refuse to pay  
 21 corrective action costs on a site during the interim  
 22 period if it is likely that the site would be  
 23 reclassified as a lower risk site when the rules  
 24 implementing risk-based corrective action standards  
 25 become effective."

26 15. Page 16, line 26, by striking the figure "25"  
 27 and inserting the following: "24".

28 16. Page 16, line 29, by inserting after the  
 29 figure "1995." the following: "Section 25 is  
 30 effective January 1, 1996."

MICHAEL E. GRONSTAL

S-3580

1 Amend the amendment, S-3575, to House File 126, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 9, by striking lines 30 through 32 and  
 5 inserting the following: "renew is not arbitrary or  
 6 capricious when compared to the actions of the  
 7 franchisor in other similar circumstances. For  
 8 purposes of this section, "good"".

RODNEY HALVORSON  
 EUGENE S. FRAISE  
 ANDY MCKEAN

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 215

S-3581

1 Amend the Senate amendment, H-3428, to House File  
 2 215, as amended, passed, and reprinted by the House,  
 3 as follows:

4 1. Page 1, line 4, by inserting before the word  
 5 "at" the following: "on chain at".

6 2. Page 1, by inserting after line 8 the  
 7 following:

8 " — . Page 1, line 19, by inserting after the  
 9 word "institutions." the following: "Inmates"

10 performing other types of hard labor at locations  
 11 other than within or on the grounds of a correctional  
 12 institution may also be required by the department to  
 13 wear the brightly colored uniforms. Inmates not  
 14 required to wear brightly colored uniforms while  
 15 performing hard labor shall be otherwise clearly  
 16 designated as inmates of correctional institutions.””

17 3. Page 1, by striking lines 9 through 11.

18 4. Page 1, line 14, by inserting after the word  
 19 “labor,” the following: “substance abuse or sex  
 20 offender treatment programs,”.

21 5. Page 1, by striking lines 15 through 19 and  
 22 inserting the following:

23 “\_\_\_ . Page 2, by striking line 28 and inserting  
 24 the following: “shall provide for implementation of  
 25 hard labor work programs during the interval of time  
 26 between the effective date of this Act and July 1,  
 27 1997, with full implementation of the requirements”.

28 \_\_\_ . Page 3, by striking line 6 and inserting the  
 29 following: “a report to the general assembly on”.

30 \_\_\_ . Page 3, line 7, by striking the figure  
 31 “1997” and inserting the following: “1996”.

32 \_\_\_ . Page 3, line 9, by striking the word “July”  
 33 and inserting the following: “January.”

34 6. By numbering and renumbering as necessary.

S-3582

1 Amend the amendment, S-3575, to House File 126, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 7, by striking lines 11 through 13 and  
 5 inserting the following: “For purposes of this”.

RODNEY HALVORSON  
 EUGENE S. FRAISE

S-3583

1 Amend House File 518, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 7, by striking lines 30 through 32 and  
 4 inserting the following: “intrastate access service  
 5 rates by at least fifty percent of the difference  
 6 between average intrastate access service rates and  
 7 average interstate access service rates as of the date  
 8 that the plan is filed and further reduce such rates  
 9 to the current average interstate access service rates  
 10 within ninety days of the date that the plan becomes  
 11 effective.”

- 12 2. Page 16, by striking lines 4 and 5 and  
 13 inserting the following: "other sources, the denial  
 14 of which results in undue harm to the competitor."  
 15 3. Page 18, line 29, by inserting after the word  
 16 "providers" the following: "at a level sufficient to  
 17 compensate a local exchange carrier for its costs  
 18 incurred in providing the network functions necessary  
 19 to terminate the telecommunications services  
 20 originating on the network of the competitive local  
 21 exchange service provider".  
 22 4. Page 18, line 30, by striking the words and  
 23 figures "on July 1, 1997, or upon" and inserting the  
 24 following: "two years after a competitive local  
 25 exchange service provider is certified to offer local  
 26 residential service, or one year after".

STEVEN D. HANSEN  
 BRAD BANKS  
 EMIL J. HUSAK  
 DERRYL McLAREN  
 EUGENE S. FRAISE  
 JIM LIND  
 JOHN JENSEN  
 BERL E. PRIEBE

S-3584

- 1 Amend the amendment, S-3497, to Senate File 413 as  
 2 follows:  
 3 1. Page 1, lines 19 and 20, by striking the words  
 4 "through clear and convincing" and inserting the  
 5 following: "by a preponderance of the".

RANDAL J. GIANNETTO

HOUSE AMENDMENT TO  
 SENATE FILE 179

S-3585

- 1 Amend Senate File 179, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 1 through 19.  
 4 2. Page 1, line 34, by striking the words  
 5 "eighty-nine" and inserting the following: "seventy-  
 6 five".  
 7 3. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 528

S-3586

1 Amend the Senate amendment, H-4057, to House File  
2 528, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. By striking page 1, line 3, through page 3,  
5 line 11, and inserting the following:

6 " — . Page 11, by inserting after line 10 the  
7 following:

8 "Sec. — . NEW SECTION. 279.58 SCHOOL DRESS CODE  
9 POLICIES.

10 1. The general assembly finds and declares that  
11 the students and the administrative and instructional  
12 staffs of Iowa's public schools have the right to be  
13 safe and secure at school. Gang-related apparel worn  
14 at school draws attention away from the school's  
15 learning environment and directs it toward thoughts or  
16 expressions of violence, bigotry, hate, and abuse.

17 2. The board of directors of a school district may  
18 adopt, for the district or for an individual school  
19 within the district, a dress code policy that requires  
20 students to wear specific attire or prohibits students  
21 from wearing gang-related or other specific apparel if  
22 the board determines that the policy is necessary for  
23 the health and safety of students and staff in the  
24 school environment or for the appropriate discipline  
25 and operation of the school. Adoption and enforcement  
26 of a dress code policy is not a violation of section  
27 280.22.

28 3. If the district adopts a policy for the entire  
29 school district, the specific attire selected shall be  
30 determined by a committee composed of representatives  
31 from the district's administrative staff,  
32 instructional staff, and parents and legal guardians  
33 of students enrolled in the district. If the district  
34 adopts a policy for an individual school, the specific  
35 attire shall be selected by a committee composed of  
36 the individual school's administration,  
37 representatives from the school's instructional staff,  
38 and parents and legal guardians of students enrolled  
39 in the school. A dress code policy that requires  
40 students to wear specific attire shall not be  
41 implemented with less than six months' notice to  
42 parents and legal guardians. A school implementing a  
43 dress code policy requiring specific attire shall make  
44 resources available to assist economically

45 disadvantaged students in securing the specific  
46 attire.  
47 4. The board shall provide a method by which  
48 parents and legal guardians may choose not to have  
49 their children comply with an adopted dress code  
50 policy that requires specific attire. If a board

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1 chooses to adopt a policy pursuant to this section,  
2 the policy shall include a provision that a student  
3 shall not be penalized academically or otherwise  
4 discriminated against or denied attendance to school  
5 if the student's parent or legal guardian chooses not  
6 to have the student comply with a school dress code  
7 policy that would require the student to wear specific  
8 attire. A policy adopted pursuant to this section  
9 shall not preclude students that participate in a  
10 nationally recognized youth organization, exempt from  
11 federal income taxation under section 501(c)(3) of the  
12 Internal Revenue Code, from wearing organization  
13 uniforms on days that the organization has a scheduled  
14 meeting."

15 —. Page 11, by inserting after line 18 the  
16 following:

17 "Sec. 999. NEW SECTION. 280.21B EXPULSION --  
18 WEAPONS IN SCHOOL.

19 The board of directors of a school district and the  
20 authorities in charge of a nonpublic school which  
21 receives services supported by federal funds shall  
22 expel from school for a period of not less than one  
23 year a student who is determined to have brought a  
24 weapon to a school under the jurisdiction of the board  
25 or the authorities. However, the superintendent or  
26 chief administering officer of a school or school  
27 district may modify expulsion requirements on a case-  
28 by-case basis. This section shall not be construed to  
29 prevent the board of directors of a school district or  
30 the authorities in charge of a nonpublic school that  
31 have expelled a student from the student's regular  
32 school setting from providing educational services to  
33 the student in an alternative setting. If both this  
34 section and section 282.4 apply, this section takes  
35 precedence over section 282.4. For purposes of this  
36 section, "weapon" means a firearm as defined in 18  
37 U.S.C. § 921. This section shall be construed in a  
38 manner consistent with the federal Individuals with  
39 Disabilities Education Act, 20 U.S.C. § 1400 et seq."

40 —. Page 20, by inserting after line 16 the  
41 following:

42 "Sec. \_\_\_\_ . Section 708.1, Code 1995, is amended by  
43 adding the following new unnumbered paragraph:  
44 **NEW UNNUMBERED PARAGRAPH.** Provided, that where the  
45 person doing any of the above enumerated acts is  
46 employed by a school district or accredited nonpublic  
47 school, or is an area education agency staff member  
48 who provides services to a school or school district,  
49 and intervenes in a fight or physical struggle, or  
50 other disruptive situation, that takes place in the

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1 presence of the employee or staff member performing  
2 employment duties in a school building, on school  
3 grounds, or at an official school function regardless  
4 of the location, the act shall not be an assault,  
5 whether the fight or physical struggle or other  
6 disruptive situation is between students or other  
7 individuals if the degree and the force of the  
8 intervention is reasonably necessary to restore order  
9 and to protect the safety of those assembled."

10 \_\_\_\_ . Page 22, by inserting after line 10 the  
11 following:

12 "Sec. \_\_\_\_ . Section 808A.1, subsection 1, paragraph  
13 d, Code 1995, is amended to read as follows:

14 d. A school locker, desk, or other facility or  
15 space issued or assigned to, or chosen by, the student  
16 for the storage of personal belongings of any kind,  
17 which the student locks or is permitted to lock.  
18 School officials may conduct periodic inspections of  
19 all school lockers or a randomly selected number of  
20 school lockers. ~~However, the school district shall~~  
21 ~~provide notice to the students, at least twenty-four~~  
22 ~~hours prior to the inspection, of the date and time of~~  
23 ~~the inspection."~~

24 \_\_\_\_ . Page 23, by inserting after line 30 the  
25 following:

26 "Sec. \_\_\_\_ . EFFECTIVE DATE. Section 999 of this  
27 Act, being deemed of immediate importance, takes  
28 effect upon enactment."

29 \_\_\_\_ . Title page, line 18, by inserting after the  
30 word "circumstances," the following: "authorizing  
31 school districts to adopt a dress code policy,  
32 providing for the expulsion of a student for bringing  
33 a weapon to school, creating an exemption in the  
34 definition of assault, eliminating the twenty-four  
35 hour notice to students of a periodic inspection of  
36 students' lockers,".

37 \_\_\_\_ . Title page, line 19, by inserting after the

38 word "penalties" the following: "and providing an  
39 effective date".

S-3587

1 Amend the House amendment, S-3022, to Senate  
2 Concurrent Resolution 3, as passed by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 12 the  
5 following:  
6 "\_\_\_ . Page 9, by inserting after line 12 the  
7 following:  
8 "BE IT FURTHER RESOLVED, That authorization for the  
9 position of Administrative Assistant III to Speaker  
10 Pro Tempore ends July 1, 1996."  
11 \_\_\_ . Page 10, line 12, by inserting after the  
12 word "President," the following: "President Pro  
13 Tempore."  
14 \_\_\_ . Page 11, by inserting after line 19 the  
15 following:  
16 "BE IT FURTHER RESOLVED, That authorization for the  
17 position of Administrative Secretary to President Pro  
18 Tempore ends July 1, 1996."

MICHAEL E. GRONSTAL

S-3588

1 Amend House File 565, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. NEW SECTION. 256.17 CAREER PATHWAYS  
6 PROGRAM.  
7 1. If the general assembly appropriates moneys for  
8 the establishment of a career pathways program, the  
9 department of education shall develop a career  
10 pathways grant program, criteria for the formation of  
11 ongoing career pathways consortia in each merged area,  
12 and guidelines and a process to be used in selecting  
13 career pathways consortium grant recipients, including  
14 a requirement that grant recipients shall provide  
15 matching funds or match grant funds with in-kind  
16 resources on a dollar-for-dollar basis. A consortium  
17 shall include one or more school districts and may  
18 include, but is not limited to, parents and parent  
19 organizations, representatives from elementary,  
20 secondary, postsecondary, and vocational education  
21 institutions, appropriate state agencies and  
22 departments, and business, labor, community service,

23 and nonprofit organizations. Regional school-to-work  
24 partnerships may participate wherever possible. The  
25 department shall provide assistance to consortia in  
26 planning and implementing career pathways program  
27 efforts.

28 2. To be eligible for a career pathways grant, a  
29 career pathways consortium shall develop a career  
30 pathways program that may include, but is not limited  
31 to, the following:

32 a. Provision for an employability skills  
33 assessment to public or nonpublic school students at  
34 the eighth and twelfth grade levels. The  
35 employability skills assessment shall measure  
36 employability skills that include, but are not limited  
37 to, reading for information, applied mathematics,  
38 listening, and writing.

39 b. Commitment to develop and implement,  
40 strengthen, and enhance a relevant curriculum for the  
41 world of work, which includes career paths leading to  
42 baccalaureate or associate degrees, apprenticeships,  
43 or employment. The completed set of courses for the  
44 career path should articulate with postsecondary  
45 institutions. This curriculum shall be based on the  
46 results of the employability skills assessment to  
47 ensure student success in achieving basic skills for  
48 the workplace. The commitment shall include a plan to  
49 alter the curriculum in order to address deficiencies  
50 in the basic skills for the workplace identified by

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1 the employability skills assessment.

2 c. Curricula designed to integrate academic and  
3 work-based learning to achieve high employability  
4 skills by all students related to career pathways.  
5 The curricula shall be designed through the  
6 cooperative efforts of members of the consortia.

7 d. Involvement and recognition of local business,  
8 labor, and community organizations as partners in the  
9 career pathways program.

10 e. Provision for program accountability.

11 f. Provision for career guidance and exploration  
12 by the tenth grade level.

13 g. Encouragement of team teaching within the  
14 school or in partnership with postsecondary schools,  
15 and business, labor, community, and nonprofit  
16 organizations.

17 h. Service learning opportunities for students.

18 2. Business, labor, and community organizations  
19 are encouraged to market the career pathways program

20 to the local community and provide students with  
21 mentors, shadow professionals, speakers, field trip  
22 sites, summer jobs, internships, and job offers for  
23 students who graduate with high performance records.  
24 Students are encouraged to volunteer their time to  
25 community organizations in exchange for workplace  
26 learning opportunities that do not displace current  
27 employees.

28 3. In developing career pathways program efforts,  
29 each consortium shall make every effort to cooperate  
30 with the juvenile courts, the department of economic  
31 development, the department of employment services,  
32 the department of human services, and the new Iowa  
33 schools development corporation.

34 4. The area education agency and community college  
35 within each merged area shall provide support services  
36 to assist the planning and implementation of career  
37 pathways programs.

38 5. Not later than August 1, for the school year  
39 beginning the preceding July 1, the board of directors  
40 of a school district, or the authorities in charge of  
41 a nonpublic school, or the board of directors of a  
42 community college may annually file a written request  
43 with the department of education that the department  
44 waive rules relating to vocational education that have  
45 been adopted by the state board since the enactment of  
46 the 1989 Iowa Acts, chapter 278. A request for a  
47 waiver filed by the board of directors of a school  
48 district, the authorities in charge of a nonpublic  
49 school, or board of directors of a community college  
50 shall describe actions being taken by the district,

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1 school, or community college to meet the requirement  
2 for which the district, school, or community college  
3 has requested a waiver.

4 6. The department of education shall direct and  
5 monitor the progress of each career pathways  
6 consortium in developing career pathways programs. By  
7 January 15, 1998, the department shall submit to the  
8 general assembly any findings and recommendations of  
9 the career pathways consortia, along with the  
10 department's recommendations for specific career  
11 pathways program efforts and for appropriate funding  
12 levels to implement and sustain the recommended  
13 programs.

14 7. Notwithstanding section 8.33, unencumbered or  
15 unobligated funds remaining on June 30 of the fiscal  
16 year for which the funds were appropriated shall not

17 revert but shall be available for expenditure for the  
 18 following fiscal year for the purposes of this  
 19 section.

20 8. A career pathways program is a comprehensive  
 21 school transformation program under section 294A.14.  
 22 Sec. 2. NEW SECTION. 256.17A SCHOOL-TO-WORK  
 23 TRANSITION SYSTEM.

24 The departments of education, employment services,  
 25 and economic development shall develop a statewide  
 26 school-to-work transition system in consultation with  
 27 local school districts, community colleges, and labor,  
 28 business, and industry interests. The system shall be  
 29 designed to attain the following objectives:

30 1. Motivate youths to stay in school and become  
 31 productive citizens.

32 2. Set high standards by promoting higher academic  
 33 performance levels.

34 3. Connect work and learning so that the classroom  
 35 is linked to worksite learning and experience.

36 4. Ready students for work in order to improve  
 37 their prospects for immediate employment after leaving  
 38 school on paths that provide significant opportunity  
 39 to continued education and career development.

40 5. Engage employers and workers by promoting their  
 41 participation in the education of youth in order to  
 42 ensure the development of a skilled, flexible, entry-  
 43 level workforce.

44 6. Provide a framework to position the state to  
 45 access federal resources for state youth  
 46 apprenticeship systems and local programs.

47 Sec. 3. REPEAL. Section 258.18, Code 1995, is  
 48 repealed."

49 2. Title page, by striking lines 1 and 2 and  
 50 inserting the following: "An Act relating to a

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1 school-to-work transition system and the establishment  
 2 of a career pathways program."

COMMITTEE ON APPROPRIATIONS  
 LARRY MURPHY, Chairperson

S-3589

1 Amend the amendment, S-3497, to Senate File 413 as  
 2 follows:

3 1. Page 1, line 15, by striking the word "The"

4 and inserting the following: "Except when the  
5 contamination is commingled, the".

MICHAEL E. GRONSTAL

S-3590

1 Amend House File 518, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 8, by inserting after line 11 the  
4 following:  
5 "(d) The board shall require that all cost  
6 reductions and savings to the interexchange carriers  
7 resulting from the local exchange carrier's reduction  
8 in intrastate access service rates be returned to Iowa  
9 customers in the form of lower message  
10 telecommunications service rates. The board shall  
11 require the interexchange carrier to file price lists  
12 and supporting information and data sufficient for the  
13 board to determine the relationship between the  
14 reduced intrastate access service rates and the  
15 subsequent reduction in the interexchange carrier's  
16 prices."

MICHAEL E. GRONSTAL

S-3591

1 Amend the House amendment, S-3082, to Senate File  
2 69, as passed by the Senate, as follows:  
3 1. By striking page 1, line 1, through page 44,  
4 line 25, and inserting the following:  
5 "Amend Senate File 69, as passed by the Senate, as  
6 follows:  
7 1. By striking everything after the enacting  
8 clause and inserting the following:  
9 "DIVISION I  
10 INCOME TAX  
11 Section 1. Section 422.7, Code 1995, is amended by  
12 adding the following new subsection:  
13 NEW SUBSECTION. 33. For a person who is disabled,  
14 or is fifty-five years of age or older, or is the  
15 surviving spouse of an individual or a survivor having  
16 an insurable interest in an individual who would have  
17 qualified for the exemption under this subsection for  
18 the tax year, subtract, to the extent included, the  
19 total amount of a governmental or other pension or  
20 retirement pay, including, but not limited to, defined  
21 benefit or defined contribution plans, annuities,  
22 individual retirement accounts, plans maintained or

23 contributed to by an employer, or maintained or  
24 contributed to by a self-employed person as an  
25 employer, and deferred compensation plans or any  
26 earnings attributable to the deferred compensation  
27 plans, up to a maximum of three thousand dollars for a  
28 person who files a separate state income tax return  
29 and up to a maximum of six thousand dollars for a  
30 husband and wife who file a joint state income tax  
31 return. However, a surviving spouse who is not  
32 disabled or fifty-five years of age or older can only  
33 exclude the amount of pension or retirement pay  
34 received as a result of the death of the other spouse.  
35 Sec. 2. Section 422.12, subsection 1, paragraph c,  
36 Code 1995, is amended to read as follows:

37 c. For each dependent, an additional fifteen forty  
38 dollars. As used in this section, the term  
39 "dependent" has the same meaning as provided by the  
40 Internal Revenue Code.

41 Sec. 3. TAXATION STUDIES. The legislative council  
42 is requested to establish two taxation studies during  
43 the 1995 legislative interim. One study would address  
44 taxation of businesses, including subchapter S  
45 corporations, taxation incentives and disincentives  
46 for economic development, and the long-term objectives  
47 of business taxation. The legislative council is  
48 requested to authorize up to \$100,000 for consultants  
49 and other costs associated with the business taxation  
50 study. The other study would address other state

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1 taxes, including inheritance, income, and sales taxes.  
2 Sec. 4. RETROACTIVE APPLICABILITY. This division  
3 of this Act applies retroactively to January 1, 1995,  
4 for tax years beginning on or after that date.

### DIVISION II

#### 6 SUPPLEMENTAL LEVY AND COUNTY MENTAL HEALTH FUND

7 Sec. 5. Section 123.38, unnumbered paragraph 2,  
8 Code 1995, is amended to read as follows:

9 Any licensee or permittee, or the licensee's or  
10 permittee's executor or administrator, or any person  
11 duly appointed by the court to take charge of and  
12 administer the property or assets of the licensee or  
13 permittee for the benefit of the licensee's or  
14 permittee's creditors, may voluntarily surrender a  
15 license or permit to the division. When a license or  
16 permit is surrendered the division shall notify the  
17 local authority, and the division or the local  
18 authority shall refund to the person surrendering the  
19 license or permit, a proportionate amount of the fee

20 received by the division or the local authority for  
21 the license or permit as follows: If a license or  
22 permit is surrendered during the first three months of  
23 the period for which it was issued, the refund shall  
24 be three-fourths of the amount of the fee; if  
25 surrendered more than three months but not more than  
26 six months after issuance, the refund shall be one-  
27 half of the amount of the fee; if surrendered more  
28 than six months but not more than nine months after  
29 issuance, the refund shall be one-fourth of the amount  
30 of the fee. No refund shall be made, however, for any  
31 special liquor permit, nor for a liquor control  
32 license, wine permit, or beer permit surrendered more  
33 than nine months after issuance. For purposes of this  
34 paragraph, any portion of license or permit fees used  
35 for the purposes authorized in section 331.424,  
36 subsection 1, paragraphs "a", and "b", "c", "d", "e",  
37 "f", "g", and "h", and in section 331.424A, shall not  
38 be deemed received either by the division or by a  
39 local authority. No refund shall be made to any  
40 licensee or permittee, upon the surrender of the  
41 license or permit, if there is at the time of  
42 surrender, a complaint filed with the division or  
43 local authority, charging the licensee or permittee  
44 with a violation of this chapter. If upon a hearing  
45 on a complaint the license or permit is not revoked or  
46 suspended, then the licensee or permittee is eligible,  
47 upon surrender of the license or permit, to receive a  
48 refund as provided in this section; but if the license  
49 or permit is revoked or suspended upon hearing the  
50 licensee or permittee is not eligible for the refund

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1 of any portion of the license or permit fee.  
2 Sec. 6. Section 218.99, Code 1995, is amended to  
3 read as follows:  
4 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'  
5 PERSONAL ACCOUNTS.  
6 The administrator of a division of the department  
7 of human services in control of a state institution  
8 shall direct the business manager of each institution  
9 under the administrator's jurisdiction which is  
10 mentioned in section 331.424, subsection 1, paragraphs  
11 "a" through "g" and "b" and for which services are  
12 paid under section 331.424A to quarterly inform the  
13 auditor of the county of legal settlement of any  
14 patient or resident who has an amount in excess of two  
15 hundred dollars on account in the patients' personal  
16 deposit fund and the amount on deposit. The

17 administrators shall direct the business manager to  
 18 further notify the auditor of the county at least  
 19 fifteen days before the release of funds in excess of  
 20 two hundred dollars or upon the death of the patient  
 21 or resident. If the patient or resident has no county  
 22 of legal settlement, notice shall be made to the  
 23 director of the department of human services and the  
 24 administrator of the division of the department in  
 25 control of the institution involved.

26 Sec. 7. Section 225C.4, subsection 2, paragraph b,  
 27 Code 1995, is amended to read as follows:

28 b. Establish mental health and mental retardation  
 29 services for all institutions under the control of the  
 30 director of human services and establish an autism  
 31 unit, following mutual planning with and consultation  
 32 from the medical director of the state psychiatric  
 33 hospital, at an institution or a facility administered  
 34 by the administrator to provide psychiatric and  
 35 related services and other specific programs to meet  
 36 the needs of autistic persons as defined in section  
 37 ~~331.424, subsection 1~~, and to furnish appropriate  
 38 diagnostic evaluation services.

39 Sec. 8. Section 331.301, subsection 12, Code 1995,  
 40 is amended to read as follows:

41 12. The board of supervisors may credit funds to a  
 42 reserve for the purposes authorized by subsection 11  
 43 of this section; section 331.424, subsection 1,  
 44 paragraph "~~u~~" "f"; and section 331.441, subsection 2,  
 45 paragraph "b". Moneys credited to the reserve, and  
 46 interest earned on such moneys, shall remain in the  
 47 reserve until expended for purposes authorized by  
 48 subsection 11 of this section; section 331.424,  
 49 subsection 1, paragraph "~~u~~" "f"; or section 331.441,  
 50 subsection 2, paragraph "b".

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1 Sec. 9. Section 331.424, subsection 1, Code 1995,  
 2 is amended to read as follows:

3 1. For general county services, an amount  
 4 sufficient to pay the charges for the following:  
 5 a. To the extent that the county is obligated by  
 6 statute to pay the charges for:

7 (1) ~~Care and treatment of patients by a state~~  
 8 ~~mental health institute.~~

9 (2) ~~Care and treatment of patients by either of~~  
 10 ~~the state hospital-schools or by any other facility~~  
 11 ~~established under chapter 222 and diagnostic~~  
 12 ~~evaluation under section 222.31.~~

13 (3) ~~Care and treatment of patients under chapter~~

14 225.

15 (4) (1) Care and treatment of persons at the  
16 alcoholic treatment center at Oakdale. However, the  
17 county may require that an admission to the center  
18 shall be reported to the board by the center within  
19 five days as a condition of the payment of county  
20 funds for that admission.

21 (5) (2) Care of children admitted or committed to  
22 the Iowa juvenile home at Toledo.

23 (6) (3) Clothing, transportation, medical, or  
24 other services provided persons attending the Iowa  
25 braille and sight saving school, the Iowa school for  
26 the deaf, or the state hospital-school for severely  
27 handicapped children at Iowa City, for which the  
28 county becomes obligated to pay pursuant to sections  
29 263.12, 269.2, and 270.4 through 270.7.

30 b. To the extent that the board deems it advisable  
31 to pay, the charges for professional evaluation,  
32 treatment, training, habilitation, and care of persons  
33 who are mentally retarded, autistic persons, or  
34 persons who are afflicted by any other developmental  
35 disability, at a suitable public or private facility  
36 providing inpatient or outpatient care in the county.

37 As used in this paragraph:

38 (1) "Developmental disability" has the meaning  
39 assigned that term by 42 U.S.C. sec. 6001(7) (1976);  
40 Supp. H, 1978; and Supp. III, 1979.

41 (2) "Autistic persons" means persons, regardless  
42 of age, with severe communication and behavior  
43 disorders that became manifest during the early stages  
44 of childhood development and that are characterized by  
45 a severely disabling inability to understand,  
46 communicate, learn, and participate in social  
47 relationships. "Autistic persons" includes but is not  
48 limited to those persons afflicted by infantile  
49 autism, profound aphasia, and childhood psychosis.

50 c. Care and treatment of persons placed in the

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1 county hospital, county care facility, a health care  
2 facility as defined in section 135C.1, subsection 6,  
3 or any other public or private facility, which  
4 placement is in lieu of admission or commitment to or  
5 is upon discharge, removal, or transfer from a state  
6 mental health institute, hospital school, or other  
7 facility established pursuant to chapter 222.

8 d. Amounts budgeted by the board for the cost of  
9 establishment and initial operation of a community  
10 mental health center in the manner and subject to the

11 limitations provided by state law.

12 e. b. Foster care and related services provided  
13 under court order to a child who is under the  
14 jurisdiction of the juvenile court, including court-  
15 ordered costs for a guardian ad litem under section  
16 232.71.

17 f. The care, admission, commitment, and  
18 transportation of mentally ill patients in state  
19 hospitals, to the extent that expenses for these  
20 services are required to be paid by the county,  
21 including compensation for the advocate appointed  
22 under section 229.19.

23 g. Amounts budgeted by the board for mental health  
24 services or mental retardation services furnished to  
25 persons on either an outpatient or inpatient basis, to  
26 a school or other public agency, or to the community  
27 at large, by a community mental health center or other  
28 suitable facility located in or reasonably near the  
29 county, provided that services meet the standards of  
30 the mental health and developmental disabilities  
31 commission created in section 225C.5 and are  
32 consistent with the annual plan for services approved  
33 by the board.

34 h. Reimbursement on behalf of mentally retarded  
35 persons under section 249A.12.

36 i. c. Elections, and voter registration pursuant  
37 to chapter 48A.

38 j. d. Employee benefits under chapters 96, 97B,  
39 and 97C, which are associated with salaries for  
40 general county services.

41 k. e. Joint county and city building authorities  
42 established under section 346.27, as provided in  
43 subsection 22 of that section.

44 l. f. Tort liability insurance, property  
45 insurance, and any other insurance that may be  
46 necessary in the operation of the county, costs of a  
47 self-insurance program, costs of a local government  
48 risk pool, and amounts payable under any insurance  
49 agreements to provide or procure such insurance, self-  
50 insurance program, or local government risk pool.

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1 m. g. The maintenance and operation of the courts,  
2 including but not limited to the salary and expenses  
3 of the clerk of the district court and other employees  
4 of the clerk's office, and bailiffs, court costs if  
5 the prosecution fails or if the costs cannot be  
6 collected from the person liable, costs and expenses  
7 of prosecution under section 189A.17, salaries and

8 expenses of juvenile court officers under chapter 602,  
 9 court-ordered costs in domestic abuse cases under  
 10 section 236.5, the county's expense for confinement of  
 11 prisoners under chapter 356A, temporary assistance to  
 12 the county attorney, county contributions to a  
 13 retirement system for bailiffs, reimbursement for  
 14 judicial magistrates under section 602.6501, claims  
 15 filed under section 622.93, interpreters' fees under  
 16 section 622B.7, uniform citation and complaint  
 17 supplies under section 805.6, and costs of prosecution  
 18 under section 815.13.

19 ~~n. h.~~ Court-ordered costs of conciliation  
 20 procedures under section 598.16.

21 ~~o. i.~~ Establishment and maintenance of a joint  
 22 county indigent defense fund pursuant to an agreement  
 23 under section 28E.19.

24 ~~p. i.~~ The maintenance and operation of a local  
 25 emergency management agency established pursuant to  
 26 chapter 29C.

27 The board may require a public or private facility,  
 28 as a condition of receiving payment from county funds  
 29 for services it has provided, to furnish the board  
 30 with a statement of the income, assets, and legal  
 31 residence including township and county of each person  
 32 who has received services from that facility for which  
 33 payment has been made from county funds under  
 34 paragraphs "a" through "h" and "b". However, the  
 35 facility shall not disclose to anyone the name or  
 36 street or route address of a person receiving services  
 37 for which commitment is not required, without first  
 38 obtaining that person's written permission.

39 Parents or other persons may voluntarily reimburse  
 40 the county or state for the reasonable cost of caring  
 41 for a patient or an inmate in a county or state  
 42 facility.

43 Sec. 10. NEW SECTION. 331.424A COUNTY MENTAL  
 44 HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL  
 45 DISABILITIES SERVICES FUND.

46 1. For the purposes of this chapter, unless the  
 47 context otherwise requires, "services fund" means the  
 48 county mental health, mental retardation, and  
 49 developmental disabilities services fund created in  
 50 subsection 2. The county finance committee created in

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1 section 333A.2 shall consult with the state-county  
 2 management committee in adopting rules and prescribing  
 3 forms for administering the services fund.

4 2. For the fiscal year beginning July 1, 1996, and

5 succeeding fiscal years, county revenues from taxes  
6 and other sources designated for mental health, mental  
7 retardation, and developmental disabilities services  
8 shall be credited to the mental health, mental  
9 retardation, and developmental disabilities services  
10 fund of the county. The board shall make  
11 appropriations from the fund for payment of services  
12 provided under the county management plan approved  
13 pursuant to section 331.439.

14 3. For the fiscal year beginning July 1, 1996, and  
15 succeeding fiscal years, receipts from the state or  
16 federal government for such services shall be credited  
17 to the services fund, including moneys allotted to the  
18 county from the state payment made pursuant to section  
19 331.439 and moneys allotted to the county for property  
20 tax relief pursuant to section 426B.1.

21 4. For the fiscal year beginning July 1, 1996, and  
22 for each subsequent fiscal year, the county shall  
23 certify a levy for payment of services. Unless  
24 otherwise provided by state law, for each fiscal year,  
25 county revenues from taxes imposed by the county  
26 credited to the services fund shall not exceed an  
27 amount equal to the amount of base year expenditures  
28 for services in the fiscal year beginning July 1,  
29 1993, and ending June 30, 1994, as defined in section  
30 331.438 less the amount of property tax relief to be  
31 received pursuant to section 426B.2, subsections 1 and  
32 3, in the fiscal year for which the budget is  
33 certified. The county auditor and the board of  
34 supervisors shall reduce the amount of the levy  
35 certified for the services fund by the amount of  
36 property tax relief to be received.

37 5. Appropriations specifically authorized to be  
38 made from the mental health, mental retardation, and  
39 developmental disabilities services fund shall not be  
40 made from any other fund of the county.

41 Sec. 11. Section 444.25A, subsection 3, paragraph  
42 b, subparagraph (3), Code 1995, is amended to read as  
43 follows:

44 (3) Need for additional moneys for health care,  
45 treatment, and facilities, including ~~mental health and~~  
46 ~~mental retardation care and treatment~~ pursuant to  
47 section 331.424, subsection 1, paragraphs "a" through  
48 "h" and "b".

49 Sec. 12. EFFECTIVE AND APPLICABILITY DATES. This  
50 division of this Act takes effect January 1, 1996, and

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1 is applicable to taxes payable in the fiscal year  
2 beginning July 1, 1996, and subsequent fiscal years.

3 DIVISION III

4 PROPERTY TAX RELIEF PROVISIONS

5 Sec. 13. Section 222.60, unnumbered paragraph 1,  
6 Code 1995, as amended by 1995 Iowa Acts, House File  
7 483, section 12, is amended to read as follows:

8 All necessary and legal expenses for the cost of  
9 admission or commitment or for the treatment,  
10 training, instruction, care, habilitation, support and  
11 transportation of persons with mental retardation, as  
12 provided for in the county management plan provisions  
13 implemented pursuant to section 331.439, subsection 1,  
14 in a state hospital-school, or in a special unit, or  
15 any public or private facility within or without the  
16 state, approved by the director of the department of  
17 human services, shall be paid by either:

18 Sec. 14. Section 331.438, subsection 1, paragraph  
19 b, Code 1995, is amended to read as follows:

20 b. "State payment" means the payment made by the  
21 state to a county determined to be eligible for the  
22 payment in accordance with section 331.439.

23 1A. Except as modified based upon the actual  
24 amount of the appropriation for purposes of state  
25 payment under section 331.439, the amount of the state  
26 payment for a fiscal year shall be calculated as fifty  
27 percent of the amount by which the county's qualified  
28 expenditures during the immediately preceding fiscal  
29 year were in excess of the amount of the county's base  
30 year expenditures by applying the inflation factor  
31 adjustment established in accordance with section  
32 331.439, subsection 3, for that fiscal year to the  
33 amount of county expenditures for qualified services  
34 in the previous fiscal year. A state payment is the  
35 state funding a county receives pursuant to section  
36 426B.2, subsection 2. Any state funding received by a  
37 county for property tax relief in accordance with  
38 section 426B.2, subsections 1 and 3, is not a state  
39 payment and shall not be included in the state payment  
40 calculation made pursuant to this subsection.

41 Sec. 15. Section 331.439, Code 1995, is amended by  
42 striking the section and inserting in lieu thereof the  
43 following:

44 331.439 ELIGIBILITY FOR STATE PAYMENT.

45 1. The state payment to eligible counties under  
46 this section shall be made as provided in sections  
47 331.438 and 426B.2. A county is eligible for the  
48 state payment, as defined in section 331.438, for the

49 fiscal year beginning July 1, 1996, and for subsequent  
50 fiscal years if the director of human services, in

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1 consultation with the state-county management  
2 committee, determines for a specific fiscal year that  
3 all of the following conditions are met:  
4 a. The county accurately reported by October 15  
5 the county's expenditures for mental health, mental  
6 retardation, and developmental disabilities services  
7 for the previous fiscal year on forms prescribed by  
8 the department of human services.  
9 b. The county developed and implemented a county  
10 management plan for the county's mental health, mental  
11 retardation, and developmental disabilities services  
12 in accordance with the provisions of this paragraph.  
13 The plan shall comply with the administrative rules  
14 adopted for this purpose by the council on human  
15 services and is subject to the approval of the  
16 director of human services in consultation with the  
17 state-county management committee created in section  
18 331.438. The plan shall include a description of the  
19 county's service management provision for mental  
20 health, mental retardation, and developmental  
21 disabilities services. For mental retardation and  
22 developmental disabilities service management, the  
23 plan shall describe the county's development and  
24 implementation of a managed system of cost-effective  
25 individualized services and shall comply with the  
26 provisions of paragraph "d". The goal of this part of  
27 the plan shall be to assist the individuals served to  
28 be as independent, productive, and integrated into the  
29 community as possible. The service management  
30 provisions for mental health shall comply with the  
31 provisions of paragraph "c".  
32 c. (1) For mental health service management, the  
33 county may either directly implement a system of  
34 service management and contract with service  
35 providers, or contract with a private entity to manage  
36 the system, provided all requirements of this lettered  
37 paragraph are met by the private entity. The mental  
38 health service management shall incorporate a single  
39 entry point and clinical assessment process developed  
40 in accordance with the provisions of section 331.440.  
41 The county shall submit this part of the plan to the  
42 department of human services for approval by April 1  
43 for the succeeding year. Initially, this part of the  
44 plan shall be submitted to the department by April 1,  
45 1996, and the county shall implement the approved plan

46 by July 1, 1996.

47 (2) The basis for determining whether a managed  
48 care system for mental health proposed by a county is  
49 comparable to a mental health managed care contractor  
50 approved by the department of human services shall

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1 include but is not limited to all of the following  
2 elements which shall be specified in administrative  
3 rules adopted by the council on human services in  
4 consultation with the state-county management  
5 committee:

6 (a) The enrollment and eligibility process.

7 (b) The scope of services included.

8 (c) The method of plan administration.

9 (d) The process for managing utilization and

10 access to services and other assistance.

11 (e) The quality assurance process.

12 (f) The risk management provisions and fiscal

13 viability of the provisions, if the county contracts

14 with a private managed care entity.

15 d. For mental retardation and developmental  
16 disabilities services management, the county must  
17 either develop and implement a managed system of care

18 which addresses a full array of appropriate services

19 and cost-effective delivery of services or contract

20 with a state-approved managed care contractor or

21 contractors. Any system or contract implemented under

22 this paragraph shall incorporate a single entry point

23 and clinical assessment process developed in

24 accordance with the provisions of section 331.440.

25 The elements of the managed system of care and the

26 state-approved managed care contract or contracts

27 shall be specified in rules developed by the

28 department of human services in consultation with the

29 state-county management committee and adopted by the

30 council on human services. Initially, this part of

31 the plan shall be submitted to the department for

32 approval on or before October 1, 1996, and shall be

33 implemented on or before January 1, 1997. In fiscal

34 years succeeding the fiscal year of initial

35 implementation, this part of the plan shall be

36 submitted to the department of human services for

37 approval by April 1 for the succeeding fiscal year.

38 e. Changes to the approved plan are submitted at

39 least sixty days prior to the proposed change and are

40 not to be implemented prior to the director of human

41 services' approval.

42 2. The county management plan shall address the

43 county's criteria for serving persons with chronic  
44 mental illness, including any rationale used for  
45 decision making regarding this population.  
46 3. a. For the fiscal year beginning July 1, 1996,  
47 and succeeding fiscal years, the county's mental  
48 health, mental retardation, and developmental  
49 disabilities service expenditures for a fiscal year  
50 are limited to a fixed budget amount. The fixed

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1 budget amount shall be the amount identified in the  
2 county's management plan and budget for the fiscal  
3 year. The county shall be allowed an inflation factor  
4 adjustment for services paid from the county's  
5 services fund under section 331.424A which is in  
6 accordance with the county's management plan and  
7 budget, implemented pursuant to this section.

8 b. Based upon information contained in county  
9 management plans and budgets, the state-county  
10 management committee shall recommend an inflation  
11 factor adjustment to the council on human services by  
12 November 15 for the succeeding fiscal year. The  
13 inflation factor adjustment shall address costs  
14 associated with new consumers of service, service cost  
15 inflation, and investments for economy and efficiency.  
16 The council on human services shall recommend to the  
17 governor the amount of the inflation factor adjustment  
18 for the succeeding fiscal year for inclusion in the  
19 governor's proposed budget for the succeeding fiscal  
20 year.

21 c. If the general assembly has not revised the  
22 amount of the inflation factor adjustment for a fiscal  
23 year on the date county budgets must be approved and  
24 levies must be certified for that fiscal year, the  
25 budgets and levies shall utilize the inflation factor  
26 adjustment for that fiscal year recommended by the  
27 governor in the governor's proposed budget.

28 4. A county may provide assistance to service  
29 populations with disabilities to which the county has  
30 historically provided assistance but who are not  
31 included in the service management provisions required  
32 under subsection 1, subject to the availability of  
33 funding.

34 5. Notwithstanding any other provision of law to  
35 the contrary, a county shall have no obligation to pay  
36 for or provide mental health, mental retardation, or  
37 developmental disabilities services for any person  
38 that applies through the county's single entry point  
39 and clinical assessment process after the moneys in

40 the county services fund under section 331.424A are  
41 expended.

42 6. A county shall implement the county's  
43 management plan in a manner so as to provide adequate  
44 funding for the entire fiscal year by budgeting for  
45 ninety-nine percent of the funding anticipated to be  
46 available for the plan. A county may expend all of  
47 the funding anticipated to be available for the plan.

48 7. The director's approval of a county's mental  
49 health, mental retardation, and developmental  
50 disabilities services management plan shall not be

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1 construed to constitute certification of the county's  
2 budget.

3 Sec. 16. Section 331.440, subsection 1, Code 1995,  
4 is amended by adding the following new paragraph:  
5 NEW PARAGRAPH. c. The single entry point and  
6 clinical assessment process shall include provision  
7 for the county's participation in a management  
8 information system developed in accordance with rules  
9 adopted pursuant to subsection 3.

10 Sec. 17. NEW SECTION. 426B.1 APPROPRIATIONS --  
11 PROPERTY TAX RELIEF FUND.

12 1. A property tax relief fund is created in the  
13 state treasury under the authority of the department  
14 of revenue and finance. The fund shall be separate  
15 from the general fund of the state and shall not be  
16 considered part of the general fund of the state  
17 except in determining the cash position of the state  
18 for payment of state obligations. The moneys in the  
19 fund are not subject to the provisions of section 8.33  
20 and shall not be transferred, used, obligated,  
21 appropriated, or otherwise encumbered except as  
22 provided in this section. Moneys in the fund may be  
23 used for cash flow purposes, provided that any moneys  
24 so allocated are returned to the fund by the end of  
25 each fiscal year. However, the fund shall be  
26 considered a special account for the purposes of  
27 section 8.53, relating to elimination of any GAAP  
28 deficit. For the purposes of this chapter, unless the  
29 context otherwise requires, "property tax relief fund"  
30 means the property tax relief fund created in this  
31 section.

32 2. There is appropriated to the property tax  
33 relief fund for the indicated fiscal years from the  
34 general fund of the state the following amounts:

35 a. For the fiscal year beginning July 1, 1995,  
36 sixty-one million dollars.

37 b. For the fiscal year beginning July 1, 1996,  
38 seventy-eight million dollars.  
39 c. For the fiscal year beginning July 1, 1997, and  
40 succeeding fiscal years, ninety-five million dollars.  
41 Sec. 18. NEW SECTION. 426B.2 PROPERTY TAX RELIEF  
42 FUND DISTRIBUTIONS.  
43 Moneys in the property tax relief fund shall be  
44 utilized in each fiscal year as follows in the order  
45 listed:  
46 1. The first sixty-one million dollars plus the  
47 amount paid pursuant to subsection 3 in the previous  
48 fiscal year in the property tax relief fund shall be  
49 distributed to counties under this subsection. A  
50 county's proportion of the moneys shall be equivalent

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1 to the sum of the following three factors:  
2 a. One-third based upon the county's proportion of  
3 the state's general population.  
4 b. One-third based upon the county's proportion of  
5 the state's total taxable property valuation assessed  
6 for taxes payable in the previous fiscal year.  
7 c. One-third based upon the county's proportion of  
8 all counties' base year expenditures, as defined in  
9 section 331.438.  
10 Moneys provided to a county for property tax relief  
11 in a fiscal year in accordance with this section shall  
12 not be less than the amount provided for property tax  
13 relief in the previous fiscal year.  
14 2. Payment of moneys to eligible counties of the  
15 state payment in accordance with the provisions of  
16 sections 331.438 and 331.439.  
17 3. For the fiscal year beginning July 1, 1996, and  
18 succeeding fiscal years, the department of human  
19 services shall estimate the amount of moneys required  
20 for the state payment pursuant to subsection 2.  
21 Moneys remaining in the property tax relief fund  
22 following the payment made pursuant to subsection 1  
23 and the estimated amount of the state payment pursuant  
24 to subsection 2 shall be paid for property tax relief  
25 in the same manner as provided in subsection 1 to  
26 counties eligible for state payment under subsection  
27 2. These payments shall continue until the combined  
28 amount of the payments made under this subsection and  
29 subsection 1 are equal to fifty percent of the total  
30 of all counties' base year expenditures as defined in  
31 section 331.438. The amount of moneys paid to a  
32 county pursuant to this subsection shall be added in  
33 subsequent fiscal years to the amount of moneys paid

34 under subsection 1.

35 4. Moneys remaining in the property tax relief  
36 fund following the payments made pursuant to  
37 subsections 1, 2, and 3 shall be transferred to the  
38 homestead credit fund created in section 425.1. This  
39 transfer shall continue until the homestead credit is  
40 fully funded.

41 5. The department of human services shall notify  
42 the director of revenue and finance of the amounts due  
43 a county in accordance with the provisions of this  
44 section. The director of revenue and finance shall  
45 draw warrants on the property tax relief fund, payable  
46 to the county treasurer in the amount due to a county  
47 in accordance with subsections 1 and 3 and mail the  
48 warrants to the county auditors in September and March  
49 of each year. Warrants for the state payment in  
50 accordance with subsection 2 shall be mailed in

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1 January of each year.

2 Sec. 19. **NEW SECTION. 426B.3 NOTIFICATION OF**  
3 **MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL**  
4 **DISABILITIES EXPENDITURE RELIEF FUND PAYMENT.**

5 1. The county auditor shall reduce the certified  
6 budget amount received from the board of supervisors  
7 for the succeeding fiscal year for the county mental  
8 health, mental retardation, and developmental  
9 disabilities services fund created in section 331.424A  
10 by an amount equal to the amount the county will  
11 receive from the property tax relief fund pursuant to  
12 section 426B.2, subsections 1 and 3, for the  
13 succeeding fiscal year and the auditor shall determine  
14 the rate of taxation necessary to raise the reduced  
15 amount. On the tax list, the county auditor shall  
16 compute the amount of taxes due and payable on each  
17 parcel before and after the amount received from the  
18 property tax relief fund is used to reduce the county  
19 budget. The director of revenue and finance shall  
20 notify the county auditor of each county of the amount  
21 of moneys the county will receive from the property  
22 tax relief fund pursuant to section 426B.2,

23 subsections 1 and 3, for the succeeding fiscal year.  
24 2. The amount of property tax dollars reduced on  
25 each parcel as a result of the moneys received from  
26 the property tax relief fund pursuant to section  
27 426B.2, subsections 1 and 3, shall be noted on each  
28 tax statement prepared by the county treasurer  
29 pursuant to section 445.23.

30 Sec. 20. NEW SECTION. 426B.4 RULES.

31 The council on human services shall consult with  
32 the state-county management committee created in  
33 section 331.438 and the director of revenue and  
34 finance in prescribing forms and adopting rules  
35 pursuant to chapter 17A to administer this chapter.

36 Sec. 21. PROPERTY TAX RELIEF -- FISCAL YEAR 1995-  
37 1996. For the fiscal year beginning July 1, 1995, the  
38 department of management shall notify each county  
39 auditor by June 1, 1995, of the amount the county will  
40 receive from the property tax relief fund for property  
41 tax relief pursuant to section 426B.2, subsection 1,  
42 for that fiscal year. The county auditor shall reduce  
43 by the notified amount the amount of the county's  
44 certified budget to be raised by property tax for that  
45 fiscal year which is to be expended for mental health,  
46 mental retardation, and developmental disabilities  
47 services and shall revise the rate of taxation as  
48 necessary to raise the reduced amount. The county  
49 auditor shall report the reduction in the certified  
50 budget and the revised rate of taxation to the

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1 department of management by June 30, 1995.

2 Sec. 22. FUNDING OF SESSION LAW REQUIREMENTS. If  
3 the appropriations in section 426B.1, subsection 2, as  
4 created in this division of this Act, are enacted by  
5 this Act, the requirements of 1994 Iowa Acts, chapter  
6 1163, section 8, subsection 2, to fully fund  
7 provisions of sections 331.438 and 331.439 shall be  
8 considered to be met and the repeals contained in 1994  
9 Iowa Acts, chapter 1163, section 8, subsection 2,  
10 shall be void.

11 Sec. 23. STATE-COUNTY MANAGEMENT COMMITTEE REVIEW  
12 -- 1995 INTERIM. The state-county management  
13 committee created in section 331.438 shall review  
14 statutory provisions and administrative rules which  
15 are intended to regulate and contain county  
16 expenditures for mental health, mental retardation,  
17 and developmental disabilities (MH/MR/DD) services and  
18 the formula for distribution of property tax relief  
19 moneys to counties under section 426B.2. The  
20 committee should consider proposals from counties and  
21 other interested persons for a distribution formula  
22 factor which rewards or provides incentives for  
23 economy and efficiency in providing mental health,  
24 mental retardation, and developmental disabilities  
25 services; and a mechanism for a county to appeal to  
26 the state if it is believed the county is unfairly

27 treated under an established funding formula. In  
28 addition, the committee shall consider tort and other  
29 liability issues associated with a county managing  
30 MH/MR/DD expenditures in accordance with a fixed  
31 budget and make recommendations to address the issues.  
32 The committee shall review the dates required under  
33 section 331.439 and chapter 426B, as enacted by this  
34 Act and make recommendations for change if revisions  
35 are deemed necessary. The committee shall report to  
36 the governor and the general assembly on or before  
37 December 1, 1995.

38 Sec. 24. LEVY STUDY. The county finance committee  
39 created in chapter 333A shall consult with any  
40 interested parties in studying the ramifications of  
41 consolidating the county general basic levies and the  
42 general supplemental levies and other proposals  
43 involving the levies. The committee shall be assisted  
44 by four legislators with one each appointed by the  
45 following leaders: majority leader of the senate,  
46 minority leader of the senate, speaker of the house of  
47 representatives, and minority leader of the house of  
48 representatives. The legislative appointees are  
49 eligible for per diem and actual expenses for their  
50 assistance to the committee. The committee shall

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1 report to the governor and the general assembly with  
2 findings and recommendations on or before January 4,  
3 1996.

4 Sec. 25. EFFECTIVE DATE. Section 21 of this  
5 division of this Act, relating to property tax relief  
6 for fiscal year 1995-1996, being deemed of immediate  
7 importance, takes effect upon enactment.

#### DIVISION IV

#### COUNTY PROPERTY TAX LIMITATION

10 Sec. 26. Section 444.25A, subsection 1, Code 1995,  
11 is amended to read as follows:

12 1. COUNTY LIMITATION. The maximum amount of  
13 property tax dollars which may be certified by a  
14 county for taxes payable in the fiscal year beginning  
15 July 1, 1995, shall not exceed the amount of property  
16 tax dollars certified by the county for taxes payable  
17 in the fiscal year beginning July 1, 1994, minus the  
18 amount of property tax relief moneys to be received by  
19 the county for the fiscal year beginning July 1, 1995,  
20 pursuant to section 426B.2, subsection 1, and the  
21 maximum amount of property tax dollars which may be  
22 certified by a county for taxes payable in the fiscal  
23 year beginning July 1, 1996, shall not exceed the

24 amount of property tax dollars certified by the county  
25 for taxes payable in the fiscal year beginning July 1,  
26 1995, minus the amount by which the property tax  
27 relief moneys to be received by the county in the  
28 fiscal year beginning July 1, 1996, pursuant to  
29 section 426B.2, subsections 1 and 3, exceeds the  
30 amount of the property tax relief moneys received in  
31 the fiscal year beginning July 1, 1995, for each of  
32 the levies for the following, except for the levies on  
33 the increase in taxable valuation due to new  
34 construction, additions or improvements to existing  
35 structures, remodeling of existing structures for  
36 which a building permit is required, annexation, and  
37 phasing out of tax exemptions, and on the increase in  
38 valuation of taxable property as a result of a  
39 comprehensive revaluation by a private appraiser under  
40 a contract entered into prior to January 1, 1992, or  
41 as a result of a comprehensive revaluation directed or  
42 authorized by the conference board prior to January 1,  
43 1992, with documentation of the contract,  
44 authorization, or directive on the revaluation  
45 provided to the director of revenue and finance, if  
46 the levies are equal to or less than the levies for  
47 the previous year, levies on that portion of the  
48 taxable property located in an urban renewal project  
49 the tax revenues from which are no longer divided as  
50 provided in section 403.19, subsection 2, or as

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1 otherwise provided in this section:

2 a. General county services under section 331.422,  
3 subsection 1.

4 b. Rural county services under section 331.422,  
5 subsection 2.

6 c. Other taxes under section 331.422, subsection  
7 4.

8 **Sec. 27. NEW SECTION. 444.25B PROPERTY TAX**  
9 **LIMITATION FOR FISCAL YEAR 1998.**

10 1. COUNTY LIMITATION. The maximum amount of  
11 property tax dollars which may be certified by a  
12 county for taxes payable in the fiscal year beginning  
13 July 1, 1997, shall not exceed the amount of property  
14 tax dollars certified by the county for taxes payable  
15 in the fiscal year beginning July 1, 1996, minus the  
16 amount by which the property tax relief moneys to be  
17 received by the county in the fiscal year beginning  
18 July 1, 1997, pursuant to section 426B.2, subsections  
19 1 and 3, exceeds the amount of the property tax relief  
20 moneys received in the fiscal year beginning July 1,

21 1996, for each of the levies for the following, except  
22 for the levies on the increase in taxable valuation  
23 due to new construction, additions or improvements to  
24 existing structures, remodeling of existing structures  
25 for which a building permit is required, annexation,  
26 and phasing out of tax exemptions, and on the increase  
27 in valuation of taxable property as a result of a  
28 comprehensive revaluation by a private appraiser under  
29 a contract entered into prior to January 1, 1992, or  
30 as a result of a comprehensive revaluation directed or  
31 authorized by the conference board prior to January 1,  
32 1992, with documentation of the contract,  
33 authorization, or directive on the revaluation  
34 provided to the director of revenue and finance, if  
35 the levies are equal to or less than the levies for  
36 the previous year, levies on that portion of the  
37 taxable property located in an urban renewal project  
38 the tax revenues from which are no longer divided as  
39 provided in section 403.19, subsection 2, or as  
40 otherwise provided in this section:  
41 a. General county services under section 331.422,  
42 subsection 1.  
43 b. Rural county services under section 331.422,  
44 subsection 2.  
45 c. Other taxes under section 331.422, subsection  
46 4.  
47 2. EXCEPTIONS. The limitations provided in  
48 subsection 1 do not apply to the levies made for the  
49 following:  
50 a. Debt service to be deposited into the debt

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1 service fund pursuant to section 331.430.  
2 b. Taxes approved by a vote of the people which  
3 are payable during the fiscal year beginning July 1,  
4 1997.  
5 c. Hospitals pursuant to chapters 37, 347, and  
6 347A.  
7 d. Emergency management to be deposited into the  
8 local emergency management fund and expended for  
9 development of hazardous substance teams pursuant to  
10 chapter 29C.  
11 e. Unusual need for additional moneys to finance  
12 existing programs which would provide substantial  
13 benefit to county residents or compelling need to  
14 finance new programs which would provide substantial  
15 benefit to county residents. The increase in taxes  
16 levied under this exception for the fiscal year  
17 beginning July 1, 1997, is limited to no more than the

18 product of the total tax dollars levied in the fiscal  
 19 year beginning July 1, 1996, and the percent change,  
 20 computed to two decimal places, in the price index for  
 21 government purchases by type for state and local  
 22 governments computed for the third quarter of calendar  
 23 year 1996 from that computed for the third quarter of  
 24 calendar year 1995.

25 For purposes of this paragraph, the price index for  
 26 government purchases by type for state and local  
 27 governments is defined by the bureau of economic  
 28 analysis of the United States department of commerce  
 29 and published in table 7.11 of the national income and  
 30 products accounts. For the fiscal year beginning July  
 31 1, 1997, the price index used shall be the revision  
 32 published in the November 1996 edition of the United  
 33 States department of commerce publication, "survey of  
 34 current business". For purposes of this paragraph,  
 35 tax dollars levied in the fiscal year beginning July  
 36 1, 1996, shall not include funds levied for paragraphs  
 37 "a", "b", and "c" of this subsection.

38 Application of this exception shall require an  
 39 original publication of the budget and a public  
 40 hearing and a second publication and a second hearing  
 41 both in the manner and form prescribed by the director  
 42 of the department of management, notwithstanding the  
 43 provisions of section 331.434. The publications and  
 44 hearings prescribed in this paragraph shall be held  
 45 and the budget certified no later than March 15. The  
 46 taxes levied for counties whose budgets are certified  
 47 after March 15, 1997, shall be frozen at the fiscal  
 48 year beginning July 1, 1996, level.  
 49 3. APPEAL PROCEDURES. In lieu of the procedures  
 50 in sections 24.48 and 331.426, which procedures do not

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1 apply for taxes payable in the fiscal year beginning  
 2 July 1, 1997, if a county needs to raise property tax  
 3 dollars from a tax levy in excess of the limitations  
 4 imposed by subsection 1, the following procedures  
 5 apply:

6 a. Not later than March 1, and after the  
 7 publication and public hearing on the budget in the  
 8 manner and form prescribed by the director of the  
 9 department of management, notwithstanding section  
 10 331.434, the county shall petition the state appeal  
 11 board for approval of a property tax increase in  
 12 excess of the increase provided for in subsection 2,  
 13 paragraph "e", on forms furnished by the director of  
 14 the department of management. Applications received

15 after March 1 shall be automatically ineligible for  
16 consideration by the board.

17 b. Additional costs incurred by the county due to  
18 any of the following circumstances shall be the basis  
19 for justifying the excess in property tax dollars:

20 (1) Natural disaster or other life-threatening  
21 emergencies.

22 (2) Unusual need for additional moneys to finance  
23 existing programs which would provide substantial  
24 benefit to county residents or compelling need to  
25 finance new programs which would provide substantial  
26 benefit to county residents.

27 (3) Need for additional moneys for health care,  
28 treatment, and facilities pursuant to section 331.424,  
29 subsection 1, paragraphs "a" and "b".

30 (4) Judgments, settlements, and related costs  
31 arising out of civil claims against the county and its  
32 officers, employees, and agents, as defined in chapter  
33 670.

34 c. The state appeal board shall approve,  
35 disapprove, or reduce the amount of excess property  
36 tax dollars requested. The board shall take into  
37 account the intent of this section to provide property  
38 tax relief. The decision of the board shall be  
39 rendered at a regular or special meeting of the board  
40 within twenty days of the board's receipt of an  
41 appeal.

42 d. Within seven days of receipt of the decision of  
43 the state appeal board, the county shall adopt and  
44 certify its budget under section 331.434, which budget  
45 may be protested as provided in section 331.436. The  
46 budget shall not contain an amount of property tax  
47 dollars in excess of the amount approved by the state  
48 appeal board.

49 4. Rate adjustment by county auditor. In addition  
50 to the requirement of the county auditor in section

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1 444.3 to establish a rate of tax which does not exceed  
2 the rate authorized by law, the county auditor shall  
3 also adjust the rate if the amount of property tax  
4 dollars to be raised is in excess of the amount  
5 specified in subsection 1, as may be adjusted pursuant  
6 to subsection 3.

7 Sec. 28. Section 444.27, Code 1995, is amended to  
8 read as follows:

9 444.27 SECTIONS VOID.

10 1. For purposes of section 444.25, sections 24.48  
11 and 331.426 are void for the fiscal years beginning

12 July 1, 1993, and July 1, 1994. For purposes of  
 13 section 444.25A, sections 24.48 and 331.426 are void  
 14 for the fiscal years beginning July 1, 1995, and July  
 15 1, 1996.

16 2. For purposes of section 444.25B, sections 24.48  
 17 and 331.426 are void for the fiscal year beginning  
 18 July 1, 1997.

19 DIVISION V

20 INDUSTRIAL MACHINERY, EQUIPMENT AND COMPUTERS PROPERTY  
 21 TAX

22 EXEMPTION AND REPLACEMENT

23 Sec. 29. Section 427B.17, Code 1995, is amended to  
 24 read as follows:

25 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

26 1. For property defined in section 427A.1,  
 27 subsection 1, paragraphs "e" and "j", acquired or  
 28 initially leased on or after January 1, 1982, the  
 29 taxpayer's valuation shall be limited to thirty  
 30 percent of the net acquisition cost of the property,  
 31 except as otherwise provided in subsections 2 and 3.  
 32 For purposes of this section, "net acquisition cost"  
 33 means the acquired cost of the property including all  
 34 foundations and installation cost less any excess cost  
 35 adjustment.

36 For purposes of this section subsection:

37 1. Property assessed by the department of revenue  
 38 and finance pursuant to sections 428.24 to 428.29, or  
 39 chapters 433, 434 and 436 to 438 shall not receive the  
 40 benefits of this section.

41 2. a. Property acquired before January 1, 1982,  
 42 which was owned or used before January 1, 1982, by a  
 43 related person shall not receive the benefits of this  
 44 section subsection.

45 3. b. Property acquired on or after January 1,  
 46 1982, which was owned and used by a related person  
 47 shall not receive any additional benefits under this  
 48 section subsection.

49 4. c. Property which was owned or used before  
 50 January 1, 1982, and subsequently acquired by an

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1 exchange of like property shall not receive the  
 2 benefits of this section subsection.

3 5. d. Property which was acquired on or after  
 4 January 1, 1982, and subsequently exchanged for like  
 5 property shall not receive any additional benefits  
 6 under this section subsection.

7 6. e. Property acquired before January 1, 1982,

8 which is subsequently leased to a taxpayer or related  
9 person who previously owned the property shall not  
10 receive the benefits of this section subsection.  
11 7. f. Property acquired on or after January 1,  
12 1982, which is subsequently leased to a taxpayer or  
13 related person who previously owned the property shall  
14 not receive any additional benefits under this section  
15 subsection.

16 For purposes of this section subsection, "related  
17 person" means a person who owns or controls the  
18 taxpayer's business and another business entity from  
19 which property is acquired or leased or to which  
20 property is sold or leased. Business entities are  
21 owned or controlled by the same person if the same  
22 person directly or indirectly owns or controls fifty  
23 percent or more of the assets or any class of stock or  
24 who directly or indirectly has an interest of fifty  
25 percent or more in the ownership or profits.

26 2. Property defined in section 427A.1, subsection  
27 1, paragraphs "e" and "f", which is first assessed for  
28 taxation in this state on or after January 1, 1995,  
29 shall be exempt from taxation.

30 3. Property defined in section 427A.1, subsection  
31 1, paragraphs "e" and "f", and assessed under section  
32 427B.17, subsection 1, shall be valued by the local  
33 assessor as follows for the following assessment  
34 years:

35 a. For the assessment year beginning January 1,  
36 1999, at twenty-two percent of the net acquisition  
37 cost.

38 b. For the assessment year beginning January 1,  
39 2000, at fourteen percent of the net acquisition cost.

40 c. For the assessment year beginning January 1,  
41 2001, at six percent of the net acquisition cost.

42 d. For the assessment year beginning January 1,  
43 2002, and succeeding assessment years, at zero percent  
44 of the net acquisition cost.

45 4. Property assessed pursuant to this section  
46 shall not be eligible to receive a partial exemption  
47 under sections 427B.1 to 427B.6.

48 5. This section shall not apply to property  
49 assessed by the department of revenue and finance  
50 pursuant to sections 428.24 to 428.29, or chapters

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1 433, 434, and 436 to 438, and such property shall not  
2 receive the benefits of this section.

3 Any electric power generating plant which operated  
4 during the preceding assessment year at a net capacity

5 factor of more than twenty percent, shall not receive  
6 the benefits of this section or of sections 15.332 and  
7 15.334. For purposes of this section, "electric power  
8 generating plant" means any name plate rated electric  
9 power generating plant, in which electric energy is  
10 produced from other forms of energy, including all  
11 taxable land, buildings, and equipment used in the  
12 production of such energy. "Net capacity factor"  
13 means net actual generation divided by the product of  
14 net maximum capacity times the number of hours the  
15 unit was in the active state during the assessment  
16 year. Upon commissioning, a unit is in the active  
17 state until it is decommissioned. "Net actual  
18 generation" means net electrical megawatt hours  
19 produced by the unit during the preceding assessment  
20 year. "Net maximum capacity" means the capacity the  
21 unit can sustain over a specified period when not  
22 restricted by ambient conditions or equipment  
23 deratings, minus the losses associated with station  
24 service or auxiliary loads.

25 6. The taxpayer's valuation of property defined in  
26 section 427A.1, subsection 1, paragraphs "e" and "f",  
27 and located in an urban renewal area for which an  
28 urban renewal plan provides for the division of taxes  
29 as provided in section 403.19 to pay the principal and  
30 interest on loans, advances, bonds issued under the  
31 authority of section 403.9, subsection 1, or  
32 indebtedness incurred by a city or county to finance  
33 an urban renewal project within the urban renewal  
34 area, if such loans, advances, or bonds were issued or  
35 indebtedness incurred, on or after January 1, 1982,  
36 and on or before June 30, 1995, shall be limited to  
37 thirty percent of the net acquisition cost of the  
38 property. Such property located in an urban renewal  
39 area shall not be valued pursuant to subsection 2 or  
40 3, whichever is applicable, until the assessment year  
41 following the calendar year in which the obligations  
42 created by any loans, advances, bonds, or indebtedness  
43 payable from the division of taxes as provided in  
44 section 403.19 have been retired. The taxpayer's  
45 valuation for such property shall then be the  
46 valuation specified in subsection 2 or 3, whichever is  
47 applicable, for the applicable assessment year. If  
48 the loans, advances, or bonds issued, or indebtedness  
49 incurred between January 1, 1982, and June 30, 1995,  
50 are refinanced or refunded after June 30, 1995, the

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1 valuation of such property shall then be the valuation  
2 specified in subsection 2 or 3, whichever is  
3 applicable, for the applicable assessment year  
4 beginning with the assessment year following the  
5 calendar year in which any of those loans, advances,  
6 bonds, or other indebtedness are refinanced or  
7 refunded after June 30, 1995.  
8 7. For the purpose of dividing taxes under section  
9 260E.4 or 260F.4, the employer's or business's  
10 valuation of property defined in section 427A.1,  
11 subsection 1, paragraphs "e" and "j", and used to fund  
12 a new jobs training project which project's first  
13 written agreement providing for a division of taxes as  
14 provided in section 403.19 is approved on or before  
15 June 30, 1995, shall be limited to thirty percent of  
16 the net acquisition cost of the property. An  
17 employer's or business's taxable property used to fund  
18 a new jobs training project shall not be valued  
19 pursuant to subsection 2 or 3, whichever is  
20 applicable, until the assessment year following the  
21 calendar year in which the certificates or other  
22 funding obligations have been retired or escrowed.  
23 The taxpayer's valuation for such property shall then  
24 be the valuation specified in subsection 1 for the  
25 applicable assessment year. If the certificates  
26 issued, or other funding obligations incurred, between  
27 January 1, 1982, and June 30, 1995, are refinanced or  
28 refunded after June 30, 1995, the valuation of such  
29 property shall then be the valuation specified in  
30 subsection 2 or 3, whichever is applicable, for the  
31 applicable assessment year beginning with the  
32 assessment year following the calendar year in which  
33 those certificates or other funding obligations are  
34 refinanced or refunded after June 30, 1995.  
35 **Sec. 30. NEW SECTION. 427B.18 REPLACEMENT.**  
36 **Beginning with the fiscal year beginning July 1,**  
37 **1996, each county treasurer shall be paid from the**  
38 **industrial machinery, equipment and computers**  
39 **replacement fund an amount equal to the amount of the**  
40 **industrial machinery, equipment and computers tax**  
41 **replacement claim, as calculated in section 427B.19.**  
42 **Sec. 31. NEW SECTION. 427B.19 ASSESSOR AND**  
43 **COUNTY AUDITOR DUTIES.**  
44 **1. On or before July 1 of each fiscal year, the**  
45 **assessor shall determine the total assessed value of**  
46 **the property assessed under section 427B.17 for taxes**  
47 **payable in that fiscal year and the total assessed**  
48 **value of such property assessed as of January 1, 1994,**

49 and shall report the valuations to the county auditor.  
50 2. On or before July 1 of each fiscal year, the

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1 assessor shall determine the valuation of all  
2 commercial and industrial property assessed for taxes  
3 payable in that fiscal year and the valuation of such  
4 property assessed as of January 1, 1994, and shall  
5 report the valuations to the county auditor.

6 3. On or before July 1, 1996, and on or before  
7 July 1 of each succeeding fiscal year through June 30,  
8 2006, the county auditor shall prepare a statement,  
9 based upon the report received pursuant to subsections  
10 1 and 2, listing for each taxing district in the  
11 county:

12 a. Beginning with the assessment year beginning  
13 January 1, 1995, the difference between the assessed  
14 valuation of property assessed pursuant to section  
15 427B.17 for that year and the total assessed value of  
16 such property assessed as of January 1, 1994. If the  
17 total assessed value of the property assessed as of  
18 January 1, 1994, is less, there is no tax replacement  
19 for the fiscal year.

20 b. The tax levy rate for each taxing district for  
21 that fiscal year.

22 c. The industrial machinery, equipment and  
23 computers tax replacement claim for each taxing  
24 district. For fiscal years beginning July 1, 1996,  
25 and ending June 30, 2001, the replacement claim is  
26 equal to the amount determined pursuant to paragraph  
27 "a", multiplied by the tax rate specified in paragraph  
28 "b". For fiscal years beginning July 1, 2001, and  
29 ending June 30, 2006, the replacement claim is equal  
30 to the product of the amount determined pursuant to  
31 paragraph "a", less any increase in valuations  
32 determined in paragraph "d", and the tax rate  
33 specified in paragraph "b". If the amount subtracted  
34 under paragraph "d" is more than the amount determined  
35 in paragraph "a", there is no tax replacement for the  
36 fiscal year.

37 d. Beginning with the assessment year beginning  
38 January 1, 2000, the auditor shall reduce the amount  
39 listed in paragraph "a", by the increase, if any, in  
40 assessed valuations of commercial and industrial  
41 property in the assessment year beginning January 1,  
42 1994, and the assessment year for which taxes are due  
43 and payable in that fiscal year. If the calculation  
44 under this paragraph indicates a net decrease in  
45 aggregate valuation of such property, the industrial

46 machinery, equipment and computers tax replacement  
47 claim for each taxing district is equal to the amount  
48 determined pursuant to paragraph "a", multiplied by  
49 the tax rate specified in paragraph "b".  
50 4. The county auditor shall certify and forward

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1 one copy of the statement to the department of revenue  
2 and finance not later than July 1 of each year.  
3 Sec. 32. NEW SECTION. 427B.19A FUND CREATED.  
4 1. The industrial machinery, equipment and  
5 computers property tax replacement fund is created.  
6 For the fiscal year beginning July 1, 1996, through  
7 the fiscal year ending June 30, 2006, there is  
8 appropriated annually from the general fund of the  
9 state to the department of revenue and finance to be  
10 credited to the industrial machinery, equipment and  
11 computers property tax replacement fund, an amount  
12 sufficient to implement this division.  
13 2. If an amount appropriated for a fiscal year is  
14 insufficient to pay all claims, the director shall  
15 prorate the disbursements from the fund to the county  
16 treasurers and shall notify the county auditors of the  
17 pro rata percentage on or before August 1.  
18 3. The replacement claims shall be paid to each  
19 county treasurer in equal installments in September  
20 and March of each year. The county treasurer shall  
21 apportion the replacement claim payments among the  
22 eligible taxing districts in the county.  
23 Sec. 33. NEW SECTION. 427B.19B GUARANTEE OF  
24 STATE REPLACEMENT FUNDS.  
25 For the fiscal years beginning July 1, 1996, and  
26 ending June 30, 2006, if the industrial machinery,  
27 equipment and computers property tax replacement fund  
28 is insufficient to pay in full the total of the  
29 amounts certified to the director of revenue and  
30 finance, the director shall compute for each county  
31 the difference between the total of all replacement  
32 claims for each taxing district within the county and  
33 the amount paid to the county treasurer for  
34 disbursement to each taxing district in the county.  
35 The assessor, for the assessment year for which taxes  
36 are due and payable in the fiscal year for which a  
37 sufficient appropriation was not made, shall revalue  
38 all industrial machinery, equipment and computers  
39 described in section 427B.17, subsections 2 and 3, in  
40 the county at a percentage of net acquisition cost  
41 which will yield from each taxing district its  
42 shortfall and the property shall be assessed and taxed

43 in such manner for taxes due and payable in the  
 44 following fiscal year in addition to being assessed  
 45 and taxed in the applicable manner under section  
 46 427B.17. When conducting the revaluation, the  
 47 assessor shall increase the percentage of net  
 48 acquisition cost of such property by the same  
 49 percentage point. Property tax dollar amounts  
 50 certified pursuant to this section shall not be

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1 considered property tax dollars certified for purposes  
 2 of the property tax limitation in chapter 444.  
 3 Sec. 34. Section 257.3, subsection 1, Code 1995,  
 4 is amended by adding the following new unnumbered  
 5 paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. The amount paid to each  
 7 school district for the tax replacement claim for  
 8 industrial machinery, equipment and computers under  
 9 section 427B.19A shall be regarded as property tax.  
 10 The portion of the payment which is foundation  
 11 property tax shall be determined by applying the  
 12 foundation property tax rate to the amount computed  
 13 under section 427B.19, subsection 3, paragraph "a", as  
 14 adjusted by paragraph "d", if any adjustment was made.

15 DIVISION VI

16 FISCAL YEAR 1996 PAYMENT

17 Sec. 35. FISCAL YEAR 1996 RELIEF FUND PAYMENT.  
 18 Notwithstanding 1995 Iowa Acts, House File 132,  
 19 section 13, the appropriation in that section shall  
 20 not be made from the general fund of the state but  
 21 shall be made from the property tax relief fund  
 22 created in section 426B.1, as enacted by this Act.  
 23 Notwithstanding section 426B.2, subsection 2, as  
 24 enacted by this Act, for the fiscal year beginning  
 25 July 1, 1995, the amount of moneys distributed under  
 26 that subsection shall be \$54.4 million."

27 2. Title page, by striking lines 1 through 4 and  
 28 inserting the following: "An Act relating to tax  
 29 provisions involving state income tax, certain county  
 30 property tax and services associated with mental  
 31 health and developmental disabilities services, the  
 32 county property tax limitation, and property tax on  
 33 industrial machinery, equipment and computers,  
 34 providing appropriations, and providing effective and  
 35 applicability dates.""

TOM VILSACK  
 WILLIAM D. PALMER  
 BERL E. PRIEBE

TONY BISIGNANO  
 DENNIS H. BLACK  
 LEONARD L. BOSWELL  
 MIKE CONNOLLY  
 DICK L. DEARDEN  
 PATRICK J. DELUHERY  
 BILL FINK  
 TOM FLYNN  
 EUGENE FRAISE  
 DON E. GETTINGS  
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 ROD HALVORSON  
 JOHNNIE HAMMOND  
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 WALLY HORN  
 EMIL J. HUSAK  
 PATTY JUDGE  
 JOHN P. KIBBIE  
 LARRY MURPHY  
 MARY NEUHAUSER  
 ALBERT SORENSEN  
 ELAINE SZYMONIAK

S-3592

1 Amend the amendment, S-3591, to the House  
 2 amendment, S-3082, to Senate File 69, as passed by the  
 3 Senate, as follows:

4 1. Page 25, by inserting after line 11 the  
 5 following:

6 "DIVISION ———

7 SUBCHAPTER S CORPORATIONS

8 Sec. \_\_\_\_ . Section 422.5, subsection 1, paragraph  
 9 j, Code 1995, is amended by adding the following new  
 10 unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. The tax imposed upon the  
 12 taxable income of a resident shareholder in a  
 13 corporation which has in effect for the tax year an  
 14 election under subchapter S of the Internal Revenue  
 15 Code and carries on business within and without the  
 16 state shall be computed by reducing the amount  
 17 determined pursuant to paragraphs "a" through "i" by  
 18 the amounts of nonrefundable credits under this  
 19 division and by multiplying this resulting amount by a  
 20 fraction of which the resident's net income allocated  
 21 to Iowa, as determined in section 422.8, subsection 2,  
 22 paragraph "b", is the numerator and the resident's  
 23 total net income computed under section 422.7 is the  
 24 denominator. This paragraph also applies to

25 individuals who are residents of Iowa for less than  
26 the entire tax year.

27 Sec. \_\_\_\_ . Section 422.5, subsection 1, paragraph  
28 k, unnumbered paragraph 4, Code 1995, is amended to  
29 read as follows:

30 In the case of a resident, including a resident  
31 estate or trust, the state's apportioned share of the  
32 state alternative minimum tax is one hundred percent  
33 of the state alternative minimum tax computed in this  
34 subsection. In the case of a resident or part year  
35 resident shareholder in a corporation which has in  
36 effect for the tax year an election under subchapter S  
37 of the Internal Revenue Code and carries on business  
38 within and without the state, a nonresident, including  
39 a nonresident estate or trust, or an individual,  
40 estate, or trust that is domiciled in the state for  
41 less than the entire tax year, the state's apportioned  
42 share of the state alternative minimum tax is the  
43 amount of tax computed under this subsection, reduced  
44 by the applicable credits in sections 422.10 through  
45 422.12 and this result multiplied by a fraction with a  
46 numerator of the sum of state net income allocated to  
47 Iowa as determined in section 422.8, subsection 2,  
48 paragraph "a" or "b" as applicable, plus tax  
49 preference items, adjustments, and losses under  
50 subparagraph (1) attributable to Iowa and with a

## Page 2

1 denominator of the sum of total net income computed  
2 under section 422.7 plus all tax preference items,  
3 adjustments, and losses under subparagraph (1). In  
4 computing this fraction, those items excludable under  
5 subparagraph (1) shall not be used in computing the  
6 tax preference items. Married taxpayers electing to  
7 file separate returns or separately on a combined  
8 return must allocate the minimum tax computed in this  
9 subsection in the proportion that each spouse's  
10 respective preference items, adjustments, and losses  
11 under subparagraph (1) bear to the combined preference  
12 items, adjustments, and losses under subparagraph (1)  
13 of both spouses.

14 Sec. \_\_\_\_ . Section 422.8, subsection 2, Code 1995,  
15 is amended to read as follows:

16 2. a. Nonresident's net income allocated to Iowa  
17 is the net income, or portion thereof, which is  
18 derived from a business, trade, profession, or  
19 occupation carried on within this state or income from  
20 any property, trust, estate, or other source within  
21 Iowa. However, income derived from a business, trade,

22 profession, or occupation carried on within this state  
23 and income from any property, trust, estate, or other  
24 source within Iowa shall not include distributions  
25 from pensions, including defined benefit or defined  
26 contribution plans, annuities, individual retirement  
27 accounts, and deferred compensation plans or any  
28 earnings attributable thereto so long as the  
29 distribution is directly related to an individual's  
30 documented retirement and received while the  
31 individual is a nonresident of this state. If a  
32 business, trade, profession, or occupation is carried  
33 on partly within and partly without the state, only  
34 the portion of the net income which is fairly and  
35 equitably attributable to that part of the business,  
36 trade, profession, or occupation carried on within the  
37 state is allocated to Iowa for purposes of section  
38 422.5, subsection 1, paragraph "j", and section 422.13  
39 and income from any property, trust, estate, or other  
40 source partly within and partly without the state is  
41 allocated to Iowa in the same manner, except that  
42 annuities, interest on bank deposits and interest-  
43 bearing obligations, and dividends are allocated to  
44 Iowa only to the extent to which they are derived from  
45 a business, trade, profession, or occupation carried  
46 on within the state.

47 b. A resident's income allocable to Iowa is the  
48 income determined under section 422.7 reduced by items  
49 of income and expenses from a subchapter S corporation  
50 which pass directly to the shareholders under

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1 provisions of the Internal Revenue Code and increased  
2 by the greater of the following:  
3 (1) The net income or loss of the corporation  
4 which is fairly and equitably attributable to this  
5 state under section 422.33, subsections 2 and 3.  
6 (2) The taxpayer's pro rata share of an amount  
7 deemed distributed to shareholders which when added to  
8 the salaries, wages, or other compensation for  
9 services performed by all shareholders will equal ten  
10 percent of the net income of the corporation computed  
11 in accordance with section 422.35 and considering  
12 items of income and expense which pass directly to the  
13 shareholders under provisions of the Internal Revenue  
14 Code before deduction of shareholder's salaries,  
15 wages, or other compensation for services performed.  
16 (3) Any cash or the value of any property  
17 distributions made to the extent they are paid from  
18 income upon which Iowa income tax has not been paid as

19 determined under rules of the director.

20 Sec. \_\_\_\_ . Section 422.8, Code 1995, is amended by

21 adding the following new subsection:

22 NEW SUBSECTION. 6. If the resident or part year

23 resident is a shareholder of a corporation which has

24 in effect an election under subchapter S of the

25 Internal Revenue Code, subsections 1 and 3 do not

26 apply to any income taxes paid to another state or

27 foreign country on the income from the corporation

28 which has in effect an election under subchapter S of

29 the Internal Revenue Code.

30 Sec. \_\_\_\_ . This division of this Act, being deemed

31 of immediate importance, takes effect upon enactment

32 and applies retroactively to January 1, 1995, for tax

33 years beginning on or after that date."

34 2. Page 25, line 30, by inserting after the word

35 "computers," the following: "and the treatment of

36 income from subchapter S corporations,".

37 3. By renumbering as necessary.

WAYNE BENNETT  
 MARY A. LUNDBY  
 ANDY McKEAN  
 O. GENE MADDOX  
 LYLE E. ZIEMAN  
 JOANN DOUGLAS  
 NANCY BOETTGER  
 H. KAY HEDGE  
 DONALD B. REDFERN  
 WILMER RENSINK  
 JIM LIND  
 MARY KRAMER  
 MAGGIE TINSMAN  
 MERLIN E. BARTZ  
 SHELDON RITTMER  
 JACK RIFE  
 STEWART IVERSON, JR.  
 RICHARD F. DRAKE  
 MARY LOU FREEMAN  
 BRAD BANKS  
 DERRYL McLAREN  
 JOHN W. JENSEN  
 ALLEN BORLAUG

S-3593

- 1 Amend the amendment, S-3591, to the House
- 2 amendment, S-3082, to Senate File 69, as passed by the
- 3 Senate, as follows:
- 4 1. Page 1, by striking line 10 and inserting the

5 following:

6 "INCOME TAX REDUCTION AND SPECIAL FUNDS

7 Section 1. Section 422.4, subsection 1, paragraphs  
8 b and c, Code 1995, are amended to read as follows:

9 b. "Cumulative inflation factor" means the product  
10 of the annual inflation factor for the ~~1988~~ 1995  
11 calendar year and all annual inflation factors for  
12 subsequent calendar years as determined pursuant to  
13 this subsection. The cumulative inflation factor  
14 applies to all tax years beginning on or after January  
15 1 of the calendar year for which the latest annual  
16 inflation factor has been determined.

17 c. The annual inflation factor for each of the  
18 ~~1988 1995, 1996, 1997, 1998, and 1999~~ calendar year  
19 years is one hundred percent.

20 Sec. \_\_\_\_ . Section 422.5, subsection 1, unnumbered  
21 paragraph 1, and paragraphs a through i, Code 1995,  
22 are amended by striking the unnumbered paragraph and  
23 lettered paragraphs and inserting in lieu thereof the  
24 following:

25 A tax is imposed upon every resident and  
26 nonresident of the state which tax shall be levied,  
27 collected, and paid annually upon and with respect to  
28 the entire taxable income as defined in this division  
29 at rates and for tax years beginning in the following  
30 calendar years as follows:

31 On all taxable  
32 income exceeding  
33 the beginning  
34 amount through  
35 the ending  
36 amount:

CALENDAR YEARS

		1995	1996	1997	1998	1999 and subsequent years
37 a.	\$ 0- 1,060	.4 %	.4 %	.35%	.35%	.35%
38 b.	1,060- 2,120	.8	.75	.75	.7	.7
39 c.	2,120- 4,240	2.65	2.55	2.45	2.35	2.3
40 d.	4,240- 9,540	4.9	4.75	4.55	4.35	4.25
41 e.	9,540-15,900	6.65	6.45	6.2	5.95	5.8
42 f.	15,900-21,200	7.05	6.8	6.6	6.3	6.1
43 g.	21,200-31,800	7.35	7.15	6.9	6.6	6.4
44 h.	31,800-47,700	8.6	8.3	8.05	7.65	7.5
45 i.	47,700	9.75	9.45	9.15	8.7	8.5"

46 2. Page 1, by inserting after line 40 the  
47 following:

48 "Sec. 200. Section 8.56, subsection 1, Code 1995,  
49 is amended to read as follows:

50 1. A cash reserve fund is created in the state

## Page 2

1 treasury. The cash reserve fund shall be separate  
2 from the general fund of the state and shall not be  
3 considered part of the general fund of the state  
4 except in determining the cash position of the state  
5 as provided in subsection 3. The moneys in the cash  
6 reserve fund are not subject to section 8.33 and shall  
7 not be transferred, used, obligated, appropriated, or  
8 otherwise encumbered except as provided in this  
9 section. Notwithstanding section 12C.7, subsection 2,  
10 interest or earnings on moneys deposited in the cash  
11 reserve fund shall be credited to the rebuild Iowa  
12 economic emergency fund infrastructure account created  
13 in section 8.57. Moneys in the cash reserve fund may  
14 be used for cash flow purposes provided that any  
15 moneys so allocated are returned to the cash reserve  
16 fund by the end of each fiscal year. However, the  
17 fund shall be considered a special account for the  
18 purposes of section 8.53.

19 Sec. 201. Section 8.56, subsection 4, paragraph b,  
20 Code 1995, is amended to read as follows:

21 b. In addition to the requirements of paragraph  
22 "a", an appropriation shall not be made from the cash  
23 reserve fund ~~which would cause the fund's balance to~~  
24 ~~be less than three percent of the adjusted revenue~~  
25 ~~estimate for the year for which the appropriation is~~  
26 ~~made unless the bill or joint resolution making the~~  
27 appropriation is approved by vote of at least three-  
28 fifths of the members of both chambers of the general  
29 assembly and is signed by the governor.

30 Sec. 202. Section 8.57, subsection 1, paragraph a,  
31 Code 1995, is amended by striking the paragraph and  
32 inserting in lieu thereof the following:

33 a. The cash reserve goal percentage for fiscal  
34 years beginning on or after July 1, 1995, is five  
35 percent of the adjusted revenue estimate. For each  
36 fiscal year beginning on or after July 1, 1995, in  
37 which the appropriation of the surplus existing in the  
38 general fund of the state at the conclusion of the  
39 prior fiscal year pursuant to paragraph "b" was not  
40 sufficient for the cash reserve fund to reach the cash  
41 reserve goal percentage for the current fiscal year,  
42 there is appropriated from the general fund of the  
43 state an amount to be determined as follows:

44 (1) If the balance of the cash reserve fund in the  
45 current fiscal year is not more than four percent of  
46 the adjusted revenue estimate for the current fiscal  
47 year, the amount of the appropriation under this  
48 lettered paragraph is one percent of the adjusted

49 revenue estimate for the current fiscal year.  
50 (2) If the balance of the cash reserve fund in the

Page 3

1 current fiscal year is more than four percent but less  
2 than five percent of the adjusted revenue estimate for  
3 that fiscal year, the amount of the appropriation  
4 under this lettered paragraph is the amount necessary  
5 for the cash reserve fund to reach five percent of the  
6 adjusted revenue estimate for the current fiscal year.

7 (3) The moneys appropriated under this lettered  
8 paragraph shall be credited in equal and proportionate  
9 amounts in each quarter of the current fiscal year.

10 Sec. 203. Section 8.57, subsection 1, paragraph b,  
11 Code 1995, is amended to read as follows:

12 b. ~~Commencing June 30, 1993, the~~ The surplus  
13 existing in the general fund of the state at the  
14 conclusion of the fiscal year is appropriated for  
15 distribution in the succeeding fiscal year as provided  
16 in this section subsections 2 and 3. Moneys credited  
17 to the cash reserve fund from the appropriation made  
18 in this paragraph shall not exceed the amount  
19 necessary for the cash reserve fund to reach the cash  
20 reserve goal percentage for the succeeding fiscal  
21 year. As used in this paragraph, "surplus" means the  
22 excess of revenues and other financing sources over  
23 expenditures and other financing uses for the general  
24 fund of the state in a fiscal year.

25 Sec. 204. NEW SECTION. 8.57A PERSONAL INCOME TAX  
26 RATE REDUCTION REPLACEMENT FUND.

27 1. The personal income tax rate reduction  
28 replacement fund is created in the state treasury  
29 under the authority of the department of management.  
30 The fund shall be separate from the general fund of  
31 the state and shall not be considered part of the  
32 general fund of the state except in determining the  
33 cash position of the state for payment of state  
34 obligations. The moneys in the fund are not subject  
35 to the provisions of section 8.33 and shall not be  
36 transferred, used, obligated, appropriated, or  
37 otherwise encumbered except as provided in this  
38 section. Moneys in the fund may be used for cash flow  
39 purposes provided that any moneys so allocated are  
40 returned to the fund by the end of each fiscal year.  
41 However, the fund shall be considered a special  
42 account for the purposes of section 8.53, relating to  
43 elimination of any GAAP deficit. The fund is created  
44 upon the effective date of this section, and shall  
45 remain in existence until the close of the fiscal year

46 beginning July 1, 1999.

47 2. The provisions of this subsection apply for the  
48 fiscal years beginning July 1 of 1994, 1995, 1996,  
49 1997, and 1998. Notwithstanding the provisions of  
50 section 8.57, subsection 3, for each of the designated

**Page 4**

1 fiscal years, moneys remaining following the  
2 appropriations made pursuant to section 8.57,  
3 subsection 1, shall not be appropriated to the Iowa  
4 economic emergency fund but are instead appropriated  
5 to the personal income tax rate reduction replacement  
6 fund.

7 3. Effective for the fiscal year beginning July 1,  
8 1995, and the subsequent three fiscal years, on or  
9 before December 31 of each of the fiscal years, the  
10 state revenue estimating conference created in section  
11 8.22A shall certify an estimate of the net change in  
12 revenues deposited into the general fund of the state  
13 for that fiscal year due to the personal income tax  
14 rate reduction implemented pursuant to section 422.5.  
15 The director of the department of management shall  
16 transfer not more than the certified amount from the  
17 personal income tax rate reduction replacement fund to  
18 the general fund of the state. Prior to the transfer,  
19 the director shall determine whether the balance of  
20 the general fund of the state is sufficient to absorb  
21 the revenue change, and if the certified balance is  
22 sufficient the director may defer the transfer to a  
23 succeeding fiscal year. Moneys transferred to the  
24 general fund of the state pursuant to this section  
25 shall be added to the general fund expenditure  
26 limitation, to the extent not already included, for  
27 the fiscal year in which the transfer takes place and  
28 ninety-nine percent of the transferred amount is  
29 available for expenditure as directed by the general  
30 assembly.

31 4. Notwithstanding section 12C.7, subsection 2,  
32 interest or earnings on moneys deposited in the  
33 personal income tax rate reduction replacement fund  
34 shall be credited to the rebuild Iowa infrastructure  
35 account created in section 8.57.

36 5. This section is repealed September 1, 2000.

37 **Sec. 205. TRANSFER TO INFRASTRUCTURE ACCOUNT.**

38 Moneys in the Iowa economic emergency fund, created in  
39 section 8.55, at the conclusion of the fiscal year  
40 beginning July 1, 1994, shall be transferred to the  
41 rebuild Iowa infrastructure account."

42 3. Page 2, by inserting after line 4 the

43 following:

44 "Sec. \_\_\_\_ EFFECTIVE DATE. Sections 200 through  
45 205 and this section of this division, being deemed of  
46 immediate importance, take effect upon enactment."

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S-3594

- 1 Amend the amendment, S-3361, to the House  
2 amendment, S-3082, to Senate File 69, as passed by the  
3 Senate, as follows:  
4 1. By striking page 1, line 1, through page 27,  
5 line 14, and inserting the following:  
6 "Amend the House amendment, S-3082, to Senate File  
7 69, as passed by the Senate, as follows:  
8 " \_\_\_\_ . By striking page 1, line 1, through page  
9 44, line 25, and inserting the following:  
10 "Amend Senate File 69, as passed by the Senate, as  
11 follows:  
12 " \_\_\_\_ . By striking everything after the enacting  
13 clause and inserting the following:  
14 "DIVISION I  
15 INCOME TAX  
16 Section 1. Section 422.7, Code 1995, is amended by  
17 adding the following new subsection:  
18 NEW SUBSECTION. 33. For a person who is disabled,  
19 or is fifty-five years of age or older, or is the  
20 surviving spouse of an individual or a survivor having  
21 an insurable interest in an individual who would have  
22 qualified for the exemption under this subsection for  
23 the tax year, subtract, to the extent included, the

24 total amount of a governmental or other pension or  
25 retirement pay, including, but not limited to, defined  
26 benefit or defined contribution plans, annuities,  
27 individual retirement accounts, plans maintained or  
28 contributed to by an employer, or maintained or  
29 contributed to by a self-employed person as an  
30 employer, and deferred compensation plans or any  
31 earnings attributable to the deferred compensation  
32 plans, up to a maximum of three thousand dollars for a  
33 person who files a separate state income tax return  
34 and up to a maximum of six thousand dollars for a  
35 husband and wife who file a joint state income tax  
36 return. However, a surviving spouse who is not  
37 disabled or fifty-five years of age or older can only  
38 exclude the amount of pension or retirement pay  
39 received as a result of the death of the other spouse.

40 Sec. 2. Section 422.12, subsection 1, paragraph c,  
41 Code 1995, is amended to read as follows:

42 c. For each dependent, an additional ~~fifteen~~ forty  
43 dollars. As used in this section, the term  
44 "dependent" has the same meaning as provided by the  
45 Internal Revenue Code.

46 Sec. 3. TAXATION STUDIES. The legislative council  
47 is requested to establish two taxation studies during  
48 the 1995 legislative interim. One study would address  
49 taxation of businesses, including subchapter S  
50 corporations, taxation incentives and disincentives

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1 for economic development, and the long-term objectives  
2 of business taxation. The legislative council is  
3 requested to authorize up to \$100,000 for consultants  
4 and other costs associated with the business taxation  
5 study. The other study would address other state  
6 taxes, including inheritance, income, and sales taxes.

7 Sec. 4. RETROACTIVE APPLICABILITY. This division  
8 of this Act applies retroactively to January 1, 1995,  
9 for tax years beginning on or after that date.

10 DIVISION II

11 SUPPLEMENTAL LEVY AND COUNTY MENTAL HEALTH FUND

12 Sec. 5. Section 123.38, unnumbered paragraph 2,  
13 Code 1995, is amended to read as follows:

14 Any licensee or permittee, or the licensee's or  
15 permittee's executor or administrator, or any person  
16 duly appointed by the court to take charge of and  
17 administer the property or assets of the licensee or  
18 permittee for the benefit of the licensee's or  
19 permittee's creditors, may voluntarily surrender a  
20 license or permit to the division. When a license or

21 permit is surrendered the division shall notify the  
22 local authority, and the division or the local  
23 authority shall refund to the person surrendering the  
24 license or permit, a proportionate amount of the fee  
25 received by the division or the local authority for  
26 the license or permit as follows: If a license or  
27 permit is surrendered during the first three months of  
28 the period for which it was issued, the refund shall  
29 be three-fourths of the amount of the fee; if  
30 surrendered more than three months but not more than  
31 six months after issuance, the refund shall be one-  
32 half of the amount of the fee; if surrendered more  
33 than six months but not more than nine months after  
34 issuance, the refund shall be one-fourth of the amount  
35 of the fee. No refund shall be made, however, for any  
36 special liquor permit, nor for a liquor control  
37 license, wine permit, or beer permit surrendered more  
38 than nine months after issuance. For purposes of this  
39 paragraph, any portion of license or permit fees used  
40 for the purposes authorized in section 331.424,  
41 subsection 1, paragraphs "a"; and "b"; "c"; "d"; "e";  
42 "f"; "g"; and "h", and in section 331.424A, shall not  
43 be deemed received either by the division or by a  
44 local authority. No refund shall be made to any  
45 licensee or permittee, upon the surrender of the  
46 license or permit, if there is at the time of  
47 surrender, a complaint filed with the division or  
48 local authority, charging the licensee or permittee  
49 with a violation of this chapter. If upon a hearing  
50 on a complaint the license or permit is not revoked or

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1 suspended, then the licensee or permittee is eligible,  
2 upon surrender of the license or permit, to receive a  
3 refund as provided in this section; but if the license  
4 or permit is revoked or suspended upon hearing the  
5 licensee or permittee is not eligible for the refund  
6 of any portion of the license or permit fee.

7 Sec. 6. Section 218.99, Code 1995, is amended to  
8 read as follows:

9 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'  
10 PERSONAL ACCOUNTS.

11 The administrator of a division of the department  
12 of human services in control of a state institution  
13 shall direct the business manager of each institution  
14 under the administrator's jurisdiction which is  
15 mentioned in section 331.424, subsection 1, paragraphs  
16 "a" through "g" and "h" and for which services are  
17 paid under section 331.424A to quarterly inform the

18 auditor of the county of legal settlement of any  
 19 patient or resident who has an amount in excess of two  
 20 hundred dollars on account in the patients' personal  
 21 deposit fund and the amount on deposit. The  
 22 administrators shall direct the business manager to  
 23 further notify the auditor of the county at least  
 24 fifteen days before the release of funds in excess of  
 25 two hundred dollars or upon the death of the patient  
 26 or resident. If the patient or resident has no county  
 27 of legal settlement, notice shall be made to the  
 28 director of the department of human services and the  
 29 administrator of the division of the department in  
 30 control of the institution involved.

31 Sec. 7. Section 225C.4, subsection 2, paragraph b,  
 32 Code 1995, is amended to read as follows:

33 b. Establish mental health and mental retardation  
 34 services for all institutions under the control of the  
 35 director of human services and establish an autism  
 36 unit, following mutual planning with and consultation  
 37 from the medical director of the state psychiatric  
 38 hospital, at an institution or a facility administered  
 39 by the administrator to provide psychiatric and  
 40 related services and other specific programs to meet  
 41 the needs of autistic persons as defined in section  
 42 ~~331.424, subsection 1~~, and to furnish appropriate  
 43 diagnostic evaluation services.

44 Sec. 8. Section 331.301, subsection 12, Code 1995,  
 45 is amended to read as follows:

46 12. The board of supervisors may credit funds to a  
 47 reserve for the purposes authorized by subsection 11  
 48 of this section; section 331.424, subsection 1,  
 49 paragraph "~~1~~" "f"; and section 331.441, subsection 2,  
 50 paragraph "b". Moneys credited to the reserve, and

#### Page 4

1 interest earned on such moneys, shall remain in the  
 2 reserve until expended for purposes authorized by  
 3 subsection 11 of this section; section 331.424,  
 4 subsection 1, paragraph "~~1~~" "f"; or section 331.441,  
 5 subsection 2, paragraph "b".

6 Sec. 9. Section 331.424, subsection 1, Code 1995,  
 7 is amended to read as follows:

8 1. For general county services, an amount  
 9 sufficient to pay the charges for the following:

10 a. To the extent that the county is obligated by  
 11 statute to pay the charges for:

12 (1) Care and treatment of patients by a state  
 13 mental health institute.

14 (2) Care and treatment of patients by either of

15 the state hospital-schools or by any other facility  
 16 established under chapter 222 and diagnostic  
 17 evaluation under section 222.31.

18 (3) Care and treatment of patients under chapter  
 19 225.

20 (4) (1) Care and treatment of persons at the  
 21 alcoholic treatment center at Oakdale. However, the  
 22 county may require that an admission to the center  
 23 shall be reported to the board by the center within  
 24 five days as a condition of the payment of county  
 25 funds for that admission.

26 (5) (2) Care of children admitted or committed to  
 27 the Iowa juvenile home at Toledo.

28 (6) (3) Clothing, transportation, medical, or  
 29 other services provided persons attending the Iowa  
 30 braille and sight saving school, the Iowa school for  
 31 the deaf, or the state hospital-school for severely  
 32 handicapped children at Iowa City, for which the  
 33 county becomes obligated to pay pursuant to sections  
 34 263.12, 269.2, and 270.4 through 270.7.

35 b. To the extent that the board deems it advisable  
 36 to pay, the charges for professional evaluation,  
 37 treatment, training, habilitation, and care of persons  
 38 who are mentally retarded; autistic persons; or  
 39 persons who are afflicted by any other developmental  
 40 disability, at a suitable public or private facility  
 41 providing inpatient or outpatient care in the county.  
 42 As used in this paragraph:

43 (1) "Developmental disability" has the meaning  
 44 assigned that term by 42 U.S.C. sec. 6001(7) (1976),  
 45 Supp. II, 1978, and Supp. III, 1979.

46 (2) "Autistic persons" means persons, regardless  
 47 of age, with severe communication and behavior  
 48 disorders that became manifest during the early stages  
 49 of childhood development and that are characterized by  
 50 a severely disabling inability to understand;

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1 communicate, learn, and participate in social  
 2 relationships. "Autistic persons" includes but is not  
 3 limited to those persons afflicted by infantile  
 4 autism, profound aphasia, and childhood psychosis.

5 c. Care and treatment of persons placed in the  
 6 county hospital, county care facility, a health care  
 7 facility as defined in section 136C.1, subsection 6,  
 8 or any other public or private facility, which  
 9 placement is in lieu of admission or commitment to or  
 10 is upon discharge, removal, or transfer from a state  
 11 mental health institute, hospital-school, or other

12 facility established pursuant to chapter 222.

13 d. Amounts budgeted by the board for the cost of  
14 establishment and initial operation of a community  
15 mental health center in the manner and subject to the  
16 limitations provided by state law.

17 e. b. Foster care and related services provided  
18 under court order to a child who is under the  
19 jurisdiction of the juvenile court, including court-  
20 ordered costs for a guardian ad litem under section  
21 232.71.

22 f. The care, admission, commitment, and  
23 transportation of mentally ill patients in state  
24 hospitals, to the extent that expenses for these  
25 services are required to be paid by the county,  
26 including compensation for the advocate appointed  
27 under section 229.19.

28 g. Amounts budgeted by the board for mental health  
29 services or mental retardation services furnished to  
30 persons on either an outpatient or inpatient basis, to  
31 a school or other public agency, or to the community  
32 at large, by a community mental health center or other  
33 suitable facility located in or reasonably near the  
34 county, provided that services meet the standards of  
35 the mental health and developmental disabilities  
36 commission created in section 225C.5 and are  
37 consistent with the annual plan for services approved  
38 by the board.

39 h. Reimbursement on behalf of mentally retarded  
40 persons under section 249A.12.

41 i. c. Elections, and voter registration pursuant  
42 to chapter 48A.

43 j. d. Employee benefits under chapters 96, 97B,  
44 and 97C, which are associated with salaries for  
45 general county services.

46 k. e. Joint county and city building authorities  
47 established under section 346.27, as provided in  
48 subsection 22 of that section.

49 l. f. Tort liability insurance, property  
50 insurance, and any other insurance that may be

## Page 6

1 necessary in the operation of the county, costs of a  
2 self-insurance program, costs of a local government  
3 risk pool, and amounts payable under any insurance  
4 agreements to provide or procure such insurance, self-  
5 insurance program, or local government risk pool.

6 m. g. The maintenance and operation of the courts,  
7 including but not limited to the salary and expenses  
8 of the clerk of the district court and other employees

9 of the clerk's office, and bailiffs, court costs if  
10 the prosecution fails or if the costs cannot be  
11 collected from the person liable, costs and expenses  
12 of prosecution under section 189A.17, salaries and  
13 expenses of juvenile court officers under chapter 602,  
14 court-ordered costs in domestic abuse cases under  
15 section 236.5, the county's expense for confinement of  
16 prisoners under chapter 356A, temporary assistance to  
17 the county attorney, county contributions to a  
18 retirement system for bailiffs, reimbursement for  
19 judicial magistrates under section 602.6501, claims  
20 filed under section 622.93, interpreters' fees under  
21 section 622B.7, uniform citation and complaint  
22 supplies under section 805.6, and costs of prosecution  
23 under section 815.13.

24 ~~n. h.~~ Court-ordered costs of conciliation  
25 procedures under section 598.16.

26 ~~o. i.~~ Establishment and maintenance of a joint  
27 county indigent defense fund pursuant to an agreement  
28 under section 28E.19.

29 ~~p. j.~~ The maintenance and operation of a local  
30 emergency management agency established pursuant to  
31 chapter 29C.

32 The board may require a public or private facility,  
33 as a condition of receiving payment from county funds  
34 for services it has provided, to furnish the board  
35 with a statement of the income, assets, and legal  
36 residence including township and county of each person  
37 who has received services from that facility for which  
38 payment has been made from county funds under  
39 paragraphs "a" through "h" and "b". However, the  
40 facility shall not disclose to anyone the name or  
41 street or route address of a person receiving services  
42 for which commitment is not required, without first  
43 obtaining that person's written permission.

44 Parents or other persons may voluntarily reimburse  
45 the county or state for the reasonable cost of caring  
46 for a patient or an inmate in a county or state  
47 facility.

48 **Sec. 10. NEW SECTION. 331.424A COUNTY MENTAL**  
49 **HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL**  
50 **DISABILITIES SERVICES FUND.**

Page 7

1 1. For the purposes of this chapter, unless the  
2 context otherwise requires, "services fund" means the  
3 county mental health, mental retardation, and  
4 developmental disabilities services fund created in  
5 subsection 2. The county finance committee created in

6 section 333A.2 shall consult with the state-county  
7 management committee in adopting rules and prescribing  
8 forms for administering the services fund.

9 2. For the fiscal year beginning July 1, 1996, and  
10 succeeding fiscal years, county revenues from taxes  
11 and other sources designated for mental health, mental  
12 retardation, and developmental disabilities services  
13 shall be credited to the mental health, mental  
14 retardation, and developmental disabilities services  
15 fund of the county. The board shall make  
16 appropriations from the fund for payment of services  
17 provided under the county management plan approved  
18 pursuant to section 331.439.

19 3. For the fiscal year beginning July 1, 1996, and  
20 succeeding fiscal years, receipts from the state or  
21 federal government for such services shall be credited  
22 to the services fund, including moneys allotted to the  
23 county from the state payment made pursuant to section  
24 331.439 and moneys allotted to the county for property  
25 tax relief pursuant to section 426B.1.

26 4. For the fiscal year beginning July 1, 1996, and  
27 for each subsequent fiscal year, the county shall  
28 certify a levy for payment of services. Unless  
29 otherwise provided by state law, for each fiscal year,  
30 county revenues from taxes imposed by the county  
31 credited to the services fund shall not exceed an  
32 amount equal to the amount of base year expenditures  
33 for services in the fiscal year beginning July 1,  
34 1993, and ending June 30, 1994, as defined in section  
35 331.438 less the amount of property tax relief to be  
36 received pursuant to section 426B.2, subsections 1 and  
37 3, in the fiscal year for which the budget is  
38 certified. The county auditor and the board of  
39 supervisors shall reduce the amount of the levy  
40 certified for the services fund by the amount of  
41 property tax relief to be received.

42 5. Appropriations specifically authorized to be  
43 made from the mental health, mental retardation, and  
44 developmental disabilities services fund shall not be  
45 made from any other fund of the county.

46 Sec. 11. Section 444.25A, subsection 3, paragraph  
47 b, subparagraph (3), Code 1995, is amended to read as  
48 follows:

49 (3) Need for additional moneys for health care,  
50 treatment, and facilities, including ~~mental health and~~

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1 ~~mental retardation care and treatment pursuant to~~  
2 section 331.424, subsection 1, paragraphs "a" through

3 "h" and "b".

4 Sec. 12. EFFECTIVE AND APPLICABILITY DATES. This  
5 division of this Act takes effect January 1, 1996, and  
6 is applicable to taxes payable in the fiscal year  
7 beginning July 1, 1996, and subsequent fiscal years.

8 DIVISION III

9 PROPERTY TAX RELIEF PROVISIONS

10 Sec. 13. Section 222.60, unnumbered paragraph 1,  
11 Code 1995, as amended by 1995 Iowa Acts, House File  
12 483, section 12, is amended to read as follows:

13 All necessary and legal expenses for the cost of  
14 admission or commitment or for the treatment,  
15 training, instruction, care, habilitation, support and  
16 transportation of persons with mental retardation, as  
17 provided for in the county management plan provisions  
18 implemented pursuant to section 331.439, subsection 1,  
19 in a state hospital-school, or in a special unit, or  
20 any public or private facility within or without the  
21 state, approved by the director of the department of  
22 human services, shall be paid by either:

23 Sec. 14. Section 331.438, subsection 1, paragraph  
24 b, Code 1995, is amended to read as follows:

25 b. "State payment" means the payment made by the  
26 state to a county determined to be eligible for the  
27 payment in accordance with section 331.439.

28 1A. Except as modified based upon the actual  
29 amount of the appropriation for purposes of state  
30 payment under section 331.439, the amount of the state  
31 payment for a fiscal year shall be calculated as fifty  
32 percent of the amount by which the county's qualified  
33 expenditures during the immediately preceding fiscal  
34 year were in excess of the amount of the county's base  
35 year expenditures by applying the inflation factor  
36 adjustment established in accordance with section  
37 331.439, subsection 3, for that fiscal year to the  
38 amount of county expenditures for qualified services  
39 in the previous fiscal year. A state payment is the  
40 state funding a county receives pursuant to section  
41 426B.2, subsection 2. Any state funding received by a  
42 county for property tax relief in accordance with  
43 section 426B.2, subsections 1 and 3, is not a state  
44 payment and shall not be included in the state payment  
45 calculation made pursuant to this subsection.

46 Sec. 15. Section 331.439, Code 1995, is amended by  
47 striking the section and inserting in lieu thereof the  
48 following:

49 331.439 ELIGIBILITY FOR STATE PAYMENT.

50 1. The state payment to eligible counties under

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1 this section shall be made as provided in sections  
2 331.438 and 426B.2. A county is eligible for the  
3 state payment, as defined in section 331.438, for the  
4 fiscal year beginning July 1, 1996, and for subsequent  
5 fiscal years if the director of human services, in  
6 consultation with the state-county management  
7 committee, determines for a specific fiscal year that  
8 all of the following conditions are met:

9 a. The county accurately reported by October 15  
10 the county's expenditures for mental health, mental  
11 retardation, and developmental disabilities services  
12 for the previous fiscal year on forms prescribed by  
13 the department of human services.

14 b. The county developed and implemented a county  
15 management plan for the county's mental health, mental  
16 retardation, and developmental disabilities services  
17 in accordance with the provisions of this paragraph.  
18 The plan shall comply with the administrative rules  
19 adopted for this purpose by the council on human  
20 services and is subject to the approval of the  
21 director of human services in consultation with the  
22 state-county management committee created in section  
23 331.438. The plan shall include a description of the  
24 county's service management provision for mental  
25 health, mental retardation, and developmental  
26 disabilities services. For mental retardation and  
27 developmental disabilities service management, the  
28 plan shall describe the county's development and  
29 implementation of a managed system of cost-effective  
30 individualized services and shall comply with the  
31 provisions of paragraph "d". The goal of this part of  
32 the plan shall be to assist the individuals served to  
33 be as independent, productive, and integrated into the  
34 community as possible. The service management  
35 provisions for mental health shall comply with the  
36 provisions of paragraph "c".

37 c. (1) For mental health service management, the  
38 county may either directly implement a system of  
39 service management and contract with service  
40 providers, or contract with a private entity to manage  
41 the system, provided all requirements of this lettered  
42 paragraph are met by the private entity. The mental  
43 health service management shall incorporate a single  
44 entry point and clinical assessment process developed  
45 in accordance with the provisions of section 331.440.  
46 The county shall submit this part of the plan to the  
47 department of human services for approval by April 1  
48 for the succeeding year. Initially, this part of the

49 plan shall be submitted to the department by April 1,  
50 1996, and the county shall implement the approved plan

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1 by July 1, 1996.

2 (2) The basis for determining whether a managed  
3 care system for mental health proposed by a county is  
4 comparable to a mental health managed care contractor  
5 approved by the department of human services shall  
6 include but is not limited to all of the following  
7 elements which shall be specified in administrative  
8 rules adopted by the council on human services in  
9 consultation with the state-county management  
10 committee:

11 (a) The enrollment and eligibility process.

12 (b) The scope of services included.

13 (c) The method of plan administration.

14 (d) The process for managing utilization and  
15 access to services and other assistance.

16 (e) The quality assurance process.

17 (f) The risk management provisions and fiscal  
18 viability of the provisions, if the county contracts  
19 with a private managed care entity.

20 d. For mental retardation and developmental  
21 disabilities services management, the county must  
22 either develop and implement a managed system of care  
23 which addresses a full array of appropriate services  
24 and cost-effective delivery of services or contract  
25 with a state-approved managed care contractor or  
26 contractors. Any system or contract implemented under  
27 this paragraph shall incorporate a single entry point  
28 and clinical assessment process developed in  
29 accordance with the provisions of section 331.440.  
30 The elements of the managed system of care and the  
31 state-approved managed care contract or contracts  
32 shall be specified in rules developed by the  
33 department of human services in consultation with the  
34 state-county management committee and adopted by the  
35 council on human services. Initially, this part of  
36 the plan shall be submitted to the department for  
37 approval on or before October 1, 1996, and shall be  
38 implemented on or before January 1, 1997. In fiscal  
39 years succeeding the fiscal year of initial  
40 implementation, this part of the plan shall be  
41 submitted to the department of human services for  
42 approval by April 1 for the succeeding fiscal year.

43 e. Changes to the approved plan are submitted at  
44 least sixty days prior to the proposed change and are  
45 not to be implemented prior to the director of human

46 services' approval.

47 2. The county management plan shall address the  
48 county's criteria for serving persons with chronic  
49 mental illness, including any rationale used for  
50 decision making regarding this population.

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1 3. a. For the fiscal year beginning July 1, 1996,  
2 and succeeding fiscal years, the county's mental  
3 health, mental retardation, and developmental  
4 disabilities service expenditures for a fiscal year  
5 are limited to a fixed budget amount. The fixed  
6 budget amount shall be the amount identified in the  
7 county's management plan and budget for the fiscal  
8 year. The county shall be allowed an inflation factor  
9 adjustment for services paid from the county's  
10 services fund under section 331.424A which is in  
11 accordance with the county's management plan and  
12 budget, implemented pursuant to this section.

13 b. Based upon information contained in county  
14 management plans and budgets, the state-county  
15 management committee shall recommend an inflation  
16 factor adjustment to the council on human services by  
17 November 15 for the succeeding fiscal year. The  
18 inflation factor adjustment shall address costs  
19 associated with new consumers of service, service cost  
20 inflation, and investments for economy and efficiency.  
21 The council on human services shall recommend to the  
22 governor the amount of the inflation factor adjustment  
23 for the succeeding fiscal year for inclusion in the  
24 governor's proposed budget for the succeeding fiscal  
25 year.

26 c. If the general assembly has not revised the  
27 amount of the inflation factor adjustment for a fiscal  
28 year on the date county budgets must be approved and  
29 levies must be certified for that fiscal year, the  
30 budgets and levies shall utilize the inflation factor  
31 adjustment for that fiscal year recommended by the  
32 governor in the governor's proposed budget.

33 4. A county may provide assistance to service  
34 populations with disabilities to which the county has  
35 historically provided assistance but who are not  
36 included in the service management provisions required  
37 under subsection 1, subject to the availability of  
38 funding.

39 5. Notwithstanding any other provision of law to  
40 the contrary, a county shall have no obligation to pay  
41 for or provide mental health, mental retardation, or  
42 developmental disabilities services for any person

43 that applies through the county's single entry point  
 44 and clinical assessment process after the moneys in  
 45 the county services fund under section 331.424A are  
 46 expended.

47 6. A county shall implement the county's  
 48 management plan in a manner so as to provide adequate  
 49 funding for the entire fiscal year by budgeting for  
 50 ninety-nine percent of the funding anticipated to be

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1 available for the plan. A county may expend all of  
 2 the funding anticipated to be available for the plan.  
 3 7. The director's approval of a county's mental  
 4 health, mental retardation, and developmental  
 5 disabilities services management plan shall not be  
 6 construed to constitute certification of the county's  
 7 budget.

8 Sec. 16. Section 331.440, subsection 1, Code 1995,  
 9 is amended by adding the following new paragraph:  
 10 NEW PARAGRAPH. c. The single entry point and  
 11 clinical assessment process shall include provision  
 12 for the county's participation in a management  
 13 information system developed in accordance with rules  
 14 adopted pursuant to subsection 3.

15 Sec. 17. NEW SECTION. 426B.1 APPROPRIATIONS --  
 16 PROPERTY TAX RELIEF FUND.

17 1. A property tax relief fund is created in the  
 18 state treasury under the authority of the department  
 19 of revenue and finance. The fund shall be separate  
 20 from the general fund of the state and shall not be  
 21 considered part of the general fund of the state  
 22 except in determining the cash position of the state  
 23 for payment of state obligations. The moneys in the  
 24 fund are not subject to the provisions of section 8.33  
 25 and shall not be transferred, used, obligated,  
 26 appropriated, or otherwise encumbered except as  
 27 provided in this section. Moneys in the fund may be  
 28 used for cash flow purposes, provided that any moneys  
 29 so allocated are returned to the fund by the end of  
 30 each fiscal year. However, the fund shall be  
 31 considered a special account for the purposes of  
 32 section 8.53, relating to elimination of any GAAP  
 33 deficit. For the purposes of this chapter, unless the  
 34 context otherwise requires, "property tax relief fund"  
 35 means the property tax relief fund created in this  
 36 section.

37 2. There is appropriated to the property tax  
 38 relief fund for the indicated fiscal years from the  
 39 general fund of the state the following amounts:

40 a. For the fiscal year beginning July 1, 1995,  
41 sixty-one million dollars.  
42 b. For the fiscal year beginning July 1, 1996,  
43 seventy-eight million dollars.  
44 c. For the fiscal year beginning July 1, 1997, and  
45 succeeding fiscal years, ninety-five million dollars.  
46 Sec. 18. **NEW SECTION. 426B.2 PROPERTY TAX RELIEF**  
47 **FUND DISTRIBUTIONS.**  
48 Moneys in the property tax relief fund shall be  
49 utilized in each fiscal year as follows in the order  
50 listed:

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1 1. The first sixty-one million dollars plus the  
2 amount paid pursuant to subsection 3 in the previous  
3 fiscal year in the property tax relief fund shall be  
4 distributed to counties under this subsection. A  
5 county's proportion of the moneys shall be equivalent  
6 to the sum of the following three factors:  
7 a. One-third based upon the county's proportion of  
8 the state's general population.  
9 b. One-third based upon the county's proportion of  
10 the state's total taxable property valuation assessed  
11 for taxes payable in the previous fiscal year.  
12 c. One-third based upon the county's proportion of  
13 all counties' base year expenditures, as defined in  
14 section 331.438.  
15 Moneys provided to a county for property tax relief  
16 in a fiscal year in accordance with this section shall  
17 not be less than the amount provided for property tax  
18 relief in the previous fiscal year.  
19 2. Payment of moneys to eligible counties of the  
20 state payment in accordance with the provisions of  
21 sections 331.438 and 331.439.  
22 3. For the fiscal year beginning July 1, 1996, and  
23 succeeding fiscal years, the department of human  
24 services shall estimate the amount of moneys required  
25 for the state payment pursuant to subsection 2.  
26 Moneys remaining in the property tax relief fund  
27 following the payment made pursuant to subsection 1  
28 and the estimated amount of the state payment pursuant  
29 to subsection 2 shall be paid for property tax relief  
30 in the same manner as provided in subsection 1 to  
31 counties eligible for state payment under subsection  
32 2. These payments shall continue until the combined  
33 amount of the payments made under this subsection and  
34 subsection 1 are equal to fifty percent of the total  
35 of all counties' base year expenditures as defined in  
36 section 331.438. The amount of moneys paid to a

37 county pursuant to this subsection shall be added in  
38 subsequent fiscal years to the amount of moneys paid  
39 under subsection 1.

40 4. Moneys remaining in the property tax relief  
41 fund following the payments made pursuant to  
42 subsections 1, 2, and 3 shall be transferred to the  
43 homestead credit fund created in section 425.1. This  
44 transfer shall continue until the homestead credit is  
45 fully funded.

46 5. The department of human services shall notify  
47 the director of revenue and finance of the amounts due  
48 a county in accordance with the provisions of this  
49 section. The director of revenue and finance shall  
50 draw warrants on the property tax relief fund, payable

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1 to the county treasurer in the amount due to a county  
2 in accordance with subsections 1 and 3 and mail the  
3 warrants to the county auditors in September and March  
4 of each year. Warrants for the state payment in  
5 accordance with subsection 2 shall be mailed in  
6 January of each year.

7 Sec. 19. **NEW SECTION. 426B.3 NOTIFICATION OF**  
8 **MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL**  
9 **DISABILITIES EXPENDITURE RELIEF FUND PAYMENT.**

10 1. The county auditor shall reduce the certified  
11 budget amount received from the board of supervisors  
12 for the succeeding fiscal year for the county mental  
13 health, mental retardation, and developmental  
14 disabilities services fund created in section 331.424A  
15 by an amount equal to the amount the county will  
16 receive from the property tax relief fund pursuant to  
17 section 426B.2, subsections 1 and 3, for the  
18 succeeding fiscal year and the auditor shall determine  
19 the rate of taxation necessary to raise the reduced  
20 amount. On the tax list, the county auditor shall  
21 compute the amount of taxes due and payable on each  
22 parcel before and after the amount received from the  
23 property tax relief fund is used to reduce the county  
24 budget. The director of revenue and finance shall  
25 notify the county auditor of each county of the amount  
26 of moneys the county will receive from the property  
27 tax relief fund pursuant to section 426B.2,  
28 subsections 1 and 3, for the succeeding fiscal year.

29 2. The amount of property tax dollars reduced on  
30 each parcel as a result of the moneys received from  
31 the property tax relief fund pursuant to section  
32 426B.2, subsections 1 and 3, shall be noted on each  
33 tax statement prepared by the county treasurer

34 pursuant to section 445.23.

35 **Sec. 20. NEW SECTION. 426B.4 RULES.**

36 The council on human services shall consult with  
37 the state-county management committee created in  
38 section 331.438 and the director of revenue and  
39 finance in prescribing forms and adopting rules  
40 pursuant to chapter 17A to administer this chapter.

41 **Sec. 21. PROPERTY TAX RELIEF -- FISCAL YEAR 1995-**  
42 **1996.** For the fiscal year beginning July 1, 1995, the  
43 department of management shall notify each county  
44 auditor by June 1, 1995, of the amount the county will  
45 receive from the property tax relief fund for property  
46 tax relief pursuant to section 426B.2, subsection 1,  
47 for that fiscal year. The county auditor shall reduce  
48 by the notified amount the amount of the county's  
49 certified budget to be raised by property tax for that  
50 fiscal year which is to be expended for mental health,

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1 mental retardation, and developmental disabilities  
2 services and shall revise the rate of taxation as  
3 necessary to raise the reduced amount. The county  
4 auditor shall report the reduction in the certified  
5 budget and the revised rate of taxation to the  
6 department of management by June 30, 1995.

7 **Sec. 22. FUNDING OF SESSION LAW REQUIREMENTS. If**  
8 the appropriations in section 426B.1, subsection 2, as  
9 created in this division of this Act, are enacted by  
10 this Act, the requirements of 1994 Iowa Acts, chapter  
11 1163, section 8, subsection 2, to fully fund  
12 provisions of sections 331.438 and 331.439 shall be  
13 considered to be met and the repeals contained in 1994  
14 Iowa Acts, chapter 1163, section 8, subsection 2,  
15 shall be void.

16 **Sec. 23. STATE-COUNTY MANAGEMENT COMMITTEE REVIEW**  
17 **-- 1995 INTERIM.** The state-county management  
18 committee created in section 331.438 shall review  
19 statutory provisions and administrative rules which  
20 are intended to regulate and contain county  
21 expenditures for mental health, mental retardation,  
22 and developmental disabilities (MH/MR/DD) services and  
23 the formula for distribution of property tax relief  
24 moneys to counties under section 426B.2. The  
25 committee should consider proposals from counties and  
26 other interested persons for a distribution formula  
27 factor which rewards or provides incentives for  
28 economy and efficiency in providing mental health,  
29 mental retardation, and developmental disabilities  
30 services; and a mechanism for a county to appeal to

31 the state if it is believed the county is unfairly  
 32 treated under an established funding formula. In  
 33 addition, the committee shall consider tort and other  
 34 liability issues associated with a county managing  
 35 MH/MR/DD expenditures in accordance with a fixed  
 36 budget and make recommendations to address the issues.  
 37 The committee shall review the dates required under  
 38 section 331.439 and chapter 426B, as enacted by this  
 39 Act and make recommendations for change if revisions  
 40 are deemed necessary. The committee shall report to  
 41 the governor and the general assembly on or before  
 42 December 1, 1995.

43 Sec. 24. LEVY STUDY. The county finance committee  
 44 created in chapter 333A shall consult with any  
 45 interested parties in studying the ramifications of  
 46 consolidating the county general basic levies and the  
 47 general supplemental levies and other proposals  
 48 involving the levies. The committee shall be assisted  
 49 by four legislators with one each appointed by the  
 50 following leaders: majority leader of the senate,

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1 minority leader of the senate, speaker of the house of  
 2 representatives, and minority leader of the house of  
 3 representatives. The legislative appointees are  
 4 eligible for per diem and actual expenses for their  
 5 assistance to the committee. The committee shall  
 6 report to the governor and the general assembly with  
 7 findings and recommendations on or before January 4,  
 8 1996.

9 Sec. 25. EFFECTIVE DATE. Section 21 of this  
 10 division of this Act, relating to property tax relief  
 11 for fiscal year 1995-1996, being deemed of immediate  
 12 importance, takes effect upon enactment.

#### DIVISION IV

#### COUNTY PROPERTY TAX LIMITATION

15 Sec. 26. Section 444.25A, subsection 1, Code 1995,  
 16 is amended to read as follows:

17 1. COUNTY LIMITATION. The maximum amount of  
 18 property tax dollars which may be certified by a  
 19 county for taxes payable in the fiscal year beginning  
 20 July 1, 1995, shall not exceed the amount of property  
 21 tax dollars certified by the county for taxes payable  
 22 in the fiscal year beginning July 1, 1994, minus the  
 23 amount of property tax relief moneys to be received by  
 24 the county for the fiscal year beginning July 1, 1995,  
 25 pursuant to section 426B.2, subsection 1, and the  
 26 maximum amount of property tax dollars which may be  
 27 certified by a county for taxes payable in the fiscal

28 year beginning July 1, 1996, shall not exceed the  
 29 amount of property tax dollars certified by the county  
 30 for taxes payable in the fiscal year beginning July 1,  
 31 1995, minus the amount by which the property tax  
 32 relief moneys to be received by the county in the  
 33 fiscal year beginning July 1, 1996, pursuant to  
 34 section 426B.2, subsections 1 and 3, exceeds the  
 35 amount of the property tax relief moneys received in  
 36 the fiscal year beginning July 1, 1995, for each of  
 37 the levies for the following, except for the levies on  
 38 the increase in taxable valuation due to new  
 39 construction, additions or improvements to existing  
 40 structures, remodeling of existing structures for  
 41 which a building permit is required, annexation, and  
 42 phasing out of tax exemptions, and on the increase in  
 43 valuation of taxable property as a result of a  
 44 comprehensive revaluation by a private appraiser under  
 45 a contract entered into prior to January 1, 1992, or  
 46 as a result of a comprehensive revaluation directed or  
 47 authorized by the conference board prior to January 1,  
 48 1992, with documentation of the contract,  
 49 authorization, or directive on the revaluation  
 50 provided to the director of revenue and finance, if

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1 the levies are equal to or less than the levies for  
 2 the previous year, levies on that portion of the  
 3 taxable property located in an urban renewal project  
 4 the tax revenues from which are no longer divided as  
 5 provided in section 403.19, subsection 2, or as  
 6 otherwise provided in this section:

7 a. General county services under section 331.422,  
 8 subsection 1.

9 b. Rural county services under section 331.422,  
 10 subsection 2.

11 c. Other taxes under section 331.422, subsection  
 12 4.

13 **Sec. 27. NEW SECTION. 444.25B PROPERTY TAX**  
 14 **LIMITATION FOR FISCAL YEAR 1998.**

15 1. COUNTY LIMITATION. The maximum amount of  
 16 property tax dollars which may be certified by a  
 17 county for taxes payable in the fiscal year beginning  
 18 July 1, 1997, shall not exceed the amount of property  
 19 tax dollars certified by the county for taxes payable  
 20 in the fiscal year beginning July 1, 1996, minus the  
 21 amount by which the property tax relief moneys to be  
 22 received by the county in the fiscal year beginning  
 23 July 1, 1997, pursuant to section 426B.2, subsections  
 24 1 and 3, exceeds the amount of the property tax relief

25 moneys received in the fiscal year beginning July 1,  
26 1996, for each of the levies for the following, except  
27 for the levies on the increase in taxable valuation  
28 due to new construction, additions or improvements to  
29 existing structures, remodeling of existing structures  
30 for which a building permit is required, annexation,  
31 and phasing out of tax exemptions, and on the increase  
32 in valuation of taxable property as a result of a  
33 comprehensive revaluation by a private appraiser under  
34 a contract entered into prior to January 1, 1992, or  
35 as a result of a comprehensive revaluation directed or  
36 authorized by the conference board prior to January 1,  
37 1992, with documentation of the contract,  
38 authorization, or directive on the revaluation  
39 provided to the director of revenue and finance, if  
40 the levies are equal to or less than the levies for  
41 the previous year, levies on that portion of the  
42 taxable property located in an urban renewal project  
43 the tax revenues from which are no longer divided as  
44 provided in section 403.19, subsection 2, or as  
45 otherwise provided in this section:  
46 a. General county services under section 331.422,  
47 subsection 1.  
48 b. Rural county services under section 331.422,  
49 subsection 2.  
50 c. Other taxes under section 331.422, subsection

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1 4.  
2 2. EXCEPTIONS. The limitations provided in  
3 subsection 1 do not apply to the levies made for the  
4 following:  
5 a. Debt service to be deposited into the debt  
6 service fund pursuant to section 331.430.  
7 b. Taxes approved by a vote of the people which  
8 are payable during the fiscal year beginning July 1,  
9 1997.  
10 c. Hospitals pursuant to chapters 37, 347, and  
11 347A.  
12 d. Emergency management to be deposited into the  
13 local emergency management fund and expended for  
14 development of hazardous substance teams pursuant to  
15 chapter 29C.  
16 e. Unusual need for additional moneys to finance  
17 existing programs which would provide substantial  
18 benefit to county residents or compelling need to  
19 finance new programs which would provide substantial  
20 benefit to county residents. The increase in taxes  
21 levied under this exception for the fiscal year

22 beginning July 1, 1997, is limited to no more than the  
23 product of the total tax dollars levied in the fiscal  
24 year beginning July 1, 1996, and the percent change,  
25 computed to two decimal places, in the price index for  
26 government purchases by type for state and local  
27 governments computed for the third quarter of calendar  
28 year 1996 from that computed for the third quarter of  
29 calendar year 1995.

30 For purposes of this paragraph, the price index for  
31 government purchases by type for state and local  
32 governments is defined by the bureau of economic  
33 analysis of the United States department of commerce  
34 and published in table 7.11 of the national income and  
35 products accounts. For the fiscal year beginning July  
36 1, 1997, the price index used shall be the revision  
37 published in the November 1996 edition of the United  
38 States department of commerce publication, "survey of  
39 current business". For purposes of this paragraph,  
40 tax dollars levied in the fiscal year beginning July  
41 1, 1996, shall not include funds levied for paragraphs  
42 "a", "b", and "c" of this subsection.

43 Application of this exception shall require an  
44 original publication of the budget and a public  
45 hearing and a second publication and a second hearing  
46 both in the manner and form prescribed by the director  
47 of the department of management, notwithstanding the  
48 provisions of section 331.434. The publications and  
49 hearings prescribed in this paragraph shall be held  
50 and the budget certified no later than March 15. The

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1 taxes levied for counties whose budgets are certified  
2 after March 15, 1997, shall be frozen at the fiscal  
3 year beginning July 1, 1996, level.

4 3. APPEAL PROCEDURES. In lieu of the procedures  
5 in sections 24.48 and 331.426, which procedures do not  
6 apply for taxes payable in the fiscal year beginning  
7 July 1, 1997, if a county needs to raise property tax  
8 dollars from a tax levy in excess of the limitations  
9 imposed by subsection 1, the following procedures  
10 apply:

11 a. Not later than March 1, and after the  
12 publication and public hearing on the budget in the  
13 manner and form prescribed by the director of the  
14 department of management, notwithstanding section  
15 331.434, the county shall petition the state appeal  
16 board for approval of a property tax increase in  
17 excess of the increase provided for in subsection 2,  
18 paragraph "e", on forms furnished by the director of

19 the department of management. Applications received  
20 after March 1 shall be automatically ineligible for  
21 consideration by the board.

22 b. Additional costs incurred by the county due to  
23 any of the following circumstances shall be the basis  
24 for justifying the excess in property tax dollars:

25 (1) Natural disaster or other life-threatening  
26 emergencies.

27 (2) Unusual need for additional moneys to finance  
28 existing programs which would provide substantial  
29 benefit to county residents or compelling need to  
30 finance new programs which would provide substantial  
31 benefit to county residents.

32 (3) Need for additional moneys for health care,  
33 treatment, and facilities pursuant to section 331.424,  
34 subsection 1, paragraphs "a" and "b".

35 (4) Judgments, settlements, and related costs  
36 arising out of civil claims against the county and its  
37 officers, employees, and agents, as defined in chapter  
38 670.

39 c. The state appeal board shall approve,  
40 disapprove, or reduce the amount of excess property  
41 tax dollars requested. The board shall take into  
42 account the intent of this section to provide property  
43 tax relief. The decision of the board shall be  
44 rendered at a regular or special meeting of the board  
45 within twenty days of the board's receipt of an  
46 appeal.

47 d. Within seven days of receipt of the decision of  
48 the state appeal board, the county shall adopt and  
49 certify its budget under section 331.434, which budget  
50 may be protested as provided in section 331.436. The

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1 budget shall not contain an amount of property tax  
2 dollars in excess of the amount approved by the state  
3 appeal board.

4 4. Rate adjustment by county auditor. In addition  
5 to the requirement of the county auditor in section  
6 444.3 to establish a rate of tax which does not exceed  
7 the rate authorized by law, the county auditor shall  
8 also adjust the rate if the amount of property tax  
9 dollars to be raised is in excess of the amount  
10 specified in subsection 1, as may be adjusted pursuant  
11 to subsection 3.

12 Sec. 28. Section 444.27, Code 1995, is amended to  
13 read as follows:

14 444.27 SECTIONS VOID.

15 1. For purposes of section 444.25, sections 24.48

16 and 331.426 are void for the fiscal years beginning  
 17 July 1, 1993, and July 1, 1994. For purposes of  
 18 section 444.25A, sections 24.48 and 331.426 are void  
 19 for the fiscal years beginning July 1, 1995, and July  
 20 1, 1996.

21 2. For purposes of section 444.25B, sections 24.48  
 22 and 331.426 are void for the fiscal year beginning  
 23 July 1, 1997.

24 DIVISION V

25 INDUSTRIAL MACHINERY, EQUIPMENT AND COMPUTERS PROPERTY  
 26 TAX

27 EXEMPTION AND REPLACEMENT

28 Sec. 29. Section 427B.17, Code 1995, is amended to  
 29 read as follows:

30 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

31 1. For property defined in section 427A.1,  
 32 subsection 1, paragraphs "e" and "j", acquired or  
 33 initially leased on or after January 1, 1982, the  
 34 taxpayer's valuation shall be limited to thirty  
 35 percent of the net acquisition cost of the property,  
 36 except as otherwise provided in subsections 2 and 3.  
 37 For purposes of this section, "net acquisition cost"  
 38 means the acquired cost of the property including all  
 39 foundations and installation cost less any excess cost  
 40 adjustment.

41 For purposes of this section subsection:

42 1. Property assessed by the department of revenue  
 43 and finance pursuant to sections 428.24 to 428.29, or  
 44 chapters 433, 434 and 436 to 438 shall not receive the  
 45 benefits of this section:

46 2. a. Property acquired before January 1, 1982,  
 47 which was owned or used before January 1, 1982, by a  
 48 related person shall not receive the benefits of this  
 49 section subsection.

50 3. b. Property acquired on or after January 1,

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1 1982, which was owned and used by a related person  
 2 shall not receive any additional benefits under this  
 3 section subsection.

4 4. c. Property which was owned or used before  
 5 January 1, 1982, and subsequently acquired by an  
 6 exchange of like property shall not receive the  
 7 benefits of this section subsection.

8 5. d. Property which was acquired on or after  
 9 January 1, 1982, and subsequently exchanged for like  
 10 property shall not receive any additional benefits  
 11 under this section subsection.

12 6. e. Property acquired before January 1, 1982,

13 which is subsequently leased to a taxpayer or related  
14 person who previously owned the property shall not  
15 receive the benefits of this ~~section~~ subsection.  
16 7. f. Property acquired on or after January 1,  
17 1982, which is subsequently leased to a taxpayer or  
18 related person who previously owned the property shall  
19 not receive any additional benefits under this section  
20 subsection.

21 For purposes of this ~~section~~ subsection, "related  
22 person" means a person who owns or controls the  
23 taxpayer's business and another business entity from  
24 which property is acquired or leased or to which  
25 property is sold or leased. Business entities are  
26 owned or controlled by the same person if the same  
27 person directly or indirectly owns or controls fifty  
28 percent or more of the assets or any class of stock or  
29 who directly or indirectly has an interest of fifty  
30 percent or more in the ownership or profits.

31 2. Property defined in section 427A.1, subsection  
32 1, paragraphs "e" and "j", which is first assessed for  
33 taxation in this state on or after January 1, 1995,  
34 shall be exempt from taxation.

35 3. Property defined in section 427A.1, subsection  
36 1, paragraphs "e" and "j", and assessed under section  
37 427B.17, subsection 1, shall be valued by the local  
38 assessor as follows for the following assessment  
39 years:

40 a. For the assessment year beginning January 1,  
41 1999, at twenty-two percent of the net acquisition  
42 cost.

43 b. For the assessment year beginning January 1,  
44 2000, at fourteen percent of the net acquisition cost.

45 c. For the assessment year beginning January 1,  
46 2001, at six percent of the net acquisition cost.

47 d. For the assessment year beginning January 1,  
48 2002, and succeeding assessment years, at zero percent  
49 of the net acquisition cost.

50 4. Property assessed pursuant to this section

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1 shall not be eligible to receive a partial exemption  
2 under sections 427B.1 to 427B.6.

3 5. This section shall not apply to property  
4 assessed by the department of revenue and finance  
5 pursuant to sections 428.24 to 428.29, or chapters  
6 433, 434, and 436 to 438, and such property shall not  
7 receive the benefits of this section.

8 Any electric power generating plant which operated  
9 during the preceding assessment year at a net capacity

10 factor of more than twenty percent, shall not receive  
11 the benefits of this section or of sections 15.332 and  
12 15.334. For purposes of this section, "electric power  
13 generating plant" means any name plate rated electric  
14 power generating plant, in which electric energy is  
15 produced from other forms of energy, including all  
16 taxable land, buildings, and equipment used in the  
17 production of such energy. "Net capacity factor"  
18 means net actual generation divided by the product of  
19 net maximum capacity times the number of hours the  
20 unit was in the active state during the assessment  
21 year. Upon commissioning, a unit is in the active  
22 state until it is decommissioned. "Net actual  
23 generation" means net electrical megawatt hours  
24 produced by the unit during the preceding assessment  
25 year. "Net maximum capacity" means the capacity the  
26 unit can sustain over a specified period when not  
27 restricted by ambient conditions or equipment  
28 deratings, minus the losses associated with station  
29 service or auxiliary loads.

30 6. The taxpayer's valuation of property defined in  
31 section 427A.1, subsection 1, paragraphs "e" and "j",  
32 and located in an urban renewal area for which an  
33 urban renewal plan provides for the division of taxes  
34 as provided in section 403.19 to pay the principal and  
35 interest on loans, advances, bonds issued under the  
36 authority of section 403.9, subsection 1, or  
37 indebtedness incurred by a city or county to finance  
38 an urban renewal project within the urban renewal  
39 area, if such loans, advances, or bonds were issued or  
40 indebtedness incurred, on or after January 1, 1982,  
41 and on or before June 30, 1995, shall be limited to  
42 thirty percent of the net acquisition cost of the  
43 property. Such property located in an urban renewal  
44 area shall not be valued pursuant to subsection 2 or  
45 3, whichever is applicable, until the assessment year  
46 following the calendar year in which the obligations  
47 created by any loans, advances, bonds, or indebtedness  
48 payable from the division of taxes as provided in  
49 section 403.19 have been retired. The taxpayer's  
50 valuation for such property shall then be the

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1 valuation specified in subsection 2 or 3, whichever is  
2 applicable, for the applicable assessment year. If  
3 the loans, advances, or bonds issued, or indebtedness  
4 incurred between January 1, 1982, and June 30, 1995,  
5 are refinanced or refunded after June 30, 1995, the  
6 valuation of such property shall then be the valuation

7 specified in subsection 2 or 3, whichever is  
8 applicable, for the applicable assessment year  
9 beginning with the assessment year following the  
10 calendar year in which any of those loans, advances,  
11 bonds, or other indebtedness are refinanced or  
12 refunded after June 30, 1995.  
13 7. For the purpose of dividing taxes under section  
14 260E.4 or 260F.4, the employer's or business's  
15 valuation of property defined in section 427A.1,  
16 subsection 1, paragraphs "e" and "j", and used to fund  
17 a new jobs training project which project's first  
18 written agreement providing for a division of taxes as  
19 provided in section 403.19 is approved on or before  
20 June 30, 1995, shall be limited to thirty percent of  
21 the net acquisition cost of the property. An  
22 employer's or business's taxable property used to fund  
23 a new jobs training project shall not be valued  
24 pursuant to subsection 2 or 3, whichever is  
25 applicable, until the assessment year following the  
26 calendar year in which the certificates or other  
27 funding obligations have been retired or escrowed.  
28 The taxpayer's valuation for such property shall then  
29 be the valuation specified in subsection 1 for the  
30 applicable assessment year. If the certificates  
31 issued, or other funding obligations incurred, between  
32 January 1, 1982, and June 30, 1995, are refinanced or  
33 refunded after June 30, 1995, the valuation of such  
34 property shall then be the valuation specified in  
35 subsection 2 or 3, whichever is applicable, for the  
36 applicable assessment year beginning with the  
37 assessment year following the calendar year in which  
38 those certificates or other funding obligations are  
39 refinanced or refunded after June 30, 1995.  
40 **Sec. 30. NEW SECTION. 427B.18 REPLACEMENT.**  
41 **Beginning with the fiscal year beginning July 1,**  
42 **1996, each county treasurer shall be paid from the**  
43 **industrial machinery, equipment and computers**  
44 **replacement fund an amount equal to the amount of the**  
45 **industrial machinery, equipment and computers tax**  
46 **replacement claim, as calculated in section 427B.19.**  
47 **Sec. 31. NEW SECTION. 427B.19 ASSESSOR AND**  
48 **COUNTY AUDITOR DUTIES.**  
49 **1. On or before July 1 of each fiscal year, the**  
50 **assessor shall determine the total assessed value of**

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1 the property assessed under section 427B.17 for taxes  
2 payable in that fiscal year and the total assessed  
3 value of such property assessed as of January 1, 1994,

4 and shall report the valuations to the county auditor.

5 2. On or before July 1 of each fiscal year, the  
6 assessor shall determine the valuation of all  
7 commercial and industrial property assessed for taxes  
8 payable in that fiscal year and the valuation of such  
9 property assessed as of January 1, 1994, and shall  
10 report the valuations to the county auditor.

11 3. On or before July 1, 1996, and on or before  
12 July 1 of each succeeding fiscal year through June 30,  
13 2006, the county auditor shall prepare a statement,  
14 based upon the report received pursuant to subsections  
15 1 and 2, listing for each taxing district in the  
16 county:

17 a. Beginning with the assessment year beginning  
18 January 1, 1995, the difference between the assessed  
19 valuation of property assessed pursuant to section  
20 427B.17 for that year and the total assessed value of  
21 such property assessed as of January 1, 1994. If the  
22 total assessed value of the property assessed as of  
23 January 1, 1994, is less, there is no tax replacement  
24 for the fiscal year.

25 b. The tax levy rate for each taxing district for  
26 that fiscal year.

27 c. The industrial machinery, equipment and  
28 computers tax replacement claim for each taxing  
29 district. For fiscal years beginning July 1, 1996,  
30 and ending June 30, 2001, the replacement claim is  
31 equal to the amount determined pursuant to paragraph  
32 "a", multiplied by the tax rate specified in paragraph  
33 "b". For fiscal years beginning July 1, 2001, and  
34 ending June 30, 2006, the replacement claim is equal  
35 to the product of the amount determined pursuant to  
36 paragraph "a", less any increase in valuations  
37 determined in paragraph "d", and the tax rate  
38 specified in paragraph "b". If the amount subtracted  
39 under paragraph "d" is more than the amount determined  
40 in paragraph "a", there is no tax replacement for the  
41 fiscal year.

42 d. Beginning with the assessment year beginning  
43 January 1, 2000, the auditor shall reduce the amount  
44 listed in paragraph "a", by the increase, if any, in  
45 assessed valuations of commercial and industrial  
46 property in the assessment year beginning January 1,  
47 1994, and the assessment year for which taxes are due  
48 and payable in that fiscal year. If the calculation  
49 under this paragraph indicates a net decrease in  
50 aggregate valuation of such property, the industrial

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1 machinery, equipment and computers tax replacement  
2 claim for each taxing district is equal to the amount  
3 determined pursuant to paragraph "a", multiplied by  
4 the tax rate specified in paragraph "b".

5 4. The county auditor shall certify and forward  
6 one copy of the statement to the department of revenue  
7 and finance not later than July 1 of each year.

8 Sec. 32. NEW SECTION. 427B.19A FUND CREATED.

9 1. The industrial machinery, equipment and  
10 computers property tax replacement fund is created.  
11 For the fiscal year beginning July 1, 1996, through  
12 the fiscal year ending June 30, 2006, there is  
13 appropriated annually from the general fund of the  
14 state to the department of revenue and finance to be  
15 credited to the industrial machinery, equipment and  
16 computers property tax replacement fund, an amount  
17 sufficient to implement this division.

18 2. If an amount appropriated for a fiscal year is  
19 insufficient to pay all claims, the director shall  
20 prorate the disbursements from the fund to the county  
21 treasurers and shall notify the county auditors of the  
22 pro rata percentage on or before August 1.

23 3. The replacement claims shall be paid to each  
24 county treasurer in equal installments in September  
25 and March of each year. The county treasurer shall  
26 apportion the replacement claim payments among the  
27 eligible taxing districts in the county.

28 Sec. 33. NEW SECTION. 427B.19B GUARANTEE OF  
29 STATE REPLACEMENT FUNDS.

30 For the fiscal years beginning July 1, 1996, and  
31 ending June 30, 2006, if the industrial machinery,  
32 equipment and computers property tax replacement fund  
33 is insufficient to pay in full the total of the  
34 amounts certified to the director of revenue and  
35 finance, the director shall compute for each county  
36 the difference between the total of all replacement  
37 claims for each taxing district within the county and  
38 the amount paid to the county treasurer for  
39 disbursement to each taxing district in the county.  
40 The assessor, for the assessment year for which taxes  
41 are due and payable in the fiscal year for which a  
42 sufficient appropriation was not made, shall revalue  
43 all industrial machinery, equipment and computers  
44 described in section 427B.17, subsections 2 and 3, in  
45 the county at a percentage of net acquisition cost  
46 which will yield from each taxing district its  
47 shortfall and the property shall be assessed and taxed  
48 in such manner for taxes due and payable in the

49 following fiscal year in addition to being assessed  
50 and taxed in the applicable manner under section

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1 427B.17. When conducting the revaluation, the  
2 assessor shall increase the percentage of net  
3 acquisition cost of such property by the same  
4 percentage point. Property tax dollar amounts  
5 certified pursuant to this section shall not be  
6 considered property tax dollars certified for purposes  
7 of the property tax limitation in chapter 444.

8 Sec. 34. Section 257.3, subsection 1, Code 1995,  
9 is amended by adding the following new unnumbered  
10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. The amount paid to each  
12 school district for the tax replacement claim for  
13 industrial machinery, equipment and computers under  
14 section 427B.19A shall be regarded as property tax.  
15 The portion of the payment which is foundation  
16 property tax shall be determined by applying the  
17 foundation property tax rate to the amount computed  
18 under section 427B.19, subsection 3, paragraph "a", as  
19 adjusted by paragraph "d", if any adjustment was made.

20 DIVISION VI

21 FISCAL YEAR 1996 PAYMENT

22 Sec. 35. FISCAL YEAR 1996 RELIEF FUND PAYMENT.

23 Notwithstanding 1995 Iowa Acts, House File 132,  
24 section 13, the appropriation in that section shall  
25 not be made from the general fund of the state but  
26 shall be made from the property tax relief fund  
27 created in section 426B.1, as enacted by this Act.  
28 Notwithstanding section 426B.2, subsection 2, as  
29 enacted by this Act, for the fiscal year beginning  
30 July 1, 1995, the amount of moneys distributed under  
31 that subsection shall be \$54.4 million."

32 2. Title page, by striking lines 1 through 4 and  
33 inserting the following: "An Act relating to tax  
34 provisions involving state income tax, certain county  
35 property tax and services associated with mental  
36 health and developmental disabilities services, the  
37 county property tax limitation, and property tax on  
38 industrial machinery, equipment and computers,  
39 providing appropriations, and providing effective and  
40 applicability dates.""

TOM VILSACK  
WILLIAM D. PALMER  
BERL E. PRIEBE  
TONY BISIGNANO

DENNIS H. BLACK  
LEONARD L. BOSWELL  
MIKE CONNOLLY  
DICK L. DEARDEN  
PATRICK J. DELUHERY  
TOM FLYNN  
EUGENE FRAISE  
DON E. GETTINGS  
RANDAL J. GIANNETTO  
MICHAEL E. GRONSTAL  
ROD HALVORSON  
JOHNNIE HAMMOND  
STEVEN D. HANSEN  
WALLY HORN  
EMIL J. HUSAK  
PATY JUDGE  
JOHN P. KIBBIE  
MARY NEUHAUSER  
ALBERT SORENSEN  
ELAINE SZYMONIAK

S-3595

1 Amend the House amendment, S-3082, to Senate File  
2 69, as passed by the Senate, as follows:  
3 1. By striking page 1, line 1, through page 44,  
4 line 25, and inserting the following:  
5 "Amend Senate File 69, as passed by the Senate, as  
6 follows:  
7 —. By striking everything after the enacting  
8 clause and inserting the following:  
9 "DIVISION I  
10 INCOME TAX  
11 Section 1. Section 422.7, Code 1995, is amended by  
12 adding the following new subsection:  
13 NEW SUBSECTION. 33. For a person who is disabled,  
14 or is fifty-five years of age or older, or is the  
15 surviving spouse of an individual or a survivor having  
16 an insurable interest in an individual who would have  
17 qualified for the exemption under this subsection for  
18 the tax year, subtract, to the extent included, the  
19 total amount of a governmental or other pension or  
20 retirement pay, including, but not limited to, defined  
21 benefit or defined contribution plans, annuities,  
22 individual retirement accounts, plans maintained or  
23 contributed to by an employer, or maintained or  
24 contributed to by a self-employed person as an  
25 employer, and deferred compensation plans or any  
26 earnings attributable to the deferred compensation  
27 plans, up to a maximum of one thousand five hundred

28 dollars for a person who files a separate state income  
 29 tax return for a tax year beginning in the 1996  
 30 calendar year, and up to a maximum of three thousand  
 31 dollars for a husband and wife who file a joint state  
 32 income tax return for a tax year beginning in the 1996  
 33 calendar year. For a tax year beginning in the 1997  
 34 calendar year, and for all subsequent tax years,  
 35 subtract, to the extent included, the total amount for  
 36 a person who files a separate state income tax return  
 37 up to a maximum of three thousand dollars, and for a  
 38 husband and wife who file a joint state income tax  
 39 return up to a maximum of six thousand dollars.  
 40 However, a surviving spouse who is not disabled or  
 41 fifty-five years of age or older can only exclude the  
 42 amount of pension or retirement pay received as a  
 43 result of the death of the other spouse.

44 Sec. 2. Section 422.12, subsection 1, paragraph c,  
 45 Code 1995, is amended to read as follows:  
 46 c. For each dependent, an additional ~~fifteen~~ forty  
 47 dollars. As used in this section, the term  
 48 "dependent" has the same meaning as provided by the  
 49 Internal Revenue Code.

50 Sec. 3. CONDITIONAL EFFECTIVENESS -- RETROACTIVE

Page 2

1 APPLICABILITY.

2 1. Section 1 of this division of this Act,  
 3 amending section 422.7, takes effect September 1,  
 4 1995, if the total amount of revenues credited to the  
 5 general fund of the state during the fiscal year  
 6 ending June 30, 1995, exceeds \$4,007,000,000. On or  
 7 before September 1, 1995, the director of revenue and  
 8 finance shall provide written certification to the  
 9 Code editor as to the total amount of revenues  
 10 credited to the general fund of the state during the  
 11 fiscal year ending June 30, 1995.

12 2. Section 2 of this division of this Act applies  
 13 retroactively to January 1, 1995, for tax years  
 14 beginning on or after that date.

15 DIVISION II

16 MACHINERY, EQUIPMENT AND COMPUTERS PROPERTY  
 17 TAX REIMBURSEMENT

18 Sec. 4. Section 427B.17, subsection 1, Code 1995,  
 19 is amended to read as follows:

20 1. Property assessed by the department of revenue  
 21 and finance pursuant to sections 428.24 to 428.29, or  
 22 chapters 433, 434 and 436 to 438 shall not receive the  
 23 benefits of this section.

24 Any electric power generating plant which operated

25 during the preceding assessment year at a net capacity  
26 factor of more than twenty percent, shall not receive  
27 the benefits of this section or of sections 15.332 and  
28 15.334. For purposes of this section, "electric power  
29 generating plant" means any name plate rated electric  
30 power generating plant, in which electric energy is  
31 produced from other forms of energy, including all  
32 taxable land, buildings, and equipment used in the  
33 production of such energy. "Net capacity factor"  
34 means net actual generation divided by the product of  
35 net maximum capacity times the number of hours the  
36 unit was in the active state during the assessment  
37 year. Upon commissioning, a unit is in the active  
38 state until it is decommissioned. "Net actual  
39 generation" means net electrical megawatt hours  
40 produced by the unit during the preceding assessment  
41 year. "Net maximum capacity" means the capacity the  
42 unit can sustain over a specified period when not  
43 restricted by ambient conditions or equipment  
44 deratings, minus the losses associated with station  
45 service or auxiliary loads.  
46 Sec. 5. NEW SECTION. 427B.18 INDUSTRIAL  
47 MACHINERY, EQUIPMENT AND COMPUTERS INVESTMENT  
48 REIMBURSEMENT FUND -- PENALTY.  
49 1. A machinery, equipment and computers investment  
50 reimbursement fund is created under the control of the

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1 department of revenue and finance. For the fiscal  
2 year beginning July 1, 1996, there is appropriated  
3 from the general fund of the state to the machinery,  
4 equipment and computers investment reimbursement fund  
5 eight million dollars to be used to pay property tax  
6 reimbursement claims filed pursuant to this section  
7 for property taxes due and payable in the fiscal year  
8 beginning July 1, 1995, on property defined in section  
9 427A.1, subsection 1, paragraphs "e" and "j" which are  
10 assessed pursuant to section 427B.17.  
11 2. A claim for reimbursement for property taxes  
12 paid on property defined in section 427A.1, subsection  
13 1, paragraphs "e" and "j" which are assessed pursuant  
14 to section 427B.17, shall not be paid or allowed  
15 unless the claim is filed with and in the possession  
16 of the department of revenue and finance on or before  
17 January 1, 1997. The department shall provide forms  
18 for claiming the industrial machinery, equipment and  
19 computers investment reimbursement. Each claimant  
20 shall provide with the application the tax statement  
21 received from the county treasurer and proof of

22 payment of the tax, including, but not limited to, the  
 23 taxpayer's cancelled checks. The director may require  
 24 any additional proof necessary to support a claim.

25 The department shall send notice of disallowance of  
 26 a claim by regular mail to the claimant at the  
 27 claimant's last known address. The claimant may  
 28 appeal the decision of the director under this section  
 29 and the claimant shall have the same rights of appeal  
 30 and review as provided in sections 421.1 and 422.55  
 31 and the rules of the department of revenue and  
 32 finance.

33 3. By June 1, 1997, the department shall reimburse  
 34 claimants for claims filed under this section. If the  
 35 amount appropriated under subsection 1 is insufficient  
 36 to pay all claims in full, the director shall prorate  
 37 the payments among all claimants whose claims are  
 38 allowed. Moneys remaining in the fund after payment  
 39 of all claims in full shall revert to the general fund  
 40 of the state.

41 4. A person who makes a false claim for  
 42 reimbursement under this section or who knowingly  
 43 receives the reimbursement without being legally  
 44 entitled to it is guilty of a fraudulent practice.  
 45 Prosecution under this subsection shall be brought in  
 46 the county of residence of the person to be charged.

#### 47 DIVISION III

#### 48 MENTAL HEALTH EXPENDITURES, PROPERTY TAX REDUCTIONS, 49 AND PROPERTY TAX CREDITS

#### 50 Sec. 6. NEW SECTION. 24.49 EMERGENCY NEEDS

#### Page 4

#### 1 FUNDS.

2 For budget years commencing on or after July 1,  
 3 1996, the state board shall review requests and  
 4 authorize payment to a county for emergency needs  
 5 funds from the property tax relief fund, in accordance  
 6 with the provisions of section 426B.1, subsection 3.  
 7 Payment of the funds shall be authorized if the  
 8 request is for expenditures above a county's fixed  
 9 budget amount for services provided in accordance with  
 10 the requesting county's management plan for mental  
 11 health and mental retardation services approved under  
 12 section 331.439.

13 Sec. 7. Section 123.38, unnumbered paragraph 2,  
 14 Code 1995, is amended to read as follows:

15 Any licensee or permittee, or the licensee's or  
 16 permittee's executor or administrator, or any person  
 17 duly appointed by the court to take charge of and  
 18 administer the property or assets of the licensee or

19 permittee for the benefit of the licensee's or  
20 permittee's creditors, may voluntarily surrender a  
21 license or permit to the division. When a license or  
22 permit is surrendered the division shall notify the  
23 local authority, and the division or the local  
24 authority shall refund to the person surrendering the  
25 license or permit, a proportionate amount of the fee  
26 received by the division or the local authority for  
27 the license or permit as follows: If a license or  
28 permit is surrendered during the first three months of  
29 the period for which it was issued, the refund shall  
30 be three-fourths of the amount of the fee; if  
31 surrendered more than three months but not more than  
32 six months after issuance, the refund shall be one-  
33 half of the amount of the fee; if surrendered more  
34 than six months but not more than nine months after  
35 issuance, the refund shall be one-fourth of the amount  
36 of the fee. No refund shall be made, however, for any  
37 special liquor permit, nor for a liquor control  
38 license, wine permit, or beer permit surrendered more  
39 than nine months after issuance. For purposes of this  
40 paragraph, any portion of license or permit fees used  
41 for the purposes authorized in section 331.424,  
42 subsection 1, paragraphs "a", and "b", "c", "d", "e",  
43 "f", "g", and "h", and in section 331.424A, shall not  
44 be deemed received either by the division or by a  
45 local authority. No refund shall be made to any  
46 licensee or permittee, upon the surrender of the  
47 license or permit, if there is at the time of  
48 surrender, a complaint filed with the division or  
49 local authority, charging the licensee or permittee  
50 with a violation of this chapter. If upon a hearing

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1 on a complaint the license or permit is not revoked or  
2 suspended, then the licensee or permittee is eligible,  
3 upon surrender of the license or permit, to receive a  
4 refund as provided in this section; but if the license  
5 or permit is revoked or suspended upon hearing the  
6 licensee or permittee is not eligible for the refund  
7 of any portion of the license or permit fee.

8 Sec. 8. Section 218.99, Code 1995, is amended to  
9 read as follows:

10 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'  
11 PERSONAL ACCOUNTS.

12 The administrator of a division of the department  
13 of human services in control of a state institution  
14 shall direct the business manager of each institution  
15 under the administrator's jurisdiction which is

16 mentioned in section 331.424, subsection 1, paragraphs  
 17 "a" through "g" and "b" and for which services are  
 18 paid under section 331.424A to quarterly inform the  
 19 auditor of the county of legal settlement of any  
 20 patient or resident who has an amount in excess of two  
 21 hundred dollars on account in the patients' personal  
 22 deposit fund and the amount on deposit. The  
 23 administrators shall direct the business manager to  
 24 further notify the auditor of the county at least  
 25 fifteen days before the release of funds in excess of  
 26 two hundred dollars or upon the death of the patient  
 27 or resident. If the patient or resident has no county  
 28 of legal settlement, notice shall be made to the  
 29 director of the department of human services and the  
 30 administrator of the division of the department in  
 31 control of the institution involved.

32 Sec. 9. Section 225C.4, subsection 2, paragraph b,  
 33 Code 1995, is amended to read as follows:

34 b. Establish mental health and mental retardation  
 35 services for all institutions under the control of the  
 36 director of human services and establish an autism  
 37 unit, following mutual planning with and consultation  
 38 from the medical director of the state psychiatric  
 39 hospital, at an institution or a facility administered  
 40 by the administrator to provide psychiatric and  
 41 related services and other specific programs to meet  
 42 the needs of autistic persons as defined in section  
 43 331.424, subsection 1, and to furnish appropriate  
 44 diagnostic evaluation services.

45 Sec. 10. Section 331.301, subsection 12, Code  
 46 1995, is amended to read as follows:

47 12. The board of supervisors may credit funds to a  
 48 reserve for the purposes authorized by subsection 11  
 49 of this section; section 331.424, subsection 1,  
 50 paragraph "f"; and section 331.441, subsection 2,

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1 paragraph "b". Moneys credited to the reserve, and  
 2 interest earned on such moneys, shall remain in the  
 3 reserve until expended for purposes authorized by  
 4 subsection 11 of this section; section 331.424,  
 5 subsection 1, paragraph "f"; or section 331.441,  
 6 subsection 2, paragraph "b".

7 Sec. 11. Section 331.424, subsection 1, Code 1995,  
 8 is amended to read as follows:

9 1. For general county services, an amount  
 10 sufficient to pay the charges for the following:

11 a. To the extent that the county is obligated by  
 12 statute to pay the charges for:

- 13 (1) Care and treatment of patients by a state  
14 mental health institute.
- 15 (2) Care and treatment of patients by either of  
16 the state hospital-schools or by any other facility  
17 established under chapter 222 and diagnostic  
18 evaluation under section 222.31.
- 19 (3) Care and treatment of patients under chapter  
20 225.
- 21 (4) (1) Care and treatment of persons at the  
22 alcoholic treatment center at Oakdale. However, the  
23 county may require that an admission to the center  
24 shall be reported to the board by the center within  
25 five days as a condition of the payment of county  
26 funds for that admission.
- 27 (5) (2) Care of children admitted or committed to  
28 the Iowa juvenile home at Toledo.
- 29 (6) (3) Clothing, transportation, medical, or  
30 other services provided persons attending the Iowa  
31 braille and sight saving school, the Iowa school for  
32 the deaf, or the state hospital-school for severely  
33 handicapped children at Iowa City, for which the  
34 county becomes obligated to pay pursuant to sections  
35 263.12, 269.2, and 270.4 through 270.7.
- 36 b. To the extent that the board deems it advisable  
37 to pay, the charges for professional evaluation,  
38 treatment, training, habilitation, and care of persons  
39 who are mentally retarded, autistic persons, or  
40 persons who are afflicted by any other developmental  
41 disability, at a suitable public or private facility  
42 providing inpatient or outpatient care in the county.  
43 As used in this paragraph:
- 44 (1) "Developmental disability" has the meaning  
45 assigned that term by 42 U.S.C. sec. 6001(7) (1976);  
46 Supp. II, 1978, and Supp. III, 1979.
- 47 (2) "Autistic persons" means persons, regardless  
48 of age, with severe communication and behavior  
49 disorders that became manifest during the early stages  
50 of childhood development and that are characterized by

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- 1 a severely disabling inability to understand,  
2 communicate, learn, and participate in social  
3 relationships. "Autistic persons" includes but is not  
4 limited to those persons afflicted by infantile  
5 autism, profound aphasia, and childhood psychosis.
- 6 c. Care and treatment of persons placed in the  
7 county hospital, county care facility, a health care  
8 facility as defined in section 135C.1, subsection 6,  
9 or any other public or private facility, which

10 placement is in lieu of admission or commitment to or  
11 is upon discharge, removal, or transfer from a state  
12 mental health institute, hospital, school, or other  
13 facility established pursuant to chapter 222.

14 d. Amounts budgeted by the board for the cost of  
15 establishment and initial operation of a community  
16 mental health center in the manner and subject to the  
17 limitations provided by state law.

18 e. b. Foster care and related services provided  
19 under court order to a child who is under the  
20 jurisdiction of the juvenile court, including court-  
21 ordered costs for a guardian ad litem under section  
22 232.71.

23 f. The care, admission, commitment, and  
24 transportation of mentally ill patients in state  
25 hospitals, to the extent that expenses for these  
26 services are required to be paid by the county,  
27 including compensation for the advocate appointed  
28 under section 229.19.

29 g. Amounts budgeted by the board for mental health  
30 services or mental retardation services furnished to  
31 persons on either an outpatient or inpatient basis, to  
32 a school or other public agency, or to the community  
33 at large, by a community mental health center or other  
34 suitable facility located in or reasonably near the  
35 county, provided that services meet the standards of  
36 the mental health and developmental disabilities  
37 commission created in section 225C.5 and are  
38 consistent with the annual plan for services approved  
39 by the board.

40 h. Reimbursement on behalf of mentally retarded  
41 persons under section 249A.12.

42 i. c. Elections, and voter registration pursuant  
43 to chapter 48A.

44 j. d. Employee benefits under chapters 96, 97B,  
45 and 97C, which are associated with salaries for  
46 general county services.

47 k. e. Joint county and city building authorities  
48 established under section 346.27, as provided in  
49 subsection 22 of that section.

50 l. f. Tort liability insurance, property

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1 insurance, and any other insurance that may be  
2 necessary in the operation of the county, costs of a  
3 self-insurance program, costs of a local government  
4 risk pool, and amounts payable under any insurance  
5 agreements to provide or procure such insurance, self-  
6 insurance program, or local government risk pool.

7 m. g. The maintenance and operation of the courts,  
 8 including but not limited to the salary and expenses  
 9 of the clerk of the district court and other employees  
 10 of the clerk's office, and bailiffs, court costs if  
 11 the prosecution fails or if the costs cannot be  
 12 collected from the person liable, costs and expenses  
 13 of prosecution under section 189A.17, salaries and  
 14 expenses of juvenile court officers under chapter 602,  
 15 court-ordered costs in domestic abuse cases under  
 16 section 236.5, the county's expense for confinement of  
 17 prisoners under chapter 356A, temporary assistance to  
 18 the county attorney, county contributions to a  
 19 retirement system for bailiffs, reimbursement for  
 20 judicial magistrates under section 602.6501, claims  
 21 filed under section 622.93, interpreters' fees under  
 22 section 622B.7, uniform citation and complaint  
 23 supplies under section 805.6, and costs of prosecution  
 24 under section 815.13.

25 n. h. Court-ordered costs of conciliation  
 26 procedures under section 598.16.

27 o. i. Establishment and maintenance of a joint  
 28 county indigent defense fund pursuant to an agreement  
 29 under section 28E.19.

30 p. i. The maintenance and operation of a local  
 31 emergency management agency established pursuant to  
 32 chapter 29C.

33 The board may require a public or private facility,  
 34 as a condition of receiving payment from county funds  
 35 for services it has provided, to furnish the board  
 36 with a statement of the income, assets, and legal  
 37 residence including township and county of each person  
 38 who has received services from that facility for which  
 39 payment has been made from county funds under  
 40 paragraphs "a" through "h" and "b". However, the  
 41 facility shall not disclose to anyone the name or  
 42 street or route address of a person receiving services  
 43 for which commitment is not required, without first  
 44 obtaining that person's written permission.

45 Parents or other persons may voluntarily reimburse  
 46 the county or state for the reasonable cost of caring  
 47 for a patient or an inmate in a county or state  
 48 facility.

49 Sec. 12. **NEW SECTION. 331.424A COUNTY MENTAL**  
 50 **HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL**

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1 **DISABILITIES SERVICES FUND.**

2 1. For the purposes of this chapter, unless the  
 3 context otherwise requires, "services fund" means the

4 county mental health, mental retardation, and  
5 developmental disabilities services fund created in  
6 subsection 2. The county finance committee created in  
7 section 333A.2 shall adopt rules and prescribe forms  
8 for administering the services fund.

9 2. For the fiscal year beginning July 1, 1995, and  
10 succeeding fiscal years, county revenues from taxes  
11 and other sources designated for mental health, mental  
12 retardation, and developmental disabilities services  
13 shall be credited to the mental health, mental  
14 retardation, and developmental disabilities services  
15 fund of the county. The board may make appropriations  
16 from the fund for payment of services provided under  
17 the county management plan approved pursuant to  
18 section 331.439.

19 3. For the fiscal year beginning July 1, 1995, and  
20 succeeding fiscal years, receipts from the state or  
21 federal government for such services shall be credited  
22 to the services fund, including moneys allotted to the  
23 county from the state payment made pursuant to section  
24 331.439 and moneys allotted to the county for property  
25 tax relief pursuant to section 426B.1.

26 4. For the fiscal year beginning July 1, 1995, and  
27 for each subsequent fiscal year, the county shall  
28 certify a levy for payment of services. Unless  
29 otherwise provided by state law, for each fiscal year,  
30 county revenues from taxes imposed by the county  
31 credited to the services fund shall not exceed an  
32 amount equal to the amount of base year expenditures  
33 for services in the fiscal year beginning July 1,  
34 1993, and ending June 30, 1994, as defined in section  
35 331.438 less the amount of property tax relief to be  
36 received pursuant to section 426B.2, subsections 1 and  
37 3, in the fiscal year for which the budget is  
38 certified. The county auditor and the board of  
39 supervisors shall reduce the amount of the levy  
40 certified for the services fund by the amount of  
41 property tax relief to be received.

42 5. Appropriations specifically authorized to be  
43 made from the mental health, mental retardation, and  
44 developmental disabilities services fund shall not be  
45 made from the general fund of the county.

46 Sec. 13. Section 331.438, subsection 1, paragraph  
47 b, Code 1995, is amended to read as follows:

48 b. "State payment" means the payment made by the  
49 state to a county determined to be eligible for the  
50 payment in accordance with section 331.439.

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1 1A. Except as modified based upon the actual  
2 amount of the appropriation for purposes of state  
3 payment under section 331.439, the amount of the state  
4 payment for a fiscal year shall be calculated as **fifty**  
5 **one hundred** percent of the amount by which the  
6 county's qualified expenditures during the immediately  
7 preceding fiscal year were in excess of the amount of  
8 the county's base year expenditures. A state payment  
9 is the state funding a county receives pursuant to  
10 section 426B.2, subsection 2. Any state funding  
11 received by a county for property tax relief in  
12 accordance with section 426B.2, subsections 1 and 3,  
13 is not a state payment and shall not be included in  
14 the state payment calculation made pursuant to this  
15 subsection.

16 Sec. 14. Section 331.438, subsection 3, paragraph  
17 c, subparagraph (9), Code 1995, is amended to read as  
18 follows:

19 (9) Make recommendations to the council on human  
20 services for administrative rules for the county  
21 single entry point central point of coordination and  
22 clinical assessment processes required under section  
23 331.440 and other rules necessary for the  
24 implementation of county management plans and  
25 expenditure reports required for state payment  
26 pursuant to section 331.439.

27 Sec. 15. Section 331.438, subsection 3, paragraph  
28 c, Code 1995, is amended by adding the following new  
29 subparagraph:

30 NEW SUBPARAGRAPH. (15) On or before December 1,  
31 1995, submit to the governor and the general assembly  
32 any recommended changes in the formula for  
33 distributing property tax relief moneys to counties  
34 under section 426B.2, subsections 1 through 3.

35 Sec. 16. Section 331.439, Code 1995, is amended by  
36 striking the section and inserting in lieu thereof the  
37 following:

38 **331.439 ELIGIBILITY FOR STATE PAYMENT.**

39 1. The state payment to eligible counties under  
40 this section shall be made as provided in sections  
41 331.438 and 426B.2. A county is eligible for the  
42 state payment, as defined in section 331.438, for the  
43 fiscal year beginning July 1, 1995, and for subsequent  
44 fiscal years if the director of human services, in  
45 consultation with the state-county management  
46 committee, determines for a specific fiscal year that  
47 all of the following conditions are met:

48 a. The county accurately reported by December 1

49 the county's expenditures for mental health, mental  
50 retardation, and developmental disabilities services

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1 for the previous fiscal year on forms prescribed by  
2 the department of human services.

3 b. The county developed and implemented a county  
4 management plan for the county's mental health and  
5 mental retardation services in accordance with the  
6 provisions of this paragraph. The plan shall comply  
7 with the administrative rules adopted for this purpose  
8 by the council on human services and is subject to the  
9 approval of the director of human services in  
10 consultation with the state-county management  
11 committee created in section 331.438. The plan shall  
12 include a description of the county's service  
13 management provision for mental health, mental  
14 retardation, and developmental disabilities services.

15 The plan shall have the following two parts:

16 (1) For mental health service management, the  
17 county may either directly implement a system of  
18 service management and contract with service  
19 providers, or contract with a private entity to manage  
20 the system, provided all requirements of this  
21 subparagraph are met by the private entity. For the  
22 fiscal year beginning July 1, 1995, the county shall  
23 submit the plan for approval by January 1, 1996, and  
24 implement the approved plan on or before July 1, 1996.  
25 For subsequent fiscal years, this part of the plan  
26 shall be submitted to the department by April 1 for  
27 the succeeding fiscal year.

28 (2) For mental retardation and developmental  
29 disabilities service management, the plan shall  
30 describe the county's development and implementation  
31 of a managed system of cost-effective individualized  
32 services and other support to assist the individuals  
33 to be served to be as independent, productive, and  
34 integrated with the community as possible. The plan  
35 shall provide for consideration of the type and level  
36 of services and support needed and desired by the  
37 individual. The plan may allow the provision of  
38 services through vouchers or cash payments to allow  
39 individuals to arrange for their own services or  
40 support, if these methods are appropriate and cost-  
41 effective. The county may directly implement the  
42 system and contract with service providers, or  
43 contract with a private entity to manage the system,  
44 provided all requirements of this subparagraph are met  
45 by the private entity. For the fiscal year beginning

46 July 1, 1996, this part of the plan shall be submitted  
47 to the department of human services by January 1,  
48 1996. For subsequent fiscal years, this part of the  
49 plan shall be submitted prior to April 1 for the  
50 succeeding fiscal year.

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1 c. Changes to the approved plan are submitted at  
2 least sixty days prior to the proposed change and are  
3 not to be implemented prior to the director of human  
4 services' approval, following the director's  
5 consultation with the state-county management  
6 committee.

7 2. A county may provide services to service  
8 populations with disabilities who are not included in  
9 the service management provisions required under  
10 subsection 1, subject to the availability of funding.

11 3. a. For the fiscal year beginning July 1, 1996,  
12 and succeeding fiscal years, the county's mental  
13 health, mental retardation, and developmental  
14 disabilities service expenditures for a fiscal year  
15 are limited to a fixed budget amount. The fixed  
16 budget amount shall be the amount identified in the  
17 county's management plan and budget for the fiscal  
18 year. The county shall be allowed an inflation factor  
19 adjustment for services paid from the county's  
20 services fund under section 331.424A which is in  
21 accordance with the county's management plan and  
22 budget, implemented pursuant to this section.

23 b. Based upon information contained in county  
24 management plans and budgets, the state-county  
25 management committee shall recommend an inflation  
26 factor adjustment by January 1 for the succeeding  
27 fiscal year. The inflation factor adjustment shall  
28 address costs associated with new consumers of  
29 service, service cost inflation, and investments for  
30 economy and efficiency.

31 4. A county's implementation of the service  
32 management provisions required under subsection 1 for  
33 mental health and mental retardation shall incorporate  
34 the central point of coordination process described in  
35 section 331.440.

36 5. The basis for determining whether a managed  
37 care system for mental health proposed by a county is  
38 comparable to a mental health managed care contractor  
39 approved by the department of human services shall  
40 include but is not limited to all of the following  
41 elements which shall be specified in administrative  
42 rules adopted by the council on human services in

- 43 consultation with the state-county management  
44 committee:
- 45 a. The enrollment and eligibility process.
  - 46 b. The scope of services included.
  - 47 c. The method of plan administration.
  - 48 d. The process for managing utilization and access  
49 to services and other assistance.
  - 50 e. The quality assurance process.

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- 1 f. The risk management provisions and fiscal  
2 viability of the provisions, if the county contracts  
3 with a private managed care entity.
- 4 6. Notwithstanding any other provision of law to  
5 the contrary, a county shall have no obligation to pay  
6 for or provide mental health, mental retardation, or  
7 developmental disabilities services for any person  
8 that applies through the county's central point of  
9 coordination and clinical assessment processes after  
10 the moneys in the county services fund under section  
11 331.424A are expended. If a county has expended its  
12 fixed budget amount for services pursuant to the  
13 management plan approved under subsection 1, the state  
14 shall assume financial responsibility and the county  
15 may apply to the state appeal board for emergency  
16 funds reserved in section 426B.1, subsection 3.
- 17 7. The director's approval of a county's mental  
18 health, mental retardation, and developmental  
19 disabilities services management plan shall not be  
20 construed to constitute certification of the county's  
21 budget.

22 Sec. 17. Section 331.440, Code 1995, is amended to  
23 read as follows:

24 331.440 MENTAL HEALTH, MENTAL RETARDATION, AND  
25 DEVELOPMENTAL DISABILITIES SERVICES -- SINGLE ENTRY  
26 CENTRAL POINT OF COORDINATION PROCESS.

- 27 1. a. For the purposes of this section, unless  
28 the context otherwise requires, "single entry central  
29 point of coordination process" means a single entry  
30 central point of coordination process established by a  
31 county or consortium of counties for the delivery of  
32 mental health, mental retardation, and developmental  
33 disabilities services which are paid for in whole or  
34 in part by county funds. The single entry central  
35 point of coordination process may include but is not  
36 limited to reviewing a person's eligibility for  
37 services, determining the appropriateness of the type,  
38 level, and duration of services, and performing  
39 periodic review of the person's continuing eligibility

40 and need for services. Any recommendations developed  
 41 concerning a person's plan of services shall be  
 42 consistent with the person's unique strengths,  
 43 circumstances, priorities, concerns, abilities, and  
 44 capabilities. For those services funded under the  
 45 medical assistance program, the single entry central  
 46 point of coordination process shall be used to assure  
 47 that the person is aware of the appropriate service  
 48 options available to the person.  
 49 b. The single entry central point of coordination  
 50 process may include a clinical assessment process to

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1 identify a person's service needs and to make  
 2 recommendations regarding the person's plan for  
 3 services. The clinical assessment process shall  
 4 utilize qualified mental health professionals and  
 5 qualified mental retardation professionals.  
 6 2. The department of human services shall seek  
 7 federal approval as necessary for the single entry  
 8 central point of coordination and clinical assessment  
 9 processes to be eligible for federal financial  
 10 participation under medical assistance. A county may  
 11 implement the single entry central point of  
 12 coordination process as part of a consortium of  
 13 counties and may implement the process beginning with  
 14 the fiscal year ending June 30, 1995.

15 3. The council on human services shall consider  
 16 the recommendations of the state-county management  
 17 committee established in section 331.438 in adopting  
 18 rules outlining standards and requirements for  
 19 implementation of the single entry central point of  
 20 coordination and clinical assessment processes on the  
 21 date required by subsection 2. The rules shall permit  
 22 counties options in implementing the process based  
 23 upon a county's consumer population and available  
 24 service delivery system.

25 Sec. 18. NEW SECTION. 426B.1 APPROPRIATIONS --  
 26 PROPERTY TAX RELIEF FUND.

27 1. A property tax relief fund is created in the  
 28 state treasury under the authority of the department  
 29 of revenue and finance. The fund shall be separate  
 30 from the general fund of the state and shall not be  
 31 considered part of the general fund of the state  
 32 except in determining the cash position of the state  
 33 for payment of state obligations. The moneys in the  
 34 fund are not subject to the provisions of section 8.33  
 35 and shall not be transferred, used, obligated,  
 36 appropriated, or otherwise encumbered except as

37 provided in this section. Moneys in the fund may be  
 38 used for cash flow purposes, provided that any moneys  
 39 so allocated are returned to the fund by the end of  
 40 each fiscal year. However, the fund shall be  
 41 considered a special account for the purposes of  
 42 section 8.53, relating to elimination of any GAAP  
 43 deficit. For the purposes of this chapter, unless the  
 44 context otherwise requires, "property tax relief fund"  
 45 means the property tax relief fund created in this  
 46 section.

47 2. There is appropriated to the property tax  
 48 relief fund for the indicated fiscal years from the  
 49 general fund of the state the following amounts:

50 a. For the fiscal year beginning July 1, 1995,

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1 sixty-five million dollars.

2 b. For the fiscal year beginning July 1, 1996,

3 eighty-five million dollars.

4 c. For the fiscal year beginning July 1, 1997, one

5 hundred five million dollars.

6 d. For the fiscal year beginning July 1, 1998, one

7 hundred twenty-five million dollars.

8 e. For the fiscal year beginning July 1, 1999, one

9 hundred forty-five million dollars.

10 f. For the fiscal year beginning July 1, 2000, and

11 succeeding fiscal years, one hundred sixty-five

12 million dollars.

13 3. In the fiscal year beginning July 1, 1996, and

14 in each subsequent fiscal year, of the funds

15 appropriated to the property tax relief fund, the

16 amount necessary to reserve one million dollars shall

17 be set aside in the fund. The reserved moneys shall

18 be used for payment of county emergency needs for

19 funds in excess of the fixed budget amount for

20 services provided in accordance with the county's

21 management plan approved under section 331.439. Any

22 reserved moneys remaining unexpended or unobligated at

23 the close of the fiscal year shall remain available in

24 the succeeding fiscal year to be combined with the

25 amount of funds appropriated in the succeeding fiscal

26 year necessary to reach the one million dollar reserve

27 amount. The director of revenue and finance shall pay

28 a county's request for funds reserved under this

29 subsection upon the approval of the request by the

30 state appeal board pursuant to section 24.49.

31 Sec. 19. **NEW SECTION. 426B.2 PROPERTY TAX RELIEF**

32 **FUND DISTRIBUTIONS.**

33 Moneys in the property tax relief fund shall be

34 utilized in each fiscal year as follows in the order  
35 listed:

36 1. The first sixty-five million dollars plus the  
37 amount paid pursuant to subsection 3 in the previous  
38 fiscal year in the property tax relief fund shall be  
39 paid to each county for property tax relief in the  
40 same proportion that the county's base year  
41 expenditure bears to the total of all counties' base  
42 year expenditures as defined in section 331.438.

43 2. Payment of moneys to eligible counties of the  
44 state payment in accordance with the provisions of  
45 sections 331.438 and 331.439. Moneys provided to a  
46 county for property tax relief in a fiscal year in  
47 accordance with this section shall not be less than  
48 the amount provided for property tax relief in the  
49 previous fiscal year.

50 3. The department of human services shall estimate

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1 the amount of moneys required for the state payment  
2 pursuant to subsection 2. Moneys remaining in the  
3 property tax relief fund following the payment made  
4 pursuant to subsection 1 and the estimated amount of  
5 the state payment pursuant to subsection 2 shall be  
6 paid to counties for property tax relief in the same  
7 manner as provided in subsection 1. These payments  
8 shall continue until the combined amount of the  
9 payments made under this subsection and subsection 1  
10 are equal to fifty percent of the total of all  
11 counties' base year expenditures as defined in section  
12 331.438. The amount of moneys paid to a county  
13 pursuant to this subsection shall be added in  
14 subsequent fiscal years to the amount of moneys paid  
15 under subsection 1.

16 4. Moneys remaining in the property tax relief  
17 fund following the payments made pursuant to  
18 subsections 1, 2, and 3 shall be transferred to the  
19 homestead credit fund created in section 425.1. This  
20 transfer shall continue until the homestead credit is  
21 fully funded.

22 5. Moneys remaining in the property tax relief  
23 fund following the payments made pursuant to  
24 subsections 1, 2, and 3, and the transfer made  
25 pursuant to subsection 4, shall be transferred to the  
26 appropriation made in section 426A.1 for funding the  
27 military service tax credit. This transfer shall  
28 continue until the combination of the appropriation  
29 made in section 426A.1 and the funds transferred are  
30 sufficient to fully fund the military service tax

31 credit.

32 6. Moneys remaining in the property tax relief  
33 fund following the payments made pursuant to  
34 subsections 1, 2, and 3, and the transfers made  
35 pursuant to subsections 4 and 5, shall be transferred  
36 to the extraordinary property tax credit and  
37 reimbursement fund created in section 425.39. This  
38 transfer shall continue until the combination of the  
39 appropriation made in section 425.39 and the funds  
40 transferred are sufficient to fully fund all claims on  
41 the extraordinary property tax credit and  
42 reimbursement fund.

43 7. Moneys remaining in the property tax relief  
44 fund following the payments made pursuant to  
45 subsections 1, 2, and 3, and the transfers made  
46 pursuant to subsections 4, 5, and 6, shall be  
47 transferred to the low-income tax credit and  
48 reimbursement fund created in section 425.40. This  
49 transfer shall continue until the low-income tax  
50 credit is fully funded.

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1 8. Moneys remaining in the property tax relief  
2 fund following the payments made pursuant to  
3 subsections 1, 2, and 3, and the transfers made  
4 pursuant to subsections 4, 5, 6, and 7, shall be  
5 transferred to the agricultural land credit fund  
6 created in section 426.1. This transfer shall  
7 continue until the agricultural land tax credit is  
8 fully funded.

9 9. The director of revenue and finance shall draw  
10 warrants on the property tax relief fund, payable to  
11 the county treasurer in the amount due to a county in  
12 accordance with subsections 1 and 3 and mail the  
13 warrants to the county auditors in September and March  
14 of each year. Warrants for the state payment in  
15 accordance with subsection 2 shall be mailed in  
16 January of each year. The director shall initiate the  
17 transfers required by this section.

18 Sec. 20. NEW SECTION. 426B.3 NOTIFICATION OF  
19 MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL  
20 DISABILITIES EXPENDITURE RELIEF FUND PAYMENT.

21 1. Before June 1, 1995, and before February 15 of  
22 each succeeding fiscal year, the director of revenue  
23 and finance shall notify the county auditor of each  
24 county of the amount of moneys the county will receive  
25 from the property tax relief fund pursuant to section  
26 426B.2, subsections 1 and 3, for the succeeding fiscal  
27 year. The county auditor shall reduce the certified

28 budget amount received from the board of supervisors  
29 for the succeeding fiscal year for the county mental  
30 health, mental retardation, and development  
31 disabilities services fund created in section 331.424A  
32 by an amount equal to the amount the county will  
33 receive and the auditor shall determine the rate of  
34 taxation necessary to raise the reduced amount. On  
35 the tax list, the county auditor shall compute the  
36 amount of taxes due and payable on each parcel before  
37 and after the amount received from the property tax  
38 relief fund is used to reduce the county budget.

39 2. The amount of property tax dollars reduced on  
40 each parcel as a result of the moneys received from  
41 the property tax relief fund pursuant to section  
42 426B.2, subsections 1 and 3, shall be noted on each  
43 tax statement prepared by the county treasurer  
44 pursuant to section 445.23.

45 Sec. 21. NEW SECTION. 426B.4 RULES.

46 The director of revenue and finance shall prescribe  
47 forms and adopt rules pursuant to chapter 17A to  
48 administer this chapter.

49 Sec. 22. PILOT PROJECT FOR A MANAGED SYSTEM OF  
50 INDIVIDUALIZED SERVICES.

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1 1. The department of human services, in  
2 cooperation with a county or consortium of counties,  
3 shall develop, test, and evaluate a pilot project for  
4 a managed system of individualized services and  
5 support for individuals with mental retardation and  
6 developmental disabilities in at least two areas of  
7 the state. One area shall be urban and one rural.  
8 The system shall be designed to provide the  
9 individuals being served with a choice of services and  
10 other support that will assist the individuals to be  
11 as independent, productive, and integrated into the  
12 community as possible.

13 2. In implementing the managed system pilot  
14 project, the department and the county or consortium  
15 of counties may directly manage the system and  
16 contract with service providers and others for needed  
17 services or support after identifying the type and  
18 level of services and support needed by the  
19 individual. The pilot project shall provide a  
20 reasonable rate of reimbursement. If costs are equal  
21 to or less than providing vouchers or cash payments to  
22 the individuals and the individuals served so desire,  
23 vouchers or cash payments may be provided to the  
24 individuals to allow them to arrange for their own

25 services or support. The department and the county or  
26 consortium of counties may enter into a contract with  
27 a private entity to manage this individualized system  
28 provided all pilot project requirements are met  
29 through the private entity.

30 3. The department and the county or consortium of  
31 counties shall seek the advice of persons with mental  
32 retardation and developmental disabilities and their  
33 family members in designing the pilot project. The  
34 state-county management committee created in section  
35 331.438 shall also have an opportunity to make  
36 recommendations regarding the pilot project.

37 4. The department shall apply for all necessary  
38 federal waivers so that in addition to state and  
39 county funds, federal moneys available for these  
40 services may also be flexibly used in the pilot  
41 project. The planning for the pilot project shall be  
42 completed prior to January 1, 1996, and the pilot  
43 project shall commence on or before March 1, 1996.

44 Sec. 23. FUNDING OF SESSION LAW REQUIREMENTS. If  
45 the appropriations in section 426B.1, subsection 2, as  
46 created in this division of this Act, are enacted by  
47 this Act, the requirements of 1994 Iowa Acts, chapter  
48 1163, section 8, subsection 2, to fully fund  
49 provisions of sections 331.438 and 331.439 shall be  
50 considered to be met and the repeals contained in 1994

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1 Iowa Acts, chapter 1163, section 8, subsection 2,  
2 shall be void.

3 Sec. 24. EFFECTIVE DATE. Sections 7, 8, and 9  
4 take effect July 1, 1995, and the remainder of this  
5 division of this Act, being deemed of immediate  
6 importance, takes effect upon enactment; however, the  
7 provisions of sections 10, 11, and 12, relating to the  
8 supplemental levy and the county mental health, mental  
9 retardation, and developmental disabilities fund, are  
10 applicable to taxes payable in the fiscal year  
11 beginning July 1, 1995."

12 \_\_\_\_ . Title page, by striking lines 1 through 4  
13 and inserting the following: "An Act relating to tax  
14 provisions involving income tax, machinery, equipment  
15 and computers property tax reimbursement, and services  
16 paid for by property taxes and property tax reductions  
17 and credits and providing appropriations, penalties,  
18 effective dates, and retroactive applicability  
19 provisions.""

S-3596

1 Amend the amendment, S-3595, to the House  
2 amendment, S-3082, to Senate File 69, as passed by the  
3 Senate, as follows:

4 1. By striking page 1, line 1, through page 19,  
5 line 19, and inserting the following:

6 "Amend the House amendment, S-3082, to Senate File  
7 69, as passed by the Senate, as follows:

8 " — . By striking page 1, line 1, through page  
9 44, line 25, and inserting the following:

10 "Amend Senate File 69, as passed by the Senate, as  
11 follows:

12 — . By striking everything after the enacting  
13 clause and inserting the following:

14 "DIVISION I  
15 INCOME TAX

16 Section 1. Section 422.7, Code 1995, is amended by  
17 adding the following new subsection:

18 NEW SUBSECTION. 33. For a person who is disabled,  
19 or is fifty-five years of age or older, or is the  
20 surviving spouse of an individual or a survivor having  
21 an insurable interest in an individual who would have  
22 qualified for the exemption under this subsection for  
23 the tax year, subtract, to the extent included, the  
24 total amount of a governmental or other pension or  
25 retirement pay, including, but not limited to, defined  
26 benefit or defined contribution plans, annuities,  
27 individual retirement accounts, plans maintained or  
28 contributed to by an employer, or maintained or  
29 contributed to by a self-employed person as an  
30 employer, and deferred compensation plans or any  
31 earnings attributable to the deferred compensation  
32 plans, up to a maximum of three thousand dollars for a  
33 person who files a separate state income tax return  
34 and up to a maximum of six thousand dollars for a  
35 husband and wife who file a joint state income tax  
36 return. However, a surviving spouse who is not  
37 disabled or fifty-five years of age or older can only  
38 exclude the amount of pension or retirement pay  
39 received as a result of the death of the other spouse.

40 Sec. 2. Section 422.12, subsection 1, paragraph c,  
41 Code 1995, is amended to read as follows:

42 c. For each dependent, an additional fifteen forty  
43 dollars. As used in this section, the term  
44 "dependent" has the same meaning as provided by the  
45 Internal Revenue Code.

46 Sec. 3. TAXATION STUDIES. The legislative council  
47 is requested to establish two taxation studies during  
48 the 1995 legislative interim. One study would address

49 taxation of businesses, including subchapter S  
50 corporations, taxation incentives and disincentives

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1 for economic development, and the long-term objectives  
2 of business taxation. The legislative council is  
3 requested to authorize up to \$100,000 for consultants  
4 and other costs associated with the business taxation  
5 study. The other study would address other state  
6 taxes, including inheritance, income, and sales taxes.  
7 Sec. 4. RETROACTIVE APPLICABILITY. This division  
8 of this Act applies retroactively to January 1, 1995,  
9 for tax years beginning on or after that date.

10

#### DIVISION II

11 SUPPLEMENTAL LEVY AND COUNTY MENTAL HEALTH FUND

12 Sec. 5. Section 123.38, unnumbered paragraph 2,  
13 Code 1995, is amended to read as follows:

14 Any licensee or permittee, or the licensee's or  
15 permittee's executor or administrator, or any person  
16 duly appointed by the court to take charge of and  
17 administer the property or assets of the licensee or  
18 permittee for the benefit of the licensee's or  
19 permittee's creditors, may voluntarily surrender a  
20 license or permit to the division. When a license or  
21 permit is surrendered the division shall notify the  
22 local authority, and the division or the local  
23 authority shall refund to the person surrendering the  
24 license or permit, a proportionate amount of the fee  
25 received by the division or the local authority for  
26 the license or permit as follows: If a license or  
27 permit is surrendered during the first three months of  
28 the period for which it was issued, the refund shall  
29 be three-fourths of the amount of the fee; if  
30 surrendered more than three months but not more than  
31 six months after issuance, the refund shall be one-  
32 half of the amount of the fee; if surrendered more  
33 than six months but not more than nine months after  
34 issuance, the refund shall be one-fourth of the amount  
35 of the fee. No refund shall be made, however, for any  
36 special liquor permit, nor for a liquor control  
37 license, wine permit, or beer permit surrendered more  
38 than nine months after issuance. For purposes of this  
39 paragraph, any portion of license or permit fees used  
40 for the purposes authorized in section 331.424,  
41 subsection 1, paragraphs "a", and "b"; "c", "d", "e",  
42 "f", "g", and "h", and in section 331.424A, shall not  
43 be deemed received either by the division or by a  
44 local authority. No refund shall be made to any  
45 licensee or permittee, upon the surrender of the

46 license or permit, if there is at the time of  
 47 surrender, a complaint filed with the division or  
 48 local authority, charging the licensee or permittee  
 49 with a violation of this chapter. If upon a hearing  
 50 on a complaint the license or permit is not revoked or

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1 suspended, then the licensee or permittee is eligible,  
 2 upon surrender of the license or permit, to receive a  
 3 refund as provided in this section; but if the license  
 4 or permit is revoked or suspended upon hearing the  
 5 licensee or permittee is not eligible for the refund  
 6 of any portion of the license or permit fee.

7 Sec. 6. Section 218.99, Code 1995, is amended to  
 8 read as follows:

9 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'  
 10 PERSONAL ACCOUNTS.

11 The administrator of a division of the department  
 12 of human services in control of a state institution  
 13 shall direct the business manager of each institution  
 14 under the administrator's jurisdiction which is  
 15 mentioned in section 331.424, subsection 1, paragraphs  
 16 "a" through "g" and "h" and for which services are  
 17 paid under section 331.424A to quarterly inform the  
 18 auditor of the county of legal settlement of any  
 19 patient or resident who has an amount in excess of two  
 20 hundred dollars on account in the patients' personal  
 21 deposit fund and the amount on deposit. The  
 22 administrators shall direct the business manager to  
 23 further notify the auditor of the county at least  
 24 fifteen days before the release of funds in excess of  
 25 two hundred dollars or upon the death of the patient  
 26 or resident. If the patient or resident has no county  
 27 of legal settlement, notice shall be made to the  
 28 director of the department of human services and the  
 29 administrator of the division of the department in  
 30 control of the institution involved.

31 Sec. 7. Section 225C.4, subsection 2, paragraph b,  
 32 Code 1995, is amended to read as follows:

33 b. Establish mental health and mental retardation  
 34 services for all institutions under the control of the  
 35 director of human services and establish an autism  
 36 unit, following mutual planning with and consultation  
 37 from the medical director of the state psychiatric  
 38 hospital, at an institution or a facility administered  
 39 by the administrator to provide psychiatric and  
 40 related services and other specific programs to meet  
 41 the needs of autistic persons as defined in section  
 42 331.424, subsection 1, and to furnish appropriate

43 diagnostic evaluation services.

44 Sec. 8. Section 331.301, subsection 12, Code 1995,  
45 is amended to read as follows:

46 12. The board of supervisors may credit funds to a  
47 reserve for the purposes authorized by subsection 11  
48 of this section; section 331.424, subsection 1,  
49 paragraph "~~1~~" "~~f~~"; and section 331.441, subsection 2,  
50 paragraph "b". Moneys credited to the reserve, and

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1 interest earned on such moneys, shall remain in the  
2 reserve until expended for purposes authorized by  
3 subsection 11 of this section; section 331.424,  
4 subsection 1, paragraph "~~1~~" "~~f~~"; or section 331.441,  
5 subsection 2, paragraph "b".

6 Sec. 9. Section 331.424, subsection 1, Code 1995,  
7 is amended to read as follows:

8 1. For general county services, an amount  
9 sufficient to pay the charges for the following:

10 a. To the extent that the county is obligated by  
11 statute to pay the charges for:

12 (1) Care and treatment of patients by a state  
13 mental health institute.

14 (2) Care and treatment of patients by either of  
15 the state hospital-schools or by any other facility  
16 established under chapter 222 and diagnostic  
17 evaluation under section 222.31.

18 (3) Care and treatment of patients under chapter  
19 225.

20 (4) (1) Care and treatment of persons at the  
21 alcoholic treatment center at Oakdale. However, the  
22 county may require that an admission to the center  
23 shall be reported to the board by the center within  
24 five days as a condition of the payment of county  
25 funds for that admission.

26 (5) (2) Care of children admitted or committed to  
27 the Iowa juvenile home at Toledo.

28 (6) (3) Clothing, transportation, medical, or  
29 other services provided persons attending the Iowa  
30 braille and sight saving school, the Iowa school for  
31 the deaf, or the state hospital-school for severely  
32 handicapped children at Iowa City, for which the  
33 county becomes obligated to pay pursuant to sections  
34 263.12, 269.2, and 270.4 through 270.7.

35 b. To the extent that the board deems it advisable  
36 to pay, the charges for professional evaluation,  
37 treatment, training, habilitation, and care of persons  
38 who are mentally retarded, autistic persons, or  
39 persons who are afflicted by any other developmental

40 disability, at a suitable public or private facility  
41 providing inpatient or outpatient care in the county.

42 As used in this paragraph:

43 (1) "Developmental disability" has the meaning  
44 assigned that term by 42 U.S.C. sec. 6001(7) (1976);  
45 Supp. II, 1978, and Supp. III, 1979.

46 (2) "Autistic persons" means persons, regardless  
47 of age, with severe communication and behavior  
48 disorders that became manifest during the early stages  
49 of childhood development and that are characterized by  
50 a severely disabling inability to understand,

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1 communicate, learn, and participate in social  
2 relationships. "Autistic persons" includes but is not  
3 limited to those persons afflicted by infantile

4 autism, profound aphasia, and childhood psychosis.  
5 c. Care and treatment of persons placed in the  
6 county hospital, county care facility, a health care  
7 facility as defined in section 135C.1, subsection 6,  
8 or any other public or private facility, which

9 placement is in lieu of admission or commitment to or  
10 is upon discharge, removal, or transfer from a state  
11 mental health institute, hospital-school, or other  
12 facility established pursuant to chapter 222.

13 d. Amounts budgeted by the board for the cost of  
14 establishment and initial operation of a community  
15 mental health center in the manner and subject to the  
16 limitations provided by state law.

17 e. b. Foster care and related services provided  
18 under court order to a child who is under the  
19 jurisdiction of the juvenile court, including court-  
20 ordered costs for a guardian ad litem under section  
21 232.71.

22 f. The care, admission, commitment, and  
23 transportation of mentally ill patients in state  
24 hospitals, to the extent that expenses for these  
25 services are required to be paid by the county,  
26 including compensation for the advocate appointed  
27 under section 220.10.

28 g. Amounts budgeted by the board for mental health  
29 services or mental retardation services furnished to  
30 persons on either an outpatient or inpatient basis, to  
31 a school or other public agency, or to the community  
32 at large, by a community mental health center or other  
33 suitable facility located in or reasonably near the  
34 county, provided that services meet the standards of  
35 the mental health and developmental disabilities  
36 commission created in section 225C.5 and are

37 consistent with the annual plan for services approved  
38 by the board.

39 h. Reimbursement on behalf of mentally retarded  
40 persons under section 249A.12.

41 i. c. Elections, and voter registration pursuant  
42 to chapter 48A.

43 j. d. Employee benefits under chapters 96, 97B,  
44 and 97C, which are associated with salaries for  
45 general county services.

46 k. e. Joint county and city building authorities  
47 established under section 346.27, as provided in  
48 subsection 22 of that section.

49 l. f. Tort liability insurance, property  
50 insurance, and any other insurance that may be

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1 necessary in the operation of the county, costs of a  
2 self-insurance program, costs of a local government  
3 risk pool, and amounts payable under any insurance  
4 agreements to provide or procure such insurance, self-  
5 insurance program, or local government risk pool.

6 m. g. The maintenance and operation of the courts,  
7 including but not limited to the salary and expenses  
8 of the clerk of the district court and other employees  
9 of the clerk's office, and bailiffs, court costs if  
10 the prosecution fails or if the costs cannot be  
11 collected from the person liable, costs and expenses  
12 of prosecution under section 189A.17, salaries and  
13 expenses of juvenile court officers under chapter 602,  
14 court-ordered costs in domestic abuse cases under  
15 section 236.5, the county's expense for confinement of  
16 prisoners under chapter 356A, temporary assistance to  
17 the county attorney, county contributions to a  
18 retirement system for bailiffs, reimbursement for  
19 judicial magistrates under section 602.6501, claims  
20 filed under section 622.93, interpreters' fees under  
21 section 622B.7, uniform citation and complaint  
22 supplies under section 805.6, and costs of prosecution  
23 under section 815.13.

24 n. h. Court-ordered costs of conciliation  
25 procedures under section 598.16.

26 o. i. Establishment and maintenance of a joint  
27 county indigent defense fund pursuant to an agreement  
28 under section 28E.19.

29 p. i. The maintenance and operation of a local  
30 emergency management agency established pursuant to  
31 chapter 29C.

32 The board may require a public or private facility,  
33 as a condition of receiving payment from county funds

34 for services it has provided, to furnish the board  
35 with a statement of the income, assets, and legal  
36 residence including township and county of each person  
37 who has received services from that facility for which  
38 payment has been made from county funds under  
39 paragraphs "a" through "h" and "b". However, the  
40 facility shall not disclose to anyone the name or  
41 street or route address of a person receiving services  
42 for which commitment is not required, without first  
43 obtaining that person's written permission.

44 Parents or other persons may voluntarily reimburse  
45 the county or state for the reasonable cost of caring  
46 for a patient or an inmate in a county or state  
47 facility.

48 Sec. 10. NEW SECTION. 331.424A COUNTY MENTAL  
49 HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL  
50 DISABILITIES SERVICES FUND.

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1 1. For the purposes of this chapter, unless the  
2 context otherwise requires, "services fund" means the  
3 county mental health, mental retardation, and  
4 developmental disabilities services fund created in  
5 subsection 2. The county finance committee created in  
6 section 333A.2 shall consult with the state-county  
7 management committee in adopting rules and prescribing  
8 forms for administering the services fund.

9 2. For the fiscal year beginning July 1, 1996, and  
10 succeeding fiscal years, county revenues from taxes  
11 and other sources designated for mental health, mental  
12 retardation, and developmental disabilities services  
13 shall be credited to the mental health, mental  
14 retardation, and developmental disabilities services  
15 fund of the county. The board shall make  
16 appropriations from the fund for payment of services  
17 provided under the county management plan approved  
18 pursuant to section 331.439.

19 3. For the fiscal year beginning July 1, 1996, and  
20 succeeding fiscal years, receipts from the state or  
21 federal government for such services shall be credited  
22 to the services fund, including moneys allotted to the  
23 county from the state payment made pursuant to section  
24 331.439 and moneys allotted to the county for property  
25 tax relief pursuant to section 426B.1.

26 4. For the fiscal year beginning July 1, 1996, and  
27 for each subsequent fiscal year, the county shall  
28 certify a levy for payment of services. Unless  
29 otherwise provided by state law, for each fiscal year,  
30 county revenues from taxes imposed by the county

31 credited to the services fund shall not exceed an  
 32 amount equal to the amount of base year expenditures  
 33 for services in the fiscal year beginning July 1,  
 34 1993, and ending June 30, 1994, as defined in section  
 35 331.438 less the amount of property tax relief to be  
 36 received pursuant to section 426B.2, subsections 1 and  
 37 3, in the fiscal year for which the budget is  
 38 certified. The county auditor and the board of  
 39 supervisors shall reduce the amount of the levy  
 40 certified for the services fund by the amount of  
 41 property tax relief to be received.

42 5. Appropriations specifically authorized to be  
 43 made from the mental health, mental retardation, and  
 44 developmental disabilities services fund shall not be  
 45 made from any other fund of the county.

46 Sec. 11. Section 444.25A, subsection 3, paragraph  
 47 b, subparagraph (3), Code 1995, is amended to read as  
 48 follows:

49 (3) Need for additional moneys for health care,  
 50 treatment, and facilities, including mental health and

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1 ~~mental retardation care and treatment~~ pursuant to  
 2 section 331.424, subsection 1, paragraphs "a" through  
 3 ~~"h" and "b".~~

4 Sec. 12. EFFECTIVE AND APPLICABILITY DATES. This  
 5 division of this Act takes effect January 1, 1996, and  
 6 is applicable to taxes payable in the fiscal year  
 7 beginning July 1, 1996, and subsequent fiscal years.

#### 8 DIVISION III

#### 9 PROPERTY TAX RELIEF PROVISIONS

10 Sec. 13. Section 222.60, unnumbered paragraph 1,  
 11 Code 1995, as amended by 1995 Iowa Acts, House File  
 12 483, section 12, is amended to read as follows:

13 All necessary and legal expenses for the cost of  
 14 admission or commitment or for the treatment,  
 15 training, instruction, care, habilitation, support and  
 16 transportation of persons with mental retardation, as  
 17 provided for in the county management plan provisions  
 18 implemented pursuant to section 331.439, subsection 1,  
 19 in a state hospital-school, or in a special unit, or  
 20 any public or private facility within or without the  
 21 state, approved by the director of the department of  
 22 human services, shall be paid by either:

23 Sec. 14. Section 331.438, subsection 1, paragraph  
 24 b, Code 1995, is amended to read as follows:

25 b. "State payment" means the payment made by the  
 26 state to a county determined to be eligible for the  
 27 payment in accordance with section 331.439.

28 1A. Except as modified based upon the actual  
29 amount of the appropriation for purposes of state  
30 payment under section 331.439, the amount of the state  
31 payment for a fiscal year shall be calculated as fifty  
32 percent of the amount by which the county's qualified  
33 expenditures during the immediately preceding fiscal  
34 year were in excess of the amount of the county's base  
35 year expenditures by applying the inflation factor  
36 adjustment established in accordance with section  
37 331.439, subsection 3, for that fiscal year to the  
38 amount of county expenditures for qualified services  
39 in the previous fiscal year. A state payment is the  
40 state funding a county receives pursuant to section  
41 426B.2, subsection 2. Any state funding received by a  
42 county for property tax relief in accordance with  
43 section 426B.2, subsections 1 and 3, is not a state  
44 payment and shall not be included in the state payment  
45 calculation made pursuant to this subsection.  
46 Sec. 15. Section 331.439, Code 1995, is amended by  
47 striking the section and inserting in lieu thereof the  
48 following:  
49 331.439 ELIGIBILITY FOR STATE PAYMENT.  
50 1. The state payment to eligible counties under

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1 this section shall be made as provided in sections  
2 331.438 and 426B.2. A county is eligible for the  
3 state payment, as defined in section 331.438, for the  
4 fiscal year beginning July 1, 1996, and for subsequent  
5 fiscal years if the director of human services, in  
6 consultation with the state-county management  
7 committee, determines for a specific fiscal year that  
8 all of the following conditions are met:  
9 a. The county accurately reported by October 15  
10 the county's expenditures for mental health, mental  
11 retardation, and developmental disabilities services  
12 for the previous fiscal year on forms prescribed by  
13 the department of human services.  
14 b. The county developed and implemented a county  
15 management plan for the county's mental health, mental  
16 retardation, and developmental disabilities services  
17 in accordance with the provisions of this paragraph.  
18 The plan shall comply with the administrative rules  
19 adopted for this purpose by the council on human  
20 services and is subject to the approval of the  
21 director of human services in consultation with the  
22 state-county management committee created in section  
23 331.438. The plan shall include a description of the  
24 county's service management provision for mental

25 health, mental retardation, and developmental  
26 disabilities services. For mental retardation and  
27 developmental disabilities service management, the  
28 plan shall describe the county's development and  
29 implementation of a managed system of cost-effective  
30 individualized services and shall comply with the  
31 provisions of paragraph "d". The goal of this part of  
32 the plan shall be to assist the individuals served to  
33 be as independent, productive, and integrated into the  
34 community as possible. The service management  
35 provisions for mental health shall comply with the  
36 provisions of paragraph "c".  
37 c. (1) For mental health service management, the  
38 county may either directly implement a system of  
39 service management and contract with service  
40 providers, or contract with a private entity to manage  
41 the system, provided all requirements of this lettered  
42 paragraph are met by the private entity. The mental  
43 health service management shall incorporate a single  
44 entry point and clinical assessment process developed  
45 in accordance with the provisions of section 331.440.  
46 The county shall submit this part of the plan to the  
47 department of human services for approval by April 1  
48 for the succeeding year. Initially, this part of the  
49 plan shall be submitted to the department by April 1,  
50 1996, and the county shall implement the approved plan

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1 by July 1, 1996.  
2 (2) The basis for determining whether a managed  
3 care system for mental health proposed by a county is  
4 comparable to a mental health managed care contractor  
5 approved by the department of human services shall  
6 include but is not limited to all of the following  
7 elements which shall be specified in administrative  
8 rules adopted by the council on human services in  
9 consultation with the state-county management  
10 committee:  
11 (a) The enrollment and eligibility process.  
12 (b) The scope of services included.  
13 (c) The method of plan administration.  
14 (d) The process for managing utilization and  
15 access to services and other assistance.  
16 (e) The quality assurance process.  
17 (f) The risk management provisions and fiscal  
18 viability of the provisions, if the county contracts  
19 with a private managed care entity.  
20 d. For mental retardation and developmental  
21 disabilities services management, the county must

22 either develop and implement a managed system of care  
23 which addresses a full array of appropriate services  
24 and cost-effective delivery of services or contract  
25 with a state-approved managed care contractor or  
26 contractors. Any system or contract implemented under  
27 this paragraph shall incorporate a single entry point  
28 and clinical assessment process developed in  
29 accordance with the provisions of section 331.440.  
30 The elements of the managed system of care and the  
31 state-approved managed care contract or contracts  
32 shall be specified in rules developed by the  
33 department of human services in consultation with the  
34 state-county management committee and adopted by the  
35 council on human services. Initially, this part of  
36 the plan shall be submitted to the department for  
37 approval on or before October 1, 1996, and shall be  
38 implemented on or before January 1, 1997. In fiscal  
39 years succeeding the fiscal year of initial  
40 implementation, this part of the plan shall be  
41 submitted to the department of human services for  
42 approval by April 1 for the succeeding fiscal year.  
43 e. Changes to the approved plan are submitted at  
44 least sixty days prior to the proposed change and are  
45 not to be implemented prior to the director of human  
46 services' approval.  
47 2. The county management plan shall address the  
48 county's criteria for serving persons with chronic  
49 mental illness, including any rationale used for  
50 decision making regarding this population.

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1 3. a. For the fiscal year beginning July 1, 1996,  
2 and succeeding fiscal years, the county's mental  
3 health, mental retardation, and developmental  
4 disabilities service expenditures for a fiscal year  
5 are limited to a fixed budget amount. The fixed  
6 budget amount shall be the amount identified in the  
7 county's management plan and budget for the fiscal  
8 year. The county shall be allowed an inflation factor  
9 adjustment for services paid from the county's  
10 services fund under section 331.424A which is in  
11 accordance with the county's management plan and  
12 budget, implemented pursuant to this section.  
13 b. Based upon information contained in county  
14 management plans and budgets, the state-county  
15 management committee shall recommend an inflation  
16 factor adjustment to the council on human services by  
17 November 15 for the succeeding fiscal year. The  
18 inflation factor adjustment shall address costs

19 associated with new consumers of service, service cost  
20 inflation, and investments for economy and efficiency.  
21 The council on human services shall recommend to the  
22 governor the amount of the inflation factor adjustment  
23 for the succeeding fiscal year for inclusion in the  
24 governor's proposed budget for the succeeding fiscal  
25 year.

26 c. If the general assembly has not revised the  
27 amount of the inflation factor adjustment for a fiscal  
28 year on the date county budgets must be approved and  
29 levies must be certified for that fiscal year, the  
30 budgets and levies shall utilize the inflation factor  
31 adjustment for that fiscal year recommended by the  
32 governor in the governor's proposed budget.

33 4. A county may provide assistance to service  
34 populations with disabilities to which the county has  
35 historically provided assistance but who are not  
36 included in the service management provisions required  
37 under subsection 1, subject to the availability of  
38 funding.

39 5. Notwithstanding any other provision of law to  
40 the contrary, a county shall have no obligation to pay  
41 for or provide mental health, mental retardation, or  
42 developmental disabilities services for any person  
43 that applies through the county's single entry point  
44 and clinical assessment process after the moneys in  
45 the county services fund under section 331.424A are  
46 expended.

47 6. A county shall implement the county's  
48 management plan in a manner so as to provide adequate  
49 funding for the entire fiscal year by budgeting for  
50 ninety-nine percent of the funding anticipated to be

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1 available for the plan. A county may expend all of  
2 the funding anticipated to be available for the plan.

3 7. The director's approval of a county's mental  
4 health, mental retardation, and developmental  
5 disabilities services management plan shall not be  
6 construed to constitute certification of the county's  
7 budget.

8 Sec. 16. Section 331.440, subsection 1, Code 1995,  
9 is amended by adding the following new paragraph:

10 NEW PARAGRAPH. c. The single entry point and  
11 clinical assessment process shall include provision  
12 for the county's participation in a management  
13 information system developed in accordance with rules  
14 adopted pursuant to subsection 3.

15 Sec. 17. NEW SECTION. 426B.1 APPROPRIATIONS --

## 16 PROPERTY TAX RELIEF FUND.

17 1. A property tax relief fund is created in the  
18 state treasury under the authority of the department  
19 of revenue and finance. The fund shall be separate  
20 from the general fund of the state and shall not be  
21 considered part of the general fund of the state  
22 except in determining the cash position of the state  
23 for payment of state obligations. The moneys in the  
24 fund are not subject to the provisions of section 8.33  
25 and shall not be transferred, used, obligated,  
26 appropriated, or otherwise encumbered except as  
27 provided in this section. Moneys in the fund may be  
28 used for cash flow purposes, provided that any moneys  
29 so allocated are returned to the fund by the end of  
30 each fiscal year. However, the fund shall be  
31 considered a special account for the purposes of  
32 section 8.53, relating to elimination of any GAAP  
33 deficit. For the purposes of this chapter, unless the  
34 context otherwise requires, "property tax relief fund"  
35 means the property tax relief fund created in this  
36 section.

37 2. There is appropriated to the property tax  
38 relief fund for the indicated fiscal years from the  
39 general fund of the state the following amounts:

40 a. For the fiscal year beginning July 1, 1995,  
41 sixty-one million dollars.

42 b. For the fiscal year beginning July 1, 1996,  
43 seventy-eight million dollars.

44 c. For the fiscal year beginning July 1, 1997, and  
45 succeeding fiscal years, ninety-five million dollars.

46 Sec. 18. NEW SECTION. 426B.2 PROPERTY TAX RELIEF  
47 FUND DISTRIBUTIONS.

48 Moneys in the property tax relief fund shall be  
49 utilized in each fiscal year as follows in the order  
50 listed:

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1 1. The first sixty-one million dollars plus the  
2 amount paid pursuant to subsection 3 in the previous  
3 fiscal year in the property tax relief fund shall be  
4 distributed to counties under this subsection. A  
5 county's proportion of the moneys shall be equivalent  
6 to the sum of the following three factors:

7 a. One-third based upon the county's proportion of  
8 the state's general population.

9 b. One-third based upon the county's proportion of  
10 the state's total taxable property valuation assessed  
11 for taxes payable in the previous fiscal year.

12 c. One-third based upon the county's proportion of

13 all counties' base year expenditures, as defined in  
14 section 331.438.

15 Moneys provided to a county for property tax relief  
16 in a fiscal year in accordance with this section shall  
17 not be less than the amount provided for property tax  
18 relief in the previous fiscal year.

19 2. Payment of moneys to eligible counties of the  
20 state payment in accordance with the provisions of  
21 sections 331.438 and 331.439.

22 3. For the fiscal year beginning July 1, 1996, and  
23 succeeding fiscal years, the department of human  
24 services shall estimate the amount of moneys required  
25 for the state payment pursuant to subsection 2.  
26 Moneys remaining in the property tax relief fund  
27 following the payment made pursuant to subsection 1  
28 and the estimated amount of the state payment pursuant  
29 to subsection 2 shall be paid for property tax relief  
30 in the same manner as provided in subsection 1 to  
31 counties eligible for state payment under subsection  
32 2. These payments shall continue until the combined  
33 amount of the payments made under this subsection and  
34 subsection 1 are equal to fifty percent of the total  
35 of all counties' base year expenditures as defined in  
36 section 331.438. The amount of moneys paid to a  
37 county pursuant to this subsection shall be added in  
38 subsequent fiscal years to the amount of moneys paid  
39 under subsection 1.

40 4. Moneys remaining in the property tax relief  
41 fund following the payments made pursuant to  
42 subsections 1, 2, and 3 shall be transferred to the  
43 homestead credit fund created in section 425.1. This  
44 transfer shall continue until the homestead credit is  
45 fully funded.

46 5. The department of human services shall notify  
47 the director of revenue and finance of the amounts due  
48 a county in accordance with the provisions of this  
49 section. The director of revenue and finance shall  
50 draw warrants on the property tax relief fund, payable

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1 to the county treasurer in the amount due to a county  
2 in accordance with subsections 1 and 3 and mail the  
3 warrants to the county auditors in September and March  
4 of each year. Warrants for the state payment in  
5 accordance with subsection 2 shall be mailed in  
6 January of each year.

7 **Sec. 19. NEW SECTION. 426B.3 NOTIFICATION OF**  
8 **MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL**  
9 **DISABILITIES EXPENDITURE RELIEF FUND PAYMENT.**

10 1. The county auditor shall reduce the certified  
11 budget amount received from the board of supervisors  
12 for the succeeding fiscal year for the county mental  
13 health, mental retardation, and developmental  
14 disabilities services fund created in section 331.424A  
15 by an amount equal to the amount the county will  
16 receive from the property tax relief fund pursuant to  
17 section 426B.2, subsections 1 and 3, for the  
18 succeeding fiscal year and the auditor shall determine  
19 the rate of taxation necessary to raise the reduced  
20 amount. On the tax list, the county auditor shall  
21 compute the amount of taxes due and payable on each  
22 parcel before and after the amount received from the  
23 property tax relief fund is used to reduce the county  
24 budget. The director of revenue and finance shall  
25 notify the county auditor of each county of the amount  
26 of moneys the county will receive from the property  
27 tax relief fund pursuant to section 426B.2,  
28 subsections 1 and 3, for the succeeding fiscal year.  
29 2. The amount of property tax dollars reduced on  
30 each parcel as a result of the moneys received from  
31 the property tax relief fund pursuant to section  
32 426B.2, subsections 1 and 3, shall be noted on each  
33 tax statement prepared by the county treasurer  
34 pursuant to section 445.23.

35 Sec. 20. NEW SECTION. 426B.4 RULES.

36 The council on human services shall consult with  
37 the state-county management committee created in  
38 section 331.438 and the director of revenue and  
39 finance in prescribing forms and adopting rules  
40 pursuant to chapter 17A to administer this chapter.

41 Sec. 21. PROPERTY TAX RELIEF - FISCAL YEAR 1995-  
42 1996. For the fiscal year beginning July 1, 1995, the  
43 department of management shall notify each county  
44 auditor by June 1, 1995, of the amount the county will  
45 receive from the property tax relief fund for property  
46 tax relief pursuant to section 426B.2, subsection 1,  
47 for that fiscal year. The county auditor shall reduce  
48 by the notified amount the amount of the county's  
49 certified budget to be raised by property tax for that  
50 fiscal year which is to be expended for mental health,

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1 mental retardation, and developmental disabilities  
2 services and shall revise the rate of taxation as  
3 necessary to raise the reduced amount. The county  
4 auditor shall report the reduction in the certified  
5 budget and the revised rate of taxation to the  
6 department of management by June 30, 1995.

7 Sec. 22. FUNDING OF SESSION LAW REQUIREMENTS. If  
8 the appropriations in section 426B.1, subsection 2, as  
9 created in this division of this Act, are enacted by  
10 this Act, the requirements of 1994 Iowa Acts, chapter  
11 1163, section 8, subsection 2, to fully fund  
12 provisions of sections 331.438 and 331.439 shall be  
13 considered to be met and the repeals contained in 1994  
14 Iowa Acts, chapter 1163, section 8, subsection 2,  
15 shall be void.

16 Sec. 23. STATE-COUNTY MANAGEMENT COMMITTEE REVIEW  
17 -- 1995 INTERIM. The state-county management  
18 committee created in section 331.438 shall review  
19 statutory provisions and administrative rules which  
20 are intended to regulate and contain county  
21 expenditures for mental health, mental retardation,  
22 and developmental disabilities (MH/MR/DD) services and  
23 the formula for distribution of property tax relief  
24 moneys to counties under section 426B.2. The  
25 committee should consider proposals from counties and  
26 other interested persons for a distribution formula  
27 factor which rewards or provides incentives for  
28 economy and efficiency in providing mental health,  
29 mental retardation, and developmental disabilities  
30 services; and a mechanism for a county to appeal to  
31 the state if it is believed the county is unfairly  
32 treated under an established funding formula. In  
33 addition, the committee shall consider tort and other  
34 liability issues associated with a county managing  
35 MH/MR/DD expenditures in accordance with a fixed  
36 budget and make recommendations to address the issues.  
37 The committee shall review the dates required under  
38 section 331.439 and chapter 426B, as enacted by this  
39 Act and make recommendations for change if revisions  
40 are deemed necessary. The committee shall report to  
41 the governor and the general assembly on or before  
42 December 1, 1995.

43 Sec. 24. LEVY STUDY. The county finance committee  
44 created in chapter 333A shall consult with any  
45 interested parties in studying the ramifications of  
46 consolidating the county general basic levies and the  
47 general supplemental levies and other proposals  
48 involving the levies. The committee shall be assisted  
49 by four legislators with one each appointed by the  
50 following leaders: majority leader of the senate,

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1 minority leader of the senate, speaker of the house of  
2 representatives, and minority leader of the house of

3 representatives. The legislative appointees are  
4 eligible for per diem and actual expenses for their  
5 assistance to the committee. The committee shall  
6 report to the governor and the general assembly with  
7 findings and recommendations on or before January 4,  
8 1996.

9 Sec. 25. EFFECTIVE DATE. Section 21 of this  
10 division of this Act, relating to property tax relief  
11 for fiscal year 1995-1996, being deemed of immediate  
12 importance, takes effect upon enactment.

#### 13 DIVISION IV

#### 14 COUNTY PROPERTY TAX LIMITATION

15 Sec. 26. Section 444.25A, subsection 1, Code 1995,  
16 is amended to read as follows:

17 1. COUNTY LIMITATION. The maximum amount of  
18 property tax dollars which may be certified by a  
19 county for taxes payable in the fiscal year beginning  
20 July 1, 1995, shall not exceed the amount of property  
21 tax dollars certified by the county for taxes payable  
22 in the fiscal year beginning July 1, 1994, minus the  
23 amount of property tax relief moneys to be received by  
24 the county for the fiscal year beginning July 1, 1995,  
25 pursuant to section 426B.2, subsection 1, and the  
26 maximum amount of property tax dollars which may be  
27 certified by a county for taxes payable in the fiscal  
28 year beginning July 1, 1996, shall not exceed the  
29 amount of property tax dollars certified by the county  
30 for taxes payable in the fiscal year beginning July 1,  
31 1995, minus the amount by which the property tax  
32 relief moneys to be received by the county in the  
33 fiscal year beginning July 1, 1996, pursuant to  
34 section 426B.2, subsections 1 and 3, exceeds the  
35 amount of the property tax relief moneys received in  
36 the fiscal year beginning July 1, 1995, for each of  
37 the levies for the following, except for the levies on  
38 the increase in taxable valuation due to new  
39 construction, additions or improvements to existing  
40 structures, remodeling of existing structures for  
41 which a building permit is required, annexation, and  
42 phasing out of tax exemptions, and on the increase in  
43 valuation of taxable property as a result of a  
44 comprehensive revaluation by a private appraiser under  
45 a contract entered into prior to January 1, 1992, or  
46 as a result of a comprehensive revaluation directed or  
47 authorized by the conference board prior to January 1,  
48 1992, with documentation of the contract,  
49 authorization, or directive on the revaluation  
50 provided to the director of revenue and finance, if

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1 the levies are equal to or less than the levies for  
2 the previous year, levies on that portion of the  
3 taxable property located in an urban renewal project  
4 the tax revenues from which are no longer divided as  
5 provided in section 403.19, subsection 2, or as  
6 otherwise provided in this section:

7 a. General county services under section 331.422,  
8 subsection 1.

9 b. Rural county services under section 331.422,  
10 subsection 2.

11 c. Other taxes under section 331.422, subsection  
12 4.

13 **Sec. 27. NEW SECTION. 444.25B PROPERTY TAX**  
14 **LIMITATION FOR FISCAL YEAR 1998.**

15 1. COUNTY LIMITATION. The maximum amount of  
16 property tax dollars which may be certified by a  
17 county for taxes payable in the fiscal year beginning  
18 July 1, 1997, shall not exceed the amount of property  
19 tax dollars certified by the county for taxes payable  
20 in the fiscal year beginning July 1, 1996, minus the  
21 amount by which the property tax relief moneys to be  
22 received by the county in the fiscal year beginning  
23 July 1, 1997, pursuant to section 426B.2, subsections  
24 1 and 3, exceeds the amount of the property tax relief  
25 moneys received in the fiscal year beginning July 1,  
26 1996, for each of the levies for the following, except  
27 for the levies on the increase in taxable valuation  
28 due to new construction, additions or improvements to  
29 existing structures, remodeling of existing structures  
30 for which a building permit is required, annexation,  
31 and phasing out of tax exemptions, and on the increase  
32 in valuation of taxable property as a result of a  
33 comprehensive revaluation by a private appraiser under  
34 a contract entered into prior to January 1, 1992, or  
35 as a result of a comprehensive revaluation directed or  
36 authorized by the conference board prior to January 1,  
37 1992, with documentation of the contract,  
38 authorization, or directive on the revaluation  
39 provided to the director of revenue and finance, if  
40 the levies are equal to or less than the levies for  
41 the previous year, levies on that portion of the  
42 taxable property located in an urban renewal project  
43 the tax revenues from which are no longer divided as  
44 provided in section 403.19, subsection 2, or as  
45 otherwise provided in this section:

46 a. General county services under section 331.422,  
47 subsection 1.

48 b. Rural county services under section 331.422,  
49 subsection 2.

50 c. Other taxes under section 331.422, subsection

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1 4.

2 2. EXCEPTIONS. The limitations provided in  
3 subsection 1 do not apply to the levies made for the  
4 following:

5 a. Debt service to be deposited into the debt  
6 service fund pursuant to section 331.430.

7 b. Taxes approved by a vote of the people which  
8 are payable during the fiscal year beginning July 1,  
9 1997.

10 c. Hospitals pursuant to chapters 37, 347, and  
11 347A.

12 d. Emergency management to be deposited into the  
13 local emergency management fund and expended for  
14 development of hazardous substance teams pursuant to  
15 chapter 29C.

16 e. Unusual need for additional moneys to finance  
17 existing programs which would provide substantial  
18 benefit to county residents or compelling need to  
19 finance new programs which would provide substantial  
20 benefit to county residents. The increase in taxes  
21 levied under this exception for the fiscal year  
22 beginning July 1, 1997, is limited to no more than the  
23 product of the total tax dollars levied in the fiscal  
24 year beginning July 1, 1996, and the percent change,  
25 computed to two decimal places, in the price index for  
26 government purchases by type for state and local  
27 governments computed for the third quarter of calendar  
28 year 1996 from that computed for the third quarter of  
29 calendar year 1995.

30 For purposes of this paragraph, the price index for  
31 government purchases by type for state and local  
32 governments is defined by the bureau of economic  
33 analysis of the United States department of commerce  
34 and published in table 7.11 of the national income and  
35 products accounts. For the fiscal year beginning July  
36 1, 1997, the price index used shall be the revision  
37 published in the November 1996 edition of the United  
38 States department of commerce publication, "survey of  
39 current business". For purposes of this paragraph,  
40 tax dollars levied in the fiscal year beginning July  
41 1, 1996, shall not include funds levied for paragraphs  
42 "a", "b", and "c" of this subsection.

43 Application of this exception shall require an  
44 original publication of the budget and a public  
45 hearing and a second publication and a second hearing  
46 both in the manner and form prescribed by the director  
47 of the department of management, notwithstanding the  
48 provisions of section 331.434. The publications and

49 hearings prescribed in this paragraph shall be held  
50 and the budget certified no later than March 15. The

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1 taxes levied for counties whose budgets are certified  
2 after March 15, 1997, shall be frozen at the fiscal  
3 year beginning July 1, 1996, level.

4 3. APPEAL PROCEDURES. In lieu of the procedures  
5 in sections 24.48 and 331.426, which procedures do not  
6 apply for taxes payable in the fiscal year beginning  
7 July 1, 1997, if a county needs to raise property tax  
8 dollars from a tax levy in excess of the limitations  
9 imposed by subsection 1, the following procedures  
10 apply:

11 a. Not later than March 1, and after the  
12 publication and public hearing on the budget in the  
13 manner and form prescribed by the director of the  
14 department of management, notwithstanding section  
15 331.434, the county shall petition the state appeal  
16 board for approval of a property tax increase in  
17 excess of the increase provided for in subsection 2,  
18 paragraph "e", on forms furnished by the director of  
19 the department of management. Applications received  
20 after March 1 shall be automatically ineligible for  
21 consideration by the board.

22 b. Additional costs incurred by the county due to  
23 any of the following circumstances shall be the basis  
24 for justifying the excess in property tax dollars:

25 (1) Natural disaster or other life-threatening  
26 emergencies.

27 (2) Unusual need for additional moneys to finance  
28 existing programs which would provide substantial  
29 benefit to county residents or compelling need to  
30 finance new programs which would provide substantial  
31 benefit to county residents.

32 (3) Need for additional moneys for health care,  
33 treatment, and facilities pursuant to section 331.424,  
34 subsection 1, paragraphs "a" and "b".

35 (4) Judgments, settlements, and related costs  
36 arising out of civil claims against the county and its  
37 officers, employees, and agents, as defined in chapter  
38 670.

39 c. The state appeal board shall approve,  
40 disapprove, or reduce the amount of excess property  
41 tax dollars requested. The board shall take into  
42 account the intent of this section to provide property  
43 tax relief. The decision of the board shall be  
44 rendered at a regular or special meeting of the board  
45 within twenty days of the board's receipt of an

46 appeal.

47 d. Within seven days of receipt of the decision of  
48 the state appeal board, the county shall adopt and  
49 certify its budget under section 331.434, which budget  
50 may be protested as provided in section 331.436. The

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1 budget shall not contain an amount of property tax  
2 dollars in excess of the amount approved by the state  
3 appeal board.

4 4. Rate adjustment by county auditor. In addition  
5 to the requirement of the county auditor in section  
6 444.3 to establish a rate of tax which does not exceed  
7 the rate authorized by law, the county auditor shall  
8 also adjust the rate if the amount of property tax  
9 dollars to be raised is in excess of the amount  
10 specified in subsection 1, as may be adjusted pursuant  
11 to subsection 3.

12 Sec. 28. Section 444.27, Code 1995, is amended to  
13 read as follows:

14 444.27 SECTIONS VOID.

15 1. For purposes of section 444.25, sections 24.48  
16 and 331.426 are void for the fiscal years beginning  
17 July 1, 1993, and July 1, 1994. For purposes of  
18 section 444.25A, sections 24.48 and 331.426 are void  
19 for the fiscal years beginning July 1, 1995, and July  
20 1, 1996.

21 2. For purposes of section 444.25B, sections 24.48  
22 and 331.426 are void for the fiscal year beginning  
23 July 1, 1997.

#### 24 DIVISION V

25 INDUSTRIAL MACHINERY, EQUIPMENT AND COMPUTERS PROPERTY  
26 TAX

#### 27 EXEMPTION AND REPLACEMENT

28 Sec. 29. Section 427B.17, Code 1995, is amended to  
29 read as follows:

30 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

31 1. For property defined in section 427A.1,  
32 subsection 1, paragraphs "e" and "j", acquired or  
33 initially leased on or after January 1, 1982, the  
34 taxpayer's valuation shall be limited to thirty  
35 percent of the net acquisition cost of the property,  
36 except as otherwise provided in subsections 2 and 3.  
37 For purposes of this section, "net acquisition cost"  
38 means the acquired cost of the property including all  
39 foundations and installation cost less any excess cost  
40 adjustment.

41 For purposes of this section subsection:

42 1. Property assessed by the department of revenue

43 and finance pursuant to sections 428.24 to 428.29, or  
 44 chapters 433, 434 and 436 to 438 shall not receive the  
 45 benefits of this section.

46 2. a. Property acquired before January 1, 1982,  
 47 which was owned or used before January 1, 1982, by a  
 48 related person shall not receive the benefits of this  
 49 section subsection.

50 3. b. Property acquired on or after January 1,

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1 1982, which was owned and used by a related person  
 2 shall not receive any additional benefits under this  
 3 section subsection.

4 4. c. Property which was owned or used before  
 5 January 1, 1982, and subsequently acquired by an  
 6 exchange of like property shall not receive the  
 7 benefits of this section subsection.

8 5. d. Property which was acquired on or after  
 9 January 1, 1982, and subsequently exchanged for like  
 10 property shall not receive any additional benefits  
 11 under this section subsection.

12 6. e. Property acquired before January 1, 1982,  
 13 which is subsequently leased to a taxpayer or related  
 14 person who previously owned the property shall not  
 15 receive the benefits of this section subsection.

16 7. f. Property acquired on or after January 1,  
 17 1982, which is subsequently leased to a taxpayer or  
 18 related person who previously owned the property shall  
 19 not receive any additional benefits under this section  
 20 subsection.

21 For purposes of this section subsection, "related  
 22 person" means a person who owns or controls the  
 23 taxpayer's business and another business entity from  
 24 which property is acquired or leased or to which  
 25 property is sold or leased. Business entities are  
 26 owned or controlled by the same person if the same  
 27 person directly or indirectly owns or controls fifty  
 28 percent or more of the assets or any class of stock or  
 29 who directly or indirectly has an interest of fifty  
 30 percent or more in the ownership or profits.

31 2. Property defined in section 427A.1, subsection  
 32 1, paragraphs "e" and "j", which is first assessed for  
 33 taxation in this state on or after January 1, 1995,  
 34 shall be exempt from taxation.

35 3. Property defined in section 427A.1, subsection  
 36 1, paragraphs "e" and "j", and assessed under section  
 37 427B.17, subsection 1, shall be valued by the local  
 38 assessor as follows for the following assessment  
 39 years:

- 40 a. For the assessment year beginning January 1,  
41 1999, at twenty-two percent of the net acquisition  
42 cost.  
43 b. For the assessment year beginning January 1,  
44 2000, at fourteen percent of the net acquisition cost.  
45 c. For the assessment year beginning January 1,  
46 2001, at six percent of the net acquisition cost.  
47 d. For the assessment year beginning January 1,  
48 2002, and succeeding assessment years, at zero percent  
49 of the net acquisition cost.  
50 4. Property assessed pursuant to this section

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- 1 shall not be eligible to receive a partial exemption  
2 under sections 427B.1 to 427B.6.  
3 5. This section shall not apply to property  
4 assessed by the department of revenue and finance  
5 pursuant to sections 428.24 to 428.29, or chapters  
6 433, 434, and 436 to 438, and such property shall not  
7 receive the benefits of this section.  
8 Any electric power generating plant which operated  
9 during the preceding assessment year at a net capacity  
10 factor of more than twenty percent, shall not receive  
11 the benefits of this section or of sections 15.332 and  
12 15.334. For purposes of this section, "electric power  
13 generating plant" means any name plate rated electric  
14 power generating plant, in which electric energy is  
15 produced from other forms of energy, including all  
16 taxable land, buildings, and equipment used in the  
17 production of such energy. "Net capacity factor"  
18 means net actual generation divided by the product of  
19 net maximum capacity times the number of hours the  
20 unit was in the active state during the assessment  
21 year. Upon commissioning, a unit is in the active  
22 state until it is decommissioned. "Net actual  
23 generation" means net electrical megawatt hours  
24 produced by the unit during the preceding assessment  
25 year. "Net maximum capacity" means the capacity the  
26 unit can sustain over a specified period when not  
27 restricted by ambient conditions or equipment  
28 deratings, minus the losses associated with station  
29 service or auxiliary loads.  
30 6. The taxpayer's valuation of property defined in  
31 section 427A.1, subsection 1, paragraphs "e" and "f",  
32 and located in an urban renewal area for which an  
33 urban renewal plan provides for the division of taxes  
34 as provided in section 403.19 to pay the principal and  
35 interest on loans, advances, bonds issued under the  
36 authority of section 403.9, subsection 1, or

37 indebtedness incurred by a city or county to finance  
38 an urban renewal project within the urban renewal  
39 area, if such loans, advances, or bonds were issued or  
40 indebtedness incurred, on or after January 1, 1982,  
41 and on or before June 30, 1995, shall be limited to  
42 thirty percent of the net acquisition cost of the  
43 property. Such property located in an urban renewal  
44 area shall not be valued pursuant to subsection 2 or  
45 3, whichever is applicable, until the assessment year  
46 following the calendar year in which the obligations  
47 created by any loans, advances, bonds, or indebtedness  
48 payable from the division of taxes as provided in  
49 section 403.19 have been retired. The taxpayer's  
50 valuation for such property shall then be the

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1 valuation specified in subsection 2 or 3, whichever is  
2 applicable, for the applicable assessment year. If  
3 the loans, advances, or bonds issued, or indebtedness  
4 incurred between January 1, 1982, and June 30, 1995,  
5 are refinanced or refunded after June 30, 1995, the  
6 valuation of such property shall then be the valuation  
7 specified in subsection 2 or 3, whichever is  
8 applicable, for the applicable assessment year  
9 beginning with the assessment year following the  
10 calendar year in which any of those loans, advances,  
11 bonds, or other indebtedness are refinanced or  
12 refunded after June 30, 1995.  
13 7. For the purpose of dividing taxes under section  
14 260E.4 or 260F.4, the employer's or business's  
15 valuation of property defined in section 427A.1,  
16 subsection 1, paragraphs "e" and "j", and used to fund  
17 a new jobs training project which project's first  
18 written agreement providing for a division of taxes as  
19 provided in section 403.19 is approved on or before  
20 June 30, 1995, shall be limited to thirty percent of  
21 the net acquisition cost of the property. An  
22 employer's or business's taxable property used to fund  
23 a new jobs training project shall not be valued  
24 pursuant to subsection 2 or 3, whichever is  
25 applicable, until the assessment year following the  
26 calendar year in which the certificates or other  
27 funding obligations have been retired or escrowed.  
28 The taxpayer's valuation for such property shall then  
29 be the valuation specified in subsection 1 for the  
30 applicable assessment year. If the certificates  
31 issued, or other funding obligations incurred, between  
32 January 1, 1982, and June 30, 1995, are refinanced or  
33 refunded after June 30, 1995, the valuation of such

34 property shall then be the valuation specified in  
35 subsection 2 or 3, whichever is applicable, for the  
36 applicable assessment year beginning with the  
37 assessment year following the calendar year in which  
38 those certificates or other funding obligations are  
39 refinanced or refunded after June 30, 1995.  
40 Sec. 30. NEW SECTION. 427B.18 REPLACEMENT.  
41 Beginning with the fiscal year beginning July 1,  
42 1996, each county treasurer shall be paid from the  
43 industrial machinery, equipment and computers  
44 replacement fund an amount equal to the amount of the  
45 industrial machinery, equipment and computers tax  
46 replacement claim, as calculated in section 427B.19.  
47 Sec. 31. NEW SECTION. 427B.19 ASSESSOR AND  
48 COUNTY AUDITOR DUTIES.  
49 1. On or before July 1 of each fiscal year, the  
50 assessor shall determine the total assessed value of

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1 the property assessed under section 427B.17 for taxes  
2 payable in that fiscal year and the total assessed  
3 value of such property assessed as of January 1, 1994,  
4 and shall report the valuations to the county auditor.  
5 2. On or before July 1 of each fiscal year, the  
6 assessor shall determine the valuation of all  
7 commercial and industrial property assessed for taxes  
8 payable in that fiscal year and the valuation of such  
9 property assessed as of January 1, 1994, and shall  
10 report the valuations to the county auditor.  
11 3. On or before July 1, 1996, and on or before  
12 July 1 of each succeeding fiscal year through June 30,  
13 2006, the county auditor shall prepare a statement,  
14 based upon the report received pursuant to subsections  
15 1 and 2, listing for each taxing district in the  
16 county:  
17 a. Beginning with the assessment year beginning  
18 January 1, 1995, the difference between the assessed  
19 valuation of property assessed pursuant to section  
20 427B.17 for that year and the total assessed value of  
21 such property assessed as of January 1, 1994. If the  
22 total assessed value of the property assessed as of  
23 January 1, 1994, is less, there is no tax replacement  
24 for the fiscal year.  
25 b. The tax levy rate for each taxing district for  
26 that fiscal year.  
27 c. The industrial machinery, equipment and  
28 computers tax replacement claim for each taxing  
29 district. For fiscal years beginning July 1, 1996,  
30 and ending June 30, 2001, the replacement claim is

31 equal to the amount determined pursuant to paragraph  
32 "a", multiplied by the tax rate specified in paragraph  
33 "b". For fiscal years beginning July 1, 2001, and  
34 ending June 30, 2006, the replacement claim is equal  
35 to the product of the amount determined pursuant to  
36 paragraph "a", less any increase in valuations  
37 determined in paragraph "d", and the tax rate  
38 specified in paragraph "b". If the amount subtracted  
39 under paragraph "d" is more than the amount determined  
40 in paragraph "a", there is no tax replacement for the  
41 fiscal year.

42 d. Beginning with the assessment year beginning  
43 January 1, 2000, the auditor shall reduce the amount  
44 listed in paragraph "a", by the increase, if any, in  
45 assessed valuations of commercial and industrial  
46 property in the assessment year beginning January 1,  
47 1994, and the assessment year for which taxes are due  
48 and payable in that fiscal year. If the calculation  
49 under this paragraph indicates a net decrease in  
50 aggregate valuation of such property, the industrial

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1 machinery, equipment and computers tax replacement  
2 claim for each taxing district is equal to the amount  
3 determined pursuant to paragraph "a", multiplied by  
4 the tax rate specified in paragraph "b".

5 4. The county auditor shall certify and forward  
6 one copy of the statement to the department of revenue  
7 and finance not later than July 1 of each year.

8 Sec. 32. NEW SECTION. 427B.19A FUND CREATED.

9 1. The industrial machinery, equipment and  
10 computers property tax replacement fund is created.  
11 For the fiscal year beginning July 1, 1996, through  
12 the fiscal year ending June 30, 2006, there is  
13 appropriated annually from the general fund of the  
14 state to the department of revenue and finance to be  
15 credited to the industrial machinery, equipment and  
16 computers property tax replacement fund, an amount  
17 sufficient to implement this division.

18 2. If an amount appropriated for a fiscal year is  
19 insufficient to pay all claims, the director shall  
20 prorate the disbursements from the fund to the county  
21 treasurers and shall notify the county auditors of the  
22 pro rata percentage on or before August 1.

23 3. The replacement claims shall be paid to each  
24 county treasurer in equal installments in September  
25 and March of each year. The county treasurer shall  
26 apportion the replacement claim payments among the  
27 eligible taxing districts in the county.

28 Sec. 33. NEW SECTION. 427B.19B GUARANTEE OF  
 29 STATE REPLACEMENT FUNDS.

30 For the fiscal years beginning July 1, 1996, and  
 31 ending June 30, 2006, if the industrial machinery,  
 32 equipment and computers property tax replacement fund  
 33 is insufficient to pay in full the total of the  
 34 amounts certified to the director of revenue and  
 35 finance, the director shall compute for each county  
 36 the difference between the total of all replacement  
 37 claims for each taxing district within the county and  
 38 the amount paid to the county treasurer for  
 39 disbursement to each taxing district in the county.  
 40 The assessor, for the assessment year for which taxes  
 41 are due and payable in the fiscal year for which a  
 42 sufficient appropriation was not made, shall revalue  
 43 all industrial machinery, equipment and computers  
 44 described in section 427B.17, subsections 2 and 3, in  
 45 the county at a percentage of net acquisition cost  
 46 which will yield from each taxing district its  
 47 shortfall and the property shall be assessed and taxed  
 48 in such manner for taxes due and payable in the  
 49 following fiscal year in addition to being assessed  
 50 and taxed in the applicable manner under section

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1 427B.17. When conducting the revaluation, the  
 2 assessor shall increase the percentage of net  
 3 acquisition cost of such property by the same  
 4 percentage point. Property tax dollar amounts  
 5 certified pursuant to this section shall not be  
 6 considered property tax dollars certified for purposes  
 7 of the property tax limitation in chapter 444.

8 Sec. 34. Section 257.3, subsection 1, Code 1995,  
 9 is amended by adding the following new unnumbered  
 10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. The amount paid to each  
 12 school district for the tax replacement claim for  
 13 industrial machinery, equipment and computers under  
 14 section 427B.19A shall be regarded as property tax.  
 15 The portion of the payment which is foundation  
 16 property tax shall be determined by applying the  
 17 foundation property tax rate to the amount computed  
 18 under section 427B.19, subsection 3, paragraph "a", as  
 19 adjusted by paragraph "d", if any adjustment was made.

20 DIVISION VI

21 FISCAL YEAR 1996 PAYMENT

22 Sec. 35. FISCAL YEAR 1996 RELIEF FUND PAYMENT.  
 23 Notwithstanding 1995 Iowa Acts, House File 132,  
 24 section 13, the appropriation in that section shall

25 not be made from the general fund of the state but  
 26 shall be made from the property tax relief fund  
 27 created in section 426B.1, as enacted by this Act.  
 28 Notwithstanding section 426B.2, subsection 2, as  
 29 enacted by this Act, for the fiscal year beginning  
 30 July 1, 1995, the amount of moneys distributed under  
 31 that subsection shall be \$54.4 million.”

32 2. Title page, by striking lines 1 through 4 and  
 33 inserting the following: “An Act relating to tax  
 34 provisions involving state income tax, certain county  
 35 property tax and services associated with mental  
 36 health and developmental disabilities services, the  
 37 county property tax limitation, and property tax on  
 38 industrial machinery, equipment and computers,  
 39 providing appropriations, and providing effective and  
 40 applicability dates.””

TOM VILSACK

HOUSE AMENDMENT TO  
 SENATE FILE 481

S-3597

1 Amend Senate File 481, 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 “DIVISION I  
 6 STATE DEPARTMENT OF TRANSPORTATION

7 Section 1. There is appropriated from the general  
 8 fund of the state to the state department of  
 9 transportation for the fiscal year beginning July 1,  
 10 1995, and ending June 30, 1996, the following amounts,  
 11 or so much thereof as is necessary, to be used for the  
 12 purposes designated:

13 1. a. For providing assistance for the  
 14 restoration, conservation, improvement, and  
 15 construction of railroad main lines, branch lines,  
 16 switching yards, and sidings as required in section  
 17 327H.18, for use by the railway finance authority as  
 18 provided in chapter 327I, and for up to \$100,000 for  
 19 the renovation of historical electric rail cars and  
 20 the payment of renovation expenses incurred by the  
 21 Mason City-Clear Lake electric trolley railroad  
 22 historical society, provided matching funds are raised  
 23 and expended for that purpose:  
 24 ..... \$ 1,497,000

25 b. For airport engineering studies and improvement  
 26 projects as provided in chapter 328:

27	.....	\$ 2,262,000
28	2. For planning and programming, for salaries,	
29	support, maintenance, and miscellaneous purposes:	
30	.....	\$ 241,000
31	Sec. 2. There is appropriated from the road use	
32	tax fund to the state department of transportation for	
33	the fiscal year beginning July 1, 1995, and ending	
34	June 30, 1996, the following amounts, or so much	
35	thereof as is necessary, for the purposes designated:	
36	1. For the payment of costs associated with the	
37	production of motor vehicle licenses, as defined in	
38	section 321.1, subsection 43:	
39	.....	\$ 1,070,000
40	2. For salaries, support, maintenance, and	
41	miscellaneous purposes:	
42	a. Operations and finance:	
43	.....	\$ 4,211,321
44	b. Administrative services:	
45	.....	\$ 820,552
46	c. Planning and programming:	
47	.....	\$ 400,595
48	d. Motor vehicles:	
49	.....	\$ 21,960,473
50	Of the moneys appropriated in this paragraph, a	

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1	sufficient amount shall be allocated to provide	
2	effective and necessary oversight of the county	
3	treasurers' issuance of motor vehicle licenses in	
4	accordance with this Act.	
5	3. For payments to the department of personnel for	
6	expenses incurred in administering the merit system on	
7	behalf of the state department of transportation, as	
8	required by chapter 19A:	
9	.....	\$ 35,000
10	4. Unemployment compensation:	
11	.....	\$ 17,000
12	5. For payments to the department of personnel for	
13	paying workers' compensation claims under chapter 85	
14	on behalf of employees of the state department of	
15	transportation:	
16	.....	\$ 75,000
17	6. For payment to the general fund of the state	
18	for indirect cost recoveries:	
19	.....	\$ 120,000
20	7. For reimbursement to the auditor of state for	
21	audit expenses as provided in section 11.5B:	
22	.....	\$ 32,480
23	8. For paving, grading, and replacement of scale	

24	facilities at Salix, Storm Lake, and Early:		
25	.....	\$	570,000
26	The provisions of section 8.33 do not apply to the		
27	funds appropriated in subsection 8, which shall remain		
28	available for expenditure for the purposes designated		
29	until June 30, 1998. Unencumbered or unobligated		
30	funds remaining on June 30, 1998, from funds		
31	appropriated in subsection 8, shall revert to the fund		
32	from which appropriated on August 30, 1998.		
33	Sec. 3. There is appropriated from the primary		
34	road fund to the state department of transportation		
35	for the fiscal year beginning July 1, 1995, and ending		
36	June 30, 1996, the following amounts, or so much		
37	thereof as is necessary, to be used for the purposes		
38	designated:		
39	1. For salaries, support, maintenance,		
40	miscellaneous purposes and the following full-time		
41	equivalent positions:		
42	a. Operations and finance:		
43	.....	\$	25,869,545
44	.....	FTEs	282.0
45	b. Administrative services:		
46	.....	\$	5,040,535
47	.....	FTEs	94.0
48	c. Planning and programming:		
49	.....	\$	7,636,322
50	.....	FTEs	174.0

## Page 3

1 It is the intent of the general assembly that the  
2 state department of transportation conduct an  
3 intermodal transportation study to analyze the  
4 feasibility and need for additional intermodal  
5 transportation facilities in Iowa. The study shall  
6 include an analysis of the potential economic benefit  
7 to affected communities. The study shall be conducted  
8 for areas of the state located more than seventy-five  
9 miles from existing intermodal transportation  
10 facilities. The department shall give preference to  
11 communities wishing to be included in the study. For  
12 purposes of this study, "intermodal transportation  
13 facility" means a facility that acts as an exchange  
14 center for goods which are transferred from one  
15 modality to another.

16	d. Project development:		
17	.....	\$	52,862,681
18	.....	FTEs	1185.0
19	e. Maintenance:		
20	.....	\$	98,780,764

21	.....	FTEs	1646.0
22	f. Motor vehicles:		
23	.....	\$	840,800
24	.....	FTEs	549.0
25	2. For deposit in the state department of		
26	transportation's highway materials and equipment		
27	revolving fund established by section 307.47 for		
28	funding the increased replacement cost of equipment:		
29	.....	\$	3,120,000
30	3. For payments to the department of personnel for		
31	expenses incurred in administering the merit system on		
32	behalf of the state department of transportation, as		
33	required by chapter 19A:		
34	.....	\$	665,000
35	4. Unemployment compensation:		
36	.....	\$	328,000
37	5. For payments to the department of personnel for		
38	paying workers' compensation claims under chapter 85		
39	on behalf of the employees of the state department of		
40	transportation:		
41	.....	\$	1,425,000
42	6. For costs associated with underground storage		
43	tank replacement and cleanup:		
44	.....	\$	1,000,000
45	7. For payment to the general fund for indirect		
46	cost recoveries:		
47	.....	\$	880,000
48	8. For reimbursement to the auditor of state for		
49	audit expenses as provided in section 11.5B:		
50	.....	\$	199,520

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1	9. a. For improvements to upgrade the handling of		
2	wastewater at various field facilities throughout the		
3	state:		
4	.....	\$	750,000
5	b. For construction of large salt storage		
6	facilities at various locations throughout the state:		
7	.....	\$	600,000
8	c. For payment of a court-ordered drainage		
9	assessment to Polk county:		
10	.....	\$	213,213
11	d. For replacement of roofs at various field		
12	facility locations throughout the state:		
13	.....	\$	510,000
14	e. For replacement of brick exterior on the		
15	Atlantic office building:		
16	.....	\$	150,000
17	f. For replacement of the roof on the		

18 administration building at the Ames complex:  
 19 ..... \$ 200,000  
 20 g. For tuck pointing and repairs to the brick  
 21 exteriors of the northeast and northwest office  
 22 buildings at the Ames central office complex:  
 23 ..... \$ 150,000  
 24 h. For replacement and updating the exhaust system  
 25 at the Ames laboratory building:  
 26 ..... \$ 150,000  
 27 The provisions of section 8.33 do not apply to the  
 28 funds appropriated in subsection 9 which shall remain  
 29 available for expenditure for the purposes designated  
 30 until June 30, 1998. Unencumbered or unobligated  
 31 funds remaining on June 30, 1998, from funds  
 32 appropriated in subsection 9 shall revert to the fund  
 33 from which appropriated on August 30, 1998.

34 DIVISION II

35 HIGHWAY PATROL

36 Sec. 4. There is appropriated from the highway  
 37 safety patrol fund to the division of highway safety,  
 38 uniformed force, and radio communications of the  
 39 department of public safety, for the fiscal year  
 40 beginning July 1, 1995, and ending June 30, 1996, the  
 41 following amount, or so much thereof as is necessary,  
 42 to be used for the purpose designated:  
 43 For salaries, support, maintenance, workers'  
 44 compensation costs, and miscellaneous purposes,  
 45 including the state's contribution to the peace  
 46 officers' retirement, accident, and disability system  
 47 provided in chapter 97A in the amount of 18 percent of  
 48 the salaries for which the funds are appropriated, and  
 49 for not more than the following full-time equivalent  
 50 positions:

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1 ..... \$ 33,210,467  
 2 ..... FTEs 553.50

3 Sec. 5. Highway Safety Patrol Fund. There is  
 4 appropriated from the general fund of the state to the  
 5 highway safety patrol fund created in section 80.41,  
 6 the following amounts for the fiscal years indicated:

- 7 1. For the fiscal year beginning July 1, 1996, and
- 8 ending June 30, 1997, \$9,000,000.
- 9 2. For the fiscal year beginning July 1, 1997, and
- 10 ending June 30, 1998, \$18,000,000.
- 11 3. For the fiscal year beginning July 1, 1998, and
- 12 ending June 30, 1999, \$27,000,000.
- 13 4. For the fiscal year beginning July 1, 1999, and
- 14 ending June 30, 2000, \$36,000,000, or such increased

15 amounts as is necessary to fully fund those expenses  
16 for which an appropriation is made pursuant to section  
17 80.41.

18 Sec. 6. The division of highway safety, uniformed  
19 force, and radio communications may expend an amount  
20 proportional to the costs that are reimbursable from  
21 the highway safety patrol fund created in section  
22 80.41, as enacted by this Act. Spending for these  
23 costs may occur from any unappropriated funds in the  
24 state treasury upon a finding by the department of  
25 management that all of the amounts requested and  
26 approved are reimbursable from the highway safety  
27 patrol fund. Upon payment to the highway safety  
28 patrol fund, the division of highway safety, uniformed  
29 force, and radio communications shall credit the  
30 payments necessary to reimburse the state treasury.

31 Sec. 7. There is appropriated from the general  
32 fund of the state to the department of public safety  
33 for the fiscal year beginning July 1, 1995, and ending  
34 June 30, 1996, the following amounts, or so much  
35 thereof as is necessary, to be used for the purposes  
36 designated:

37 For payment to the department of personnel for  
38 expenses incurred in administering the merit system on  
39 behalf of the division of highway safety, uniformed  
40 force, and radio communications:

41 ..... \$ 88,390

42 Sec. 8. NEW SECTION. 80.41 HIGHWAY SAFETY PATROL  
43 FUND.

44 1. A highway safety patrol fund is created as a  
45 separate fund in the state treasury under the control  
46 of the department of revenue and finance. Interest  
47 and other moneys earned by the fund shall be deposited  
48 in the fund. The fund shall include moneys credited  
49 from the use tax as allocated under section 423.24,  
50 subsection 2.

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1 2. Moneys credited to the fund shall be expended,  
2 pursuant to appropriations made from the fund by the  
3 general assembly, by the division of highway safety,  
4 uniformed force, and radio communications of the  
5 department of public safety for salaries, including  
6 salary adjustment moneys, support, maintenance, and  
7 miscellaneous purposes, including workers'  
8 compensation expenses and the state's contribution to  
9 the peace officers' retirement, accident, and  
10 disability system provided in chapter 97A.

11 3. Notwithstanding section 8.33, moneys credited

12 to the fund which remain unobligated or unexpended at  
13 the close of a fiscal year shall not revert to the  
14 general fund of the state but shall be credited to the  
15 fund from which they were appropriated.

16 4. This section is repealed July 1, 2000.

17 Sec. 9. Section 423.24, subsection 2, Code 1995,  
18 is amended to read as follows:

19 2. Twenty percent of all revenue derived from the  
20 use tax on motor vehicles, trailers, and motor vehicle  
21 accessories and equipment as collected pursuant to  
22 section 423.7 shall be deposited in the GAAP deficit  
23 reduction account established in the department of  
24 management pursuant to section 8.57, subsection 2, and  
25 shall be used and credited to the road use tax fund,  
26 except to the extent that the department directs that  
27 moneys are deposited in the highway safety patrol fund  
28 created in section 80.41 to the fund the  
29 appropriations made from the highway safety patrol  
30 fund in accordance with the provisions of that section  
31 80.41. The department shall determine the amount of  
32 moneys to be credited to the highway safety patrol  
33 fund and shall deposit that amount into the highway  
34 safety patrol fund.

35 DIVISION III  
36 CAPITAL PROJECTS  
37 BOARD OF REGENTS

38 Sec. 10. There is appropriated from the rebuild  
39 Iowa infrastructure account of the state to the state  
40 board of regents for the fiscal year beginning July 1,  
41 1995, and ending June 30, 1996, the following amounts,  
42 or so much thereof as is necessary, to be used for the  
43 purposes designated:

44 1. For replacement of the boiler at the Iowa	
45 braille and sight saving school:	
46 .....	\$ 296,000
47 2. For compliance with the federal Americans with	
48 Disabilities Act or for fire and environmental safety	
49 at the state school for the deaf:	
50 .....	\$ 50,000

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1 3. For fire and environmental safety, renovation,	
2 or deferred maintenance, at Iowa state university of	
3 science and technology:	
4 .....	\$ 1,000,000
5 4. For fire and environmental safety, renovation,	
6 or deferred maintenance at the state university of	
7 Iowa:	
8 .....	\$ 1,000,000

9 5. For the performing arts center at the  
 10 university of northern Iowa:  
 11 ..... \$ 2,000,000

12 Notwithstanding section 8.33, unencumbered or  
 13 unobligated funds remaining on June 30, 1996, from the  
 14 funds appropriated in subsections 1 through 4, shall  
 15 revert to the rebuild Iowa infrastructure account of  
 16 the state on August 31, 1996, and unencumbered or  
 17 unobligated funds remaining on June 30, 1999, from the  
 18 funds appropriated in subsection 5, shall revert to  
 19 the rebuild Iowa infrastructure account of the state  
 20 on August 31, 1999.

21 DEPARTMENT OF CORRECTIONS

22 Sec. 11. There is appropriated from the rebuild  
 23 Iowa infrastructure account of the state to the  
 24 department of corrections for the fiscal year  
 25 beginning July 1, 1995, and ending June 30, 1996, the  
 26 following amounts, or so much thereof as is necessary,  
 27 to be used for the purpose designated:

28 For connection of the Fort Madison correctional  
 29 facility with the Iowa communications network:  
 30 ..... \$ 161,000

31 DEPARTMENT OF CULTURAL AFFAIRS

32 Sec. 12. There is appropriated from the rebuild  
 33 Iowa infrastructure account of the state to the  
 34 department of cultural affairs for the fiscal year  
 35 beginning July 1, 1995, and ending June 30, 1996, the  
 36 following amount, or so much thereof as is necessary,  
 37 to be used for the purpose designated:

38 To correct water seepage problems and complete  
 39 design specifications for rehabilitation work on the  
 40 centennial building in Iowa City:  
 41 ..... \$ 180,000

42 Notwithstanding section 8.33, unencumbered or  
 43 unobligated funds remaining on June 30, 1997, from the  
 44 funds appropriated in this section, shall revert to  
 45 the rebuild Iowa infrastructure account of the state  
 46 on August 31, 1997.

47 DEPARTMENT OF GENERAL SERVICES

48 Sec. 13. There is appropriated from the rebuild  
 49 Iowa infrastructure account of the state to the  
 50 department of general services for the fiscal year

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1 beginning July 1, 1995, and ending June 30, 1996, the  
 2 following amounts, or so much thereof as is necessary,  
 3 to be used for the purposes designated:

4 1. For exterior state capitol building  
 5 restoration:

6 ..... \$ 7,165,000  
 7 2. For interior state capitol building  
 8 restoration:  
 9 ..... \$ 2,100,000  
 10 3. For health, fire safety, and interior  
 11 maintenance needs of the state capitol building:  
 12 ..... \$ 1,600,000  
 13 4. For major maintenance needs including health,  
 14 life and fire safety and for compliance with the  
 15 federal Americans with disabilities Act for state-  
 16 owned buildings and facilities:  
 17 ..... \$ 4,000,000  
 18 Notwithstanding section 8.33, unencumbered or  
 19 unobligated funds remaining on June 30, 2000, from the  
 20 funds appropriated in this section, shall revert to  
 21 the rebuild Iowa infrastructure account of the state  
 22 on August 31, 2000.

23 DEPARTMENT OF HUMAN SERVICES

24 Sec. 14. There is appropriated from the rebuild  
 25 Iowa infrastructure account of the state to the  
 26 department of human services for the fiscal year  
 27 beginning July 1, 1995, and ending June 30, 1996, the  
 28 following amount, or so much thereof as is necessary,  
 29 to be used for the purpose designated:  
 30 For costs associated with the development of the X-  
 31 pert computer system:  
 32 ..... \$ 1,076,000  
 33 Notwithstanding section 8.33, unencumbered or  
 34 unobligated funds remaining on June 30, 1997, from the  
 35 funds appropriated in this section, shall revert to  
 36 the rebuild Iowa infrastructure account of the state  
 37 on August 31, 1997.

38 DEPARTMENT OF MANAGEMENT

39 Sec. 15. There is appropriated from the rebuild  
 40 Iowa infrastructure account of the state to the  
 41 department of management for the fiscal year beginning  
 42 July 1, 1995, and ending June 30, 1996, the following  
 43 amount, or so much thereof as is necessary, to be used  
 44 for the purpose designated:  
 45 For the innovations fund:  
 46 ..... \$ 1,245,000

47 DEPARTMENT OF NATURAL RESOURCES

48 Sec. 16. There is appropriated from the marine  
 49 fuel tax receipts deposited in the general fund of the  
 50 state to the department of natural resources for the

3 is necessary, to be used for the purpose designated:

4 For the purpose of funding capital projects  
 5 traditionally funded from marine fuel tax receipts for  
 6 the purposes specified in section 452A.79:

7 ..... \$ 1,600,000

8 Notwithstanding section 8.33, unencumbered or  
 9 unobligated funds remaining on June 30, 1997, from the  
 10 funds appropriated in this section, shall revert to  
 11 the general fund of the state on August 31, 1997.

12 DEPARTMENT OF PUBLIC DEFENSE

13 Sec. 17. There is appropriated from the rebuild  
 14 Iowa infrastructure account of the state to the  
 15 department of public defense for the fiscal year  
 16 beginning July 1, 1995, and ending June 30, 1996, the  
 17 following amounts, or so much thereof as is necessary,  
 18 to be used for the purposes designated:

19 1. For maintenance and repair of national guard  
 20 armories and facilities:  
 21 ..... \$ 382,000

22 2. To match federal funds for completion of the  
 23 addition and renovation of the armory in Fairfield:  
 24 ..... \$ 250,000

25 3. To match federal funds for construction of a  
 26 motor vehicle storage building at the Camp Dodge  
 27 maintenance armory:  
 28 ..... \$ 420,000

29 Notwithstanding section 8.33, unencumbered or  
 30 unobligated funds remaining on June 30, 1996, from the  
 31 funds appropriated in this section, shall revert to  
 32 the rebuild Iowa infrastructure account of the state  
 33 on August 31, 1996.

34 LOTTERY TRANSFER

35 Sec. 18. Notwithstanding the requirement in  
 36 section 99E.10, subsection 1, to transfer lottery  
 37 revenue remaining after expenses are deducted,  
 38 notwithstanding the requirement under section 99E.20,  
 39 subsection 2, for the commissioner to certify and  
 40 transfer a portion of the lottery fund to the CLEAN  
 41 fund, and notwithstanding the appropriations and  
 42 allocations in section 99E.34, all lottery revenues  
 43 received during the fiscal year beginning July 1,  
 44 1995, and ending June 30, 1996, after deductions as  
 45 provided in section 99E.10, subsection 1, and as  
 46 appropriated under any Act of the Seventy-sixth  
 47 General Assembly, 1995 Session, shall not be  
 48 transferred to and deposited into the CLEAN fund but  
 49 shall be transferred and credited to the general fund  
 50 of the state.

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1 Sec. 19. Notwithstanding 1994 Iowa Acts, chapter  
 2 1199, section 12, of the lottery revenues remaining  
 3 after \$34,400,000 is transferred and credited to the  
 4 general fund of the state during the fiscal year  
 5 beginning July 1, 1994, the following amounts shall be  
 6 transferred in descending priority order as follows:

7 1. To the treasurer of state for the continued  
 8 funding of Iowa's participation in the funding of the  
 9 world food prize:

10 ..... \$ 250,000

11 It is the intent of the general assembly that this  
 12 appropriation of public funds will result in a  
 13 commitment for additional funding for the world food  
 14 prize from private sources.

15 The treasurer of state shall only provide the funds  
 16 appropriated in this section to the world food prize  
 17 foundation if sufficient private funds are raised to  
 18 maintain the world food prize foundation in Iowa and  
 19 the foundation is structured to include representation  
 20 that reflects environmental concerns and sustainable  
 21 agriculture.

22 2. To the treasurer of state for purposes of  
 23 allocating moneys to assist each of the 103 county  
 24 fairs which are members of the association of Iowa  
 25 fairs, for purposes of supporting annual county fairs  
 26 and improvements to the county fairgrounds:

27 ..... \$ 1,000,000

28 The treasurer of state shall allocate an equal  
 29 amount to each member fair. However, moneys shall  
 30 only be expended by a county fair on a dollar-for-  
 31 dollar matching basis with moneys received from  
 32 donations contributed to the county fair from private  
 33 sources or moneys contributed by a county to aid the  
 34 county fair pursuant to section 174.14.

35 3. The remaining revenues to the Iowa state fair  
 36 foundation for capital projects and major maintenance  
 37 improvements at the Iowa state fairgrounds.

38 The provisions of section 8.33 do not apply to the  
 39 funds appropriated in this section. Unencumbered or  
 40 unobligated funds remaining on June 30, 1995, from  
 41 funds appropriated in subsections 1 and 2 of this  
 42 section, shall not revert but shall remain available  
 43 for expenditure until June 30, 1996, and shall revert  
 44 to the general fund of the state on August 31, 1996.  
 45 Unencumbered or unobligated funds remaining on June  
 46 30, 1995, from funds appropriated in subsection 3  
 47 shall not revert but shall remain available for  
 48 expenditure until June 30, 1998, and shall revert to

49 the general fund of the state on August 31, 1998.

50

DIVISION IV

Page 11

1 Sec. 20. 1994 Iowa Acts, chapter 1199, section 10,  
2 is amended by adding the following new unnumbered  
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. The provisions of  
5 section 8.33 do not apply to the funds appropriated in  
6 this section. Unencumbered or unobligated funds  
7 remaining on June 30, 1995, from funds appropriated  
8 for the fiscal year beginning July 1, 1994, shall not  
9 revert but shall remain available for expenditure  
10 during the fiscal year beginning July 1, 1995, for the  
11 purposes for which they were appropriated.

12 Sec. 21. DRIVER'S LICENSE PILOT PROJECT.

13 1. The legislative council is requested to  
14 establish an interim study committee to evaluate  
15 expansion of the driver's license pilot program to  
16 include additional counties. The committee shall  
17 evaluate the benefits to the public from the issuance  
18 of driver's licenses by the counties and the cost  
19 effectiveness of doing so. The committee shall hear  
20 testimony from federal transportation officials  
21 regarding issuance of commercial driver's licenses and  
22 compliance with federal regulations. The committee  
23 shall provide recommendations regarding such expansion  
24 to the general assembly no later than December 15,  
25 1995.

26 2. Notwithstanding any other provisions to the  
27 contrary, the county treasurers of Adams, Cass,  
28 Fremont, Mills, Montgomery, and Page counties may  
29 retain for deposit in the county general fund, up to  
30 five dollars for each motor vehicle license  
31 transaction, including, but not limited to, issuance  
32 or renewal of motor vehicle licenses, nonoperator's  
33 identification cards, or handicapped identification  
34 devices.

35 3. As a condition for retention of moneys under  
36 this subsection, a county treasurer shall document the  
37 actual quarterly expenditures associated with driver's  
38 license issuance including the amount of time spent  
39 during that quarter on driver's license-related  
40 activities, the proportionate share of salaries and  
41 benefits for county employees performing driver's  
42 license-related activities, the total numbers of  
43 transactions conducted, and other costs related to the  
44 administration of driver's license-related activities.  
45 Each county treasurer shall provide the documentation

46 of expenditures to the state department of trans-  
 47 portation and legislative fiscal bureau. If the  
 48 county treasurer's total expenses are less than the  
 49 moneys retained under this subsection, the county  
 50 treasurer shall submit the difference to the treasurer

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1 of state on a quarterly basis. The treasurer of state  
 2 shall deposit that amount in the road use tax fund.  
 3 Sec. 22. The state department of transportation  
 4 shall consider as a priority for inclusion into the  
 5 state five-year transportation plan the preparation of  
 6 planning studies for development of highway bypass  
 7 projects that promote the safe flow of traffic and  
 8 economic development in the project areas.

9 Sec. 23. The provisions of section 8.33 do not  
 10 apply to the \$70,000 appropriation to the state  
 11 department of transportation for a study to determine  
 12 the potential costs and benefits of the development of  
 13 rail passenger service between Cedar Rapids and Iowa  
 14 City, made in 1994 Iowa Acts, chapter 1189, section 8,  
 15 subsection 1, paragraph "a", but shall remain  
 16 available for expenditure until June 30, 1996.  
 17 Unencumbered or unobligated moneys remaining on June  
 18 30, 1996, shall revert to the general fund of the  
 19 state on August 31, 1996.

20 Sec. 24. Section 314.21, subsection 3, paragraph  
 21 b, subparagraph (1), Code 1995, is amended to read as  
 22 follows:

23 (1) For the fiscal ~~period year~~ beginning July 1,  
 24 1989 ~~1995~~, and ending June 30, ~~1996~~, ~~fifty~~ 1996, and  
 25 each subsequent fiscal year, seventy-five thousand  
 26 dollars ~~in each fiscal year~~ to the university of  
 27 northern Iowa to maintain the position of the state  
 28 roadside specialist and to continue its integrated  
 29 roadside vegetation management ~~pilot~~ program providing  
 30 research, education, training, and technical  
 31 assistance.

32 Sec. 25. NEW SECTION. 321.179 COUNTY TREASURERS  
 33 -- ISSUANCE OF MOTOR VEHICLE LICENSES.

34 1. Notwithstanding the provisions of this chapter  
 35 or chapter 321L which grant sole authority to the  
 36 department for the issuance of motor vehicle licenses,  
 37 nonoperator's identification cards, and handicapped  
 38 identification devices, the counties of Adams, Cass,  
 39 Fremont, Mills, Montgomery, and Page shall be  
 40 authorized to issue motor vehicle licenses,  
 41 nonoperator's identification cards, and handicapped  
 42 identification devices on a permanent basis. However,

43 a county shall only be authorized to issue commercial  
44 driver's licenses if certified to do so by the  
45 department. If a county fails to meet the standards  
46 for certification under this section, the department  
47 itself shall provide for the issuance of commercial  
48 driver's licenses in that county. The department  
49 shall certify the county treasurers in the permanent  
50 counties to issue commercial driver's licenses if all

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1 of the following conditions are met:

2 a. The driving skills test is the same as that  
3 which would otherwise be administered by the state.

4 b. The county examiner contractually agrees to  
5 comply with the requirements of 49 C.F.R. § 383.75,  
6 adopted as of a specific date by rule by the  
7 department.

8 c. The department provides supervision over the  
9 issuance of commercial driver's licenses and the  
10 administration of written tests by the county  
11 treasurers.

12 2. The county treasurers shall be subject to the  
13 supervision of the department and shall be considered  
14 agents of the department when performing motor vehicle  
15 licensing functions.

16 Sec. 26. The legislative fiscal bureau shall  
17 evaluate the living roadway trust program and provide  
18 a written report to the joint appropriations  
19 subcommittee on transportation, infrastructure and  
20 capitals by January 15, 1996.

21 Sec. 27. Section 20 of this Act, being deemed of  
22 immediate importance, takes effect upon enactment.  
23 The sections of this Act providing for lottery  
24 transfers, being deemed of immediate importance, take  
25 effect upon enactment."

26 2. Title page, by striking lines 1 through 12 and  
27 inserting the following: "An Act relating to and  
28 making appropriations to the state department of  
29 transportation including allocation and use of moneys  
30 from the general fund, road use tax fund, and primary  
31 road fund, making appropriations for the highway  
32 patrol from the use tax and the general fund, and  
33 making appropriations for capital projects from the  
34 rebuild Iowa infrastructure account, the general fund  
35 of the state, and lottery revenues, relating to the  
36 living roadway trust fund, the state roadside  
37 specialist, and the county treasurer's driver's  
38 license pilot project, and providing an effective  
39 date."

S-3598

1 Amend the amendment, S-3591, to the House  
2 amendment, S-3082, to Senate File 69, as passed by the  
3 Senate, as follows:

4 1. Page 23, by striking lines 36 through 41 and  
5 inserting the following:

6 "For fiscal years beginning July 1, 1996, and  
7 ending June 30, 2006, each county treasurer shall be  
8 paid from the industrial machinery, equipment and  
9 computers replacement fund an amount equal to one  
10 hundred percent of the amount of the industrial  
11 machinery, equipment and computers tax replacement  
12 claim, as calculated in section 427B.19. For fiscal  
13 years beginning July 1, 2006, and ending June 30,  
14 2008, each county treasurer shall be paid from the  
15 fund an amount equal to fifty percent of the amount of  
16 the industrial machinery, equipment and computers tax  
17 replacement claim, as calculated in section 427B.19."

18 2. Page 24, line 8, by striking the figure  
19 "2006," and inserting the following: "2008,".

20 3. Page 24, line 29, by striking the figure  
21 "2006," and inserting the following: "2008,".

22 4. Page 25, line 7, by striking the figure  
23 "2006," and inserting the following: "2008,".

24 5. Page 25, line 26, by striking the figure  
25 "2006," and inserting the following: "2008,".

SHELDON RITTNER  
RICHARD F. DRAKE

S-3599

1 Amend the amendment, S-3591, to the House  
2 amendment, S-3082, to Senate File 69, as passed by the  
3 Senate, as follows:

4 1. By striking page 1, line 1 through page 26,  
5 line 35 and inserting the following:

6 "Amend the House amendment, S-3082, to Senate File  
7 69 as passed by the Senate as follows:

8 —. By striking page 1, line 1, through page  
9 44, line 25, and inserting the following:

10 "Amend Senate File 69, as passed by the Senate, as  
11 follows:

12 —. By striking everything after the enacting  
13 clause and inserting the following:

14 "DIVISION I  
15 INCOME TAX

16 Section 1. Section 422.7, Code 1995, is amended by  
17 adding the following new subsection:

18 NEW SUBSECTION. 33. For a person who is disabled,  
 19 or is fifty-five years of age or older, or is the  
 20 surviving spouse of an individual or a survivor having  
 21 an insurable interest in an individual who would have  
 22 qualified for the exemption under this subsection for  
 23 the tax year, subtract, to the extent included, the  
 24 total amount of a governmental or other pension or  
 25 retirement pay, including, but not limited to, defined  
 26 benefit or defined contribution plans, annuities,  
 27 individual retirement accounts, plans maintained or  
 28 contributed to by an employer, or maintained or  
 29 contributed to by a self-employed person as an  
 30 employer, and deferred compensation plans or any  
 31 earnings attributable to the deferred compensation  
 32 plans, up to a maximum of three thousand dollars for a  
 33 person who files a separate state income tax return  
 34 and up to a maximum of six thousand dollars for a  
 35 husband and wife who file a joint state income tax  
 36 return. However, a surviving spouse who is not  
 37 disabled or fifty-five years of age or older can only  
 38 exclude the amount of pension or retirement pay  
 39 received as a result of the death of the other spouse.  
 40 Sec. 2. Section 422.12, subsection 1, paragraph c,  
 41 Code 1995, is amended to read as follows:  
 42 c. For each dependent, an additional fifteen forty  
 43 dollars. As used in this section, the term  
 44 "dependent" has the same meaning as provided by the  
 45 Internal Revenue Code.  
 46 Sec. 3. TAXATION STUDY. The legislative council  
 47 is requested to establish a taxation study during the  
 48 1995 legislative interim period. The study would  
 49 address taxation of businesses, including subchapter S  
 50 corporations, taxation incentives and disincentives

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1 for economic development, and the long-term objectives  
 2 of business taxation. The legislative council is  
 3 requested to authorize up to \$100,000 for consultants  
 4 and other costs associated with the business taxation  
 5 study.  
 6 Sec. 4. RETROACTIVE APPLICABILITY. This division  
 7 of this Act applies retroactively to January 1, 1995,  
 8 for tax years beginning on or after that date.  
 9 DIVISION II  
 10 SUPPLEMENTAL LEVY AND COUNTY MENTAL HEALTH FUND  
 11 Sec. 5. Section 123.38, unnumbered paragraph 2,  
 12 Code 1995, is amended to read as follows:  
 13 Any licensee or permittee, or the licensee's or  
 14 permittee's executor or administrator, or any person

15 duly appointed by the court to take charge of and  
16 administer the property or assets of the licensee or  
17 permittee for the benefit of the licensee's or  
18 permittee's creditors, may voluntarily surrender a  
19 license or permit to the division. When a license or  
20 permit is surrendered the division shall notify the  
21 local authority, and the division or the local  
22 authority shall refund to the person surrendering the  
23 license or permit, a proportionate amount of the fee  
24 received by the division or the local authority for  
25 the license or permit as follows: If a license or  
26 permit is surrendered during the first three months of  
27 the period for which it was issued, the refund shall  
28 be three-fourths of the amount of the fee; if  
29 surrendered more than three months but not more than  
30 six months after issuance, the refund shall be one-  
31 half of the amount of the fee; if surrendered more  
32 than six months but not more than nine months after  
33 issuance, the refund shall be one-fourth of the amount  
34 of the fee. No refund shall be made, however, for any  
35 special liquor permit, nor for a liquor control  
36 license, wine permit, or beer permit surrendered more  
37 than nine months after issuance. For purposes of this  
38 paragraph, any portion of license or permit fees used  
39 for the purposes authorized in section 331.424,  
40 subsection 1, paragraphs "a", and "b", "c", "d", "e",  
41 "f", "g", and "h", and in section 331.424A, shall not  
42 be deemed received either by the division or by a  
43 local authority. No refund shall be made to any  
44 licensee or permittee, upon the surrender of the  
45 license or permit, if there is at the time of  
46 surrender, a complaint filed with the division or  
47 local authority, charging the licensee or permittee  
48 with a violation of this chapter. If upon a hearing  
49 on a complaint the license or permit is not revoked or  
50 suspended, then the licensee or permittee is eligible,

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1 upon surrender of the license or permit, to receive a  
2 refund as provided in this section; but if the license  
3 or permit is revoked or suspended upon hearing the  
4 licensee or permittee is not eligible for the refund  
5 of any portion of the license or permit fee.

6 Sec. 6. Section 218.99, Code 1995, is amended to  
7 read as follows:

8 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'  
9 PERSONAL ACCOUNTS.

10 The administrator of a division of the department  
11 of human services in control of a state institution

12 shall direct the business manager of each institution  
13 under the administrator's jurisdiction which is  
14 mentioned in section 331.424, subsection 1, paragraphs  
15 "a" through "g" and "b" and for which services are  
16 paid under section 331.424A to quarterly inform the  
17 auditor of the county of legal settlement of any  
18 patient or resident who has an amount in excess of two  
19 hundred dollars on account in the patients' personal  
20 deposit fund and the amount on deposit. The  
21 administrators shall direct the business manager to  
22 further notify the auditor of the county at least  
23 fifteen days before the release of funds in excess of  
24 two hundred dollars or upon the death of the patient  
25 or resident. If the patient or resident has no county  
26 of legal settlement, notice shall be made to the  
27 director of the department of human services and the  
28 administrator of the division of the department in  
29 control of the institution involved.

30 Sec. 7. Section 225C.4, subsection 2, paragraph b,  
31 Code 1995, is amended to read as follows:

32 b. Establish mental health and mental retardation  
33 services for all institutions under the control of the  
34 director of human services and establish an autism  
35 unit, following mutual planning with and consultation  
36 from the medical director of the state psychiatric  
37 hospital, at an institution or a facility administered  
38 by the administrator to provide psychiatric and  
39 related services and other specific programs to meet  
40 the needs of autistic persons as defined in section  
41 331.424, subsection 1, and to furnish appropriate  
42 diagnostic evaluation services.

43 Sec. 8. Section 331.301, subsection 12, Code 1995,  
44 is amended to read as follows:

45 12. The board of supervisors may credit funds to a  
46 reserve for the purposes authorized by subsection 11  
47 of this section; section 331.424, subsection 1,  
48 paragraph "f"; and section 331.441, subsection 2,  
49 paragraph "b". Moneys credited to the reserve, and  
50 interest earned on such moneys, shall remain in the

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1 reserve until expended for purposes authorized by  
2 subsection 11 of this section; section 331.424,  
3 subsection 1, paragraph "f"; or section 331.441,  
4 subsection 2, paragraph "b".

5 Sec. 9. Section 331.424, subsection 1, Code 1995,  
6 is amended to read as follows:

7 1. For general county services, an amount  
8 sufficient to pay the charges for the following:

9 a. To the extent that the county is obligated by  
10 statute to pay the charges for:

11 (1) ~~Care and treatment of patients by a state~~  
12 ~~mental health institute.~~

13 (2) ~~Care and treatment of patients by either of~~  
14 ~~the state hospital-schools or by any other facility~~  
15 ~~established under chapter 222 and diagnostic~~  
16 ~~evaluation under section 222.31.~~

17 (3) ~~Care and treatment of patients under chapter~~  
18 ~~225.~~

19 (4) (1) Care and treatment of persons at the  
20 alcoholic treatment center at Oakdale. However, the  
21 county may require that an admission to the center  
22 shall be reported to the board by the center within  
23 five days as a condition of the payment of county  
24 funds for that admission.

25 (5) (2) Care of children admitted or committed to  
26 the Iowa juvenile home at Toledo.

27 (6) (3) Clothing, transportation, medical, or  
28 other services provided persons attending the Iowa  
29 braille and sight saving school, the Iowa school for  
30 the deaf, or the state hospital-school for severely  
31 handicapped children at Iowa City, for which the  
32 county becomes obligated to pay pursuant to sections  
33 263.12, 269.2, and 270.4 through 270.7.

34 b. To the extent that the board deems it advisable  
35 to pay, the charges for professional evaluation;  
36 treatment; training; habilitation; and care of persons  
37 who are mentally retarded; autistic persons; or  
38 persons who are afflicted by any other developmental  
39 disability, at a suitable public or private facility  
40 providing inpatient or outpatient care in the county.  
41 As used in this paragraph:

42 (1) "Developmental disability" has the meaning  
43 assigned that term by 42 U.S.C. sec. 6001(7) (1976);  
44 Supp. II, 1978; and Supp. III, 1979.

45 (2) "Autistic persons" means persons, regardless  
46 of age, with severe communication and behavior  
47 disorders that became manifest during the early stages  
48 of childhood development and that are characterized by  
49 a severely disabling inability to understand;  
50 communicate; learn; and participate in social

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1 relationships. "Autistic persons" includes but is not  
2 limited to those persons afflicted by infantile  
3 autism, profound aphasia, and childhood psychosis.

4 c. Care and treatment of persons placed in the  
5 county hospital; county care facility; a health care

6 facility as defined in section 135C.1, subsection 6;  
7 or any other public or private facility, which  
8 placement is in lieu of admission or commitment to or  
9 is upon discharge, removal, or transfer from a state  
10 mental health institute, hospital-school, or other  
11 facility established pursuant to chapter 222.

12 d. Amounts budgeted by the board for the cost of  
13 establishment and initial operation of a community  
14 mental health center in the manner and subject to the  
15 limitations provided by state law.

16 e. b. Foster care and related services provided  
17 under court order to a child who is under the  
18 jurisdiction of the juvenile court, including court-  
19 ordered costs for a guardian ad litem under section  
20 232.71.

21 f. The care, admission, commitment, and  
22 transportation of mentally ill patients in state  
23 hospitals, to the extent that expenses for these  
24 services are required to be paid by the county,  
25 including compensation for the advocate appointed  
26 under section 229.19.

27 g. Amounts budgeted by the board for mental health  
28 services or mental retardation services furnished to  
29 persons on either an outpatient or inpatient basis, to  
30 a school or other public agency, or to the community  
31 at large, by a community mental health center or other  
32 suitable facility located in or reasonably near the  
33 county, provided that services meet the standards of  
34 the mental health and developmental disabilities  
35 commission created in section 225C.5 and are  
36 consistent with the annual plan for services approved  
37 by the board.

38 h. Reimbursement on behalf of mentally retarded  
39 persons under section 249A.12.

40 i. c. Elections, and voter registration pursuant  
41 to chapter 48A.

42 j. d. Employee benefits under chapters 96, 97B,  
43 and 97C, which are associated with salaries for  
44 general county services.

45 k. e. Joint county and city building authorities  
46 established under section 346.27, as provided in  
47 subsection 22 of that section.

48 l. f. Tort liability insurance, property  
49 insurance, and any other insurance that may be  
50 necessary in the operation of the county, costs of a

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1 self-insurance program, costs of a local government  
2 risk pool, and amounts payable under any insurance

3 agreements to provide or procure such insurance, self-  
4 insurance program, or local government risk pool.  
5 m. g. The maintenance and operation of the courts,  
6 including but not limited to the salary and expenses  
7 of the clerk of the district court and other employees  
8 of the clerk's office, and bailiffs, court costs if  
9 the prosecution fails or if the costs cannot be  
10 collected from the person liable, costs and expenses  
11 of prosecution under section 189A.17, salaries and  
12 expenses of juvenile court officers under chapter 602,  
13 court-ordered costs in domestic abuse cases under  
14 section 236.5, the county's expense for confinement of  
15 prisoners under chapter 356A, temporary assistance to  
16 the county attorney, county contributions to a  
17 retirement system for bailiffs, reimbursement for  
18 judicial magistrates under section 602.6501, claims  
19 filed under section 622.93, interpreters' fees under  
20 section 622B.7, uniform citation and complaint  
21 supplies under section 805.6, and costs of prosecution  
22 under section 815.13.  
23 n. h. Court-ordered costs of conciliation  
24 procedures under section 598.16.  
25 o. i. Establishment and maintenance of a joint  
26 county indigent defense fund pursuant to an agreement  
27 under section 28E.19.  
28 p. j. The maintenance and operation of a local  
29 emergency management agency established pursuant to  
30 chapter 29C.  
31 The board may require a public or private facility,  
32 as a condition of receiving payment from county funds  
33 for services it has provided, to furnish the board  
34 with a statement of the income, assets, and legal  
35 residence including township and county of each person  
36 who has received services from that facility for which  
37 payment has been made from county funds under  
38 paragraphs "a" through "h" and "b". However, the  
39 facility shall not disclose to anyone the name or  
40 street or route address of a person receiving services  
41 for which commitment is not required, without first  
42 obtaining that person's written permission.  
43 Parents or other persons may voluntarily reimburse  
44 the county or state for the reasonable cost of caring  
45 for a patient or an inmate in a county or state  
46 facility.  
47 Sec. 10. NEW SECTION. 331.424A COUNTY MENTAL  
48 HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL  
49 DISABILITIES SERVICES FUND.  
50 1. For the purposes of this chapter, unless the

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1 context otherwise requires, "services fund" means the  
2 county mental health, mental retardation, and  
3 developmental disabilities services fund created in  
4 subsection 2. The county finance committee created in  
5 section 333A.2 shall consult with the state-county  
6 management committee in adopting rules and prescribing  
7 forms for administering the services fund.

8 2. For the fiscal year beginning July 1, 1996, and  
9 succeeding fiscal years, county revenues from taxes  
10 and other sources designated for mental health, mental  
11 retardation, and developmental disabilities services  
12 shall be credited to the mental health, mental  
13 retardation, and developmental disabilities services  
14 fund of the county. The board shall make  
15 appropriations from the fund for payment of services  
16 provided under the county management plan approved  
17 pursuant to section 331.439.

18 3. For the fiscal year beginning July 1, 1996, and  
19 succeeding fiscal years, receipts from the state or  
20 federal government for such services shall be credited  
21 to the services fund, including moneys allotted to the  
22 county from the state payment made pursuant to section  
23 331.439 and moneys allotted to the county for property  
24 tax relief pursuant to section 426B.1.

25 4. For the fiscal year beginning July 1, 1996, and  
26 for each subsequent fiscal year, the county shall  
27 certify a levy for payment of services. Unless  
28 otherwise provided by state law, for each fiscal year,  
29 county revenues from taxes imposed by the county  
30 credited to the services fund shall not exceed an  
31 amount equal to the amount of base year expenditures  
32 for services in the fiscal year beginning July 1,  
33 1993, and ending June 30, 1994, as defined in section  
34 331.438 less the amount of property tax relief to be  
35 received pursuant to section 426B.2, subsections 1 and  
36 3, in the fiscal year for which the budget is  
37 certified. The county auditor and the board of  
38 supervisors shall reduce the amount of the levy  
39 certified for the services fund by the amount of  
40 property tax relief to be received.

41 5. Appropriations specifically authorized to be  
42 made from the mental health, mental retardation, and  
43 developmental disabilities services fund shall not be  
44 made from any other fund of the county.

45 Sec. 11. Section 444.25A, subsection 3, paragraph  
46 b, subparagraph (3), Code 1995, is amended to read as  
47 follows:

48 (3) Need for additional moneys for health care,

49 treatment, and facilities, including mental health and  
50 mental retardation care and treatment pursuant to

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1 section 331.424, subsection 1, paragraphs "a" through  
2 "h" and "b".

3 Sec. 12. EFFECTIVE AND APPLICABILITY DATES. This  
4 division of this Act takes effect January 1, 1996, and  
5 is applicable to taxes payable in the fiscal year  
6 beginning July 1, 1996, and subsequent fiscal years.

### 7 DIVISION III

### 8 PROPERTY TAX RELIEF PROVISIONS

9 Sec. 13. Section 222.60, unnumbered paragraph 1,  
10 Code 1995, as amended by 1995 Iowa Acts, House File  
11 483, section 12, is amended to read as follows:

12 All necessary and legal expenses for the cost of  
13 admission or commitment or for the treatment,  
14 training, instruction, care, habilitation, support and  
15 transportation of persons with mental retardation, as  
16 provided for in the county management plan provisions  
17 implemented pursuant to section 331.439, subsection 1,  
18 in a state hospital-school, or in a special unit, or  
19 any public or private facility within or without the  
20 state, approved by the director of the department of  
21 human services, shall be paid by either:

22 Sec. 14. Section 331.438, subsection 1, paragraph  
23 b, Code 1995, is amended to read as follows:

24 b. "State payment" means the payment made by the  
25 state to a county determined to be eligible for the  
26 payment in accordance with section 331.439.

27 1A. Except as modified based upon the actual  
28 amount of the appropriation for purposes of state  
29 payment under section 331.439, the amount of the state  
30 payment for a fiscal year shall be calculated as fifty  
31 percent of the amount by which the county's qualified  
32 expenditures during the immediately preceding fiscal  
33 year were in excess of the amount of the county's base  
34 year expenditures by applying the inflation factor  
35 adjustment established in accordance with section  
36 331.439, subsection 3, for that fiscal year to the  
37 amount of county expenditures for qualified services  
38 in the previous fiscal year. A state payment is the  
39 state funding a county receives pursuant to section  
40 426B.2, subsection 2. Any state funding received by a  
41 county for property tax relief in accordance with  
42 section 426B.2, subsections 1 and 3, is not a state  
43 payment and shall not be included in the state payment  
44 calculation made pursuant to this subsection.

45 Sec. 15. Section 331.439, Code 1995, is amended by

46 striking the section and inserting in lieu thereof the  
47 following:

48 331.439 ELIGIBILITY FOR STATE PAYMENT.

49 1. The state payment to eligible counties under  
50 this section shall be made as provided in sections

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1 331.438 and 426B.2. A county is eligible for the  
2 state payment, as defined in section 331.438, for the  
3 fiscal year beginning July 1, 1996, and for subsequent  
4 fiscal years if the director of human services, in  
5 consultation with the state-county management  
6 committee, determines for a specific fiscal year that  
7 all of the following conditions are met:

8 a. The county accurately reported by October 15  
9 the county's expenditures for mental health, mental  
10 retardation, and developmental disabilities services  
11 for the previous fiscal year on forms prescribed by  
12 the department of human services.

13 b. The county developed and implemented a county  
14 management plan for the county's mental health, mental  
15 retardation, and developmental disabilities services  
16 in accordance with the provisions of this paragraph.  
17 The plan shall comply with the administrative rules  
18 adopted for this purpose by the council on human  
19 services and is subject to the approval of the  
20 director of human services in consultation with the  
21 state-county management committee created in section  
22 331.438. The plan shall include a description of the  
23 county's service management provision for mental  
24 health, mental retardation, and developmental  
25 disabilities services. For mental retardation and  
26 developmental disabilities service management, the  
27 plan shall describe the county's development and  
28 implementation of a managed system of cost-effective  
29 individualized services and shall comply with the  
30 provisions of paragraph "d". The goal of this part of  
31 the plan shall be to assist the individuals served to  
32 be as independent, productive, and integrated into the  
33 community as possible. The service management  
34 provisions for mental health shall comply with the  
35 provisions of paragraph "c".

36 c. (1) For mental health service management, the  
37 county may either directly implement a system of  
38 service management and contract with service  
39 providers, or contract with a private entity to manage  
40 the system, provided all requirements of this lettered  
41 paragraph are met by the private entity. The mental  
42 health service management shall incorporate a single

43 entry point and clinical assessment process developed  
44 in accordance with the provisions of section 331.440.  
45 The county shall submit this part of the plan to the  
46 department of human services for approval by April 1  
47 for the succeeding year. Initially, this part of the  
48 plan shall be submitted to the department by April 1,  
49 1996, and the county shall implement the approved plan  
50 by July 1, 1996.

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1 (2) The basis for determining whether a managed  
2 care system for mental health proposed by a county is  
3 comparable to a mental health managed care contractor  
4 approved by the department of human services shall  
5 include but is not limited to all of the following  
6 elements which shall be specified in administrative  
7 rules adopted by the council on human services in  
8 consultation with the state-county management  
9 committee:

10 (a) The enrollment and eligibility process.

11 (b) The scope of services included.

12 (c) The method of plan administration.

13 (d) The process for managing utilization and  
14 access to services and other assistance.

15 (e) The quality assurance process.

16 (f) The risk management provisions and fiscal  
17 viability of the provisions, if the county contracts  
18 with a private managed care entity.

19 d. For mental retardation and developmental  
20 disabilities services management, the county must  
21 either develop and implement a managed system of care  
22 which addresses a full array of appropriate services  
23 and cost-effective delivery of services or contract  
24 with a state-approved managed care contractor or  
25 contractors. Any system or contract implemented under  
26 this paragraph shall incorporate a single entry point  
27 and clinical assessment process developed in  
28 accordance with the provisions of section 331.440.  
29 The elements of the managed system of care and the  
30 state-approved managed care contract or contracts  
31 shall be specified in rules developed by the  
32 department of human services in consultation with the  
33 state-county management committee and adopted by the  
34 council on human services. Initially, this part of  
35 the plan shall be submitted to the department for  
36 approval on or before October 1, 1996, and shall be  
37 implemented on or before January 1, 1997. In fiscal  
38 years succeeding the fiscal year of initial  
39 implementation, this part of the plan shall be

40 submitted to the department of human services for  
41 approval by April 1 for the succeeding fiscal year.  
42 e. Changes to the approved plan are submitted at  
43 least sixty days prior to the proposed change and are  
44 not to be implemented prior to the director of human  
45 services' approval.  
46 2. The county management plan shall address the  
47 county's criteria for serving persons with chronic  
48 mental illness, including any rationale used for  
49 decision making regarding this population.  
50 3. a. For the fiscal year beginning July 1, 1996,

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1 and succeeding fiscal years, the county's mental  
2 health, mental retardation, and developmental  
3 disabilities service expenditures for a fiscal year  
4 are limited to a fixed budget amount. The fixed  
5 budget amount shall be the amount identified in the  
6 county's management plan and budget for the fiscal  
7 year. The county shall be allowed an inflation factor  
8 adjustment for services paid from the county's  
9 services fund under section 331.424A which is in  
10 accordance with the county's management plan and  
11 budget, implemented pursuant to this section.  
12 b. Based upon information contained in county  
13 management plans and budgets, the state-county  
14 management committee shall recommend an inflation  
15 factor adjustment to the council on human services by  
16 November 15 for the succeeding fiscal year. The  
17 inflation factor adjustment shall address costs  
18 associated with new consumers of service, service cost  
19 inflation, and investments for economy and efficiency.  
20 The council on human services shall recommend to the  
21 governor the amount of the inflation factor adjustment  
22 for the succeeding fiscal year for inclusion in the  
23 governor's proposed budget for the succeeding fiscal  
24 year.  
25 c. If the general assembly has not revised the  
26 amount of the inflation factor adjustment for a fiscal  
27 year on the date county budgets must be approved and  
28 levies must be certified for that fiscal year, the  
29 budgets and levies shall utilize the inflation factor  
30 adjustment for that fiscal year recommended by the  
31 governor in the governor's proposed budget.  
32 4. A county may provide assistance to service  
33 populations with disabilities to which the county has  
34 historically provided assistance but who are not  
35 included in the service management provisions required  
36 under subsection 1, subject to the availability of

37 funding.

38 5. Notwithstanding any other provision of law to  
39 the contrary, a county shall have no obligation to pay  
40 for or provide mental health, mental retardation, or  
41 developmental disabilities services for any person  
42 that applies through the county's single entry point  
43 and clinical assessment process after the moneys in  
44 the county services fund under section 331.424A are  
45 expended.

46 6. A county shall implement the county's  
47 management plan in a manner so as to provide adequate  
48 funding for the entire fiscal year by budgeting for  
49 ninety-nine percent of the funding anticipated to be  
50 available for the plan. A county may expend all of

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1 the funding anticipated to be available for the plan.

2 7. The director's approval of a county's mental  
3 health, mental retardation, and developmental  
4 disabilities services management plan shall not be  
5 construed to constitute certification of the county's  
6 budget.

7 Sec. 16. Section 331.440, subsection 1, Code 1995,  
8 is amended by adding the following new paragraph:

9 NEW PARAGRAPH. c. The single entry point and  
10 clinical assessment process shall include provision  
11 for the county's participation in a management  
12 information system developed in accordance with rules  
13 adopted pursuant to subsection 3.

14 Sec. 17. NEW SECTION. 426B.1 APPROPRIATIONS --  
15 PROPERTY TAX RELIEF FUND.

16 1. A property tax relief fund is created in the  
17 state treasury under the authority of the department  
18 of revenue and finance. The fund shall be separate  
19 from the general fund of the state and shall not be  
20 considered part of the general fund of the state  
21 except in determining the cash position of the state  
22 for payment of state obligations. The moneys in the  
23 fund are not subject to the provisions of section 8.33  
24 and shall not be transferred, used, obligated,  
25 appropriated, or otherwise encumbered except as  
26 provided in this section. Moneys in the fund may be  
27 used for cash flow purposes, provided that any moneys  
28 so allocated are returned to the fund by the end of  
29 each fiscal year. However, the fund shall be  
30 considered a special account for the purposes of  
31 section 8.53, relating to elimination of any GAAP  
32 deficit. For the purposes of this chapter, unless the  
33 context otherwise requires, "property tax relief fund"

34 means the property tax relief fund created in this  
35 section.

36 2. There is appropriated to the property tax  
37 relief fund for the indicated fiscal years from the  
38 general fund of the state the following amounts:

39 a. For the fiscal year beginning July 1, 1995,  
40 sixty-one million dollars.

41 b. For the fiscal year beginning July 1, 1996,  
42 seventy-eight million dollars.

43 c. For the fiscal year beginning July 1, 1997, and  
44 succeeding fiscal years, ninety-five million dollars.

45 Sec. 18. NEW SECTION. 426B.2 PROPERTY TAX RELIEF  
46 FUND DISTRIBUTIONS.

47 Moneys in the property tax relief fund shall be  
48 utilized in each fiscal year as follows in the order  
49 listed:

50 1. The first sixty-one million dollars plus the

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1 amount paid pursuant to subsection 3 in the previous  
2 fiscal year in the property tax relief fund shall be  
3 distributed to counties under this subsection. A  
4 county's proportion of the moneys shall be equivalent  
5 to the sum of the following three factors:

6 a. One-third based upon the county's proportion of  
7 the state's general population.

8 b. One-third based upon the county's proportion of  
9 the state's total taxable property valuation assessed  
10 for taxes payable in the previous fiscal year.

11 c. One-third based upon the county's proportion of  
12 all counties' base year expenditures, as defined in  
13 section 331.438.

14 Moneys provided to a county for property tax relief  
15 in a fiscal year in accordance with this section shall  
16 not be less than the amount provided for property tax  
17 relief in the previous fiscal year.

18 2. Payment of moneys to eligible counties of the  
19 state payment in accordance with the provisions of  
20 sections 331.438 and 331.439.

21 3. For the fiscal year beginning July 1, 1996, and  
22 succeeding fiscal years, the department of human  
23 services shall estimate the amount of moneys required  
24 for the state payment pursuant to subsection 2.  
25 Moneys remaining in the property tax relief fund  
26 following the payment made pursuant to subsection 1  
27 and the estimated amount of the state payment pursuant  
28 to subsection 2 shall be paid for property tax relief  
29 in the same manner as provided in subsection 1 to  
30 counties eligible for state payment under subsection

31 2. These payments shall continue until the combined  
32 amount of the payments made under this subsection and  
33 subsection 1 are equal to fifty percent of the total  
34 of all counties' base year expenditures as defined in  
35 section 331.438. The amount of moneys paid to a  
36 county pursuant to this subsection shall be added in  
37 subsequent fiscal years to the amount of moneys paid  
38 under subsection 1.

39 4. Moneys remaining in the property tax relief  
40 fund following the payments made pursuant to  
41 subsections 1, 2, and 3 shall be transferred to the  
42 homestead credit fund created in section 425.1. This  
43 transfer shall continue until the homestead credit is  
44 fully funded.

45 5. The department of human services shall notify  
46 the director of revenue and finance of the amounts due  
47 a county in accordance with the provisions of this  
48 section. The director of revenue and finance shall  
49 draw warrants on the property tax relief fund, payable  
50 to the county treasurer in the amount due to a county

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1 in accordance with subsections 1 and 3 and mail the  
2 warrants to the county auditors in September and March  
3 of each year. Warrants for the state payment in  
4 accordance with subsection 2 shall be mailed in  
5 January of each year.

6 Sec. 19. NEW SECTION. 426B.3 NOTIFICATION OF  
7 MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL  
8 DISABILITIES EXPENDITURE RELIEF FUND PAYMENT.

9 1. The county auditor shall reduce the certified  
10 budget amount received from the board of supervisors  
11 for the succeeding fiscal year for the county mental  
12 health, mental retardation, and developmental  
13 disabilities services fund created in section 331.424A  
14 by an amount equal to the amount the county will  
15 receive from the property tax relief fund pursuant to  
16 section 426B.2, subsections 1 and 3, for the  
17 succeeding fiscal year and the auditor shall determine  
18 the rate of taxation necessary to raise the reduced  
19 amount. On the tax list, the county auditor shall  
20 compute the amount of taxes due and payable on each  
21 parcel before and after the amount received from the  
22 property tax relief fund is used to reduce the county  
23 budget. The director of revenue and finance shall  
24 notify the county auditor of each county of the amount  
25 of moneys the county will receive from the property  
26 tax relief fund pursuant to section 426B.2,

27 subsections 1 and 3, for the succeeding fiscal year.  
28 2. The amount of property tax dollars reduced on  
29 each parcel as a result of the moneys received from  
30 the property tax relief fund pursuant to section  
31 426B.2, subsections 1 and 3, shall be noted on each  
32 tax statement prepared by the county treasurer  
33 pursuant to section 445.23.

34 Sec. 20. NEW SECTION. 426B.4 RULES.

35 The council on human services shall consult with  
36 the state-county management committee created in  
37 section 331.438 and the director of revenue and  
38 finance in prescribing forms and adopting rules  
39 pursuant to chapter 17A to administer this chapter.

40 Sec. 21. PROPERTY TAX RELIEF - FISCAL YEAR 1995-  
41 1996. For the fiscal year beginning July 1, 1995, the  
42 department of management shall notify each county  
43 auditor by June 1, 1995, of the amount the county will  
44 receive from the property tax relief fund for property  
45 tax relief pursuant to section 426B.2, subsection 1,  
46 for that fiscal year. The county auditor shall reduce  
47 by the notified amount the amount of the county's  
48 certified budget to be raised by property tax for that  
49 fiscal year which is to be expended for mental health,  
50 mental retardation, and developmental disabilities

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1 services and shall revise the rate of taxation as  
2 necessary to raise the reduced amount. The county  
3 auditor shall report the reduction in the certified  
4 budget and the revised rate of taxation to the  
5 department of management by June 30, 1995.

6 Sec. 22. FUNDING OF SESSION LAW REQUIREMENTS. If  
7 the appropriations in section 426B.1, subsection 2, as  
8 created in this division of this Act, are enacted by  
9 this Act, the requirements of 1994 Iowa Acts, chapter  
10 1163, section 8, subsection 2, to fully fund  
11 provisions of sections 331.438 and 331.439 shall be  
12 considered to be met and the repeals contained in 1994  
13 Iowa Acts, chapter 1163, section 8, subsection 2,  
14 shall be void.

15 Sec. 23. STATE-COUNTY MANAGEMENT COMMITTEE REVIEW  
16 - 1995 INTERIM. The state-county management  
17 committee created in section 331.438 shall review  
18 statutory provisions and administrative rules which  
19 are intended to regulate and contain county  
20 expenditures for mental health, mental retardation,  
21 and developmental disabilities (MH/MR/DD) services and  
22 the formula for distribution of property tax relief  
23 moneys to counties under section 426B.2. The

24 committee should consider proposals from counties and  
25 other interested persons for a distribution formula  
26 factor which rewards or provides incentives for  
27 economy and efficiency in providing mental health,  
28 mental retardation, and developmental disabilities  
29 services; and a mechanism for a county to appeal to  
30 the state if it is believed the county is unfairly  
31 treated under an established funding formula. In  
32 addition, the committee shall consider tort and other  
33 liability issues associated with a county managing  
34 MH/MR/DD expenditures in accordance with a fixed  
35 budget and make recommendations to address the issues.  
36 The committee shall review the dates required under  
37 section 331.439 and chapter 426B, as enacted by this  
38 Act and make recommendations for change if revisions  
39 are deemed necessary. The committee shall report to  
40 the governor and the general assembly on or before  
41 December 1, 1995.

42 Sec. 24. LEVY STUDY. The county finance committee  
43 created in chapter 333A shall consult with any  
44 interested parties in studying the ramifications of  
45 consolidating the county general basic levies and the  
46 general supplemental levies and other proposals  
47 involving the levies. The committee shall be assisted  
48 by four legislators with one each appointed by the  
49 following leaders: majority leader of the senate,  
50 minority leader of the senate, speaker of the house of

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1 representatives, and minority leader of the house of  
2 representatives. The legislative appointees are  
3 eligible for per diem and actual expenses for their  
4 assistance to the committee. The committee shall  
5 report to the governor and the general assembly with  
6 findings and recommendations on or before January 4,  
7 1996.

8 Sec. 25. EFFECTIVE DATE. Section 21 of this  
9 division of this Act, relating to property tax relief  
10 for fiscal year 1995-1996, being deemed of immediate  
11 importance, takes effect upon enactment.

#### DIVISION IV

#### COUNTY PROPERTY TAX LIMITATION

14 Sec. 26. Section 444.25A, subsection 1, Code 1995,  
15 is amended to read as follows:

16 1. COUNTY LIMITATION. The maximum amount of  
17 property tax dollars which may be certified by a  
18 county for taxes payable in the fiscal year beginning  
19 July 1, 1995, shall not exceed the amount of property  
20 tax dollars certified by the county for taxes payable

21 in the fiscal year beginning July 1, 1994, minus the  
22 amount of property tax relief moneys to be received by  
23 the county for the fiscal year beginning July 1, 1995,  
24 pursuant to section 426B.2, subsection 1, and the  
25 maximum amount of property tax dollars which may be  
26 certified by a county for taxes payable in the fiscal  
27 year beginning July 1, 1996, shall not exceed the  
28 amount of property tax dollars certified by the county  
29 for taxes payable in the fiscal year beginning July 1,  
30 1995, minus the amount by which the property tax  
31 relief moneys to be received by the county in the  
32 fiscal year beginning July 1, 1996, pursuant to  
33 section 426B.2, subsections 1 and 3, exceeds the  
34 amount of the property tax relief moneys received in  
35 the fiscal year beginning July 1, 1995, for each of  
36 the levies for the following, except for the levies on  
37 the increase in taxable valuation due to new  
38 construction, additions or improvements to existing  
39 structures, remodeling of existing structures for  
40 which a building permit is required, annexation, and  
41 phasing out of tax exemptions, and on the increase in  
42 valuation of taxable property as a result of a  
43 comprehensive revaluation by a private appraiser under  
44 a contract entered into prior to January 1, 1992, or  
45 as a result of a comprehensive revaluation directed or  
46 authorized by the conference board prior to January 1,  
47 1992, with documentation of the contract,  
48 authorization, or directive on the revaluation  
49 provided to the director of revenue and finance, if  
50 the levies are equal to or less than the levies for

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1 the previous year, levies on that portion of the  
2 taxable property located in an urban renewal project  
3 the tax revenues from which are no longer divided as  
4 provided in section 403.19, subsection 2, or as  
5 otherwise provided in this section:

6 a. General county services under section 331.422,  
7 subsection 1.

8 b. Rural county services under section 331.422,  
9 subsection 2.

10 c. Other taxes under section 331.422, subsection  
11 4.

12 Sec. 27. NEW SECTION. 444.25B PROPERTY TAX  
13 LIMITATION FOR FISCAL YEAR 1998.

14 1. COUNTY LIMITATION. The maximum amount of  
15 property tax dollars which may be certified by a  
16 county for taxes payable in the fiscal year beginning  
17 July 1, 1997, shall not exceed the amount of property

18 tax dollars certified by the county for taxes payable  
19 in the fiscal year beginning July 1, 1996, minus the  
20 amount by which the property tax relief moneys to be  
21 received by the county in the fiscal year beginning  
22 July 1, 1997, pursuant to section 426B.2, subsections  
23 1 and 3, exceeds the amount of the property tax relief  
24 moneys received in the fiscal year beginning July 1,  
25 1996, for each of the levies for the following, except  
26 for the levies on the increase in taxable valuation  
27 due to new construction, additions or improvements to  
28 existing structures, remodeling of existing structures  
29 for which a building permit is required, annexation,  
30 and phasing out of tax exemptions, and on the increase  
31 in valuation of taxable property as a result of a  
32 comprehensive revaluation by a private appraiser under  
33 a contract entered into prior to January 1, 1992, or  
34 as a result of a comprehensive revaluation directed or  
35 authorized by the conference board prior to January 1,  
36 1992, with documentation of the contract,  
37 authorization, or directive on the revaluation  
38 provided to the director of revenue and finance, if  
39 the levies are equal to or less than the levies for  
40 the previous year, levies on that portion of the  
41 taxable property located in an urban renewal project  
42 the tax revenues from which are no longer divided as  
43 provided in section 403.19, subsection 2, or as  
44 otherwise provided in this section:  
45 a. General county services under section 331.422,  
46 subsection 1.  
47 b. Rural county services under section 331.422,  
48 subsection 2.  
49 c. Other taxes under section 331.422, subsection  
50 4.

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1 2. EXCEPTIONS. The limitations provided in  
2 subsection 1 do not apply to the levies made for the  
3 following:  
4 a. Debt service to be deposited into the debt  
5 service fund pursuant to section 331.430.  
6 b. Taxes approved by a vote of the people which  
7 are payable during the fiscal year beginning July 1,  
8 1997.  
9 c. Hospitals pursuant to chapters 37, 347, and  
10 347A.  
11 d. Emergency management to be deposited into the  
12 local emergency management fund and expended for  
13 development of hazardous substance teams pursuant to  
14 chapter 29C.

15 e. Unusual need for additional moneys to finance  
16 existing programs which would provide substantial  
17 benefit to county residents or compelling need to  
18 finance new programs which would provide substantial  
19 benefit to county residents. The increase in taxes  
20 levied under this exception for the fiscal year  
21 beginning July 1, 1997, is limited to no more than the  
22 product of the total tax dollars levied in the fiscal  
23 year beginning July 1, 1996, and the percent change,  
24 computed to two decimal places, in the price index for  
25 government purchases by type for state and local  
26 governments computed for the third quarter of calendar  
27 year 1996 from that computed for the third quarter of  
28 calendar year 1995.

29 For purposes of this paragraph, the price index for  
30 government purchases by type for state and local  
31 governments is defined by the bureau of economic  
32 analysis of the United States department of commerce  
33 and published in table 7.11 of the national income and  
34 products accounts. For the fiscal year beginning July  
35 1, 1997, the price index used shall be the revision  
36 published in the November 1996 edition of the United  
37 States department of commerce publication, "survey of  
38 current business". For purposes of this paragraph,  
39 tax dollars levied in the fiscal year beginning July  
40 1, 1996, shall not include funds levied for paragraphs  
41 "a", "b", and "c" of this subsection.

42 Application of this exception shall require an  
43 original publication of the budget and a public  
44 hearing and a second publication and a second hearing  
45 both in the manner and form prescribed by the director  
46 of the department of management, notwithstanding the  
47 provisions of section 331.434. The publications and  
48 hearings prescribed in this paragraph shall be held  
49 and the budget certified no later than March 15. The  
50 taxes levied for counties whose budgets are certified

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1 after March 15, 1997, shall be frozen at the fiscal  
2 year beginning July 1, 1996, level.

3 3. APPEAL PROCEDURES. In lieu of the procedures  
4 in sections 24.48 and 331.426, which procedures do not  
5 apply for taxes payable in the fiscal year beginning  
6 July 1, 1997, if a county needs to raise property tax  
7 dollars from a tax levy in excess of the limitations  
8 imposed by subsection 1, the following procedures  
9 apply:

10 a. Not later than March 1, and after the  
11 publication and public hearing on the budget in the

12 manner and form prescribed by the director of the  
13 department of management, notwithstanding section  
14 331.434, the county shall petition the state appeal  
15 board for approval of a property tax increase in  
16 excess of the increase provided for in subsection 2,  
17 paragraph "e", on forms furnished by the director of  
18 the department of management. Applications received  
19 after March 1 shall be automatically ineligible for  
20 consideration by the board.

21 b. Additional costs incurred by the county due to  
22 any of the following circumstances shall be the basis  
23 for justifying the excess in property tax dollars:

24 (1) Natural disaster or other life-threatening  
25 emergencies.

26 (2) Unusual need for additional moneys to finance  
27 existing programs which would provide substantial  
28 benefit to county residents or compelling need to  
29 finance new programs which would provide substantial  
30 benefit to county residents.

31 (3) Need for additional moneys for health care,  
32 treatment, and facilities pursuant to section 331.424,  
33 subsection 1, paragraphs "a" and "b".

34 (4) Judgments, settlements, and related costs  
35 arising out of civil claims against the county and its  
36 officers, employees, and agents, as defined in chapter  
37 670.

38 c. The state appeal board shall approve,  
39 disapprove, or reduce the amount of excess property  
40 tax dollars requested. The board shall take into  
41 account the intent of this section to provide property  
42 tax relief. The decision of the board shall be  
43 rendered at a regular or special meeting of the board  
44 within twenty days of the board's receipt of an  
45 appeal.

46 d. Within seven days of receipt of the decision of  
47 the state appeal board, the county shall adopt and  
48 certify its budget under section 331.434, which budget  
49 may be protested as provided in section 331.436. The  
50 budget shall not contain an amount of property tax

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1 dollars in excess of the amount approved by the state  
2 appeal board.

3 4. Rate adjustment by county auditor. In addition  
4 to the requirement of the county auditor in section  
5 444.3 to establish a rate of tax which does not exceed  
6 the rate authorized by law, the county auditor shall  
7 also adjust the rate if the amount of property tax  
8 dollars to be raised is in excess of the amount

9 specified in subsection 1, as may be adjusted pursuant  
10 to subsection 3.

11 Sec. 28. Section 444.27, Code 1995, is amended to  
12 read as follows:

13 444.27 SECTIONS VOID.

14 1. For purposes of section 444.25, sections 24.48  
15 and 331.426 are void for the fiscal years beginning  
16 July 1, 1993, and July 1, 1994. For purposes of  
17 section 444.25A, sections 24.48 and 331.426 are void  
18 for the fiscal years beginning July 1, 1995, and July  
19 1, 1996.

20 2. For purposes of section 444.25B, sections 24.48  
21 and 331.426 are void for the fiscal year beginning  
22 July 1, 1997.

23 DIVISION V

24 INDUSTRIAL MACHINERY, EQUIPMENT AND COMPUTERS PROPERTY  
25 TAX

26 EXEMPTION AND REPLACEMENT

27 Sec. 29. Section 427B.17, Code 1995, is amended to  
28 read as follows:

29 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

30 1. For property defined in section 427A.1,  
31 subsection 1, paragraphs "e" and "j", acquired or  
32 initially leased on or after January 1, 1982, the  
33 taxpayer's valuation shall be limited to thirty  
34 percent of the net acquisition cost of the property,  
35 except as otherwise provided in subsections 2 and 3.  
36 For purposes of this section, "net acquisition cost"  
37 means the acquired cost of the property including all  
38 foundations and installation cost less any excess cost  
39 adjustment.

40 For purposes of this section subsection:

41 1. Property assessed by the department of revenue  
42 and finance pursuant to sections 428.24 to 428.29, or  
43 chapters 433, 434 and 436 to 438 shall not receive the  
44 benefits of this section.

45 2. a. Property acquired before January 1, 1982,  
46 which was owned or used before January 1, 1982, by a  
47 related person shall not receive the benefits of this  
48 section subsection.

49 3. b. Property acquired on or after January 1,  
50 1982, which was owned and used by a related person

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1 shall not receive any additional benefits under this  
2 section subsection.

3 4. c. Property which was owned or used before  
4 January 1, 1982, and subsequently acquired by an  
5 exchange of like property shall not receive the

6 benefits of this ~~section~~ subsection.

7 5. d. Property which was acquired on or after  
8 January 1, 1982, and subsequently exchanged for like  
9 property shall not receive any additional benefits  
10 under this ~~section~~ subsection.

11 6. e. Property acquired before January 1, 1982,  
12 which is subsequently leased to a taxpayer or related  
13 person who previously owned the property shall not  
14 receive the benefits of this ~~section~~ subsection.

15 7. f. Property acquired on or after January 1,  
16 1982, which is subsequently leased to a taxpayer or  
17 related person who previously owned the property shall  
18 not receive any additional benefits under this ~~section~~  
19 subsection.

20 For purposes of this ~~section~~ subsection, "related  
21 person" means a person who owns or controls the  
22 taxpayer's business and another business entity from  
23 which property is acquired or leased or to which  
24 property is sold or leased. Business entities are  
25 owned or controlled by the same person if the same  
26 person directly or indirectly owns or controls fifty  
27 percent or more of the assets or any class of stock or  
28 who directly or indirectly has an interest of fifty  
29 percent or more in the ownership or profits.

30 2. Property defined in section 427A.1, subsection  
31 1, paragraphs "e" and "j", which is first assessed for  
32 taxation in this state on or after January 1, 1995,  
33 shall be exempt from taxation.

34 3. Property defined in section 427A.1, subsection  
35 1, paragraphs "e" and "j", and assessed under section  
36 427B.17, subsection 1, shall be valued by the local  
37 assessor as follows for the following assessment  
38 years:

39 a. For the assessment year beginning January 1,  
40 1999, at twenty-two percent of the net acquisition  
41 cost.

42 b. For the assessment year beginning January 1,  
43 2000, at fourteen percent of the net acquisition cost.

44 c. For the assessment year beginning January 1,  
45 2001, at six percent of the net acquisition cost.

46 d. For the assessment year beginning January 1,  
47 2002, and succeeding assessment years, at zero percent  
48 of the net acquisition cost.

49 4. Property assessed pursuant to this section  
50 shall not be eligible to receive a partial exemption

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1 under sections 427B.1 to 427B.6.

2 5. This section shall not apply to property

3 assessed by the department of revenue and finance  
4 pursuant to sections 428.24 to 428.29, or chapters  
5 433, 434, and 436 to 438, and such property shall not  
6 receive the benefits of this section.

7 Any electric power generating plant which operated  
8 during the preceding assessment year at a net capacity  
9 factor of more than twenty percent, shall not receive  
10 the benefits of this section or of sections 15.332 and  
11 15.334. For purposes of this section, "electric power  
12 generating plant" means any name plate rated electric  
13 power generating plant, in which electric energy is  
14 produced from other forms of energy, including all  
15 taxable land, buildings, and equipment used in the  
16 production of such energy. "Net capacity factor"  
17 means net actual generation divided by the product of  
18 net maximum capacity times the number of hours the  
19 unit was in the active state during the assessment  
20 year. Upon commissioning, a unit is in the active  
21 state until it is decommissioned. "Net actual  
22 generation" means net electrical megawatt hours  
23 produced by the unit during the preceding assessment  
24 year. "Net maximum capacity" means the capacity the  
25 unit can sustain over a specified period when not  
26 restricted by ambient conditions or equipment  
27 deratings, minus the losses associated with station  
28 service or auxiliary loads.

29 6. The taxpayer's valuation of property defined in  
30 section 427A.1, subsection 1, paragraphs "e" and "f,"  
31 and located in an urban renewal area for which an  
32 urban renewal plan provides for the division of taxes  
33 as provided in section 403.19 to pay the principal and  
34 interest on loans, advances, bonds issued under the  
35 authority of section 403.9, subsection 1, or  
36 indebtedness incurred by a city or county to finance  
37 an urban renewal project within the urban renewal  
38 area, if such loans, advances, or bonds were issued or  
39 indebtedness incurred, on or after January 1, 1982,  
40 and on or before June 30, 1995, shall be limited to  
41 thirty percent of the net acquisition cost of the  
42 property. Such property located in an urban renewal  
43 area shall not be valued pursuant to subsection 2 or  
44 3, whichever is applicable, until the assessment year  
45 following the calendar year in which the obligations  
46 created by any loans, advances, bonds, or indebtedness  
47 payable from the division of taxes as provided in  
48 section 403.19 have been retired. The taxpayer's  
49 valuation for such property shall then be the  
50 valuation specified in subsection 2 or 3, whichever is

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1 applicable, for the applicable assessment year. If  
2 the loans, advances, or bonds issued, or indebtedness  
3 incurred between January 1, 1982, and June 30, 1995,  
4 are refinanced or refunded after June 30, 1995, the  
5 valuation of such property shall then be the valuation  
6 specified in subsection 2 or 3, whichever is  
7 applicable, for the applicable assessment year  
8 beginning with the assessment year following the  
9 calendar year in which any of those loans, advances,  
10 bonds, or other indebtedness are refinanced or  
11 refunded after June 30, 1995.

12 7. For the purpose of dividing taxes under section  
13 260E.4 or 260F.4, the employer's or business's  
14 valuation of property defined in section 427A.1,  
15 subsection 1, paragraphs "e" and "j", and used to fund  
16 a new jobs training project which project's first  
17 written agreement providing for a division of taxes as  
18 provided in section 403.19 is approved on or before  
19 June 30, 1995, shall be limited to thirty percent of  
20 the net acquisition cost of the property. An  
21 employer's or business's taxable property used to fund  
22 a new jobs training project shall not be valued  
23 pursuant to subsection 2 or 3, whichever is  
24 applicable, until the assessment year following the  
25 calendar year in which the certificates or other  
26 funding obligations have been retired or escrowed.  
27 The taxpayer's valuation for such property shall then  
28 be the valuation specified in subsection 1 for the  
29 applicable assessment year. If the certificates  
30 issued, or other funding obligations incurred, between  
31 January 1, 1982, and June 30, 1995, are refinanced or  
32 refunded after June 30, 1995, the valuation of such  
33 property shall then be the valuation specified in  
34 subsection 2 or 3, whichever is applicable, for the  
35 applicable assessment year beginning with the  
36 assessment year following the calendar year in which  
37 those certificates or other funding obligations are  
38 refinanced or refunded after June 30, 1995.

39 Sec. 30. NEW SECTION. 427B.18 REPLACEMENT.

40 Beginning with the fiscal year beginning July 1,  
41 1996, each county treasurer shall be paid from the  
42 industrial machinery, equipment and computers  
43 replacement fund an amount equal to the amount of the  
44 industrial machinery, equipment and computers tax  
45 replacement claim, as calculated in section 427B.19.

46 Sec. 31. NEW SECTION. 427B.19 ASSESSOR AND  
47 COUNTY AUDITOR DUTIES.

48 1. On or before July 1 of each fiscal year, the

49 assessor shall determine the total assessed value of  
50 the property assessed under section 427B.17 for taxes

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1 payable in that fiscal year and the total assessed  
2 value of such property assessed as of January 1, 1994,  
3 and shall report the valuations to the county auditor.  
4 2. On or before July 1 of each fiscal year, the  
5 assessor shall determine the valuation of all  
6 commercial and industrial property assessed for taxes  
7 payable in that fiscal year and the valuation of such  
8 property assessed as of January 1, 1994, and shall  
9 report the valuations to the county auditor.  
10 3. On or before July 1, 1996, and on or before  
11 July 1 of each succeeding fiscal year through June 30,  
12 2006, the county auditor shall prepare a statement,  
13 based upon the report received pursuant to subsections  
14 1 and 2, listing for each taxing district in the  
15 county:  
16 a. Beginning with the assessment year beginning  
17 January 1, 1995, the difference between the assessed  
18 valuation of property assessed pursuant to section  
19 427B.17 for that year and the total assessed value of  
20 such property assessed as of January 1, 1994. If the  
21 total assessed value of the property assessed as of  
22 January 1, 1994, is less, there is no tax replacement  
23 for the fiscal year.  
24 b. The tax levy rate for each taxing district for  
25 that fiscal year.  
26 c. The industrial machinery, equipment and  
27 computers tax replacement claim for each taxing  
28 district. For fiscal years beginning July 1, 1996,  
29 and ending June 30, 2001, the replacement claim is  
30 equal to the amount determined pursuant to paragraph  
31 "a", multiplied by the tax rate specified in paragraph  
32 "b". For fiscal years beginning July 1, 2001, and  
33 ending June 30, 2006, the replacement claim is equal  
34 to the product of the amount determined pursuant to  
35 paragraph "a", less any increase in valuations  
36 determined in paragraph "d", and the tax rate  
37 specified in paragraph "b". If the amount subtracted  
38 under paragraph "d" is more than the amount determined  
39 in paragraph "a", there is no tax replacement for the  
40 fiscal year.  
41 d. Beginning with the assessment year beginning  
42 January 1, 2000, the auditor shall reduce the amount  
43 listed in paragraph "a", by the increase, if any, in  
44 assessed valuations of commercial and industrial  
45 property in the assessment year beginning January 1,

46 1994, and the assessment year for which taxes are due  
47 and payable in that fiscal year. If the calculation  
48 under this paragraph indicates a net decrease in  
49 aggregate valuation of such property, the industrial  
50 machinery, equipment and computers tax replacement

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1 claim for each taxing district is equal to the amount  
2 determined pursuant to paragraph "a", multiplied by  
3 the tax rate specified in paragraph "b".

4 4. The county auditor shall certify and forward  
5 one copy of the statement to the department of revenue  
6 and finance not later than July 1 of each year.

7 **Sec. 32. NEW SECTION. 427B.19A FUND CREATED.**

8 1. The industrial machinery, equipment and  
9 computers property tax replacement fund is created.  
10 For the fiscal year beginning July 1, 1996, through  
11 the fiscal year ending June 30, 2006, there is  
12 appropriated annually from the general fund of the  
13 state to the department of revenue and finance to be  
14 credited to the industrial machinery, equipment and  
15 computers property tax replacement fund, an amount  
16 sufficient to implement this division.

17 2. If an amount appropriated for a fiscal year is  
18 insufficient to pay all claims, the director shall  
19 prorate the disbursements from the fund to the county  
20 treasurers and shall notify the county auditors of the  
21 pro rata percentage on or before August 1.

22 3. The replacement claims shall be paid to each  
23 county treasurer in equal installments in September  
24 and March of each year. The county treasurer shall  
25 apportion the replacement claim payments among the  
26 eligible taxing districts in the county.

27 **Sec. 33. NEW SECTION. 427B.19B GUARANTEE OF**  
28 **STATE REPLACEMENT FUNDS.**

29 For the fiscal years beginning July 1, 1996, and  
30 ending June 30, 2006, if the industrial machinery,  
31 equipment and computers property tax replacement fund  
32 is insufficient to pay in full the total of the  
33 amounts certified to the director of revenue and  
34 finance, the director shall compute for each county  
35 the difference between the total of all replacement  
36 claims for each taxing district within the county and  
37 the amount paid to the county treasurer for  
38 disbursement to each taxing district in the county.  
39 The assessor, for the assessment year for which taxes  
40 are due and payable in the fiscal year for which a  
41 sufficient appropriation was not made, shall revalue  
42 all industrial machinery, equipment and computers

43 described in section 427B.17, subsections 2 and 3, in  
 44 the county at a percentage of net acquisition cost  
 45 which will yield from each taxing district its  
 46 shortfall and the property shall be assessed and taxed  
 47 in such manner for taxes due and payable in the  
 48 following fiscal year in addition to being assessed  
 49 and taxed in the applicable manner under section  
 50 427B.17. When conducting the revaluation, the

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1 assessor shall increase the percentage of net  
 2 acquisition cost of such property by the same  
 3 percentage point. Property tax dollar amounts  
 4 certified pursuant to this section shall not be  
 5 considered property tax dollars certified for purposes  
 6 of the property tax limitation in chapter 444.  
 7 Sec. 34. Section 257.3, subsection 1, Code 1995,  
 8 is amended by adding the following new unnumbered  
 9 paragraph:  
 10 NEW UNNUMBERED PARAGRAPH. The amount paid to each  
 11 school district for the tax replacement claim for  
 12 industrial machinery, equipment and computers under  
 13 section 427B.19A shall be regarded as property tax.  
 14 The portion of the payment which is foundation  
 15 property tax shall be determined by applying the  
 16 foundation property tax rate to the amount computed  
 17 under section 427B.19, subsection 3, paragraph "a", as  
 18 adjusted by paragraph "d", if any adjustment was made.

#### 19 DIVISION VI

#### 20 FISCAL YEAR 1996 PAYMENT

#### 21 Sec. 35. FISCAL YEAR 1996 RELIEF FUND PAYMENT.

22 Notwithstanding 1995 Iowa Acts, House File 132,  
 23 section 13, the appropriation in that section shall  
 24 not be made from the general fund of the state but  
 25 shall be made from the property tax relief fund  
 26 created in section 426B.1, as enacted by this Act.  
 27 Notwithstanding section 426B.2, subsection 2, as  
 28 enacted by this Act, for the fiscal year beginning  
 29 July 1, 1995, the amount of moneys distributed under  
 30 2. Title page, by striking lines 1 through 4 and  
 31 inserting the following: "An Act relating to tax  
 32 provisions involving state income tax, certain county  
 33 property tax and services associated with mental  
 34 health and developmental disabilities services, the  
 35 county property tax limitation, and property tax on  
 36 industrial machinery, equipment and computers,

37 providing appropriations, and providing effective and  
38 applicability dates.”””

TOM VILSACK

S-3600

1 Amend the amendment, S-3591, to the House  
2 amendment, S-3082, to Senate File 69, as passed by the  
3 Senate, as follows:

4 1. By striking page 1, line 1 through page 26,  
5 line 35 and inserting the following:

6 “Amend the House amendment, S-3082, to Senate File  
7 69 as passed by the Senate as follows:

8 \_\_\_\_\_. By striking page 1, line 1, through page  
9 44, line 25, and inserting the following:

10 “Amend Senate File 69, as passed by the Senate, as  
11 follows:

12 \_\_\_\_\_. By striking everything after the enacting  
13 clause and inserting the following:

14 “DIVISION I  
15 INCOME TAX

16 Section 1. Section 422.7, Code 1995, is amended by  
17 adding the following new subsection:

18 NEW SUBSECTION. 33. For a person who is disabled,  
19 or is fifty-five years of age or older, or is the  
20 surviving spouse of an individual or a survivor having  
21 an insurable interest in an individual who would have  
22 qualified for the exemption under this subsection for  
23 the tax year, subtract, to the extent included, the  
24 total amount of a governmental or other pension or  
25 retirement pay, including, but not limited to, defined  
26 benefit or defined contribution plans, annuities,  
27 individual retirement accounts, plans maintained or  
28 contributed to by an employer, or maintained or  
29 contributed to by a self-employed person as an  
30 employer, and deferred compensation plans or any  
31 earnings attributable to the deferred compensation  
32 plans, up to a maximum of three thousand dollars for a  
33 person who files a separate state income tax return  
34 and up to a maximum of six thousand dollars for a  
35 husband and wife who file a joint state income tax  
36 return. However, a surviving spouse who is not  
37 disabled or fifty-five years of age or older can only  
38 exclude the amount of pension or retirement pay  
39 received as a result of the death of the other spouse.

40 Sec. 2. Section 422.12, subsection 1, paragraph c,  
41 Code 1995, is amended to read as follows:

42 c. For each dependent, an additional ~~fifteen~~ forty  
43 dollars. As used in this section, the term

44 "dependent" has the same meaning as provided by the  
45 Internal Revenue Code.

46 Sec. 3. TAXATION STUDY. The legislative council  
47 is requested to establish a taxation study during the  
48 1995 legislative interim period. The study would  
49 address taxation of businesses, including subchapter S  
50 corporations, taxation incentives and disincentives

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1 for economic development, and the long-term objectives  
2 of business taxation. The legislative council is  
3 requested to authorize up to \$100,000 for consultants  
4 and other costs associated with the business taxation  
5 study.

6 Sec. 4. RETROACTIVE APPLICABILITY. This division  
7 of this Act applies retroactively to January 1, 1995,  
8 for tax years beginning on or after that date.

DIVISION II

10 SUPPLEMENTAL LEVY AND COUNTY MENTAL HEALTH FUND

11 Sec. 5. Section 123.38, unnumbered paragraph 2,  
12 Code 1995, is amended to read as follows:

13 Any licensee or permittee, or the licensee's or  
14 permittee's executor or administrator, or any person  
15 duly appointed by the court to take charge of and  
16 administer the property or assets of the licensee or  
17 permittee for the benefit of the licensee's or  
18 permittee's creditors, may voluntarily surrender a  
19 license or permit to the division. When a license or  
20 permit is surrendered the division shall notify the  
21 local authority, and the division or the local  
22 authority shall refund to the person surrendering the  
23 license or permit, a proportionate amount of the fee  
24 received by the division or the local authority for  
25 the license or permit as follows: If a license or  
26 permit is surrendered during the first three months of  
27 the period for which it was issued, the refund shall  
28 be three-fourths of the amount of the fee; if  
29 surrendered more than three months but not more than  
30 six months after issuance, the refund shall be one-  
31 half of the amount of the fee; if surrendered more  
32 than six months but not more than nine months after  
33 issuance, the refund shall be one-fourth of the amount  
34 of the fee. No refund shall be made, however, for any  
35 special liquor permit, nor for a liquor control  
36 license, wine permit, or beer permit surrendered more  
37 than nine months after issuance. For purposes of this  
38 paragraph, any portion of license or permit fees used  
39 for the purposes authorized in section 331.424,  
40 subsection 1, paragraphs "a", and "b", "c", "d", "e",

41 "f", "g", and "h", and in section 331.424A, shall not  
42 be deemed received either by the division or by a  
43 local authority. No refund shall be made to any  
44 licensee or permittee, upon the surrender of the  
45 license or permit, if there is at the time of  
46 surrender, a complaint filed with the division or  
47 local authority, charging the licensee or permittee  
48 with a violation of this chapter. If upon a hearing  
49 on a complaint the license or permit is not revoked or  
50 suspended, then the licensee or permittee is eligible,

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1 upon surrender of the license or permit, to receive a  
2 refund as provided in this section; but if the license  
3 or permit is revoked or suspended upon hearing the  
4 licensee or permittee is not eligible for the refund  
5 of any portion of the license or permit fee.

6 Sec. 6. Section 218.99, Code 1995, is amended to  
7 read as follows:

8 218.99 COUNTY AUDITORS TO BE NOTIFIED OF PATIENTS'  
9 PERSONAL ACCOUNTS.

10 The administrator of a division of the department  
11 of human services in control of a state institution  
12 shall direct the business manager of each institution  
13 under the administrator's jurisdiction which is  
14 mentioned in section 331.424, subsection 1, paragraphs  
15 "a" through "g" and "b" and for which services are  
16 paid under section 331.424A to quarterly inform the  
17 auditor of the county of legal settlement of any  
18 patient or resident who has an amount in excess of two  
19 hundred dollars on account in the patients' personal  
20 deposit fund and the amount on deposit. The  
21 administrators shall direct the business manager to  
22 further notify the auditor of the county at least  
23 fifteen days before the release of funds in excess of  
24 two hundred dollars or upon the death of the patient  
25 or resident. If the patient or resident has no county  
26 of legal settlement, notice shall be made to the  
27 director of the department of human services and the  
28 administrator of the division of the department in  
29 control of the institution involved.

30 Sec. 7. Section 225C.4, subsection 2, paragraph b,  
31 Code 1995, is amended to read as follows:

32 b. Establish mental health and mental retardation  
33 services for all institutions under the control of the  
34 director of human services and establish an autism  
35 unit, following mutual planning with and consultation  
36 from the medical director of the state psychiatric  
37 hospital, at an institution or a facility administered

38 by the administrator to provide psychiatric and  
 39 related services and other specific programs to meet  
 40 the needs of autistic persons as defined in section  
 41 331.424, subsection 1, and to furnish appropriate  
 42 diagnostic evaluation services.

43 Sec. 8. Section 331.301, subsection 12, Code 1995,  
 44 is amended to read as follows:

45 12. The board of supervisors may credit funds to a  
 46 reserve for the purposes authorized by subsection 11  
 47 of this section; section 331.424, subsection 1,  
 48 paragraph "f"; and section 331.441, subsection 2,  
 49 paragraph "b". Moneys credited to the reserve, and  
 50 interest earned on such moneys, shall remain in the

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1 reserve until expended for purposes authorized by  
 2 subsection 11 of this section; section 331.424,  
 3 subsection 1, paragraph "f"; or section 331.441,  
 4 subsection 2, paragraph "b".

5 Sec. 9. Section 331.424, subsection 1, Code 1995,  
 6 is amended to read as follows:

7 1. For general county services, an amount  
 8 sufficient to pay the charges for the following:

9 a. To the extent that the county is obligated by  
 10 statute to pay the charges for:

11 (1) Care and treatment of patients by a state  
 12 mental health institute.

13 (2) Care and treatment of patients by either of  
 14 the state hospital-schools or by any other facility  
 15 established under chapter 222 and diagnostic  
 16 evaluation under section 222.31.

17 (3) Care and treatment of patients under chapter  
 18 225.

19 (4) (1) Care and treatment of persons at the  
 20 alcoholic treatment center at Oakdale. However, the  
 21 county may require that an admission to the center  
 22 shall be reported to the board by the center within  
 23 five days as a condition of the payment of county  
 24 funds for that admission.

25 (6) (2) Care of children admitted or committed to  
 26 the Iowa juvenile home at Toledo.

27 (6) (3) Clothing, transportation, medical, or  
 28 other services provided persons attending the Iowa  
 29 braille and sight saving school, the Iowa school for  
 30 the deaf, or the state hospital-school for severely  
 31 handicapped children at Iowa City, for which the  
 32 county becomes obligated to pay pursuant to sections  
 33 263.12, 269.2, and 270.4 through 270.7.

34 b. To the extent that the board deems it advisable

35 to pay, the charges for professional evaluation;  
36 treatment; training, habilitation, and care of persons  
37 who are mentally retarded; autistic persons; or  
38 persons who are afflicted by any other developmental  
39 disability, at a suitable public or private facility  
40 providing inpatient or outpatient care in the county.  
41 As used in this paragraph:

42 (1) "Developmental disability" has the meaning  
43 assigned that term by 42 U.S.C. sec. 6001(7) (1976);  
44 Supp. II, 1978, and Supp. III, 1979.

45 (2) "Autistic persons" means persons, regardless  
46 of age, with severe communication and behavior  
47 disorders that became manifest during the early stages  
48 of childhood development and that are characterized by  
49 a severely disabling inability to understand,  
50 communicate, learn, and participate in social

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1 relationships. "Autistic persons" includes but is not  
2 limited to those persons afflicted by infantile  
3 autism, profound aphasia, and childhood psychosis.  
4 c. Care and treatment of persons placed in the  
5 county hospital, county care facility, a health care  
6 facility as defined in section 135C.1, subsection 6,  
7 or any other public or private facility, which  
8 placement is in lieu of admission or commitment to or  
9 is upon discharge, removal, or transfer from a state  
10 mental health institute, hospital-school, or other  
11 facility established pursuant to chapter 222.

12 d. Amounts budgeted by the board for the cost of  
13 establishment and initial operation of a community  
14 mental health center in the manner and subject to the  
15 limitations provided by state law.

16 e. b. Foster care and related services provided  
17 under court order to a child who is under the  
18 jurisdiction of the juvenile court, including court-  
19 ordered costs for a guardian ad litem under section  
20 232.71.

21 f. The care, admission, commitment, and  
22 transportation of mentally ill patients in state  
23 hospitals; to the extent that expenses for these  
24 services are required to be paid by the county,  
25 including compensation for the advocate appointed  
26 under section 229.19.

27 g. Amounts budgeted by the board for mental health  
28 services or mental retardation services furnished to  
29 persons on either an outpatient or inpatient basis, to  
30 a school or other public agency, or to the community  
31 at large, by a community mental health center or other

32 suitable facility located in or reasonably near the  
 33 county, provided that services meet the standards of  
 34 the mental health and developmental disabilities  
 35 commission created in section 225C.5 and are  
 36 consistent with the annual plan for services approved  
 37 by the board.

38 h. Reimbursement on behalf of mentally retarded  
 39 persons under section 249A.12.

40 i. c. Elections, and voter registration pursuant  
 41 to chapter 48A.

42 j. d. Employee benefits under chapters 96, 97B,  
 43 and 97C, which are associated with salaries for  
 44 general county services.

45 k. e. Joint county and city building authorities  
 46 established under section 346.27, as provided in  
 47 subsection 22 of that section.

48 l. f. Tort liability insurance, property  
 49 insurance, and any other insurance that may be  
 50 necessary in the operation of the county, costs of a

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1 self-insurance program, costs of a local government  
 2 risk pool, and amounts payable under any insurance  
 3 agreements to provide or procure such insurance, self-  
 4 insurance program, or local government risk pool.

5 m. g. The maintenance and operation of the courts,  
 6 including but not limited to the salary and expenses  
 7 of the clerk of the district court and other employees  
 8 of the clerk's office, and bailiffs, court costs if  
 9 the prosecution fails or if the costs cannot be  
 10 collected from the person liable, costs and expenses  
 11 of prosecution under section 189A.17, salaries and  
 12 expenses of juvenile court officers under chapter 602,  
 13 court-ordered costs in domestic abuse cases under  
 14 section 236.5, the county's expense for confinement of  
 15 prisoners under chapter 356A, temporary assistance to  
 16 the county attorney, county contributions to a  
 17 retirement system for bailiffs, reimbursement for  
 18 judicial magistrates under section 602.6501, claims  
 19 filed under section 622.93, interpreters' fees under  
 20 section 622B.7, uniform citation and complaint  
 21 supplies under section 805.6, and costs of prosecution  
 22 under section 815.13.

23 n. h. Court-ordered costs of conciliation  
 24 procedures under section 598.16.

25 o. i. Establishment and maintenance of a joint  
 26 county indigent defense fund pursuant to an agreement  
 27 under section 28E.19.

28 p. j. The maintenance and operation of a local

29 emergency management agency established pursuant to  
30 chapter 29C.

31 The board may require a public or private facility,  
32 as a condition of receiving payment from county funds  
33 for services it has provided, to furnish the board  
34 with a statement of the income, assets, and legal  
35 residence including township and county of each person  
36 who has received services from that facility for which  
37 payment has been made from county funds under  
38 paragraphs "a" through "h" and "b". However, the  
39 facility shall not disclose to anyone the name or  
40 street or route address of a person receiving services  
41 for which commitment is not required, without first  
42 obtaining that person's written permission.

43 Parents or other persons may voluntarily reimburse  
44 the county or state for the reasonable cost of caring  
45 for a patient or an inmate in a county or state  
46 facility.

47 Sec. 10. NEW SECTION. 331.424A COUNTY MENTAL  
48 HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL  
49 DISABILITIES SERVICES FUND.

50 1. For the purposes of this chapter, unless the

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1 context otherwise requires, "services fund" means the  
2 county mental health, mental retardation, and  
3 developmental disabilities services fund created in  
4 subsection 2. The county finance committee created in  
5 section 333A.2 shall consult with the state-county  
6 management committee in adopting rules and prescribing  
7 forms for administering the services fund.

8 2. For the fiscal year beginning July 1, 1996, and  
9 succeeding fiscal years, county revenues from taxes  
10 and other sources designated for mental health, mental  
11 retardation, and developmental disabilities services  
12 shall be credited to the mental health, mental  
13 retardation, and developmental disabilities services  
14 fund of the county. The board shall make  
15 appropriations from the fund for payment of services  
16 provided under the county management plan approved  
17 pursuant to section 331.439.

18 3. For the fiscal year beginning July 1, 1996, and  
19 succeeding fiscal years, receipts from the state or  
20 federal government for such services shall be credited  
21 to the services fund, including moneys allotted to the  
22 county from the state payment made pursuant to section  
23 331.439 and moneys allotted to the county for property  
24 tax relief pursuant to section 426B.1.

25 4. For the fiscal year beginning July 1, 1996, and

26 for each subsequent fiscal year, the county shall  
 27 certify a levy for payment of services. Unless  
 28 otherwise provided by state law, for each fiscal year,  
 29 county revenues from taxes imposed by the county  
 30 credited to the services fund shall not exceed an  
 31 amount equal to the amount of base year expenditures  
 32 for services in the fiscal year beginning July 1,  
 33 1993, and ending June 30, 1994, as defined in section  
 34 331.438 less the amount of property tax relief to be  
 35 received pursuant to section 426B.2, subsections 1 and  
 36 3, in the fiscal year for which the budget is  
 37 certified. The county auditor and the board of  
 38 supervisors shall reduce the amount of the levy  
 39 certified for the services fund by the amount of  
 40 property tax relief to be received.

41 5. Appropriations specifically authorized to be  
 42 made from the mental health, mental retardation, and  
 43 developmental disabilities services fund shall not be  
 44 made from any other fund of the county.

45 Sec. 11. Section 444.25A, subsection 3, paragraph  
 46 b, subparagraph (3), Code 1995, is amended to read as  
 47 follows:

48 (3) Need for additional moneys for health care,  
 49 treatment, and facilities, including ~~mental health and~~  
 50 ~~mental retardation care and treatment~~ pursuant to

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1 section 331.424, subsection 1, paragraphs "a" through  
 2 "h" and "b".

3 Sec. 12. EFFECTIVE AND APPLICABILITY DATES. This  
 4 division of this Act takes effect January 1, 1996, and  
 5 is applicable to taxes payable in the fiscal year  
 6 beginning July 1, 1996, and subsequent fiscal years.

#### 7 DIVISION III

#### 8 PROPERTY TAX RELIEF PROVISIONS

9 Sec. 13. Section 222.60, unnumbered paragraph 1,  
 10 Code 1995, as amended by 1995 Iowa Acts, House File  
 11 483, section 12, is amended to read as follows:

12 All necessary and legal expenses for the cost of  
 13 admission or commitment or for the treatment,  
 14 training, instruction, care, habilitation, support and  
 15 transportation of persons with mental retardation, as  
 16 provided for in the county management plan provisions  
 17 implemented pursuant to section 331.439, subsection 1,  
 18 in a state hospital-school, or in a special unit, or  
 19 any public or private facility within or without the  
 20 state, approved by the director of the department of  
 21 human services, shall be paid by either:

22 Sec. 14. Section 331.438, subsection 1, paragraph

23 b, Code 1995, is amended to read as follows:

24 b. "State payment" means the payment made by the  
25 state to a county determined to be eligible for the  
26 payment in accordance with section 331.439.  
27 1A. Except as modified based upon the actual  
28 amount of the appropriation for purposes of state  
29 payment under section 331.439, the amount of the state  
30 payment for a fiscal year shall be calculated as fifty  
31 percent of the amount by which the county's qualified  
32 expenditures during the immediately preceding fiscal  
33 year were in excess of the amount of the county's base  
34 year expenditures by applying the inflation factor  
35 adjustment established in accordance with section  
36 331.439, subsection 3, for that fiscal year to the  
37 amount of county expenditures for qualified services  
38 in the previous fiscal year. A state payment is the  
39 state funding a county receives pursuant to section  
40 426B.2, subsection 2. Any state funding received by a  
41 county for property tax relief in accordance with  
42 section 426B.2, subsections 1 and 3, is not a state  
43 payment and shall not be included in the state payment  
44 calculation made pursuant to this subsection.

45 Sec. 15. Section 331.439, Code 1995, is amended by  
46 striking the section and inserting in lieu thereof the  
47 following:

48 331.439 ELIGIBILITY FOR STATE PAYMENT.

49 1. The state payment to eligible counties under  
50 this section shall be made as provided in sections

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1 331.438 and 426B.2. A county is eligible for the  
2 state payment, as defined in section 331.438, for the  
3 fiscal year beginning July 1, 1996, and for subsequent  
4 fiscal years if the director of human services, in  
5 consultation with the state-county management  
6 committee, determines for a specific fiscal year that  
7 all of the following conditions are met:

8 a. The county accurately reported by October 15  
9 the county's expenditures for mental health, mental  
10 retardation, and developmental disabilities services  
11 for the previous fiscal year on forms prescribed by  
12 the department of human services.

13 b. The county developed and implemented a county  
14 management plan for the county's mental health, mental  
15 retardation, and developmental disabilities services  
16 in accordance with the provisions of this paragraph.  
17 The plan shall comply with the administrative rules  
18 adopted for this purpose by the council on human  
19 services and is subject to the approval of the

20 director of human services in consultation with the  
21 state-county management committee created in section  
22 331.438. The plan shall include a description of the  
23 county's service management provision for mental  
24 health, mental retardation, and developmental  
25 disabilities services. For mental retardation and  
26 developmental disabilities service management, the  
27 plan shall describe the county's development and  
28 implementation of a managed system of cost-effective  
29 individualized services and shall comply with the  
30 provisions of paragraph "d". The goal of this part of  
31 the plan shall be to assist the individuals served to  
32 be as independent, productive, and integrated into the  
33 community as possible. The service management  
34 provisions for mental health shall comply with the  
35 provisions of paragraph "c".

36 c. (1) For mental health service management, the  
37 county may either directly implement a system of  
38 service management and contract with service  
39 providers, or contract with a private entity to manage  
40 the system, provided all requirements of this lettered  
41 paragraph are met by the private entity. The mental  
42 health service management shall incorporate a single  
43 entry point and clinical assessment process developed  
44 in accordance with the provisions of section 331.440.  
45 The county shall submit this part of the plan to the  
46 department of human services for approval by April 1  
47 for the succeeding year. Initially, this part of the  
48 plan shall be submitted to the department by April 1,  
49 1996, and the county shall implement the approved plan  
50 by July 1, 1996.

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1 (2) The basis for determining whether a managed  
2 care system for mental health proposed by a county is  
3 comparable to a mental health managed care contractor  
4 approved by the department of human services shall  
5 include but is not limited to all of the following  
6 elements which shall be specified in administrative  
7 rules adopted by the council on human services in  
8 consultation with the state-county management  
9 committee:

- 10 (a) The enrollment and eligibility process.
- 11 (b) The scope of services included.
- 12 (c) The method of plan administration.
- 13 (d) The process for managing utilization and  
14 access to services and other assistance.
- 15 (e) The quality assurance process.
- 16 (f) The risk management provisions and fiscal

17 viability of the provisions, if the county contracts  
18 with a private managed care entity.  
19 d. For mental retardation and developmental  
20 disabilities services management, the county must  
21 either develop and implement a managed system of care  
22 which addresses a full array of appropriate services  
23 and cost-effective delivery of services or contract  
24 with a state-approved managed care contractor or  
25 contractors. Any system or contract implemented under  
26 this paragraph shall incorporate a single entry point  
27 and clinical assessment process developed in  
28 accordance with the provisions of section 331.440.  
29 The elements of the managed system of care and the  
30 state-approved managed care contract or contracts  
31 shall be specified in rules developed by the  
32 department of human services in consultation with the  
33 state-county management committee and adopted by the  
34 council on human services. Initially, this part of  
35 the plan shall be submitted to the department for  
36 approval on or before October 1, 1996, and shall be  
37 implemented on or before January 1, 1997. In fiscal  
38 years succeeding the fiscal year of initial  
39 implementation, this part of the plan shall be  
40 submitted to the department of human services for  
41 approval by April 1 for the succeeding fiscal year.  
42 e. Changes to the approved plan are submitted at  
43 least sixty days prior to the proposed change and are  
44 not to be implemented prior to the director of human  
45 services' approval.  
46 2. The county management plan shall address the  
47 county's criteria for serving persons with chronic  
48 mental illness, including any rationale used for  
49 decision making regarding this population.  
50 3. a. For the fiscal year beginning July 1, 1996,

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1 and succeeding fiscal years, the county's mental  
2 health, mental retardation, and developmental  
3 disabilities service expenditures for a fiscal year  
4 are limited to a fixed budget amount. The fixed  
5 budget amount shall be the amount identified in the  
6 county's management plan and budget for the fiscal  
7 year. The county shall be allowed an inflation factor  
8 adjustment for services paid from the county's  
9 services fund under section 331.424A which is in  
10 accordance with the county's management plan and  
11 budget, implemented pursuant to this section.  
12 b. Based upon information contained in county  
13 management plans and budgets, the state-county

14 management committee shall recommend an inflation  
15 factor adjustment to the council on human services by  
16 November 15 for the succeeding fiscal year. The  
17 inflation factor adjustment shall address costs  
18 associated with new consumers of service, service cost  
19 inflation, and investments for economy and efficiency.  
20 The council on human services shall recommend to the  
21 governor the amount of the inflation factor adjustment  
22 for the succeeding fiscal year for inclusion in the  
23 governor's proposed budget for the succeeding fiscal  
24 year.

25 c. If the general assembly has not revised the  
26 amount of the inflation factor adjustment for a fiscal  
27 year on the date county budgets must be approved and  
28 levies must be certified for that fiscal year, the  
29 budgets and levies shall utilize the inflation factor  
30 adjustment for that fiscal year recommended by the  
31 governor in the governor's proposed budget.

32 4. A county may provide assistance to service  
33 populations with disabilities to which the county has  
34 historically provided assistance but who are not  
35 included in the service management provisions required  
36 under subsection 1, subject to the availability of  
37 funding.

38 5. Notwithstanding any other provision of law to  
39 the contrary, a county shall have no obligation to pay  
40 for or provide mental health, mental retardation, or  
41 developmental disabilities services for any person  
42 that applies through the county's single entry point  
43 and clinical assessment process after the moneys in  
44 the county services fund under section 331.424A are  
45 expended.

46 6. A county shall implement the county's  
47 management plan in a manner so as to provide adequate  
48 funding for the entire fiscal year by budgeting for  
49 ninety-nine percent of the funding anticipated to be  
50 available for the plan. A county may expend all of

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1 the funding anticipated to be available for the plan.  
2 7. The director's approval of a county's mental  
3 health, mental retardation, and developmental  
4 disabilities services management plan shall not be  
5 construed to constitute certification of the county's  
6 budget.

7 Sec. 16. Section 331.440, subsection 1, Code 1995,  
8 is amended by adding the following new paragraph:  
9 NEW PARAGRAPH. c. The single entry point and  
10 clinical assessment process shall include provision

11 for the county's participation in a management  
 12 information system developed in accordance with rules  
 13 adopted pursuant to subsection 3.

14 Sec. 17. NEW SECTION. 426B.1 APPROPRIATIONS --  
 15 PROPERTY TAX RELIEF FUND.

16 1. A property tax relief fund is created in the  
 17 state treasury under the authority of the department  
 18 of revenue and finance. The fund shall be separate  
 19 from the general fund of the state and shall not be  
 20 considered part of the general fund of the state  
 21 except in determining the cash position of the state  
 22 for payment of state obligations. The moneys in the  
 23 fund are not subject to the provisions of section 8.33  
 24 and shall not be transferred, used, obligated,  
 25 appropriated, or otherwise encumbered except as  
 26 provided in this section. Moneys in the fund may be  
 27 used for cash flow purposes, provided that any moneys  
 28 so allocated are returned to the fund by the end of  
 29 each fiscal year. However, the fund shall be  
 30 considered a special account for the purposes of  
 31 section 8.53, relating to elimination of any GAAP  
 32 deficit. For the purposes of this chapter, unless the  
 33 context otherwise requires, "property tax relief fund"  
 34 means the property tax relief fund created in this  
 35 section.

36 2. There is appropriated to the property tax  
 37 relief fund for the indicated fiscal years from the  
 38 general fund of the state the following amounts:

39 a. For the fiscal year beginning July 1, 1995,  
 40 sixty-one million dollars.

41 b. For the fiscal year beginning July 1, 1996,  
 42 seventy-eight million dollars.

43 c. For the fiscal year beginning July 1, 1997, and  
 44 succeeding fiscal years, ninety-five million dollars.

45 Sec. 18. NEW SECTION. 426B.2 PROPERTY TAX RELIEF  
 46 FUND DISTRIBUTIONS.

47 Moneys in the property tax relief fund shall be  
 48 utilized in each fiscal year as follows in the order  
 49 listed:

50 1. The first sixty-one million dollars plus the

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1 amount paid pursuant to subsection 3 in the previous  
 2 fiscal year in the property tax relief fund shall be  
 3 distributed to counties under this subsection. A  
 4 county's proportion of the moneys shall be equivalent  
 5 to the sum of the following three factors:

6 a. One-third based upon the county's proportion of  
 7 the state's general population.

8 b. One-third based upon the county's proportion of  
9 the state's total taxable property valuation assessed  
10 for taxes payable in the previous fiscal year.

11 c. One-third based upon the county's proportion of  
12 all counties' base year expenditures, as defined in  
13 section 331.438.

14 Moneys provided to a county for property tax relief  
15 in a fiscal year in accordance with this section shall  
16 not be less than the amount provided for property tax  
17 relief in the previous fiscal year.

18 2. Payment of moneys to eligible counties of the  
19 state payment in accordance with the provisions of  
20 sections 331.438 and 331.439.

21 3. For the fiscal year beginning July 1, 1996, and  
22 succeeding fiscal years, the department of human  
23 services shall estimate the amount of moneys required  
24 for the state payment pursuant to subsection 2.  
25 Moneys remaining in the property tax relief fund  
26 following the payment made pursuant to subsection 1  
27 and the estimated amount of the state payment pursuant  
28 to subsection 2 shall be paid for property tax relief  
29 in the same manner as provided in subsection 1 to  
30 counties eligible for state payment under subsection

31 2. These payments shall continue until the combined  
32 amount of the payments made under this subsection and  
33 subsection 1 are equal to fifty percent of the total  
34 of all counties' base year expenditures as defined in  
35 section 331.438. The amount of moneys paid to a  
36 county pursuant to this subsection shall be added in  
37 subsequent fiscal years to the amount of moneys paid  
38 under subsection 1.

39 4. Moneys remaining in the property tax relief  
40 fund following the payments made pursuant to  
41 subsections 1, 2, and 3 shall be transferred to the  
42 homestead credit fund created in section 425.1. This  
43 transfer shall continue until the homestead credit is  
44 fully funded.

45 5. The department of human services shall notify  
46 the director of revenue and finance of the amounts due  
47 a county in accordance with the provisions of this  
48 section. The director of revenue and finance shall  
49 draw warrants on the property tax relief fund, payable  
50 to the county treasurer in the amount due to a county

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1 in accordance with subsections 1 and 3 and mail the  
2 warrants to the county auditors in September and March  
3 of each year. Warrants for the state payment in  
4 accordance with subsection 2 shall be mailed in

5 January of each year.

6 Sec. 19. NEW SECTION. 426B.3 NOTIFICATION OF  
7 MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL  
8 DISABILITIES EXPENDITURE RELIEF FUND PAYMENT.

9 1. The county auditor shall reduce the certified  
10 budget amount received from the board of supervisors  
11 for the succeeding fiscal year for the county mental  
12 health, mental retardation, and developmental  
13 disabilities services fund created in section 331.424A  
14 by an amount equal to the amount the county will  
15 receive from the property tax relief fund pursuant to  
16 section 426B.2, subsections 1 and 3, for the  
17 succeeding fiscal year and the auditor shall determine  
18 the rate of taxation necessary to raise the reduced  
19 amount. On the tax list, the county auditor shall  
20 compute the amount of taxes due and payable on each  
21 parcel before and after the amount received from the  
22 property tax relief fund is used to reduce the county  
23 budget. The director of revenue and finance shall  
24 notify the county auditor of each county of the amount  
25 of moneys the county will receive from the property  
26 tax relief fund pursuant to section 426B.2,  
27 subsections 1 and 3, for the succeeding fiscal year.

28 2. The amount of property tax dollars reduced on  
29 each parcel as a result of the moneys received from  
30 the property tax relief fund pursuant to section  
31 426B.2, subsections 1 and 3, shall be noted on each  
32 tax statement prepared by the county treasurer  
33 pursuant to section 445.23.

34 Sec. 20. NEW SECTION. 426B.4 RULES.

35 The council on human services shall consult with  
36 the state-county management committee created in  
37 section 331.438 and the director of revenue and  
38 finance in prescribing forms and adopting rules  
39 pursuant to chapter 17A to administer this chapter.

40 Sec. 21. PROPERTY TAX RELIEF -- FISCAL YEAR 1995-  
41 1996. For the fiscal year beginning July 1, 1995, the  
42 department of management shall notify each county  
43 auditor by June 1, 1995, of the amount the county will  
44 receive from the property tax relief fund for property  
45 tax relief pursuant to section 426B.2, subsection 1,  
46 for that fiscal year. The county auditor shall reduce  
47 by the notified amount the amount of the county's  
48 certified budget to be raised by property tax for that  
49 fiscal year which is to be expended for mental health,  
50 mental retardation, and developmental disabilities

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1 services and shall revise the rate of taxation as  
2 necessary to raise the reduced amount. The county  
3 auditor shall report the reduction in the certified  
4 budget and the revised rate of taxation to the  
5 department of management by June 30, 1995.

6 Sec. 22. FUNDING OF SESSION LAW REQUIREMENTS. If  
7 the appropriations in section 426B.1, subsection 2, as  
8 created in this division of this Act, are enacted by  
9 this Act, the requirements of 1994 Iowa Acts, chapter  
10 1163, section 8, subsection 2, to fully fund  
11 provisions of sections 331.438 and 331.439 shall be  
12 considered to be met and the repeals contained in 1994  
13 Iowa Acts, chapter 1163, section 8, subsection 2,  
14 shall be void.

15 Sec. 23. STATE-COUNTY MANAGEMENT COMMITTEE REVIEW  
16 -- 1995 INTERIM. The state-county management  
17 committee created in section 331.438 shall review  
18 statutory provisions and administrative rules which  
19 are intended to regulate and contain county  
20 expenditures for mental health, mental retardation,  
21 and developmental disabilities (MH/MR/DD) services and  
22 the formula for distribution of property tax relief  
23 moneys to counties under section 426B.2. The  
24 committee should consider proposals from counties and  
25 other interested persons for a distribution formula  
26 factor which rewards or provides incentives for  
27 economy and efficiency in providing mental health,  
28 mental retardation, and developmental disabilities  
29 services; and a mechanism for a county to appeal to  
30 the state if it is believed the county is unfairly  
31 treated under an established funding formula. In  
32 addition, the committee shall consider tort and other  
33 liability issues associated with a county managing  
34 MH/MR/DD expenditures in accordance with a fixed  
35 budget and make recommendations to address the issues.  
36 The committee shall review the dates required under  
37 section 331.439 and chapter 426B, as enacted by this  
38 Act and make recommendations for change if revisions  
39 are deemed necessary. The committee shall report to  
40 the governor and the general assembly on or before  
41 December 1, 1995.

42 Sec. 24. LEVY STUDY. The county finance committee  
43 created in chapter 333A shall consult with any  
44 interested parties in studying the ramifications of  
45 consolidating the county general basic levies and the  
46 general supplemental levies and other proposals  
47 involving the levies. The committee shall be assisted  
48 by four legislators with one each appointed by the

49 following leaders: majority leader of the senate,  
50 minority leader of the senate, speaker of the house of

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1 representatives, and minority leader of the house of  
2 representatives. The legislative appointees are  
3 eligible for per diem and actual expenses for their  
4 assistance to the committee. The committee shall  
5 report to the governor and the general assembly with  
6 findings and recommendations on or before January 4,  
7 1996.

8 Sec. 25. EFFECTIVE DATE. Section 21 of this  
9 division of this Act, relating to property tax relief  
10 for fiscal year 1995-1996, being deemed of immediate  
11 importance, takes effect upon enactment.

12 DIVISION IV

13 COUNTY PROPERTY TAX LIMITATION

14 Sec. 26. Section 444.25A, subsection 1, Code 1995,  
15 is amended to read as follows:

16 1. COUNTY LIMITATION. The maximum amount of  
17 property tax dollars which may be certified by a  
18 county for taxes payable in the fiscal year beginning  
19 July 1, 1995, shall not exceed the amount of property  
20 tax dollars certified by the county for taxes payable  
21 in the fiscal year beginning July 1, 1994, minus the  
22 amount of property tax relief moneys to be received by  
23 the county for the fiscal year beginning July 1, 1995,  
24 pursuant to section 426B.2, subsection 1, and the  
25 maximum amount of property tax dollars which may be  
26 certified by a county for taxes payable in the fiscal  
27 year beginning July 1, 1996, shall not exceed the  
28 amount of property tax dollars certified by the county  
29 for taxes payable in the fiscal year beginning July 1,  
30 1995, minus the amount by which the property tax  
31 relief moneys to be received by the county in the  
32 fiscal year beginning July 1, 1996, pursuant to  
33 section 426B.2, subsections 1 and 3, exceeds the  
34 amount of the property tax relief moneys received in  
35 the fiscal year beginning July 1, 1995, for each of  
36 the levies for the following, except for the levies on  
37 the increase in taxable valuation due to new  
38 construction, additions or improvements to existing  
39 structures, remodeling of existing structures for  
40 which a building permit is required, annexation, and  
41 phasing out of tax exemptions, and on the increase in  
42 valuation of taxable property as a result of a  
43 comprehensive revaluation by a private appraiser under  
44 a contract entered into prior to January 1, 1992, or  
45 as a result of a comprehensive revaluation directed or

46 authorized by the conference board prior to January 1,  
47 1992, with documentation of the contract,  
48 authorization, or directive on the revaluation  
49 provided to the director of revenue and finance, if  
50 the levies are equal to or less than the levies for

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1 the previous year, levies on that portion of the  
2 taxable property located in an urban renewal project  
3 the tax revenues from which are no longer divided as  
4 provided in section 403.19, subsection 2, or as  
5 otherwise provided in this section:

6 a. General county services under section 331.422,  
7 subsection 1.

8 b. Rural county services under section 331.422,  
9 subsection 2.

10 c. Other taxes under section 331.422, subsection  
11 4.

12 Sec. 27. NEW SECTION. 444.25B PROPERTY TAX  
13 LIMITATION FOR FISCAL YEAR 1998.

14 1. COUNTY LIMITATION. The maximum amount of  
15 property tax dollars which may be certified by a  
16 county for taxes payable in the fiscal year beginning  
17 July 1, 1997, shall not exceed the amount of property  
18 tax dollars certified by the county for taxes payable  
19 in the fiscal year beginning July 1, 1996, minus the  
20 amount by which the property tax relief moneys to be  
21 received by the county in the fiscal year beginning  
22 July 1, 1997, pursuant to section 426B.2, subsections  
23 1 and 3, exceeds the amount of the property tax relief  
24 moneys received in the fiscal year beginning July 1,  
25 1996, for each of the levies for the following, except  
26 for the levies on the increase in taxable valuation  
27 due to new construction, additions or improvements to  
28 existing structures, remodeling of existing structures  
29 for which a building permit is required, annexation,  
30 and phasing out of tax exemptions, and on the increase  
31 in valuation of taxable property as a result of a  
32 comprehensive revaluation by a private appraiser under  
33 a contract entered into prior to January 1, 1992, or  
34 as a result of a comprehensive revaluation directed or  
35 authorized by the conference board prior to January 1,  
36 1992, with documentation of the contract,  
37 authorization, or directive on the revaluation  
38 provided to the director of revenue and finance, if  
39 the levies are equal to or less than the levies for  
40 the previous year, levies on that portion of the  
41 taxable property located in an urban renewal project  
42 the tax revenues from which are no longer divided as

- 43 provided in section 403.19, subsection 2, or as  
44 otherwise provided in this section:  
45 a. General county services under section 331.422,  
46 subsection 1.  
47 b. Rural county services under section 331.422,  
48 subsection 2.  
49 c. Other taxes under section 331.422, subsection  
50 4.

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- 1 2. EXCEPTIONS. The limitations provided in  
2 subsection 1 do not apply to the levies made for the  
3 following:  
4 a. Debt service to be deposited into the debt  
5 service fund pursuant to section 331.430.  
6 b. Taxes approved by a vote of the people which  
7 are payable during the fiscal year beginning July 1,  
8 1997.  
9 c. Hospitals pursuant to chapters 37, 347, and  
10 347A.  
11 d. Emergency management to be deposited into the  
12 local emergency management fund and expended for  
13 development of hazardous substance teams pursuant to  
14 chapter 29C.  
15 e. Unusual need for additional moneys to finance  
16 existing programs which would provide substantial  
17 benefit to county residents or compelling need to  
18 finance new programs which would provide substantial  
19 benefit to county residents. The increase in taxes  
20 levied under this exception for the fiscal year  
21 beginning July 1, 1997, is limited to no more than the  
22 product of the total tax dollars levied in the fiscal  
23 year beginning July 1, 1996, and the percent change,  
24 computed to two decimal places, in the price index for  
25 government purchases by type for state and local  
26 governments computed for the third quarter of calendar  
27 year 1996 from that computed for the third quarter of  
28 calendar year 1995.  
29 For purposes of this paragraph, the price index for  
30 government purchases by type for state and local  
31 governments is defined by the bureau of economic  
32 analysis of the United States department of commerce  
33 and published in table 7.11 of the national income and  
34 products accounts. For the fiscal year beginning July  
35 1, 1997, the price index used shall be the revision  
36 published in the November 1996 edition of the United  
37 States department of commerce publication, "survey of  
38 current business". For purposes of this paragraph,  
39 tax dollars levied in the fiscal year beginning July

40 1, 1996, shall not include funds levied for paragraphs  
41 "a", "b", and "c" of this subsection.  
42 Application of this exception shall require an  
43 original publication of the budget and a public  
44 hearing and a second publication and a second hearing  
45 both in the manner and form prescribed by the director  
46 of the department of management, notwithstanding the  
47 provisions of section 331.434. The publications and  
48 hearings prescribed in this paragraph shall be held  
49 and the budget certified no later than March 15. The  
50 taxes levied for counties whose budgets are certified

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1 after March 15, 1997, shall be frozen at the fiscal  
2 year beginning July 1, 1996, level.  
3 3. APPEAL PROCEDURES. In lieu of the procedures  
4 in sections 24.48 and 331.426, which procedures do not  
5 apply for taxes payable in the fiscal year beginning  
6 July 1, 1997, if a county needs to raise property tax  
7 dollars from a tax levy in excess of the limitations  
8 imposed by subsection 1, the following procedures  
9 apply:

10 a. Not later than March 1, and after the  
11 publication and public hearing on the budget in the  
12 manner and form prescribed by the director of the  
13 department of management, notwithstanding section  
14 331.434, the county shall petition the state appeal  
15 board for approval of a property tax increase in  
16 excess of the increase provided for in subsection 2,  
17 paragraph "e", on forms furnished by the director of  
18 the department of management. Applications received  
19 after March 1 shall be automatically ineligible for  
20 consideration by the board.

21 b. Additional costs incurred by the county due to  
22 any of the following circumstances shall be the basis  
23 for justifying the excess in property tax dollars:

24 (1) Natural disaster or other life-threatening  
25 emergencies.

26 (2) Unusual need for additional moneys to finance  
27 existing programs which would provide substantial  
28 benefit to county residents or compelling need to  
29 finance new programs which would provide substantial  
30 benefit to county residents.

31 (3) Need for additional moneys for health care,  
32 treatment, and facilities pursuant to section 331.424,  
33 subsection 1, paragraphs "a" and "b".

34 (4) Judgments, settlements, and related costs  
35 arising out of civil claims against the county and its  
36 officers, employees, and agents, as defined in chapter

37 670.

38 c. The state appeal board shall approve,  
 39 disapprove, or reduce the amount of excess property  
 40 tax dollars requested. The board shall take into  
 41 account the intent of this section to provide property  
 42 tax relief. The decision of the board shall be  
 43 rendered at a regular or special meeting of the board  
 44 within twenty days of the board's receipt of an  
 45 appeal.

46 d. Within seven days of receipt of the decision of  
 47 the state appeal board, the county shall adopt and  
 48 certify its budget under section 331.434, which budget  
 49 may be protested as provided in section 331.436. The  
 50 budget shall not contain an amount of property tax

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1 dollars in excess of the amount approved by the state  
 2 appeal board.

3 4. Rate adjustment by county auditor. In addition  
 4 to the requirement of the county auditor in section  
 5 444.3 to establish a rate of tax which does not exceed  
 6 the rate authorized by law, the county auditor shall  
 7 also adjust the rate if the amount of property tax  
 8 dollars to be raised is in excess of the amount  
 9 specified in subsection 1, as may be adjusted pursuant  
 10 to subsection 3.

11 Sec. 28. Section 444.27, Code 1995, is amended to  
 12 read as follows:

13 444.27 SECTIONS VOID.

14 1. For purposes of section 444.25, sections 24.48  
 15 and 331.426 are void for the fiscal years beginning  
 16 July 1, 1993, and July 1, 1994. For purposes of  
 17 section 444.25A, sections 24.48 and 331.426 are void  
 18 for the fiscal years beginning July 1, 1995, and July  
 19 1, 1996.

20 2. For purposes of section 444.25B, sections 24.48  
 21 and 331.426 are void for the fiscal year beginning  
 22 July 1, 1997.

#### 23 DIVISION V

24 INDUSTRIAL MACHINERY, EQUIPMENT AND COMPUTERS PROPERTY  
 25 TAX

26 EXEMPTION AND REPLACEMENT

27 Sec. 29. Section 427B.17, Code 1995, is amended to  
 28 read as follows:

29 427B.17 PROPERTY SUBJECT TO SPECIAL VALUATION.

30 1. For property defined in section 427A.1,  
 31 subsection 1, paragraphs "e" and "j", acquired or  
 32 initially leased on or after January 1, 1982, the

33 taxpayer's valuation shall be limited to thirty  
34 percent of the net acquisition cost of the property,  
35 except as otherwise provided in subsections 2 and 3.  
36 For purposes of this section, "net acquisition cost"  
37 means the acquired cost of the property including all  
38 foundations and installation cost less any excess cost  
39 adjustment.

40 For purposes of this section subsection:

41 1. Property assessed by the department of revenue  
42 and finance pursuant to sections 428.24 to 428.29, or  
43 chapters 433, 434 and 436 to 438 shall not receive the  
44 benefits of this section.

45 2. a. Property acquired before January 1, 1982,  
46 which was owned or used before January 1, 1982, by a  
47 related person shall not receive the benefits of this  
48 section subsection.

49 3. b. Property acquired on or after January 1,  
50 1982, which was owned and used by a related person

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1 shall not receive any additional benefits under this  
2 section subsection.

3 4. c. Property which was owned or used before  
4 January 1, 1982, and subsequently acquired by an  
5 exchange of like property shall not receive the  
6 benefits of this section subsection.

7 5. d. Property which was acquired on or after  
8 January 1, 1982, and subsequently exchanged for like  
9 property shall not receive any additional benefits  
10 under this section subsection.

11 6. e. Property acquired before January 1, 1982,  
12 which is subsequently leased to a taxpayer or related  
13 person who previously owned the property shall not  
14 receive the benefits of this section subsection.

15 7. f. Property acquired on or after January 1,  
16 1982, which is subsequently leased to a taxpayer or  
17 related person who previously owned the property shall  
18 not receive any additional benefits under this section  
19 subsection.

20 For purposes of this section subsection, "related  
21 person" means a person who owns or controls the  
22 taxpayer's business and another business entity from  
23 which property is acquired or leased or to which  
24 property is sold or leased. Business entities are  
25 owned or controlled by the same person if the same  
26 person directly or indirectly owns or controls fifty  
27 percent or more of the assets or any class of stock or  
28 who directly or indirectly has an interest of fifty  
29 percent or more in the ownership or profits.

- 30 2. Property defined in section 427A.1, subsection  
 31 1, paragraphs "e" and "j", which is first assessed for  
 32 taxation in this state on or after January 1, 1995,  
 33 shall be exempt from taxation.
- 34 3. Property defined in section 427A.1, subsection  
 35 1, paragraphs "e" and "j", and assessed under section  
 36 427B.17, subsection 1, shall be valued by the local  
 37 assessor as follows for the following assessment  
 38 years:
- 39 a. For the assessment year beginning January 1,  
 40 1999, at twenty-two percent of the net acquisition  
 41 cost.
- 42 b. For the assessment year beginning January 1,  
 43 2000, at fourteen percent of the net acquisition cost.
- 44 c. For the assessment year beginning January 1,  
 45 2001, at six percent of the net acquisition cost.
- 46 d. For the assessment year beginning January 1,  
 47 2002, and succeeding assessment years, at zero percent  
 48 of the net acquisition cost.
- 49 4. Property assessed pursuant to this section  
 50 shall not be eligible to receive a partial exemption

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- 1 under sections 427B.1 to 427B.6.
- 2 5. This section shall not apply to property  
 3 assessed by the department of revenue and finance  
 4 pursuant to sections 428.24 to 428.29, or chapters  
 5 433, 434, and 436 to 438, and such property shall not  
 6 receive the benefits of this section.
- 7 Any electric power generating plant which operated  
 8 during the preceding assessment year at a net capacity  
 9 factor of more than twenty percent, shall not receive  
 10 the benefits of this section or of sections 15.332 and  
 11 15.334. For purposes of this section, "electric power  
 12 generating plant" means any name plate rated electric  
 13 power generating plant, in which electric energy is  
 14 produced from other forms of energy, including all  
 15 taxable land, buildings, and equipment used in the  
 16 production of such energy. "Net capacity factor"  
 17 means net actual generation divided by the product of  
 18 net maximum capacity times the number of hours the  
 19 unit was in the active state during the assessment  
 20 year. Upon commissioning, a unit is in the active  
 21 state until it is decommissioned. "Net actual  
 22 generation" means net electrical megawatt hours  
 23 produced by the unit during the preceding assessment  
 24 year. "Net maximum capacity" means the capacity the  
 25 unit can sustain over a specified period when not  
 26 restricted by ambient conditions or equipment

27 deratings, minus the losses associated with station  
28 service or auxiliary loads.  
29 6. The taxpayer's valuation of property defined in  
30 section 427A.1, subsection 1, paragraphs "e" and "j",  
31 and located in an urban renewal area for which an  
32 urban renewal plan provides for the division of taxes  
33 as provided in section 403.19 to pay the principal and  
34 interest on loans, advances, bonds issued under the  
35 authority of section 403.9, subsection 1, or  
36 indebtedness incurred by a city or county to finance  
37 an urban renewal project within the urban renewal  
38 area, if such loans, advances, or bonds were issued or  
39 indebtedness incurred, on or after January 1, 1982,  
40 and on or before June 30, 1995, shall be limited to  
41 thirty percent of the net acquisition cost of the  
42 property. Such property located in an urban renewal  
43 area shall not be valued pursuant to subsection 2 or  
44 3, whichever is applicable, until the assessment year  
45 following the calendar year in which the obligations  
46 created by any loans, advances, bonds, or indebtedness  
47 payable from the division of taxes as provided in  
48 section 403.19 have been retired. The taxpayer's  
49 valuation for such property shall then be the  
50 valuation specified in subsection 2 or 3, whichever is

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1 applicable, for the applicable assessment year. If  
2 the loans, advances, or bonds issued, or indebtedness  
3 incurred between January 1, 1982, and June 30, 1995,  
4 are refinanced or refunded after June 30, 1995, the  
5 valuation of such property shall then be the valuation  
6 specified in subsection 2 or 3, whichever is  
7 applicable, for the applicable assessment year  
8 beginning with the assessment year following the  
9 calendar year in which any of those loans, advances,  
10 bonds, or other indebtedness are refinanced or  
11 refunded after June 30, 1995.  
12 7. For the purpose of dividing taxes under section  
13 260E.4 or 260F.4, the employer's or business's  
14 valuation of property defined in section 427A.1,  
15 subsection 1, paragraphs "e" and "j", and used to fund  
16 a new jobs training project which project's first  
17 written agreement providing for a division of taxes as  
18 provided in section 403.19 is approved on or before  
19 June 30, 1995, shall be limited to thirty percent of  
20 the net acquisition cost of the property. An  
21 employer's or business's taxable property used to fund  
22 a new jobs training project shall not be valued  
23 pursuant to subsection 2 or 3, whichever is

24 applicable, until the assessment year following the  
 25 calendar year in which the certificates or other  
 26 funding obligations have been retired or escrowed.  
 27 The taxpayer's valuation for such property shall then  
 28 be the valuation specified in subsection 1 for the  
 29 applicable assessment year. If the certificates  
 30 issued, or other funding obligations incurred, between  
 31 January 1, 1982, and June 30, 1995, are refinanced or  
 32 refunded after June 30, 1995, the valuation of such  
 33 property shall then be the valuation specified in  
 34 subsection 2 or 3, whichever is applicable, for the  
 35 applicable assessment year beginning with the  
 36 assessment year following the calendar year in which  
 37 those certificates or other funding obligations are  
 38 refinanced or refunded after June 30, 1995.

39 Sec. 30. NEW SECTION. 427B.18 REPLACEMENT.

40 Beginning with the fiscal year beginning July 1,  
 41 1996, each county treasurer shall be paid from the  
 42 industrial machinery, equipment and computers  
 43 replacement fund an amount equal to the amount of the  
 44 industrial machinery, equipment and computers tax  
 45 replacement claim, as calculated in section 427B.19.

46 Sec. 31. NEW SECTION. 427B.19 ASSESSOR AND  
 47 COUNTY AUDITOR DUTIES.

48 1. On or before July 1 of each fiscal year, the  
 49 assessor shall determine the total assessed value of  
 50 the property assessed under section 427B.17 for taxes

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1 payable in that fiscal year and the total assessed  
 2 value of such property assessed as of January 1, 1994,  
 3 and shall report the valuations to the county auditor.

4 2. On or before July 1 of each fiscal year, the  
 5 assessor shall determine the valuation of all  
 6 commercial and industrial property assessed for taxes  
 7 payable in that fiscal year and the valuation of such  
 8 property assessed as of January 1, 1994, and shall  
 9 report the valuations to the county auditor.

10 3. On or before July 1, 1996, and on or before  
 11 July 1 of each succeeding fiscal year through June 30,  
 12 2006, the county auditor shall prepare a statement,  
 13 based upon the report received pursuant to subsections  
 14 1 and 2, listing for each taxing district in the  
 15 county:

16 a. Beginning with the assessment year beginning  
 17 January 1, 1995, the difference between the assessed  
 18 valuation of property assessed pursuant to section  
 19 427B.17 for that year and the total assessed value of  
 20 such property assessed as of January 1, 1994. If the

21 total assessed value of the property assessed as of  
22 January 1, 1994, is less, there is no tax replacement  
23 for the fiscal year.

24 b. The tax levy rate for each taxing district for  
25 that fiscal year.

26 c. The industrial machinery, equipment and  
27 computers tax replacement claim for each taxing  
28 district. For fiscal years beginning July 1, 1996,  
29 and ending June 30, 2001, the replacement claim is  
30 equal to the amount determined pursuant to paragraph  
31 "a", multiplied by the tax rate specified in paragraph  
32 "b". For fiscal years beginning July 1, 2001, and  
33 ending June 30, 2006, the replacement claim is equal  
34 to the product of the amount determined pursuant to  
35 paragraph "a", less any increase in valuations  
36 determined in paragraph "d", and the tax rate  
37 specified in paragraph "b". If the amount subtracted  
38 under paragraph "d" is more than the amount determined  
39 in paragraph "a", there is no tax replacement for the  
40 fiscal year.

41 d. Beginning with the assessment year beginning  
42 January 1, 2000, the auditor shall reduce the amount  
43 listed in paragraph "a", by the increase, if any, in  
44 assessed valuations of commercial and industrial  
45 property in the assessment year beginning January 1,  
46 1994, and the assessment year for which taxes are due  
47 and payable in that fiscal year. If the calculation  
48 under this paragraph indicates a net decrease in  
49 aggregate valuation of such property, the industrial  
50 machinery, equipment and computers tax replacement

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1 claim for each taxing district is equal to the amount  
2 determined pursuant to paragraph "a", multiplied by  
3 the tax rate specified in paragraph "b".

4 4. The county auditor shall certify and forward  
5 one copy of the statement to the department of revenue  
6 and finance not later than July 1 of each year.

7 Sec. 32. NEW SECTION. 427B.19A FUND CREATED.

8 1. The industrial machinery, equipment and  
9 computers property tax replacement fund is created.  
10 For the fiscal year beginning July 1, 1996, through  
11 the fiscal year ending June 30, 2006, there is  
12 appropriated annually from the general fund of the  
13 state to the department of revenue and finance to be  
14 credited to the industrial machinery, equipment and  
15 computers property tax replacement fund, an amount  
16 sufficient to implement this division.

17 2. If an amount appropriated for a fiscal year is

18 insufficient to pay all claims, the director shall  
19 prorate the disbursements from the fund to the county  
20 treasurers and shall notify the county auditors of the  
21 pro rata percentage on or before August 1.

22 3. The replacement claims shall be paid to each  
23 county treasurer in equal installments in September  
24 and March of each year. The county treasurer shall  
25 apportion the replacement claim payments among the  
26 eligible taxing districts in the county.

27 Sec. 33. NEW SECTION. 427B.19B GUARANTEE OF  
28 STATE REPLACEMENT FUNDS.

29 For the fiscal years beginning July 1, 1996, and  
30 ending June 30, 2006, if the industrial machinery,  
31 equipment and computers property tax replacement fund  
32 is insufficient to pay in full the total of the  
33 amounts certified to the director of revenue and  
34 finance, the director shall compute for each county  
35 the difference between the total of all replacement  
36 claims for each taxing district within the county and  
37 the amount paid to the county treasurer for  
38 disbursement to each taxing district in the county.  
39 The assessor, for the assessment year for which taxes  
40 are due and payable in the fiscal year for which a  
41 sufficient appropriation was not made, shall revalue  
42 all industrial machinery, equipment and computers  
43 described in section 427B.17, subsections 2 and 3, in  
44 the county at a percentage of net acquisition cost  
45 which will yield from each taxing district its  
46 shortfall and the property shall be assessed and taxed  
47 in such manner for taxes due and payable in the  
48 following fiscal year in addition to being assessed  
49 and taxed in the applicable manner under section  
50 427B.17. When conducting the revaluation, the

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1 assessor shall increase the percentage of net  
2 acquisition cost of such property by the same  
3 percentage point. Property tax dollar amounts  
4 certified pursuant to this section shall not be  
5 considered property tax dollars certified for purposes  
6 of the property tax limitation in chapter 444.

7 Sec. 34. Section 257.3, subsection 1, Code 1995,  
8 is amended by adding the following new unnumbered  
9 paragraph:

10 NEW UNNUMBERED PARAGRAPH. The amount paid to each  
11 school district for the tax replacement claim for  
12 industrial machinery, equipment and computers under  
13 section 427B.19A shall be regarded as property tax.  
14 The portion of the payment which is foundation

15 property tax shall be determined by applying the  
 16 foundation property tax rate to the amount computed  
 17 under section 427B.19, subsection 3, paragraph "a", as  
 18 adjusted by paragraph "d", if any adjustment was made.

19 DIVISION VI

20 FISCAL YEAR 1996 PAYMENT

21 Sec. 35. FISCAL YEAR 1996 RELIEF FUND PAYMENT.

22 Notwithstanding 1995 Iowa Acts, House File 132,  
 23 section 13, the appropriation in that section shall  
 24 not be made from the general fund of the state but  
 25 shall be made from the property tax relief fund  
 26 created in section 426B.1, as enacted by this Act.  
 27 Notwithstanding section 426B.2, subsection 2, as  
 28 enacted by this Act, for the fiscal year beginning  
 29 July 1, 1995, the amount of moneys distributed under  
 30 that subsection shall be \$54.4 million."

31 2. Title page, by striking lines 1 through 4 and  
 32 inserting the following: "An Act relating to tax  
 33 provisions involving state income tax, certain county  
 34 property tax and services associated with mental  
 35 health and developmental disabilities services, the  
 36 county property tax limitation, and property tax on  
 37 industrial machinery, equipment and computers,  
 38 providing appropriations, and providing effective and  
 39 applicability dates."""

TOM VILSACK

HOUSE AMENDMENT TO  
 SENATE FILE 239

S-3601

1 Amend Senate File 239, as passed by the Senate, as  
 2 follows:

3 1. Page 1, line 10, by inserting after the word  
 4 "intervention." the following: "The court may, in  
 5 deciding whether to order the parties to participate  
 6 in mediation, consider whether ordering mediation may  
 7 place a party at risk of domestic abuse if there is a  
 8 credible history of domestic abuse between the  
 9 parties."

10 2. Page 1, line 29, by inserting after the word  
 11 "advisable." the following: "The court may, in  
 12 deciding whether to order the parties or a child to  
 13 participate in mediation, consider whether ordering  
 14 mediation may place a party or a child at risk of  
 15 domestic or child abuse if there is a credible history  
 16 of domestic or child abuse in the family."

17 3. Page 1, by inserting after line 31 the

18 following:

19 "Sec. \_\_\_\_ . Section 598.41, Code 1995, is amended  
 20 by adding the following new subsection:  
 21 **NEW SUBSECTION. 7.** If an application for  
 22 modification of a decree or a petition for  
 23 modification of an order is filed, based upon  
 24 differences between the parents regarding the custody  
 25 arrangement established under the decree or order, the  
 26 court may require the parents to participate in  
 27 mediation to attempt to resolve the differences  
 28 between the parents."  
 29 4. By renumbering, relettering, or redesignating  
 30 and correcting internal references as necessary.

S-3602

1 Amend the House amendment, S-3597, to Senate File  
 2 481, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. Page 12, by inserting after line 31 the  
 5 following:

6 "Sec. \_\_\_\_ . Section 321.1, subsection 32, paragraph  
 7 f, Code 1995, as amended by 1995 Iowa Acts, Senate  
 8 File 298, section 1, is amended to read as follows:

9 f. Self-propelled machinery ~~or machinery towed by~~  
 10 ~~a motor vehicle or farm tractor~~ operated at speeds of  
 11 less than thirty miles per hour ~~or machinery towed by~~  
 12 a motor vehicle or farm tractor. The machinery must  
 13 be specifically designed for, or especially adapted to  
 14 be capable of, incidental over-the-road and primary  
 15 off-road usage. In addition, the machinery must be  
 16 used exclusively for the mixing and dispensing of  
 17 nutrients to bovine animals fed at a feedlot, or the  
 18 application of organic or inorganic plant food  
 19 materials, agricultural limestone, or agricultural  
 20 chemicals. However, the machinery shall not be  
 21 specifically designed or intended for the  
 22 transportation of such nutrients, plant food  
 23 materials, agricultural limestone, or agricultural  
 24 chemicals."

25 2. By renumbering as necessary.

DON E. GETTINGS

S-3603

1 Amend the House amendment, S-3597, to Senate File  
 2 481, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. Page 12, by inserting after line 19 the

5 following:

6 "Sec. \_\_\_\_ . Section 22.7, Code 1995, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 33. Personal information  
9 contained in state department of transportation  
10 handicapped parking permit records capable of  
11 disclosure by bulk distribution for purposes of  
12 surveys, marketing, or solicitations, unless the  
13 individual who is the subject of the record has been  
14 given an opportunity by the state department of  
15 transportation to prohibit the disclosure."

16 2. Page 12, by inserting after line 31 the  
17 following:

18 "Sec. \_\_\_\_ . Section 321.11, Code 1995, is amended  
19 by adding the following new unnumbered paragraph:  
20 NEW UNNUMBERED PARAGRAPH. However, personal  
21 information contained in department handicapped  
22 parking permit records may only be disclosed by bulk  
23 distribution for purposes of surveys, marketing, or  
24 solicitations, if the individual who is the subject of  
25 the record has been given an opportunity by the  
26 department to prohibit the disclosure."

27 3. By renumbering as necessary.

DICK L. DEARDEN

HOUSE AMENDMENT TO  
SENATE FILE 472

S-3604

1 Amend Senate File 472, 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 422B.1, subsection 1, Code  
6 1995, is amended to read as follows:

7 1. A county may impose by ordinance of the board  
8 of supervisors local option taxes authorized by this  
9 chapter, subject to this section and subject to the  
10 exception provided in subsection 1A.

11 Sec. \_\_\_\_ . Section 422B.1, Code 1995, is amended by  
12 adding the following new subsection:

13 NEW SUBSECTION. 1A. a. A city whose corporate  
14 boundaries include areas of two counties may impose by  
15 ordinance of its city council a local sales and  
16 services tax if all of the following apply:

17 (1) All the residents of the city live in one  
18 county.

19 (2) The county in which the city residents reside

20 has held an election on the question of the imposition  
21 of a local sales and services tax and a majority of  
22 those voting on the question in the city favored its  
23 imposition.

24 (3) The city has entered into an agreement on the  
25 distribution of the sales and services tax revenues  
26 collected from the area where the city tax is imposed  
27 with the county where such area is located.

28 b. The city council of a city authorized to impose  
29 a local sales and services tax pursuant to paragraph  
30 "a" shall only do so subject to all of the following  
31 restrictions:

32 (1) The tax shall only be imposed in the area of  
33 the city located in the county where none of its  
34 residents reside.

35 (2) The tax shall be at the same rate and become  
36 effective at the same time as the county tax imposed  
37 in the other area of the city.

38 (3) The tax once imposed shall continue to be  
39 imposed until the county imposed tax is reduced or  
40 increased in rate or repealed, and then the city  
41 imposed tax shall also be reduced or increased in rate  
42 or repealed in the same amount and be effective on the  
43 same date.

44 (4) The tax shall be imposed on the same basis as  
45 provided in section 422B.8 and notification  
46 requirements in section 422B.9 apply.

47 (5) The city shall assist the department of  
48 revenue and finance to identify the businesses in the  
49 area which are to collect the city imposed tax. The  
50 process shall be ongoing as long as the city tax is

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1 imposed.

2 c. The agreement on the distribution of the  
3 revenues collected from the city imposed tax shall  
4 provide that fifty percent of such revenues shall be  
5 remitted to the county in which the part of the city  
6 where the city tax is imposed is located.

7 d. The latest certified federal census preceding  
8 the election held by the county on the question of  
9 imposition of the local sales and services tax shall  
10 be used in determining if the city qualifies under  
11 paragraph "a", subparagraph (1) to impose its own tax  
12 and in determining the area where the city tax may be  
13 imposed under paragraph "b", subparagraph (1).

14 e. A city is not authorized to impose a local  
15 sales and services tax under this subsection after  
16 January 1, 1998. A city that has imposed a local

17 sales and services tax under this subsection on or  
18 before January 1, 1998, may continue to collect the  
19 tax until such time as the tax is repealed by the city  
20 and the fact that that area acquires residents after  
21 the tax is imposed shall not affect the imposition or  
22 collection of the tax.

23 Sec. \_\_\_\_ . Section 422B.1, subsection 5, paragraph  
24 a, unnumbered paragraph 1, Code 1995, is amended to  
25 read as follows:

26 If a majority of those voting on the question of  
27 imposition of a local option tax favor imposition of a  
28 local option tax, the governing body of that county  
29 shall impose the tax at the rate specified for an  
30 unlimited period. However, in the case of a local  
31 sales and services tax, the county shall not impose  
32 the tax in any incorporated area or the unincorporated  
33 area if the majority of those voting on the tax in  
34 that area did not favor its imposition. For purposes  
35 of the local sales and services tax, all cities  
36 contiguous to each other shall be treated as part of  
37 one incorporated area and the tax shall be imposed in  
38 each of those contiguous cities only if the majority  
39 of those voting on the tax in the total area covered  
40 by the contiguous cities favored its imposition. The  
41 local option tax may be repealed or the rate increased  
42 or decreased or the use thereof changed after an  
43 election at which a majority of those voting on the  
44 question of repeal or rate or use change favored the  
45 repeal or rate or use change. The election at which  
46 the question of repeal or rate or use change is  
47 offered shall be called and held in the same manner  
48 and under the same conditions as provided in  
49 subsections 3 and 4 for the election on the imposition  
50 of the local option tax. However, in the case of a

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1 local sales and services tax where the tax has not  
2 been imposed countywide, the question of repeal or  
3 imposition or rate or use change shall be voted on  
4 only by the qualified electors of the areas of the  
5 county where the tax has been imposed or has not been  
6 imposed, as appropriate. However, the governing body  
7 of the incorporated area or unincorporated area where  
8 the local sales and services tax is imposed may, upon  
9 its own motion, request the county commissioner of  
10 elections to hold an election in the incorporated or  
11 unincorporated area, as appropriate, on the question  
12 of the change in use of local sales and services tax  
13 revenues. The election may be held at any time but

14 not sooner than sixty days following publication of  
15 the ballot proposition. If a majority of those voting  
16 in the incorporated or unincorporated area on the  
17 change in use favor the change, the governing body of  
18 that area shall change the use to which the revenues  
19 shall be used. The ballot proposition shall list the  
20 present use of the revenues, the proposed use, and the  
21 date after which revenues received will be used for  
22 the new use."

23 2. Page 1, by inserting after line 10 the  
24 following:

25 "Sec. \_\_\_\_ . Section 422B.10, subsection 1, Code  
26 1995, is amended to read as follows:

27 1. The director shall credit the local sales and  
28 services tax receipts and interest and penalties from  
29 a county imposed tax to the county's account in the  
30 local sales and services tax fund and from a city  
31 imposed tax under section 422B.1, subsection 1A, to  
32 the city's account in the local sales and services tax  
33 fund. If the director is unable to determine from  
34 which county any of the receipts were collected, those  
35 receipts shall be allocated amongst among the possible  
36 counties based on allocation rules adopted by the  
37 director.

38 Sec. \_\_\_\_ . Section 422B.10, Code 1995, is amended  
39 by adding the following new subsection:

40 NEW SUBSECTION. 4A. From each city's account, the  
41 percent of revenues agreed to be distributed to the  
42 county in the agreement entered into as provided in  
43 section 422B.1, subsection 1A, paragraph "a",  
44 subparagraph (3) and paragraph "c", shall be deposited  
45 into the appropriate county's account to be remitted  
46 as provided in subsections 3 and 4. The remaining  
47 revenues in the city's account shall be remitted to  
48 the city council. If a county does not have an  
49 account, its percent of the revenues shall be remitted  
50 directly to the county board of supervisors."

#### Page 4

1 3. Page 2, line 4, by striking the words "a city"  
2 and inserting the following: "an issuer".

3 4. Page 2, by striking lines 6 through 9 and  
4 inserting the following: "revenues of the local  
5 option sales and services tax, and not from property  
6 tax, by following the authorization procedures set  
7 forth for cities in section 384.83. Bonds may be  
8 issued for the purpose of".

9 5. Page 2, by striking lines 20 and 21 and  
10 inserting the following: "the bonds are to bear, and

11 the right to petition for an election, to be published  
12 at least once in a”.

13 6. Page 2, by striking lines 26 through 32 and  
14 inserting the following:

15 “If at any time before the date fixed for taking  
16 action for the issuance of the bonds, a petition  
17 signed by three percent of the registered voters of  
18 the bond issuer is filed, asking that the question of  
19 issuing the bonds be submitted to the registered  
20 voters, the governing body shall either by resolution  
21 declare the proposal to issue the bonds to have been  
22 abandoned or shall direct the county commissioner of  
23 elections to call a special election upon the question  
24 of issuing the bonds. The proposition of issuing  
25 bonds under this subsection is not approved unless the  
26 vote in favor of the proposition is equal to at least  
27 sixty percent of the vote cast. If a petition is not  
28 filed, or if a petition is filed and the proposition  
29 of issuing the bonds is approved at an election, the  
30 governing body acting on behalf of the issuer may  
31 proceed with the authorization and issuance of the  
32 bonds. Bonds may”.

33 7. Page 3, line 22, by striking the word “used”  
34 and inserting the following: “issued”.

35 8. Title page, line 4, by inserting after the  
36 word “revenues” the following: “, by authorizing the  
37 imposition of the tax in certain cities located in two  
38 counties, and by setting the procedure for changing  
39 the use of revenues from the tax,”.

S-3605

1 Amend Senate File 478 as follows:

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

4 “Section 1. Section 422.61, subsection 2, Code  
5 1995, is amended by adding the following new  
6 paragraph:

7 **NEW PARAGRAPH.** f. A deduction shall not be  
8 allowed for that portion of the taxpayer's expenses  
9 computed under this paragraph which is allocable to an  
10 investment in an investment subsidiary. The portion  
11 of the taxpayer's expenses which is allocable to an  
12 investment in an investment subsidiary is an amount  
13 which bears the same ratio to the taxpayer's expenses  
14 as the taxpayer's average adjusted basis, as computed  
15 pursuant to section 1016 of the Internal Revenue Code,  
16 of investment in that investment subsidiary bears to  
17 the average adjusted basis for all assets of the  
18 taxpayer. The portion of the taxpayer's expenses that

19 is computed and disallowed under this paragraph shall  
 20 be added. However, for a tax year beginning in the  
 21 1995 calendar year, only fifty percent of the portion  
 22 of the taxpayer's expenses allocable to an investment  
 23 in an investment subsidiary shall be disallowed and  
 24 such amount shall be added.

25 Sec. 2. Section 422.61, Code 1995, is amended by  
 26 adding the following new subsection:

27 **NEW SUBSECTION. 1A.** "Investment subsidiary" means  
 28 an entity that is owned, capitalized, and utilized by  
 29 a financial institution with one of its purposes being  
 30 to make, hold, and manage, for and on behalf of the  
 31 financial institution, investments in securities which  
 32 the financial institution would be permitted by  
 33 applicable law to make for its own account.

34 Sec. 3. This Act, being deemed of immediate  
 35 importance, takes effect upon enactment and applies  
 36 retroactively to January 1, 1995, for tax years  
 37 beginning on or after that date."

WAYNE BENNETT

S-3606

1 Amend House File 494, as passed by the House, as  
 2 follows:

3 1. Page 7, by inserting after line 29 the  
 4 following:

5 "Sec. \_\_\_\_ . Section 53.2, unnumbered paragraph 4,  
 6 Code 1995, is amended to read as follows:

7 If the An application is for a primary election  
 8 ballot and the request is for a ballot of which  
 9 specifies a party different from that recorded on the  
 10 registered voter's voter registration record; the  
 11 requested ballot shall be mailed or given to the  
 12 applicant together with a "Change or Declaration of  
 13 Party Affiliation" form as prescribed in section  
 14 43.42, to be completed by the registered voter at the  
 15 time of voting. Upon receipt of the properly  
 16 completed form, the shall be accepted as a change or  
 17 declaration of party affiliation. The commissioner  
 18 shall approve the change or declaration and enter a  
 19 notation of the change on the registration records. A  
 20 notice shall be sent with the ballot requested  
 21 informing the voter that the voter's registration  
 22 record will be changed to show that the voter is now  
 23 affiliated with the party whose ballot the voter

24 requested."

25 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3607

1 Amend House File 494, as passed by the House, as

2 follows:

3 1. Page 11, by striking lines 9 through 14.

4 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3608

1 Amend House File 494, as passed by the House, as

2 follows:

3 1. Page 3, by striking lines 17 through 21.

4 2. By renumbering as necessary.

ROD HALVORSON

S-3609

1 Amend Senate File 413 as follows:

2 1. Page 2, by striking lines 7 through 18 and

3 inserting the following:

4 "2. "Corrective action" means an action taken to

5 reduce, minimize, eliminate, clean up, control, or

6 monitor a release to protect the public health and

7 safety or the environment. Corrective action includes

8 both passive and active systems:

9 a. Passive systems include only soil monitoring,

10 groundwater monitoring, natural attenuation, natural

11 biodegradation, and site management practices. A

12 passive system must be conducted under the direction

13 of a registered groundwater professional.

14 b. Active systems include, but are not limited to,

15 excavation of an underground storage tank for purposes

16 of repairing a leak or removal of a tank, removal of

17 contaminated soil, disposal or processing of

18 contaminated soil, cleansing of groundwaters or

19 surface waters, enhanced bioremediation, and

20 institutional controls. An active system must be

21 conducted under the direction of a professional

22 engineer registered under chapter 542B.

23 Corrective action does not include replacement of

24 an underground storage tank. Corrective action

25 specifically excludes third-party liability.”

26 2. By renumbering as necessary.

MARY LUNDBY

S-3610

1 Amend the amendment, S-3597, to Senate File 481, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 4, line 36 through page 6,  
5 line 34 and inserting the following:  
6 “Sec. \_\_\_\_ . DEPARTMENT OF PUBLIC SAFETY. There is  
7 appropriated from the general fund of the state to the  
8 department of public safety for the fiscal year  
9 beginning July 1, 1995, and ending June 30, 1996, the  
10 following amounts, or so much thereof as is necessary,  
11 to be used for the purposes designated:

12 1. For the division of highway safety, uniformed  
13 force, and radio communications to be used for  
14 salaries, support, maintenance, workers' compensation  
15 costs, and miscellaneous purposes, including the  
16 state's contribution to the peace officers'  
17 retirement, accident, and disability system provided  
18 in chapter 97A in the amount of 18 percent of the  
19 salaries for which the funds are appropriated, and for  
20 not more than the following full-time equivalent  
21 positions:

22 .....	\$ 32,960,467
23 .....	FTEs 553.50

24 An employee of the department of public safety who  
25 retires after the effective date of this Act but prior  
26 to June 30, 1996, is eligible for payment of life or  
27 health insurance premiums as provided for in the  
28 collective bargaining agreement covering the public  
29 safety bargaining unit at the time of retirement if  
30 that employee previously served in a position which  
31 would have been covered by the agreement. The  
32 employee shall be given credit for the service in that  
33 prior position as though it were covered by that  
34 agreement. The provisions of this paragraph shall not  
35 operate to reduce any retirement benefits an employee  
36 may have earned under other collective bargaining  
37 agreements or retirement programs.

38 2. For costs associated with the maintenance of 39 the automated fingerprint information system (AFIS):	
40 .....	\$ 211,576

41 3. For salaries, support, maintenance, and  
42 miscellaneous purposes of the pari-mutuel law  
43 enforcement agents, including the state's contribution

44 to the peace officers' retirement, accident, and  
 45 disability system provided in chapter 97A in the  
 46 amount of 18 percent of the salaries for which the  
 47 funds are appropriated:  
 48 ..... \$ 308,602"  
 49 2. By striking page 6, line 38, through page 9,  
 50 line 33 and inserting the following:

Page 2

1 "Sec. \_\_\_\_ . There is appropriated from the rebuild  
 2 Iowa infrastructure account of the state to the state  
 3 board of regents for the fiscal year beginning July 1,  
 4 1995, and ending June 30, 1996, the following amounts,  
 5 or so much thereof as is necessary, to be used for the  
 6 purposes designated:  
 7 1. For fire and environmental safety and for  
 8 replacement of the boiler and the telephone system at  
 9 the Iowa braille and sight saving school:  
 10 ..... \$ 341,000  
 11 Of the appropriation in this subsection, \$45,000  
 12 shall be used for replacement of the telephone system.  
 13 It is the intent of the general assembly that an  
 14 additional \$35,000 shall be appropriated in fiscal  
 15 year 1997 for funding additional costs for replacement  
 16 of the telephone system at the Iowa braille and sight  
 17 saving school.  
 18 2. For compliance with the federal Americans with  
 19 Disabilities Act or for fire and environmental safety  
 20 at the state school for the deaf:  
 21 ..... \$ 50,000  
 22 3. For fire and environmental safety, renovation,  
 23 or for deferred maintenance at Iowa state university  
 24 of science and technology:  
 25 ..... \$ 3,000,000  
 26 4. For fire and environmental safety, renovation,  
 27 or for deferred maintenance at the state university of  
 28 Iowa:  
 29 ..... \$ 3,000,000  
 30 5. For the performing arts center at the  
 31 university of northern Iowa:  
 32 ..... \$ 4,000,000  
 33 Notwithstanding section 8.33, unencumbered or  
 34 unobligated funds remaining on June 30, 1996, from the  
 35 funds appropriated in subsections 1 through 4, shall  
 36 revert to the rebuild Iowa infrastructure account of  
 37 the state on August 31, 1996, and unencumbered or  
 38 unobligated funds remaining on June 30, 1999, from the  
 39 funds appropriated in subsection 5, shall revert to  
 40 the rebuild Iowa infrastructure account of the state

41 on August 31, 1999.

42 The state board of regents shall report to the  
43 legislative fiscal bureau and to the education and  
44 transportation, infrastructure and capitals joint  
45 appropriations subcommittees by January 15, 1996,  
46 regarding actual and proposed project expenditures of  
47 moneys appropriated under subsections 3 and 4.

48 DEPARTMENT OF CORRECTIONS

49 Sec. \_\_\_\_ . There is appropriated from the rebuild  
50 Iowa infrastructure account of the state to the

Page 3

1 department of corrections for the fiscal year  
2 beginning July 1, 1995, and ending June 30, 1996, the  
3 following amount, or so much thereof as is necessary,  
4 to be used for the purpose designated:

5 For the construction of, or the remodeling or  
6 renovation of a building for use as a residential  
7 facility and office in Fort Dodge by the second  
8 judicial district department of correctional services  
9 and for remodeling and expansion of the visitation  
10 area at the Mitchellville correctional facility:

11 ..... \$ 2,300,000

12 Of the total appropriation in this section, up to  
13 \$400,000 may be used for remodeling and expansion of  
14 the visitation area at Mitchellville.

15 It is the intent of the general assembly that the  
16 department of corrections issue a request for  
17 proposals for the construction of, or the remodeling  
18 or renovation of a building for use as a residential  
19 facility and office in Fort Dodge by the second  
20 judicial district department of correctional services.  
21 If a proposal is accepted by the department, but in no  
22 event earlier than January 30, 1996, the department of  
23 corrections is authorized to construct a residential  
24 facility and office in Fort Dodge or remodel or  
25 renovate an existing building for use as a residential  
26 facility and office in Fort Dodge, for use by the  
27 second judicial district department of correctional  
28 services.

29 Notwithstanding section 8.33, unencumbered or  
30 unobligated funds remaining on June 30, 1998, from the  
31 funds appropriated in this section, shall revert to  
32 the rebuild Iowa infrastructure account of the state  
33 on August 31, 1998.

34 DEPARTMENT OF CULTURAL AFFAIRS

35 Sec. \_\_\_\_ . There is appropriated from the rebuild  
36 Iowa infrastructure account of the state to the  
37 department of cultural affairs for the fiscal year

38 beginning July 1, 1995, and ending June 30, 1996, the  
 39 following amount, or so much thereof as is necessary,  
 40 to be used for the purpose designated:

41 To correct water seepage problems and complete  
 42 design specifications for rehabilitation work on the  
 43 centennial building in Iowa City:

44 ..... \$ 180,000

45 Notwithstanding section 8.33, unencumbered or  
 46 unobligated funds remaining on June 30, 1997, from the  
 47 funds appropriated in this section, shall revert to  
 48 the rebuild Iowa infrastructure account of the state  
 49 on August 31, 1997.

50 DEPARTMENT OF ECONOMIC DEVELOPMENT

Page 4

1 Sec. \_\_\_\_ . There is appropriated from the rebuild  
 2 Iowa infrastructure account of the state to the  
 3 department of economic development for the fiscal year  
 4 beginning July 1, 1995, and ending June 30, 1996, the  
 5 following amounts, or so much thereof as is necessary,  
 6 to be used for the purposes designated:

7 1. For completion of the construction of the  
 8 Northwood welcome center:

9 ..... \$ 300,000

10 2. For the construction of the western historic  
 11 trails welcome center:

12 ..... \$ 275,000

13 3. For construction of a welcome center in Bremer  
 14 county:

15 ..... \$ 100,000

16 4. For construction of a welcome center at  
 17 Winterset:

18 ..... \$ 75,000

19 The appropriations in subsections 3 and 4 shall be  
 20 conditioned upon the provision of an equal amount of  
 21 local matching funds.

22 Notwithstanding section 8.33, unencumbered or  
 23 unobligated funds remaining on June 30, 1997, from the  
 24 funds appropriated in this section, shall revert to  
 25 the rebuild Iowa infrastructure account of the state  
 26 on August 30, 1997.

27 DEPARTMENT OF EDUCATION

28 Sec. \_\_\_\_ . There is appropriated from the rebuild  
 29 Iowa infrastructure account of the state to the  
 30 department of education for the fiscal year beginning  
 31 July 1, 1995, and ending June 30, 1996, \$5,000,000, to  
 32 be used for compliance with the federal Americans with  
 33 Disabilities Act, for fire and environmental safety,  
 34 for implementation of energy conservation measures,

35 for reduction of technological obsolescence in  
 36 instructional equipment and facilities for community  
 37 colleges and for other stated purposes to be allocated  
 38 to the merged areas in the following amounts:  
 39 1. Merged Area I  
 40 For the construction of a building to house the  
 41 national center for agricultural rescue and emergencies:  
 42 ..... \$ 1,000,000  
 43 The appropriation to Merged Area I in this  
 44 subsection is contingent upon the receipt of federal  
 45 funds. If federal funding is not received, Merged  
 46 Area I shall be allocated \$272,700 and the remainder  
 47 of the appropriation shall revert to the rebuild Iowa  
 48 infrastructure account of the state.  
 49 2. Merged Area II ..... \$ 234,872  
 50 3. Merged Area III ..... \$ 233,546

Page 5

1 4. Merged Area IV ..... \$ 117,336  
 2 5. Merged Area V ..... \$ 334,845  
 3 6. Merged Area VI ..... \$ 235,187  
 4 7. Merged Area VII ..... \$ 306,353  
 5 8. Merged Area IX ..... \$ 275,581  
 6 9. Merged Area X ..... \$ 480,290  
 7 10. Merged Area XI ..... \$ 467,040  
 8 11. Merged Area XII ..... \$ 287,189  
 9 12. Merged Area XIII ..... \$ 264,044  
 10 13. Merged Area XIV ..... \$ 150,162  
 11 14. Merged Area XV ..... \$ 417,482  
 12 15. Merged Area XVI ..... \$ 196,073

13 Notwithstanding section 8.33, unencumbered or  
 14 unobligated funds remaining on June 30, 1997, from the  
 15 funds appropriated in this section, shall revert to  
 16 the rebuild Iowa infrastructure account of the state  
 17 on August 31, 1997.

DEPARTMENT OF GENERAL SERVICES

19 Sec. \_\_\_\_ . There is appropriated from the rebuild  
 20 Iowa infrastructure account of the state to the  
 21 department of general services for the fiscal year  
 22 beginning July 1, 1995, and ending June 30, 1996, the  
 23 following amounts, or so much thereof as is necessary,  
 24 to be used for the purposes designated:  
 25 For exterior state capitol building restoration,  
 26 and for health and fire safety needs and renovation,  
 27 restoration, and improvements at the state capitol  
 28 complex:  
 29 ..... \$ 25,000,000  
 30 Of the total appropriation in this section, up to  
 31 \$2,400,000 may be used for fire and environmental

32 safety improvements for the department of corrections'  
 33 and the department of human services' institutions.  
 34 Notwithstanding section 8.33, unencumbered or  
 35 unobligated funds remaining on June 30, 2000, from the  
 36 funds appropriated in this section, shall revert to  
 37 the rebuild Iowa infrastructure account of the state  
 38 on August 31, 2000.

39 DEPARTMENT OF HUMAN SERVICES

40 Sec. \_\_\_\_ . There is appropriated from the rebuild  
 41 Iowa infrastructure account of the state to the  
 42 department of human services for the fiscal year  
 43 beginning July 1, 1995, and ending June 30, 1996, the  
 44 following amount, or so much thereof as is necessary,  
 45 to be used for the purpose designated:

46 For costs associated with the development of the X-  
 47 pert computer system:

48 ..... \$ 1,076,000

49 Notwithstanding section 8.33, unencumbered or  
 50 unobligated funds remaining on June 30, 1997, from the

Page 6

1 funds appropriated in this section, shall revert to  
 2 the rebuild Iowa infrastructure account of the state  
 3 on August 31, 1997.

4 DEPARTMENT OF MANAGEMENT

5 Sec. \_\_\_\_ . There is appropriated from the rebuild  
 6 Iowa infrastructure account of the state to the  
 7 department of management for the fiscal year beginning  
 8 July 1, 1995, and ending June 30, 1996, the following  
 9 amount, or so much thereof as is necessary, to be used  
 10 for the purpose designated:

11 For the innovations fund, if enacted by the  
 12 Seventy-sixth General Assembly, 1995 Session:

13 ..... \$ 1,000,000

14 DEPARTMENT OF NATURAL RESOURCES

15 Sec. \_\_\_\_ . There is appropriated from the marine  
 16 fuel tax receipts deposited in the general fund of the  
 17 state to the department of natural resources for the  
 18 fiscal year beginning July 1, 1995, and ending June  
 19 30, 1996, the following amount, or so much thereof as  
 20 is necessary, to be used for the purpose designated:

21 For the purpose of funding capital projects  
 22 traditionally funded from marine fuel tax receipts for  
 23 the purposes specified in section 452A.79:

24 ..... \$ 1,600,000

25 Notwithstanding section 8.33, unencumbered or  
 26 unobligated funds remaining on June 30, 1997, from the  
 27 funds appropriated in this section, shall revert to  
 28 the general fund of the state on August 31, 1997.

## 29 DEPARTMENT OF PUBLIC DEFENSE

30 Sec. \_\_\_\_ . There is appropriated from the rebuild  
 31 Iowa infrastructure account of the state to the  
 32 department of public defense for the fiscal year  
 33 beginning July 1, 1995, and ending June 30, 1996, the  
 34 following amounts, or so much thereof as is necessary,  
 35 to be used for the purposes designated:

36 1. For maintenance and repair of national guard  
 37 armories and facilities:

38 ..... \$ 382,000

39 2. To match federal funds for completion of the  
 40 addition and renovation of the armory in Fairfield:

41 ..... \$ 250,000

42 3. To match federal funds for construction of a  
 43 motor vehicle storage building at the Camp Dodge  
 44 maintenance armory:

45 ..... \$ 420,000

46 Notwithstanding section 8.33, unencumbered or  
 47 unobligated funds remaining on June 30, 1996, from the  
 48 funds appropriated in this section, shall revert to  
 49 the rebuild Iowa infrastructure account of the state  
 50 on August 31, 1996.

Page 7

## 1 COUNTY FAIRS

2 Sec. \_\_\_\_ . There is appropriated from the rebuild  
 3 Iowa infrastructure account of the state to the  
 4 treasurer of state for the fiscal year beginning July  
 5 1, 1995, and ending June 30, 1996, for purposes of  
 6 allocating moneys to assist each of the 103 county  
 7 fairs which are members of the association of Iowa  
 8 fairs, for purposes of supporting annual county fairs  
 9 and improvements to the county fairgrounds:

10 ..... \$ 1,000,000

11 The treasurer of state shall allocate an equal  
 12 amount to each member fair. However, moneys shall  
 13 only be expended by a county fair on a dollar-for-  
 14 dollar matching basis with moneys received from  
 15 donations contributed to the county fair from private  
 16 sources or moneys contributed by a county to aid the  
 17 county fair pursuant to section 174.14.

## 18 IOWA STATE FAIR

19 Sec. \_\_\_\_ . There is appropriated from the rebuild  
 20 Iowa infrastructure account of the state to the Iowa  
 21 state fair foundation for the fiscal year beginning  
 22 July 1, 1995, and ending June 30, 1996, the following  
 23 amount, or so much thereof as is necessary, to be used  
 24 for the purpose designated:

25 For major repairs and improvements at the Iowa

26 state fairgrounds:  
 27 ..... \$ 9,000,000  
 28 Notwithstanding section 8.33, unencumbered or  
 29 unobligated funds remaining on June 30, 1999, from the  
 30 funds appropriated in this section, shall revert to  
 31 the rebuild Iowa infrastructure account of the state  
 32 on August 31, 1999.

33 PRIMARY ROAD FUND

34 Sec. \_\_\_\_ . There is appropriated from the rebuild  
 35 Iowa infrastructure account of the state to the  
 36 primary road fund for the fiscal year beginning July  
 37 1, 1995, and ending June 30, 1996, the following  
 38 amount, or so much thereof as is necessary, to be used  
 39 as designated:

40 For the commercial and industrial network:  
 41 ..... \$ 10,000,000

42 Notwithstanding section 8.33, funds appropriated  
 43 under this section shall not revert to the rebuild  
 44 Iowa infrastructure account of the state, but shall  
 45 remain available until expended.

46 ROAD USE TAX FUND

47 Sec. \_\_\_\_ . There is appropriated from the rebuild  
 48 Iowa infrastructure account of the state to the road  
 49 use tax fund for the fiscal year beginning July 1,  
 50 1995, and ending June 30, 1996, the following amount,

Page 8

1 to be distributed in accordance with section 312.2:  
 2 ..... \$ 10,000,000

3 Notwithstanding section 8.33, funds appropriated  
 4 under this section shall not revert to the rebuild  
 5 Iowa infrastructure account of the state, but shall  
 6 remain available until expended.”

7 3. Page 10, by striking lines 7 through 49 and  
 8 inserting the following:

9 “1. To the Loess Hills development and  
 10 conservation authority, for deposit in the Loess Hills  
 11 development and conservation fund created in section  
 12 161D.2 for the purposes specified in section 161D.1:  
 13 ..... \$ 400,000

14 2. To the department of agriculture and land  
 15 stewardship to use in cooperation with the department  
 16 of corrections for a project of repairs and  
 17 improvements at the national heritage orientation  
 18 center and public market. It is the intent of the  
 19 general assembly that the project serve as a pilot  
 20 community services program using prison labor for  
 21 regional economic development initiatives supporting  
 22 Iowa agriculture and food products:

23 .....	\$	325,000
24 3. To the Iowa resources enhancement and		
25 protection fund which is in addition to any other		
26 appropriations made to the fund:		
27 .....	\$	500,000
28 4. To the department of economic development for a		
29 grant to the Wallace foundation for rural research and		
30 development for costs to develop an educational and		
31 outreach center:		
32 .....	\$	750,000
33 5. To the department of cultural affairs for		
34 maintenance and improvement at the gothic house		
35 visitors center:		
36 .....	\$	225,000
37 6. To the department of natural resources for		
38 purposes of continuing natural lake preservation		
39 efforts:		
40 .....	\$	100,000
41 The department shall award the amount transferred		
42 in this subsection to a city as defined in section		
43 362.2. The department shall award the amount on a		
44 matching basis with the department contributing one		
45 dollar for each one dollar dedicated by the city, or		
46 the city acting in conjunction with a county,		
47 regardless of the source from which the city or county		
48 obtains the money, for the continuation of natural		
49 lake preservation efforts, if the city or county has		
50 previously received state funding for such purposes.		

**Page 9**

1 However, the city, or the city and county, must have		
2 dedicated at least \$100,000 of local funds in order to		
3 qualify for the award. The city must also be located		
4 in a county having a population of less than 12,000.		
5 7. To the department of natural resources for		
6 capital improvements at Backbone lake, other		
7 improvements of that state park, and preparation work		
8 and other costs associated with the park's 75th		
9 anniversary:		
10 .....	\$	500,000
11 8. To the department of natural resources, to be		
12 combined with local match funding, for a study of		
13 dredging at Crystal lake in Winnebago county:		
14 .....	\$	25,000
15 9. To the department of natural resources for		
16 purposes of creating, improving, or enhancing recrea-		
17 tional opportunities directly related to the		
18 restoration and development of lake Ahquabi and		
19 related facilities, which shall include any necessary		

20 dredging operations, and which may also include	
21 swimming, boating, and fishing facilities:	
22 .....	\$ 184,000
23 The department shall return any amount of the	
24 transfer expended by the department under this	
25 subsection to the general fund of the state to the	
26 extent that the department receives moneys from the	
27 clean lakes program, administered by the United States	
28 environmental protection agency, for purposes	
29 described in this subsection.	
30 10. To the department of economic development for	
31 operation and support of the Dows welcome center:	
32 .....	\$ 20,000
33 11. To the department of natural resources, to be	
34 combined with local match funding of two dollars for	
35 every one state dollar, for repair and replacement	
36 costs associated with the spillway at Hickory Grove	
37 lake:	
38 .....	\$ 250,000
39 12. To the department of agriculture and land	
40 stewardship for providing assistance in reconstructing	
41 and repairing flood-damaged dikes and levees on	
42 pasture and other agricultural land which is not used	
43 for crops:	
44 .....	\$ 100,000
45 13. To the department of education for a grant to	
46 Southeast Polk community school district to implement	
47 an interagency coalition strategy combining education,	
48 health, and social services in addressing the problems	
49 of children and families through school-linked	
50 services:	

Page 10

1 .....	\$ 60,000
2 14. To the Iowa department of public health for a	
3 grant to establish a rural medical care center in	
4 Tama:	
5 .....	\$ 50,000
6 15. To the department of natural resources for a	
7 grant for costs associated with the Sauk rail trail	
8 and park improvements in Carroll:	
9 .....	\$ 30,000
10 16. To the department of natural resources for a	
11 grant for costs associated with renovation of the	
12 Boone walking trail:	
13 .....	\$ 5,000
14 17. To Iowa state university of science and	
15 technology for allocation to the Iowa institute for	
16 public leadership for operations costs:	

17 .....	\$	25,000
18 18. To the printing division of the department of		
19 general services for publication of the under the		
20 golden dome publication as specified by the authoring		
21 agency:		
22 .....	\$	45,000
23 19. To the department of corrections for a grant		
24 to the amer-i-can program for training of inmates and		
25 correctional staff:		
26 .....	\$	125,000
27 20. To the department of education for contracting		
28 with the Iowa alliance for arts education to execute		
29 the local arts comprehensive educational strategies		
30 program:		
31 .....	\$	150,000
32 21. To the department of education for a grant to		
33 a community college to assist in a public-private		
34 partnership between the community college, a city, and		
35 a county in developing a center or program to provide		
36 child day care for nontraditional students:		
37 .....	\$	75,000
38 22. To the department of general services for		
39 planning, design, site acquisition and preparation,		
40 and other expenditures necessary to establish a fee-		
41 based child day care program available to public		
42 employees officed at or near the capitol complex:		
43 .....	\$	500,000
44 a. The general assembly considers child day care		
45 to be an important service for employers, employees,		
46 and their children. Employer-supported child care can		
47 have a positive impact upon employee morale and		
48 retention and can positively affect the children who		
49 are receiving child care services. High quality child		
50 care is of significant value to employers. It is		

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1 believed that a quality, on-site child care program  
2 available to the children of state employees will  
3 provide a model for other employers in this state to  
4 emulate.

5 b. (1) The legislative council is requested to  
6 appoint a capitol complex child day care program  
7 steering committee to provide direction to the  
8 department of general services in developing facility  
9 plans, establishing the facilities, developing  
10 operation policies, contracting with a vendor to  
11 operate the program, and other decisions involving  
12 establishment and operation of the program. The  
13 steering committee shall utilize the March 1990

14 consultant report to the capitol complex ad hoc  
 15 committee on child care, particularly the intermediate  
 16 quality recommendations, in its decision making.  
 17 (2) The steering committee membership shall  
 18 include members of the general assembly;  
 19 representatives of the departments of general  
 20 services, personnel, human services, and education;  
 21 employees officed at the capitol complex who purchase  
 22 child day care services; a representative of the state  
 23 board of regents center for early childhood education;  
 24 a representative of the Iowa state university of  
 25 science and technology early childhood education  
 26 programs; and other persons knowledgeable concerning  
 27 child day care programs.

28 c. In consultation with the steering committee,  
 29 the director of the department of general services  
 30 shall retain a consultant to oversee the process of  
 31 developing the program and shall contract with a  
 32 vendor to manage the program.

33 d. The program shall be designed to operate with a  
 34 capacity of 150 children and to regularly serve  
 35 infants, toddlers, preschool, school age, and mildly  
 36 ill children.

37 23. To the commission of veterans affairs, for  
 38 donation to the women in military service for America  
 39 memorial foundation for the purpose of constructing  
 40 the women in military service memorial to be built at  
 41 the gateway to Arlington national cemetery in  
 42 Arlington, Virginia:

43 ..... \$ 47,000

44 The executive director of the commission of  
 45 veterans affairs shall forward this donation to the  
 46 women in military service for America memorial  
 47 foundation upon certification by the foundation that  
 48 sufficient funding has been pledged to complete the  
 49 construction of the memorial.

50 24. To the Iowa peace institute:

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1 ..... \$ 100,000

2 25. To the division of highway safety, uniformed  
 3 force, and radio communications of the department of  
 4 public safety for purchase and activation charges for  
 5 cellular phones for force members:

6 ..... \$ 50,000

7 26. To the department of economic development for  
 8 expansion of the microbusiness rural enterprise  
 9 demonstration project created pursuant to 1994 Iowa  
 10 Acts, chapter 1119, section 34, to 30 additional

11	counties in the fiscal year beginning July 1, 1995:		
12	.....	\$	50,000
13	27. To the Iowa department of public health for a		
14	conference to develop a plan for provision of health		
15	insurance coverage to children of low-income families		
16	who are ineligible for medical assistance and have no		
17	health care coverage:		
18	.....	\$	20,000
19	28. To the Iowa department of public health for a		
20	domestic violence conference:		
21	.....	\$	20,000
22	29. To the department of corrections for a study		
23	of the development and use of a telecommunications		
24	network for worker training, inmate rehabilitation,		
25	and other related purposes in the sixth judicial		
26	district:		
27	.....	\$	25,000
28	30. To Iowa state university of science and		
29	technology for a study of alternative project delivery		
30	systems for publicly funded infrastructure projects,		
31	provided the study is publicly distributed upon		
32	completion:		
33	.....	\$	39,000
34	31. To the department of economic development for		
35	the Iowa members' cost share for the Lewis and Clark		
36	rural water system:		
37	.....	\$	25,000
38	32. To the department of elder affairs for the		
39	1995 older Iowans legislature:		
40	.....	\$	20,000
41	33. To the judicial department for development and		
42	implementation of a long-range and strategic plan for		
43	the judicial branch of Iowa government:		
44	.....	\$	50,000
45	34. To the department of education for allocation		
46	to the community college that experienced the highest		
47	percentage of increase in full-time fall enrollment		
48	for the period beginning July 1, 1989, and ending June		
49	30, 1995, for purposes of renovating a building for		
50	use as an urban center with classrooms to prepare		

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1	students for the workplace or to pursue postsecondary		
2	education:		
3	.....	\$	150,000
4	35. To the department of human services for		
5	application by the department for grants to establish		
6	pilot projects for placements of geriatric patients		
7	who have a mental illness:		

8 ..... \$ 25,000

9 Any grant received may be used by the department to  
 10 fund a coordinator to work with hospitals and nursing  
 11 homes concerning placements of geriatric patients who  
 12 have a mental illness.

13 Notwithstanding section 8.33, moneys transferred in  
 14 accordance with this section shall not revert to the  
 15 general fund of the state at the close of the fiscal  
 16 year but shall remain available for expenditure for  
 17 the purposes designated. Unless otherwise provided in  
 18 this section, moneys transferred in this section which  
 19 remain unobligated or unexpended for the purpose  
 20 designated shall revert to the general fund of the  
 21 state on August 31, 1997.

22 Sec. \_\_\_\_ . BLOOD RUN NATIONAL HISTORIC LANDMARK.

23 The department of cultural affairs may use moneys  
 24 appropriated to the department in 1994 Iowa Acts,  
 25 chapter 1199, section 35, as necessary, to contract  
 26 with the midwest region of the national park service  
 27 to complete a study of blood run national historic  
 28 landmark for the purpose of determining the  
 29 feasibility of incorporating the landmark into the  
 30 national park system. Notwithstanding section 8.33,  
 31 moneys from the appropriation which remain unobligated  
 32 or unexpended on June 30, 1995, shall not revert to  
 33 the general fund of the state but shall remain  
 34 available for use as provided in this section in the  
 35 succeeding fiscal year."

36 4. By renumbering and revising internal  
 37 references as necessary.

LARRY MURPHY  
 JIM LIND

S-3611

1 Amend House File 572, as amended, passed, and  
 2 reprinted by the House, as follows:

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

5 "Section 101. Section 99D.8, unnumbered paragraphs  
 6 1 and 2, Code 1995, are amended to read as follows:

7 A qualifying organization, as defined in section  
 8 513(d)(2)(C) of the Internal Revenue Code, as defined  
 9 in section 422.3, exempt from federal income taxation  
 10 under sections 501(c)(3), 501(c)(4), or 501(c)(5) of  
 11 the Internal Revenue Code or a nonprofit corporation  
 12 organized under the laws of this state, whether or not  
 13 it is exempt from federal income taxation, which is  
 14 organized to promote those purposes enumerated in

15 section 99B.7, subsection 3, paragraph "b", and or  
16 which regularly conducts; as one of its substantial  
17 exempt purposes, an agricultural and educational fair  
18 or exposition for the promotion of the horse, dog, or  
19 other livestock breeding industries of the state, or  
20 an agency, instrumentality, or political subdivision  
21 of the state, may apply to the commission for a  
22 license to conduct horse or dog racing. The  
23 application shall be filed with the administrator of  
24 the commission at least sixty days before the first  
25 day of the horse race or dog race meeting which the  
26 organization proposes to conduct, shall specify the  
27 day or days when and the exact location where it  
28 proposes to conduct racing, and shall be in a form and  
29 contain information as the commission prescribes.

30 If any part of the net income of a licensee is  
31 determined to be unrelated business taxable income as  
32 defined in sections 511 through 514 of the Internal  
33 Revenue Code, or is otherwise taxable, the qualifying  
34 organization licensee shall be required to distribute  
35 the such amount of net unrelated business taxable  
36 income to political subdivisions in the state and  
37 organizations described in section 501(c)(3) of the  
38 Internal Revenue Code in the county in which it the  
39 licensee operates. Distributions to these  
40 organizations made during the year in which the  
41 unrelated business income was earned shall be treated  
42 as included in the required distributions for this  
43 purpose.

44 Sec. 102. Section 99F.1, subsection 14, Code 1995,  
45 is amended to read as follows:

46 14. "Qualified sponsoring organization" means a  
47 nonprofit corporation organized under the laws of this  
48 state, whether or not it is exempt from federal income  
49 taxation, or a person or association that can show to  
50 the satisfaction of the commission that the person or

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1 association is eligible for exemption from federal  
2 income taxation under section 501(c)(3), 501(c)(4),  
3 501(c)(5), 501(c)(6), 501(c)(7), 501(c)(8),  
4 501(c)(10), or 501(c)(19) of the Internal Revenue Code  
5 as defined in section 422.3.

6 Sec. 103. Section 99F.6, subsection 4, paragraph  
7 a, Code 1995, is amended to read as follows:

8 a. Before a license is granted, the division of  
9 criminal investigation of the department of public  
10 safety shall conduct a thorough background  
11 investigation of the applicant for a license to

12 operate a gambling game operation on an excursion  
13 gambling boat. The applicant shall provide  
14 information on a form as required by the division of  
15 criminal investigation. ~~Before a~~ A qualified  
16 sponsoring organization ~~is~~ licensed to operate  
17 gambling games under this chapter; ~~the qualified~~  
18 ~~sponsoring organization~~ shall ~~certify that~~ distribute  
19 the receipts of all gambling games, less reasonable  
20 expenses, charges, taxes, fees, and deductions allowed  
21 under this chapter, ~~will be distributed~~ as winnings to  
22 players or participants or ~~will be distributed~~ shall  
23 distribute the receipts for educational, civic,  
24 public, charitable, patriotic, or religious uses as  
25 defined in section 99B.7, subsection 3, paragraph "b".  
26 However, if a licensee who is also licensed to conduct  
27 pari-mutuel wagering at a horse racetrack has unpaid  
28 debt from the pari-mutuel racetrack operations, the  
29 first receipts of the gambling games operated within  
30 the racetrack enclosure less reasonable operating  
31 expenses, taxes, and fees allowed under this chapter  
32 shall be first used to pay the annual indebtedness.  
33 The commission shall authorize, subject to the debt  
34 payments for horse racetracks and the provisions of  
35 paragraph "b" for dog racetracks, a licensee who is  
36 also licensed to conduct pari-mutuel dog or horse  
37 racing to use receipts from gambling games within the  
38 racetrack enclosure to supplement purses for races  
39 particularly for Iowa-bred horses pursuant to an  
40 agreement which shall be negotiated between the  
41 licensee and representatives of the dog or horse  
42 owners. A qualified sponsoring organization shall not  
43 make a contribution to a candidate, political  
44 committee, candidate's committee, state statutory  
45 political committee, county statutory political  
46 committee, national political party, or fund-raising  
47 event as these terms are defined in section 56.2. The  
48 membership of the board of directors of a qualified  
49 sponsoring organization shall represent a broad  
50 interest of the communities."

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- 1 2. Page 1, by inserting after line 8 the
- 2 following:
- 3 "Sec. \_\_\_\_ NEW SECTION. 331.430A COURTHOUSE
- 4 SECURITY FUND.
- 5 1. A courthouse security fund is created in each
- 6 county. The fund shall consist of receipts of
- 7 courthouse security fees taxed and collected by the
- 8 clerk of the district court and paid to the county

9 treasurer. The fund shall be administered by the  
10 county sheriff to provide for the salaries, benefits,  
11 equipment, and training of security staff and for the  
12 purchase and maintenance of security equipment for the  
13 courthouse. Expenditures from the fund are subject to  
14 approval of the board of supervisors.

15 2. Moneys in the courthouse security fund shall be  
16 used for security-related expenditures including, but  
17 not limited to, the purchase and maintenance of x-ray  
18 machines and conveying systems; handheld metal  
19 detectors; walk-through metal detectors;  
20 identification cards and systems; electronic locking  
21 and surveillance equipment; salaries, benefits,  
22 uniforms, firearms, training, and other necessary  
23 equipment for the performance of duties for deputy  
24 sheriffs assigned to courthouse security detail;  
25 signage; evidence security and inventory systems; and  
26 security hardware and equipment necessary or commonly  
27 used in video arraignment systems.

28 3. The courthouse security fee shall be taxed  
29 pursuant to sections 625.8A and 815.14 as a court cost  
30 by the clerk of the district court to each civil  
31 action filed in the district court and each criminal  
32 complaint, indictment, or citation if the defendant is  
33 convicted or pleads guilty to the offense contained in  
34 the complaint, indictment, or citation.

35 4. The courthouse security fee shall not be taxed  
36 as a court cost for a parking violation."

37 3. Page 1, by inserting after line 31 the  
38 following:

39 "Sec. — . NEW SECTION. 625.8A COURTHOUSE  
40 SECURITY FEE.

41 1. The clerk of the district court shall tax as a  
42 court cost a fee of three dollars for each civil  
43 action filed in the district court. Except as  
44 provided in subsection 2, the fee shall be collected  
45 at the time that a civil action is filed. The revenue  
46 from the fees required by this section shall be  
47 deposited in the county's courthouse security fund  
48 created in section 331.430A.

49 2. In a civil action brought by the state or a  
50 political subdivision of the state in which the state

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1 or the political subdivision of the state is a  
2 prevailing party, the fee shall be taxed and collected  
3 against the party which does not prevail. A county is  
4 not liable for payment of the courthouse security  
5 fee."

6 4. Page 2, by inserting after line 19 the  
7 following:

8 "Sec. \_\_\_\_ . NEW SECTION. 815.14 COURTHOUSE  
9 SECURITY FEE.

10 1. The clerk of the district court shall tax as a  
11 court cost the following fees, as applicable, to each  
12 criminal complaint, indictment, or citation filed in  
13 the district court, if the defendant is convicted or  
14 pleads guilty to the offense contained in the  
15 complaint, indictment, or citation:

16 a. A fee of five dollars for each felony offense.

17 b. A fee of three dollars for each misdemeanor  
18 offense or uniform citation and complaint issued  
19 pursuant to chapter 805 except as provided in  
20 paragraph "c".

21 c. A fee of one dollar for each uniform citation  
22 and complaint issued pursuant to chapter 805 for which  
23 a court appearance is not required or requested.

24 2. The revenue from the fees required by this  
25 section shall be deposited in the county's courthouse  
26 security fund created in section 331.430A. The fee  
27 shall not be taxed as a court cost for a parking  
28 violation."

29 5. Page 4, by striking lines 21 through 24 and  
30 inserting the following: "the general fund of the  
31 state."

32 6. By striking page 4, line 35, through page 5,  
33 line 3, and inserting the following: "to the general  
34 fund of the state. The other five dollars of the".

35 7. Page 5, by inserting after line 19 the  
36 following:

37 "Sec. \_\_\_\_ . EFFECTIVE AND APPLICABILITY DATES.

38 Sections 101, 102, and 103 of this Act, being deemed  
39 of immediate importance, take effect upon enactment  
40 and apply retroactively to January 1, 1995."

41 8. Title page, line 1, by inserting after the  
42 word "relating" the following: "to the qualifications  
43 of a qualifying organization which are necessary to  
44 conduct pari-mutuel wagering at racetracks or gambling  
45 games on excursion gambling boats,".

46 9. Title page, line 4, by inserting after the  
47 word "jails" the following: "creating a courthouse  
48 security fund, imposing courthouse security fees as a  
49 court cost, and providing for the purchase and  
50 maintenance of courthouse security equipment and the

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- 1 administration of the courthouse security fund, and
- 2 providing effective and applicability dates”.
- 3 10. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

## S-3612

- 1 Amend the amendment, S-3611, to House File 572, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, by inserting after line 2 the
- 5 following:
- 6 “Sec. \_\_\_\_ . NEW SECTION. 321.218A CIVIL PENALTY
- 7 -- DISPOSITION -- REINSTATEMENT.
- 8 When the department receives a record of a person's
- 9 conviction for a violation of section 321.218, the
- 10 department shall assess the person a civil penalty of
- 11 two hundred dollars. The money collected by the
- 12 department under this section shall be transmitted to
- 13 the treasurer of state who shall deposit one-half of
- 14 the money in the separate fund established in section
- 15 912.14 and one-half of the money shall be deposited in
- 16 the general fund of the state. A temporary restricted
- 17 license shall not be issued or a motor vehicle license
- 18 or nonresident operating privilege reinstated until
- 19 the civil penalty has been paid.
- 20 Sec. \_\_\_\_ . NEW SECTION. 321.561A CIVIL PENALTY --
- 21 DISPOSITION -- REINSTATEMENT.
- 22 When the department receives a record of a person's
- 23 conviction for a violation of section 321.561, the
- 24 department shall assess the person a civil penalty of
- 25 two hundred dollars. The money collected by the
- 26 department under this section shall be transmitted to
- 27 the treasurer of state who shall deposit one-half of
- 28 the money in the separate fund established in section
- 29 912.14 and one-half of the money shall be deposited in
- 30 the general fund of the state. A temporary restricted
- 31 license shall not be issued or a motor vehicle license
- 32 or nonresident operating privilege reinstated until
- 33 the civil penalty has been paid.
- 34 Sec. \_\_\_\_ . NEW SECTION. 321A.32A CIVIL PENALTY --
- 35 DISPOSITION -- REINSTATEMENT.
- 36 When the department receives a record of a person's
- 37 conviction for a violation of section 321A.32,
- 38 paragraph 1, the department shall assess the person a
- 39 civil penalty of two hundred dollars. The money

40 collected by the department under this section shall  
41 be transmitted to the treasurer of state who shall  
42 deposit one-half of the money in the separate fund  
43 established in section 912.14 and one-half of the  
44 money shall be deposited in the general fund of the  
45 state. A temporary restricted license shall not be  
46 issued or a motor vehicle license or nonresident  
47 operating privilege reinstated until the civil penalty  
48 has been paid."

49 2. Page 4, by inserting after line 45 the  
50 following:

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1 "\_\_\_ . Title page, line 1, by inserting after the  
2 word "imposing" the following: "a civil penalty for  
3 certain motor vehicle license revocations, imposing"."  
4 3. By renumbering as necessary.

TOM VILSACK

S-3613

1 Amend House File 571, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking page 3, line 16, through page 4,  
4 line 15.  
5 2. Page 4, by striking lines 19 and 20 and  
6 inserting the following: "retroactively to January 1,  
7 1995."

JIM LIND

S-3614

1 Amend Senate File 413 as follows:  
2 1. Page 7, by inserting after line 30 the  
3 following:  
4 "Sec. \_\_\_ . Section 455G.9, subsection 4, paragraph  
5 a, Code 1995, is amended to read as follows:  
6 a. An owner or operator who reports a release to  
7 the department of natural resources after May 5, 1989,  
8 and on or before October 26, 1990, shall be required  
9 to pay the following copayment amounts:  
10 (1) If the owner or operator has a net worth of  
11 one hundred thousand dollars or less, the owner or  
12 operator shall pay no more than eighteen percent of  
13 the total costs of corrective action for that release.  
14 For purposes of this subparagraph, "net worth" means  
15 the fair market value of the site, which shall include

16 an adjustment for anticipated benefits under this  
 17 section.

18 ~~(1)~~ (2) If a site's total anticipated expenses are  
 19 not reserved for more than, or actual expenses do not  
 20 exceed, eighty thousand dollars, the owner or operator  
 21 shall pay the greater of five thousand dollars or  
 22 eighteen percent of the total costs of corrective  
 23 action for that release.

24 ~~(2)~~ (3) If a site's total anticipated expenses are  
 25 reserved for more than, or actual expenses exceed,  
 26 eighty thousand dollars, the owner or operator shall  
 27 pay the amount as designated in subparagraph ~~(1)~~ (2)  
 28 plus thirty-five percent of the total costs of the  
 29 corrective action for that release which exceed eighty  
 30 thousand dollars."

31 2. By renumbering as necessary.

EMIL J. HUSAK  
 BRAD BANKS  
 BILL FINK  
 TONY BISIGNANO  
 MICHAEL E. GRONSTAL

S-3615

1 Amend the amendment, S-3611, to House File 572, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 2, by inserting after line 50 the  
 5 following:

6 "Sec. 111. Section 99F.7, subsection 10, paragraph  
 7 a, Code 1995, is amended to read as follows:

8 a. A license to conduct gambling games on an  
 9 excursion gambling boat in a county shall be issued  
 10 only if the county electorate approves the conduct of  
 11 the gambling games as provided in this subsection.  
 12 The board of supervisors, upon receipt of a valid  
 13 petition meeting the requirements of section 331.306,  
 14 shall direct the commissioner of elections to submit  
 15 to the qualified electors of the county a proposition  
 16 to approve or disapprove the conduct of gambling games  
 17 on an excursion gambling boat in the county. The  
 18 proposition shall be submitted at a general election  
 19 or at a special election called for that purpose. To  
 20 be submitted at a general election, the petition must  
 21 be received by the board of supervisors at least five  
 22 working days before the last day for candidates for  
 23 county offices to file nomination papers for the  
 24 general election pursuant to section 44.4. If a  
 25 majority of the county voters voting on the

26 proposition favor the conduct of gambling games, the  
27 commission may issue one or more licenses as provided  
28 in this chapter. If a majority of the county voters  
29 voting on the proposition do not favor the conduct of  
30 gambling games, a license to conduct gambling games in  
31 the county shall not be issued. ~~After a referendum~~  
32 ~~has been held, another referendum requested by~~  
33 ~~petition shall not be held for at least two years.~~

34 Sec. 112. Section 99F.7, subsection 10, Code 1995,  
35 is amended by adding the following new paragraph:  
36 NEW PARAGRAPH. d. After a referendum has been  
37 held which defeated a proposal to conduct gambling  
38 games on excursion gambling boats or which defeated a  
39 proposal to conduct gambling games at a licensed pari-  
40 mutuel racetrack enclosure as provided in this  
41 section, another referendum on a proposal to conduct  
42 gambling games on an excursion gambling boat or at a  
43 licensed pari-mutuel racetrack shall not be held for  
44 at least two years."

45 2. Page 4, line 40, by inserting after the figure  
46 "1995" the following: ", and sections 111 and 112 of  
47 this Act apply retroactively to September 1, 1994".

DONALD B. REDFERN

S-3616

1 Amend the amendment, S-3611, to House File 572, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 3, by striking line 5 and inserting the  
5 following:

6 "1. A courthouse security fund may be established  
7 in each".

8 2. Page 3, line 28, by striking the word "The"  
9 and inserting the following: "In each county which  
10 has established a courthouse security fund, the".

11 3. Page 3, line 41, by striking the word "The"  
12 and inserting the following: "In each county which  
13 has established a courthouse security fund, the".

14 4. Page 4, line 10, by striking the word "The"  
15 and inserting the following: "In each county which  
16 has established a courthouse security fund, the".

17 5. Page 4, line 24, by striking the words  
18 "required by" and inserting the following: "provided  
19 for in".

20 6. Page 4, lines 47 and 48, by striking the words  
21 "creating a courthouse security fund, imposing" and

22 inserting the following: "providing for the creation  
23 of a courthouse security fund, the imposition of".

DENNIS H. BLACK

S-3617

1 Amend House File 573, as passed by the House, as  
2 follows:

3 1. Page 1, line 27, by inserting after the figure  
4 "422.16A" the following: ", up to a maximum of two  
5 million dollars each year".

6 2. Page 5, line 22, by inserting after the word  
7 "fund." the following: "The maximum amount from all  
8 employers which shall be transferred to the workforce  
9 development fund in any year is two million dollars."

COMMITTEE ON WAYS AND MEANS  
WILLIAM D. PALMER, Chairperson

S-3618

1 Amend the House amendment, S-3572, to Senate File  
2 475, as passed by the Senate, as follows:

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

5 "\_\_\_ . Page 3, by inserting after line 1 the  
6 following:

7 Sec. \_\_\_ . Section 8.21, Code 1995, is amended by  
8 adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Unless a collective  
10 bargaining agreement, as referred to in section 20.17,  
11 subsection 10, between a state public employer and the  
12 state employee organization which represents the  
13 largest number of state employees, providing for  
14 salary adjustment for the ensuing fiscal year is being  
15 negotiated at the time required for transmission of  
16 the governor's budget, the portion of the governor's  
17 budget for the ensuing fiscal year which provides the  
18 details of recommended appropriations and a draft  
19 appropriation bill for adjustment of state employee  
20 salaries shall be submitted to the general assembly on  
21 or before March 1 of the legislative session. If a  
22 collective bargaining agreement, as referred to in  
23 section 20.17, subsection 10, between a state public  
24 employer and the state employee organization which  
25 represents the largest number of state employees,  
26 providing for salary adjustment for the ensuing fiscal  
27 year is being negotiated at the time required for  
28 transmission of the governor's budget, the portion of

29 the governor's budget for the ensuing fiscal year  
 30 which provides the details of recommended  
 31 appropriations and a draft appropriation bill for .  
 32 adjustment of state employee salaries shall be  
 33 submitted to the general assembly within thirty days  
 34 of the date by which the collective bargaining  
 35 agreement between the state public employer and the  
 36 state employee organization is completed, either  
 37 through agreement or arbitration or prior to the date  
 38 of final adjournment of that legislative session,  
 39 whichever is earlier."

40 \_\_\_\_ . Page 3, line 3, by striking the word  
 41 "subsection" and inserting the following:  
 42 "subsections".

43 2. Page 1, by striking line 9 and inserting the  
 44 following:

45 "\_\_\_\_ . Page 3, by striking lines 15 through 22 and  
 46 inserting the following:

47 "NEW SUBSECTION. 6. At the meeting in which the  
 48 conference agrees to the revenue estimate for the  
 49 succeeding fiscal year in accordance with the  
 50 provisions of subsection 3, the conference shall also

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1 agree to a preliminary projection of the amount of the  
 2 appropriation necessary for the succeeding fiscal year  
 3 to fund the medical assistance program under chapter  
 4 249A. This preliminary projection shall be developed  
 5 based upon the state and federal requirements for the  
 6 medical assistance program in effect at the time the  
 7 projection is made unless the members of the revenue  
 8 estimating conference agree to assume different  
 9 requirements for purposes of developing the  
 10 projection. As a preliminary projection, it shall be  
 11 used as the basis for later projections deemed  
 12 necessary by the governor or used by the general  
 13 assembly, which are developed due to revised budget  
 14 assumptions, proposed policy revisions, or other  
 15 adjustments.""

16 3. Page 3, by striking lines 37 through 49.

17 4. Page 4, by striking lines 9 through 19.

18 5. Page 4, by striking lines 22 through 28.

19 6. By striking page 4, line 37, through page 6,  
 20 line 13.

21 7. Page 6, line 45, by inserting after the word  
 22 "specified," the following: "the legislative fiscal  
 23 bureau shall use the amounts of the appropriations to  
 24 the department or establishment for the fiscal year in  
 25 process at the time the estimates are required to be

26 submitted as the amounts for the department's or  
 27 establishment's request in the documents submitted to  
 28 the general assembly for the ensuing fiscal year and".  
 29 8. By renumbering as necessary.

LARRY MURPHY

S-3619

1 Amend House File 573, as passed by the House, as  
2 follows:

3 1. Page 5, line 24, by striking the figure "1995"  
4 and inserting the following: "1996".

5 2. Page 5, line 25, by striking the figure "1996"  
6 and inserting the following: "1997".

7 3. Page 6, by inserting after line 16 the  
8 following:

9 "Sec. 101. APPROPRIATION. There is appropriated  
10 from the general fund of the state to the job training  
11 fund established under section 260F.6 for the fiscal  
12 year beginning July 1, 1995, and ending June 30, 1996,  
13 the following amount, or so much thereof as is  
14 necessary, to be used for the purpose designated:

15 For the purposes of the fund:

16 ..... \$ 362,000"

17 4. Page 6, by inserting after line 22 the  
18 following:

19 "Sec. \_\_\_\_ . EFFECTIVE DATES. This Act, except  
20 sections 11 and 101, takes effect July 1, 1996.  
21 Sections 11 and 101 take effect July 1, 1995."

22 5. Title page, line 4, by striking the word  
23 "and".

24 6. Title page, line 5, by inserting after the  
25 word "program" the following: ", and providing  
26 effective dates".

DERRYL McLAREN

S-3620

1 Amend House File 573, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 5 the  
4 following:

5 " \_\_\_\_ . The school-to-work program created in  
6 section 256.17, if enacted by 1995 Iowa Acts, House

7 File 565."

8 2. By relettering as necessary.

MARY NEUHAUSER  
MIKE CONNOLLY

S-3621

1 Amend the amendment, S-3611, to House File 572, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 3, line 13, by inserting after the word  
5 "courthouse" the following: "and other county  
6 administrative buildings".

MARY NEUHAUSER

S-3622

1 Amend the amendment, S-3611, to House File 572, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 3, line 3, by striking the word  
5 "COURTHOUSE" and inserting the following: "COUNTY".  
6 2. Page 3, line 5, by striking the word  
7 "courthouse" and inserting the following: "county".  
8 3. Page 3, line 7, by striking the word  
9 "courthouse" and inserting the following: "county".  
10 4. Page 3, line 13, by striking the word  
11 "courthouse" and inserting the following: "county  
12 facilities, including the reimbursement of security-  
13 related expenditures for county facilities incurred  
14 prior to the effective date of this Act".  
15 5. Page 3, line 15, by striking the word  
16 "courthouse" and inserting the following: "county".  
17 6. Page 3 line 24, by striking the words  
18 "assigned to courthouse security detail" and inserting  
19 the following: "or private security staff assigned to  
20 provide security at county facilities".  
21 7. Page 3, line 25, by striking the words  
22 "systems; and" and inserting the following:  
23 "systems;".  
24 8. Page 3, line 27, by inserting after the word  
25 "systems" the following: "; and reimbursement for  
26 security-related expenditures incurred prior to the  
27 effective date of this Act".  
28 9. Page 3, line 28, by striking the word  
29 "courthouse" and inserting the following: "county".  
30 10. Page 3, line 35, by striking the word  
31 "courthouse" and inserting the following: "county".

- 32 11. Page 3, line 39, by striking the word  
 33 "COURTHOUSE" and inserting the following: "COUNTY".  
 34 12. Page 3, line 47, by striking the word  
 35 "courthouse" and inserting the following: "county".  
 36 13. Page 4, line 4, by striking the word  
 37 "courthouse" and inserting the following: "county".  
 38 14. Page 4, line 8, by striking the word  
 39 "COURTHOUSE" and inserting the following: "COUNTY".  
 40 15. Page 4, line 25, by striking the word  
 41 "courthouse" and inserting the following: "county".  
 42 16. Page 4, line 47, by striking the word  
 43 "courthouse" and inserting the following: "county".  
 44 17. Page 4, line 48, by striking the word  
 45 "courthouse" and inserting the following: "county".  
 46 18. Page 4, line 50, by striking the word  
 47 "courthouse" and inserting the following: "county".  
 48 19. Page 5, line 1, by striking the word  
 49 "courthouse" and inserting the following: "county".

TONY BISIGNANO

S-3623

- 1 Amend the amendment, S-3611, to House File 572, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 4, by inserting after line 28 the  
 5 following:  
 6 " \_\_\_\_ . Page 4, by striking lines 12 through 15 and  
 7 inserting the following: "transferred to the general  
 8 fund of the state.""

LARRY MURPHY

S-3624

- 1 Amend House File 555, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting after line 2 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 422.12, subsection 1, Code  
 6 1995, is amended by adding the following new  
 7 paragraph:  
 8 NEW PARAGRAPH. f. For each dependent attending a  
 9 public elementary or secondary school in this state,  
 10 the first twenty dollars of any fees charged for  
 11 textbooks to be used by the dependent."

MARY E. KRAMER

S-3625

- 1 Amend the amendment, S-3611, to House File 572, as  
2 amended, passed, and reprinted by the House, as  
3 follows:
- 4 1. Page 3, line 3, by striking the word  
5 "COURTHOUSE" and inserting the following: "COUNTY".
  - 6 2. Page 3, by striking line 5 and inserting the  
7 following:  
8 "1. A county security fund may be established in  
9 each".
  - 10 3. Page 3, line 7, by striking the word  
11 "courthouse" and inserting the following: "county".
  - 12 4. Page 3, line 13, by striking the word  
13 "courthouse" and inserting the following: "county  
14 facilities, including the reimbursement of security-  
15 related expenditures for county facilities incurred  
16 prior to the effective date of this Act".
  - 17 5. Page 3, line 15, by striking the word  
18 "courthouse" and inserting the following: "county".
  - 19 6. Page 3 line 24, by striking the words  
20 "assigned to courthouse security detail" and inserting  
21 the following: "or private security staff assigned to  
22 provide security at county facilities".
  - 23 7. Page 3, line 25, by striking the words  
24 "systems; and" and inserting the following:  
25 "systems;".
  - 26 8. Page 3, line 27, by inserting after the word  
27 "systems" the following: "; and reimbursement for  
28 security-related expenditures incurred prior to the  
29 effective date of this Act".
  - 30 9. Page 3, line 28, by striking the word "The"  
31 and inserting the following: "In each county which  
32 has established a county security fund, the".
  - 33 10. Page 3, line 35, by striking the word  
34 "courthouse" and inserting the following: "county".
  - 35 11. Page 3, line 39, by striking the word  
36 "COURTHOUSE" and inserting the following: "COUNTY".
  - 37 12. Page 3, line 41, by striking the word "The"  
38 and inserting the following: "In each county which  
39 has established a county security fund, the".
  - 40 13. Page 3, line 46, by striking the words  
41 "required by" and inserting the following: "provided  
42 for in".
  - 43 14. Page 3, line 47, by striking the word  
44 "courthouse" and inserting the following: "county".
  - 45 15. Page 4, line 4, by striking the word  
46 "courthouse" and inserting the following: "county".
  - 47 16. Page 4, line 8, by striking the word  
48 "COURTHOUSE" and inserting the following: "COUNTY".

49 17. Page 4, line 10, by striking the word "The"  
50 and inserting the following: "In each county which

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1 has established a county security fund, the".  
2 18. Page 4, line 24, by striking the words  
3 "required by" and inserting the following: "provided  
4 for in".  
5 19. Page 4, line 25, by striking the word  
6 "courthouse" and inserting the following: "county".  
7 20. Page 4, lines 47 and 48, by striking the  
8 words "creating a county security fund, imposing" and  
9 inserting the following: "providing for the creation  
10 of a county security fund, the imposition of".  
11 21. Page 4, line 50, by striking the word  
12 "courthouse" and inserting the following: "county".  
13 22. Page 5, line 1, by striking the word  
14 "courthouse" and inserting the following: "county".

TONY BISIGNANO  
DENNIS BLACK

S-3626

1 Amend the amendment, S-3611, to House File 572, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 4, by inserting after line 28 the  
5 following:  
6 "\_\_\_ . Page 4, line 11, by striking the word "all"  
7 and inserting the following: "one dollar of the  
8 surcharge shall be transferred to the clerk of the  
9 district court for the county in which the violation  
10 occurred to defray the costs associated with  
11 collecting the surcharge and nine dollars".  
12 \_\_\_ . Page 4, line 20, by striking the words "Five  
13 dollars" and inserting the following: "Four dollars  
14 and fifty cents"."  
15 2. Page 4, by inserting after line 31 the  
16 following:  
17 "\_\_\_ . Page 4, line 25, by striking the words  
18 "Five dollars" and inserting the following: "Four  
19 dollars and fifty cents".  
20 \_\_\_ . Page 4, by inserting after line 29 the  
21 following:  
22 "c. One dollar of the surcharge shall be  
23 transferred to the clerk of the district court for the  
24 county in which the violation occurred to defray the  
25 costs associated with collecting the surcharge."

- 26 \_\_\_\_ . Page 4, line 34, by striking the words "five  
 27 dollars" and inserting the following: "four dollars  
 28 and fifty cents".
- 29 3. Page 4, line 34, by striking the words "The  
 30 other five dollars" and inserting the following:  
 31 "Four dollars and fifty cents".
- 32 4. Page 4, by inserting after line 34 the  
 33 following:
- 34 " \_\_\_\_ . Page 5, line 10, by striking the words "the  
 35 entire" and inserting the following: "nine dollars of  
 36 the".
- 37 \_\_\_\_ . Page 5, line 15, by striking the words "the  
 38 entire" and inserting the following: "nine dollars of  
 39 the".
- 40 \_\_\_\_ . Page 5, by inserting after line 19 the  
 41 following:
- 42 "c. One dollar of the surcharge shall be  
 43 transferred to the clerk of the district court for the  
 44 county in which the violation occurred to defray the  
 45 costs associated with collecting the surcharge.""
- 46 5. Page 4, line 47, by inserting before the word  
 47 "creating" the following: "and the district court,".
- 48 6. By renumbering as necessary

RANDAL J. GIANNETTO

S-3627

- 1 Amend the amendment, S-3611, to House File 572, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:
- 4 1. Page 3, line 25, by inserting after the word  
 5 "systems;" the following: "security provided pursuant  
 6 to section 602.6112;"
- 7 2. Page 3, by inserting after line 36 the  
 8 following:
- 9 " \_\_\_\_ . Page 1, by inserting after line 21 the  
 10 following:
- 11 "Sec. \_\_\_\_ . NEW SECTION. 602.6112 HEARINGS --  
 12 SECURITY.
- 13 Upon the court's own motion, or upon the request of  
 14 any party to a civil action including, but not limited  
 15 to, a dissolution of marriage or child custody  
 16 proceeding, the court shall provide security in the  
 17 courtroom during any hearing or proceeding held in the  
 18 action. The costs of providing security shall be paid  
 19 through expenditure of moneys from the courthouse  
 20 security fund established in section 331.430A.""
- 21 3. Page 3, by inserting after line 48 the  
 22 following:

23 "1A. The clerk of the district court shall tax as  
24 a court cost a fee of ten dollars for each hearing  
25 held as the result of the filing of a civil action in  
26 the district court for which security is requested  
27 pursuant to section 602.6112. The revenue from the  
28 fees required by this section shall be deposited in  
29 the county's courthouse security fund created in  
30 section 331.430A and shall be expended to provide  
31 security pursuant to section 602.6112."

32 4. Page 4, by inserting after line 36 the  
33 following:

34 "Sec. \_\_\_\_ . The section of 1995 Iowa Acts, Senate  
35 File 150, if enacted, which amends section 598.8, is  
36 repealed."

37 5. By renumbering as necessary.

LARRY MURPHY

S-3628

1 Amend House File 555, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 29, by striking the words "~~forty-~~  
4 ~~five ninety-five~~" and inserting the following:

5 "forty-five".

6 2. Page 1, lines 32 and 33, by striking the words  
7 "~~forty-five ninety-five~~" and inserting the following:

8 "forty-five".

JOHNIE HAMMOND

S-3629

1 Amend House File 555, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Sec. \_\_\_\_ . Section 422.12, subsection 1, Code  
6 1995, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. f. For each dependent attending a  
9 public elementary or secondary school in this state,  
10 the first twenty dollars of any fees charged for  
11 textbooks to be used by the dependent."

JOHNIE HAMMOND

S-3630

1 Amend the amendment, S-3605, to Senate File 478 as  
2 follows:  
3 1. Page 1, by inserting after line 33 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 524.1802, subsection 1, Code  
6 1995, is amended by adding the following new  
7 unnumbered paragraph:  
8 NEW UNNUMBERED PARAGRAPH. Notwithstanding the ten  
9 percent limitation in this subsection, a bank holding  
10 company which does not have an investment in an  
11 investment subsidiary, as defined in section 422.61,  
12 during its tax year may have through the banks,  
13 savings and loan associations, and savings banks it  
14 owns or controls in the state up to fifteen percent,  
15 in the aggregate, of the total time and demand  
16 deposits of all banks, savings and loan associations,  
17 and savings banks in this state."

TONY BISIGNANO  
WILLIAM D. PALMER

S-3631

1 Amend House File 555, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 6, by striking the words "five  
4 seven" and inserting the following: "five".

JOHNIE HAMMOND

S-3632

1 Amend House File 555, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, by striking lines 1 and 2 and  
4 inserting the following:  
5 "Sec. \_\_\_\_ . This Act takes effect".  
6 2. Page 2, line 3, by striking the figure "1995"  
7 and inserting the following: "1996".

JOHNIE HAMMOND

S-3633

1 Amend House File 555 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 8, by striking the word "twelve"  
4 and inserting the following: "twelve college or

5 university".

6 2. Page 1, line 11, by inserting after the figure  
7 "256.11," and inserting the following: "or college or  
8 university situated in Iowa."

9 3. Page 1, line 16, by inserting after the word  
10 "schools" the following: "or colleges and  
11 universities".

12 4. Page 1, line 17, by inserting after the word  
13 "schools" the following: "or colleges and  
14 universities".

15 5. Title page, line 2, by inserting after the  
16 word "schools" the following: "or colleges and  
17 universities".

JOHNIE HAMMOND  
MARY NEUHAUSER  
ROBERT DVORSKY

S-3634

1 Amend House File 555, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Sec. \_\_\_\_ . This Act takes effect in the fiscal  
6 year following the year in which the department of  
7 revenue and finance has developed a report on the last  
8 state tax revenue resulting from Iowa's tuition tax  
9 deduction and credit and applies to tax years  
10 beginning in or after that fiscal year."

JOHNIE HAMMOND

S-3635

1 Amend Senate File 486 as follows:

2 1. Page 4, by striking lines 24 through 29.

BRAD BANKS

S-3636

1 Amend the amendment, S-3614, to Senate File 413 as  
2 follows:

3 1. Page 1, line 11, by inserting after the word  
4 "less" the following: "and the owner or operator owns  
5 no more than one site".

EMIL J. HUSAK  
BRAD BANKS

HOUSE AMENDMENT TO  
SENATE FILE 120

S-3637

- 1 Amend Senate File 120 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, line 7, by striking the words "to  
4 complete" and inserting the following: "make progress  
5 towards completion of".  
6 2. Page 2, line 8, by striking the words "and  
7 obtain".  
8 3. Title page, lines 2 and 3, by striking the  
9 words "or obtain" and inserting the following: "or  
10 make progress towards completion of".

S-3638

- 1 Amend the amendment, S-3605, to Senate File 478 as  
2 follows:  
3 1. Page 1, line 21, by striking the word "fifty"  
4 and inserting the following: "seventy-five".  
5 2. Page 1, line 24, by inserting after the word  
6 "added." the following: "However, in addition to the  
7 nonapplicability of this paragraph, a bank holding  
8 company which does not have an investment in an  
9 investment subsidiary during its tax year may have  
10 through the banks, savings and loan associations, and  
11 savings banks it owns or controls in the state up to  
12 twelve and one-half percent, in the aggregate, of the  
13 total time and demand deposits of all banks, savings  
14 and loan associations, and savings banks in this state  
15 notwithstanding the ten percent limitation in section  
16 524.1802, subsection 1."

TONY BISIGNANO  
WILLIAM D. PALMER

S-3639

- 1 Amend House File 578, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 5 through 7 and  
4 inserting the following: "subsection 5, to the  
5 department of corrections for the fiscal year  
6 beginning July 1".  
7 2. Page 1, line 9, by inserting after the word  
8 "used" the following: ", in consultation with the  
9 Iowa telecommunications and technology commission".  
10 3. Page 1, line 12, by inserting after the word

11 "users" the following: "that are public school  
12 districts and accredited nonpublic schools".  
13 4. By striking page 1, line 19, through page 2,  
14 line 7, and inserting the following: "communicated to  
15 the general assembly. Notwithstanding chapter 8D, the  
16 commission shall provide that the connections be  
17 completed as follows:

18 (1) That a fiber optic cable facility be connected  
19 to each school within a school district and each  
20 accredited nonpublic school, including each high  
21 school, junior high school or middle school, and grade  
22 school, to the extent permitted by the funds  
23 appropriated in this subsection.

24 (2) That the connection to each high school  
25 facility include the necessary optronics.

26 b. The commission shall reject all remaining  
27 proposals submitted in response to the request for  
28 proposals associated with Part III sites that are not  
29 connected pursuant to paragraph "a", and shall develop  
30 a new request for proposals for the completion of Part  
31 III during the fiscal years 1996-1997, 1997-1998, and  
32 1998-1999. The request for proposals shall be for the  
33 connection of all remaining public school districts  
34 and accredited nonpublic schools in the same manner as  
35 provided in paragraph "a".

36 5. Page 4, by inserting after line 18 the  
37 following:

38 "Sec. \_\_\_\_ . It is the intent of the general  
39 assembly that rules adopted by the department of  
40 corrections pursuant to section 904.701 and relating  
41 to inmate employment programs for inmates performing  
42 hard labor pursuant to section 904.701 shall provide  
43 for the use of inmate labor in connecting the Iowa  
44 communications network to schools. Employment by  
45 inmates in connecting the Iowa communications network  
46 is permissible, notwithstanding any requirements  
47 concerning displacement of employed workers, the  
48 existence of a local surplus of non-inmate labor, or  
49 the impairment of existing contracts for employment or  
50 services, as provided in section 904.701, subsection

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1 1, and any contrary requirements provided in chapter  
2 23A. The department shall also adopt rules providing  
3 that an inmate performing hard labor on a chain gang  
4 involved in the connecting of schools to the Iowa  
5 communications network is eligible for one day of good  
6 conduct time for each mile of cable laid by the chain  
7 gang and one day of good conduct time for each school

8 connected to the network by the chain gang, consistent  
9 with the requirements of section 903A.2.

10 Sec. 101. Section 903A.2, unnumbered paragraph 1,  
11 Code 1995, as amended by 1995 Iowa Acts, House File  
12 471, is amended to read as follows:

13 Unless an inmate is sentenced pursuant to section  
14 902.12, subsection 2, an inmate of an institution  
15 under the Iowa department of corrections, is eligible  
16 for a reduction of sentence of one day for each day of  
17 good conduct of the inmate while committed to one of  
18 the department's institutions. Unless an inmate is  
19 sentenced pursuant to section 902.12, subsection 2, in  
20 addition to the sentence reduction of one day for each  
21 day of good conduct, each inmate is eligible for an  
22 additional reduction of sentence of up to five days a  
23 month if the inmate participates satisfactorily in  
24 employment in the institution, in Iowa state  
25 industries, in an inmate employment program  
26 established by the director, in a treatment program  
27 established by the director, or in an inmate  
28 educational program approved by the director, and for  
29 additional good conduct time for work performed on  
30 chain gangs concerning the Iowa communications network  
31 in the manner and amount provided for under rules  
32 adopted by the department. Inmates who are sentenced  
33 pursuant to section 902.12, subsection 2, are eligible  
34 for a reduction of sentence of up to one day a month  
35 for good conduct while committed to one of the  
36 department's institutions. However, inmates who are  
37 sentenced pursuant to section 902.12, subsection 2,  
38 who perform work on chain gangs concerning the Iowa  
39 communications network are eligible for an additional  
40 reduction of sentence of up to one day a month for  
41 good conduct as provided for under rules adopted by  
42 the department. Reduction of sentence pursuant to  
43 this section may be subject to forfeiture pursuant to  
44 section 903A.3. Computation of good conduct time is  
45 subject to the following conditions:

46 Sec. 102. Section 903A.2, unnumbered paragraph 1,  
47 Code 1995, is amended to read as follows:

48 Each inmate of an institution under the Iowa  
49 department of corrections, is eligible for a reduction  
50 of sentence of one day for each day of good conduct of

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1 the inmate while committed to one of the department's  
2 institutions. In addition to the sentence reduction  
3 of one day for each day of good conduct, each inmate  
4 is eligible for an additional reduction of sentence of

5 up to five days a month if the inmate participates  
 6 satisfactorily in employment in the institution, in  
 7 Iowa state industries, in an inmate employment program  
 8 established by the director, in a treatment program  
 9 established by the director, or in an inmate  
 10 educational program approved by the director, and for  
 11 additional good conduct time for work performed on  
 12 chain gangs concerning the Iowa communications network  
 13 in the manner and amount provided for under rules  
 14 adopted by the department. Reduction of sentence  
 15 pursuant to this section may be subject to forfeiture  
 16 pursuant to section 903A.3. Computation of good  
 17 conduct time is subject to the following conditions:  
 18 Sec. \_\_\_\_ . CONTINGENT EFFECTIVE DATE. If House  
 19 File 471 is enacted into law, section 102 shall not  
 20 take effect and shall be void. If House File 471 is  
 21 not enacted into law, section 101 shall not take  
 22 effect and shall be void."  
 23 6. By renumbering as necessary.

RANDAL J. GIANNETTO  
 TONY BISIGNANO

S-3640

1 Amend House File 508, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 8, by inserting after line 7 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 455G.9, subsection 4, paragraph  
 6 a, Code 1995, is amended to read as follows:  
 7 a. An owner or operator who reports a release to  
 8 the department of natural resources after May 5, 1989,  
 9 and on or before October 26, 1990, shall be required  
 10 to pay the following copayment amounts:  
 11 (1) If the owner or operator has a net worth of  
 12 one hundred thousand dollars or less and owns no more  
 13 than one site, the owner or operator shall pay no more  
 14 than eighteen percent of the total costs of corrective  
 15 action for that release. For purposes of this  
 16 subparagraph, "net worth" means the fair market value  
 17 of the site, which shall include an adjustment for  
 18 anticipated benefits under this section.  
 19 ~~(1)~~ (2) If a site's total anticipated expenses are  
 20 not reserved for more than, or actual expenses do not  
 21 exceed, eighty thousand dollars, the owner or operator  
 22 shall pay the greater of five thousand dollars or  
 23 eighteen percent of the total costs of corrective  
 24 action for that release.  
 25 ~~(2)~~ (3) If a site's total anticipated expenses are

26 reserved for more than, or actual expenses exceed,  
27 eighty thousand dollars, the owner or operator shall  
28 pay the amount as designated in subparagraph (1) (2)  
29 plus thirty-five percent of the total costs of the  
30 corrective action for that release which exceed eighty  
31 thousand dollars.”

32 2. By renumbering as necessary.

EMIL J. HUSAK  
BRAD BANKS  
BILL FINK  
TONY BISIGNANO  
MICHAEL E. GRONSTAL

S-3641

1 Amend House File 518, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 “Section 1. Section 476.1D, Code 1995, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 10. The board, at the request of  
8 a long distance telephone company, shall classify such  
9 company as a competitive long distance telephone  
10 company if more than half of the company’s revenues  
11 from its Iowa intrastate telecommunications services  
12 and facilities are received from services and  
13 facilities that the board has determined to be subject  
14 to effective competition. The board shall promptly  
15 notify the director of revenue and finance that a long  
16 distance telephone company has been classified as a  
17 competitive long distance telephone company. Upon  
18 such notification by the board, the director of  
19 revenue and finance shall assess the property of such  
20 competitive long distance telephone company, which  
21 property is first assessed for taxation in this state  
22 on or after January 1, 1996, in the same manner as all  
23 other property assessed as commercial property by the  
24 local assessor under chapters 427, 427A, 427B, 428,  
25 and 441. As used in this section, “long distance  
26 telephone company” means an entity that provides  
27 telephone service and facilities between local  
28 exchanges, but does not include a cellular service  
29 provider or a local exchange utility holding a  
30 certificate issued under section 476.29, subsection  
31 12.”

32 2. Page 7, by striking lines 30 through 32 and  
33 inserting the following: “intrastate access service  
34 rates by at least fifty percent of the difference

35 between average intrastate access service rates and  
36 average interstate access service rates as of the date  
37 that the plan is filed and further reduce such rates  
38 to the average interstate access service rates within  
39 ninety days of the date that the plan becomes  
40 effective."

41 3. Page 12, line 6, by inserting after the word  
42 "subsection." the following: "A local exchange  
43 carrier which elects to become price regulated under  
44 this subsection shall also be subject to subsections 5  
45 through 8 and subsection 10 in the same manner as a  
46 local exchange carrier which operates under an  
47 approved plan of price regulation submitted pursuant  
48 to subsection 1."

49 4. Page 14, by inserting after line 15 the  
50 following:

**Page 2**

1 "\_\_\_ . A local exchange carrier which elects to  
2 become price regulated under this subsection shall  
3 also be subject to the following:

4 (1) The local exchange carrier shall not be  
5 subject to rate-of-return regulation while operating  
6 under price regulation.

7 (2) All regulated services shall be provided  
8 pursuant to board-approved tariffs.

9 (3) All new regulated service offerings shall be  
10 reported to the board.

11 (4) Rates may be adjusted by the board to reflect  
12 any changes in revenues, expenses, and investment due  
13 to exogenous factors beyond the control of the local  
14 exchange carrier."

15 5. Page 14, by inserting after line 26 the  
16 following:

17 "\_\_\_ . This subsection shall not be construed to  
18 prohibit an additional decrease or to permit any  
19 increase in a local exchange carrier's average  
20 intrastate access service rates during the term of the  
21 local exchange carrier's operation under price  
22 regulation."

23 6. Page 14, lines 30 and 31, by striking the  
24 words "a plan of".

25 7. Page 15, by striking lines 15 through 17 and  
26 inserting the following:

27 "In addition to the provisions required in section  
28 476.30B, a local exchange carrier, prior to operating  
29 under price regulation, shall make provision for the  
30 following:"

31 8. By striking page 15, line 35, through page 16,

32 line 5, and inserting the following: "affiliates. A  
33 local telecommunications facility, feature, function,  
34 or capability of the local exchange carrier's network  
35 is an essential facility if all of the following  
36 apply:

37 a. Competitors cannot practically or economically  
38 duplicate the facility, feature, function, or  
39 capability, or obtain the facility, feature, function,  
40 or capability from another source.

41 b. The use of the facility, feature, function, or  
42 capability by potential competitors is technically and  
43 economically feasible.

44 c. Denial of the use of the facility, feature,  
45 function, or capability by competitors is  
46 unreasonable.

47 d. The facility, feature, function, or capability  
48 will enable competition."

49 9. By striking page 18, line 29, through page 19,  
50 line 19, and inserting the following: "providers."

### Page 3

1 . 10. Renumber and relettering as necessary.

MICHAEL E. GRONSTAL  
PATRICK J. DELUHERY  
EMIL J. HUSAK  
MARY A. LUNDBY

S-3642

1 Amend House File 578, as amended, passed, and  
2 reprinted by the House as follows:

3 1. By striking page 1, line 30, through page 2,  
4 line 7, and inserting the following: "of a plan.

5 c. The commission shall reject all remaining  
6 proposals submitted in response to the request for  
7 proposals associated with Part III sites which are not  
8 connected pursuant to subsection 1, and shall develop  
9 a new request for proposals for completion of Part III  
10 during the fiscal years 1996-1997, 1997-1998, and  
11 1998-1999. The commission shall make recommendations  
12 to the general assembly for proceeding with Part III  
13 based upon the bids submitted in response to the  
14 request for proposals. The commission shall provide a  
15 written report to the general assembly including any  
16 recommendations by no later than January 15, 1996.

17 The request for proposals developed pursuant to  
18 this subsection shall provide for all of the  
19 following:

20 (1) A lease period of ten years or more for the  
 21 fiber optic facilities, excluding the optronics and  
 22 other hardware.  
 23 (2) Even payments over the term of the lease.  
 24 (3) Fiber optic cable facilities or facilities  
 25 with DS-3 capacity for one interactive video classroom  
 26 facility per site, except as otherwise provided.  
 27 (4) Notwithstanding provisions of chapter 8D to  
 28 the contrary, flexibility in providing for the  
 29 connection to the network through sites other than the  
 30 county point of presence. These sites may include  
 31 existing regeneration sites or connections to existing  
 32 fiber optic cable routes associated with the network.  
 33 It is the intent of the general assembly that the  
 34 commission, in determining the sites where a  
 35 connection may be made, consider the potential cost  
 36 reduction in providing such connections and  
 37 maintaining the integrity of the switching."

DERRYL McLAREN  
 RANDAL J. GIANNETTO  
 DONALD B. REDFERN  
 EMIL J. HUSAK

S-3643

1 Amend House File 578, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 11, by striking the words and  
 4 figure "a minimum of 100".  
 5 2. Page 1, line 14, by striking the figure  
 6 "18,540,000" and inserting the following:  
 7 "13,540,000".  
 8 3. Page 1, by striking lines 15 through 22 and  
 9 inserting the following:  
 10 "The commission shall use the funds appropriated in  
 11 this subsection for the purpose of providing  
 12 connections to the network for the lowest site-by-site  
 13 bids received in response to the request for proposals  
 14 for Part III of the Iowa communications network issued  
 15 August 19, 1994. It is".  
 16 4. By striking page 1, line 30, through page 2,  
 17 line 7, and inserting the following: "of a plan.  
 18 c. The commission shall reject all remaining  
 19 proposals submitted in response to the request for  
 20 proposals associated with Part III sites which are not  
 21 connected pursuant to subsection 1, and shall develop  
 22 a new request for proposals for completion of Part III  
 23 during the fiscal years 1996-1997, 1997-1998, and  
 24 1998-1999. The commission shall make recommendations

25 to the general assembly for proceeding with Part III  
26 based upon the bids submitted in response to the  
27 request for proposals. The commission shall provide a  
28 written report to the general assembly including any  
29 recommendations by no later than January 15, 1996."

30 5. Page 2, by inserting before line 8 the  
31 following:

32 "\_\_\_ EDUCATION TECHNOLOGY FUND. An education  
33 technology fund is created in the office of the  
34 treasurer of state under the control of the department  
35 of education. There is appropriated from the rebuild  
36 Iowa infrastructure account of the state created in  
37 section 8.57, subsection 5, to the education  
38 technology fund under the control of the department of  
39 education for the fiscal year beginning July 1, 1995,  
40 and ending June 30, 1996, the following amount, or so  
41 much thereof as is necessary, to be used for the  
42 purpose designated:

43 For the purchase or lease of computers, computer  
44 networks, computer programs, computer software,  
45 computer systems, and computer services:

46 ..... \$ 5,000,000"

47 6. By renumbering as necessary.

JOHN W. JENSEN  
DERRYL McLAREN

S-3644

1 Amend House File 578, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 26 the  
4 following:

5 "All authorized users which are public school  
6 districts or accredited nonpublic schools and which  
7 are connected to the network or which intend to be  
8 connected to the network prior to January 1, 1998,  
9 shall submit to the commission a plan which contains,  
10 at a minimum, all of the following:

- 11 (1) Anticipated date of connection.
- 12 (2) Anticipated hours of instructional and other
- 13 use of the network during the twelve-month period
- 14 immediately following connection.
- 15 (3) Anticipated number of individuals who will
- 16 benefit from the utilization of the network.
- 17 (4) A minimum of two examples of programs or
- 18 curriculum that will utilize the network.
- 19 (5) Costs which may be incurred by a political
- 20 subdivision, including the Part III site, as a result
- 21 of the connection and its use.

22 The plan shall be submitted to the commission by no  
23 later than October 1, 1995. The commission shall file  
24 a written report with the general assembly concerning  
25 the plans submitted by no later than January 15,  
26 1996."

MARY E. KRAMER  
O. GENE MADDOX  
NANCY BOETTGER  
JOANN DOUGLAS  
SHELDON RITTMER

S-3645

1 Amend House File 578, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 18 the  
4 following:

5 "Sec. \_\_\_\_ . 1995 Iowa Acts, House File 461, section  
6 1, is amended to read as follows:

7 SECTION 1. STUDIES.

8 1. a. The legislative council, in consultation  
9 with the Iowa telecommunications and technology  
10 commission established in section 8D.3, shall initiate  
11 and complete a study concerning the possible sale of  
12 the network. The legislative council shall enter into  
13 an agreement with a disinterested third party who has  
14 no interest in or connection to the network or state  
15 government to conduct the study. The study shall  
16 include a review of legal and practical issues which  
17 may affect whether the sale of the network should be  
18 approved or rejected, or which may affect the terms  
19 under which a sale should be completed. The study  
20 shall include a review of issues including all of the  
21 following:

22 (1) The effect of the sale on the tax-exempt bonds  
23 which were issued for purposes of financing certain  
24 parts of the network.

25 (2) The impact on existing telecommunications  
26 providers.

27 (3) The protection of state interests including  
28 the assurance of affordable access to the network for  
29 public entities, including Part III users which are  
30 not yet connected to the network.

31 (4) The necessity of compliance with other  
32 applicable state law.

33 (5) Issues relating to the use of public rights-  
34 of-way by any potential buyer of the network.

35 (6) Benefits to Iowa businesses and citizens.

36 (7) Providing for a long-term lease of capacity

37 sufficient to meet the needs of existing and future  
38 educational users of the network identified in chapter  
39 8D.

40 (8) A review of whether a sale of the network  
41 should be completed pursuant to a request for  
42 proposals or by auction.

43 (9) A review of the impact of federal  
44 communications commission policy and regulations on  
45 the potential sale of the network in its entirety or  
46 in parts, and a recommendation as to the manner in  
47 which the network should be sold as a result of this  
48 review.

49 (10) Other relevant issues as identified by the  
50 commission.

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1 b. The commission shall consult with other state  
2 agencies, appropriate federal agencies, and private  
3 associations and vendors in completing this study.  
4 2. The commission, in consultation with the  
5 utilities division of the department of commerce,  
6 shall study shall include the possible conversion of  
7 the Iowa communications network into a public utility.  
8 The study shall include a review of legal and  
9 practical issues identified by the Iowa  
10 telecommunications and technology commission and the  
11 utilities division of the department of commerce which  
12 may affect such conversion.

13 2. Notwithstanding the provisions of section 2.12,  
14 the legislative council may expend additional funds  
15 pursuant to that section if funds appropriated for the  
16 study required under this section are insufficient.

17 3. The commission, prior to November 1, 1995,  
18 shall complete the studies required by this Act and  
19 deliver a written report including any recommendations  
20 related to each study to the members of the house of  
21 representatives committee on technology and the senate  
22 committee on communications and information policy,  
23 the chief clerk of the house, and the secretary of the  
24 senate."

ANDY MCKEAN  
RANDAL J. GIANNETTO  
BRAD BANKS  
DONALD B. REDFERN

S-3646

1 Amend House File 578, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, by striking lines 4 through 8 and  
 4 inserting the following:  
 5 "3. Up to twenty sites identified by the  
 6 commission which are Part III authorized users and  
 7 which are located within one and one-half miles from a  
 8 national guard fiber optic cable route used or to be  
 9 used for connecting a facility. In determining which  
 10 sites to connect pursuant to this subsection, the  
 11 commission shall consider the potential savings which  
 12 may result when compared with other alternatives for  
 13 connecting such sites."

DONALD B. REDFERN

S-3647

1 Amend House File 578, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, by inserting after line 18 the  
 4 following:  
 5 "Sec. \_\_\_\_ . DEVELOPMENT OF REQUEST FOR PROPOSALS  
 6 FOR SALE OF NETWORK.  
 7 1. The legislative council shall coordinate and  
 8 oversee the development of a request for proposals  
 9 related to the sale of the network. The council shall  
 10 work with the Iowa telecommunications and technology  
 11 commission and other appropriate state agencies in  
 12 developing the request for proposals. The council may  
 13 contract with any other appropriate entity in  
 14 developing the request for proposals as deemed  
 15 necessary by the council.  
 16 2. There is appropriated from the general fund of  
 17 the state for the use of the Iowa legislative council  
 18 for the fiscal year beginning July 1, 1995, and ending  
 19 June 30, 1996, for the purpose of coordinating and  
 20 overseeing the development of a request for proposals  
 21 related to the sale of the network pursuant to  
 22 subsection 1, the following amount, or so much thereof  
 23 as is necessary:  
 24 ..... \$ 250,000"  
 25 2. By renumbering as necessary.

DERRYL McLAREN  
ANDY McKEAN

S-3648

- 1 Amend House File 518, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 22, by inserting after line 1 the  
4 following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 476.78A PUBLIC UTILITY  
6 -- SEPARATE AFFILIATE REQUIRED.  
7 A rate-regulated utility, as defined in section  
8 476.1, which engages in a nonutility service, as  
9 defined in section 476.72, shall establish a separate  
10 affiliate business entity for the purpose of engaging  
11 in such service. The separate affiliate shall not use  
12 in any manner, any name, logo, property, equipment, or  
13 facilities owned or leased by, or personnel employed  
14 by, the rate-regulated utility."  
15 2. Renumber as necessary.

JIM LIND

S-3649

- 1 Amend House File 508, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 12, line 10, by inserting after the word  
4 "party" the following: "if the owner, operator, or  
5 other potentially responsible party has a net worth of  
6 less than five million dollars and the owner,  
7 operator, or other responsible party does not have  
8 insurance coverage to pay for corrective action costs  
9 or third-party liability for the site. For purposes  
10 of this subsection, percentage is deemed to be  
11 equivalent to each party's period of ownership of the  
12 site divided by the total period of ownership of all  
13 the parties".

MICHAEL E. GRONSTAL

S-3650

- 1 Amend Senate File 413 as follows:  
2 1. Page 1, by striking lines 11 through 14 and  
3 inserting the following:  
4 "(2) Beginning January 1, 1996, through December  
5 31, 1997, two million five hundred thousand dollars  
6 per quarter, shall be deposited into and credited to  
7 the Iowa comprehensive petroleum underground storage  
8 tank marketability fund created in section 455G.21.  
9 Beginning January 1, 1998, through December 31, 2002,  
10 four million two hundred fifty thousand dollars per

11 quarter, shall be deposited into and credited to the  
12 lowa comprehensive petroleum underground storage tank  
13 marketability fund created in section 455G.21. The  
14 moneys so deposited”.

15 2. Page 1, line 20, by striking the letter “a.”

16 3. By striking page 1, line 30, through page 2,  
17 line 1.

18 4. Page 2, line 31, by striking the word  
19 “reclassifying” and inserting the following:  
20 “classifying”.

21 5. Page 4, by inserting after line 20 the  
22 following:

23 “(g) Remediation shall not be required on a site  
24 that does not present an increased cancer risk at the  
25 point of exposure of one in one million for  
26 residential areas or one in ten thousand for  
27 nonresidential areas.”

28 6. Page 6, line 19, by striking the figures and  
29 word “455G.11, and 455G.13,” and inserting the  
30 following: “and 455G.11, and 455G.13,”.

31 7. Page 7, by inserting after line 30 the  
32 following:

33 “Sec. 100. Section 455G.8, subsection 5, Code  
34 1995, is amended to read as follows:

35 5. COST RECOVERY ENFORCEMENT. Cost recovery  
36 enforcement net proceeds as provided by section  
37 455G.13 shall be allocated ~~among the fund's accounts~~  
38 as directed by the board to the innocent landowners  
39 fund created under section 455G.21, subsection 2,  
40 paragraph “a.” When federal cleanup funds are  
41 recovered, the funds are to be deposited to the  
42 remedial account of the fund and used solely for the  
43 purpose of future cleanup activities.”

44 8. Page 11, by inserting after line 17 the  
45 following:

46 “Sec. 101. Section 455G.13, subsection 1, Code  
47 1995, is amended to read as follows:

48 1. ~~FULL~~ RECOVERY SOUGHT FROM OWNER. The board  
49 ~~shall may~~ seek ~~full~~ recovery from the owner, operator,  
50 or other potentially responsible party liable for the

## Page 2

1 released petroleum which is the subject of a  
2 corrective action, for which the fund expends moneys  
3 from the remedial account for corrective action or  
4 third-party liability, and for all other costs,  
5 including reasonable and necessary attorney fees and  
6 costs of litigation for which moneys are expended by  
7 the fund in connection with the release. The

8 liability of the owner, operator or other potentially  
9 responsible party is limited to that percentage of the  
10 released petroleum which was the subject of the  
11 corrective action and which the board by a  
12 preponderance of the evidence, demonstrates was  
13 released by the owner, operator, or other potentially  
14 responsible party. When federal cleanup funds are  
15 recovered, the funds are to be deposited to the  
16 remedial account of the fund and used solely for the  
17 purpose of future cleanup activities.”

18 9. Page 13, by inserting after line 8 the  
19 following:

20 “7A. The board may provide for exemption from the  
21 certification requirements of this section for a  
22 professional engineer registered pursuant to chapter  
23 542B, if the person is qualified in the field of  
24 geotechnical, hydrological, environmental groundwater,  
25 or hydrogeological engineering.”

26 10. Page 13, line 23, by striking the word  
27 “moneys”.

28 11. Page 13, line 24, by striking the words  
29 “Seventeen million dollars per year” and inserting the  
30 following: “Moneys allocated to the fund”.

31 12. Page 13, line 34, by inserting after the word  
32 “board.” the following: “The innocent landowners fund  
33 shall also include any moneys recovered pursuant to  
34 cost recovery enforcement under section 455G.13.”

35 13. Page 14, line 16, by striking the words  
36 “Twelve million dollars per year” and inserting the  
37 following: “The remainder of the moneys”.

38 14. Page 14, by striking lines 22 and 23 and  
39 inserting the following: “subparagraph (2) is  
40 repealed on January 1, 2003.”

41 15. Page 15, line 20, by inserting after the word  
42 “report” the following: “jointly with the department  
43 of natural resources”.

44 16. Page 15, by striking line 25 and inserting  
45 the following: “when final rules referred to in  
46 subparagraph (2) are adopted by the environmental  
47 protection commission.”

48 17. Page 16, line 2, by striking the word “Take”  
49 and inserting the following: “Shall take”.

50 18. Page 16, by striking lines 10 through 12 and

Page 3

1 inserting the following:

2 “3. During the period of time from the enactment  
3 of this Act until such time as the rules implementing  
4 the amendments to section 455B.474, contained in this

5 Act, become effective, the department of natural  
6 resources may require an owner or operator to proceed  
7 with corrective action only if the action is necessary  
8 to protect public health and safety or the  
9 environment. An owner or operator may elect to  
10 proceed with corrective action pursuant to rules of  
11 the department existing on January 1, 1995, until such  
12 time as the rules implementing the amendments to  
13 section 455B.474, contained in this Act, become  
14 effective. However, the board may refuse to pay  
15 corrective action costs on a site during the interim  
16 period if it is likely that the site would be  
17 reclassified as a lower risk site when the rules  
18 implementing risk-based corrective action standards  
19 become effective."

20 19. Page 16, by inserting after line 21 the  
21 following:

22 "Sec. \_\_\_\_ . APPLICABILITY. The section of this Act  
23 that amends section 455G.13, subsection 1, applies to  
24 all cases that are tried on or after the effective  
25 date of this Act."

26 20. Page 16, line 26, by striking the figure "25"  
27 and inserting the following: "24".

28 21. Page 16, line 29, by inserting after the  
29 figure "1995." the following: "Section 25 is  
30 effective January 1, 1996. Sections 100 and 101 of  
31 this Act, being deemed of immediate importance, take  
32 effect upon enactment."

33 22. Title page, line 5, by inserting after the  
34 word "requirements," the following: "relating to cost  
35 recovery,".

36 23. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3651

1 Amend the amendment, S-3605, to Senate File 478 as  
2 follows:

3 1. Page 1, line 21, by striking the word "fifty"  
4 and inserting the following: "twenty-five".

5 2. Page 1, line 24, by inserting after the word  
6 "added." the following: "However, in addition to the  
7 nonapplicability of this paragraph, a bank holding  
8 company which does not have an investment in an  
9 investment subsidiary during its tax year may have  
10 through the banks, savings and loan associations, and  
11 savings banks it owns or controls in the state up to  
12 twelve and one-half percent, in the aggregate, of the  
13 total time and demand deposits of all banks, savings

14 and loan associations, and savings banks in this state  
15 notwithstanding the ten percent limitation in section  
16 524.1802, subsection 1."

TONY BISIGNANO  
WILLIAM D. PALMER

S-3652

1 Amend the House amendment, S-3601, to Senate File  
2 239, as passed by the Senate, as follows:  
3 1. Page 1, by striking lines 3 through 28 and  
4 inserting the following:  
5 "\_\_\_ . Page 1, line 4, by inserting after the  
6 figure "598.41," the following: "unless the court  
7 determines that a history of domestic abuse exists as  
8 specified in section 598.41, subsection 3, paragraph  
9 "j", if enacted by 1995 Iowa Acts, Senate File 150, or  
10 unless the court determines that direct physical harm  
11 or significant emotional harm to the child, other  
12 children, or a parent is likely to result,"."  
13 2. By renumbering as necessary.

TOM VILSACK

S-3653

1 Amend House File 508, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, by striking lines 5 through 16 and  
4 inserting the following:  
5 "2. "Corrective action" means an action taken to  
6 reduce, minimize, eliminate, clean up, control, or  
7 monitor a release to protect the public health and  
8 safety or the environment. Corrective action includes  
9 both passive and active systems:  
10 a. Passive systems include only soil monitoring,  
11 groundwater monitoring, natural attenuation, natural  
12 biodegradation, and site management practices. A  
13 passive system must be conducted under the direction  
14 of a registered groundwater professional.  
15 b. Active systems include, but are not limited to,  
16 excavation of an underground storage tank for purposes  
17 of repairing a leak or removal of a tank, removal of  
18 contaminated soil, disposal or processing of  
19 contaminated soil, cleansing of groundwaters or  
20 surface waters, enhanced bioremediation, and  
21 institutional controls. An active system must be  
22 conducted under the direction of a professional  
23 engineer registered under chapter 542B.

- 24 Corrective action does not include replacement of  
25 an underground storage tank. Corrective action  
26 specifically excludes third-party liability.”  
27 2. By renumbering as necessary.

MARY LUNDBY

S-3654

- 1 Amend House File 578, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking page 1, line 27, through page 2,  
4 line 7.  
5 2. By renumbering as necessary.

EMIL J. HUSAK

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 519

S-3655

- 1 Amend the Senate amendment, H-4033, to House File  
2 519, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by striking lines 10 through 31 and  
5 inserting the following: “in chapters 654A and, 654B,  
6 and 654C. The contract shall be awarded to the  
7 organization by July 1, 1990. The contract may be  
8 terminated by the coordinator upon written notice and  
9 for good cause. The organization awarded the contract  
10 is designated as the farm mediation service for the  
11 duration of the contract. The organization may.”  
12 2. By striking page 1, line 36, through page 2,  
13 line 35, and inserting the following:  
14 “Sec. \_\_\_\_ . Section 13.15, unnumbered paragraph 1,  
15 Code 1995, is amended to read as follows:  
16 The farm mediation service shall recommend rules to  
17 the farm assistance program coordinator. The  
18 coordinator shall adopt rules pursuant to chapter 17A  
19 to set the compensation of mediators and to implement  
20 this subchapter and chapters 654A, and 654B, and  
21 654C.”  
22 3. Page 2, line 49, by striking the word “pond,”  
23 and inserting the following: “pond”.  
24 4. Page 3, line 1, by striking the word “outlet”  
25 and inserting the following: “inlet”.  
26 5. Page 3, by inserting after line 10 the  
27 following:

- 28 "\_\_\_ . Page 2, line 8, by inserting after the word  
29 "of" the following: "a manure storage structure,  
30 or"."
- 31 6. Page 3, by striking lines 11 through 18 and  
32 inserting the following:  
33 "\_\_\_ . Page 2, by striking lines 25 through 30 and  
34 inserting the following: "to chapter 455B, against  
35 permittees; moneys paid as a settlement involving an  
36 enforcement action for a civil penalty subject to  
37 assessment and collection against permittees by the  
38 department of natural resources pursuant to chapter  
39 455B; interest, property, and securities"."
- 40 7. Page 3, by striking lines 22 and 23 and  
41 inserting the following:  
42 "\_\_\_ . Page 3, by striking lines 4 and 5 and  
43 inserting the following: "fiscal year, the department  
44 shall not use more than one percent of the total  
45 amount which is available in the fund or ten thousand  
46 dollars, whichever is less, to pay"."
- 47 8. Page 3, line 30, by striking the words "animal  
48 feeding" and inserting the following: "confinement  
49 feeding".
- 50 9. Page 3, line 39, by striking the words "animal

**Page 2**

- 1 feeding" and inserting the following: "confinement  
2 feeding".
- 3 10. Page 3, line 50, by striking the words  
4 "animal feeding" and inserting the following:  
5 "confinement feeding".
- 6 11. Page 4, by inserting after line 18 the  
7 following:  
8 "\_\_\_ . Page 5, line 25, by inserting after the  
9 word "fund" the following: "to pay the claim by the  
10 county"."
- 11 12. Page 4, line 21, by striking the words  
12 "MANURE REMOVAL" and inserting the following: "SITE  
13 CLEANUP".
- 14 13. Page 4, by striking lines 25 and 26 and  
15 inserting the following: "pursuant to section 446.19,  
16 may cleanup the site, including removing and disposing  
17 of manure at any time. The county may seek  
18 reimbursement including by bringing an action for  
19 the".
- 20 14. Page 4, by striking line 28 and inserting the  
21 following: "abandoning the real estate.  
22 A person cleaning up a site located on real estate  
23 acquired by a county may dispose of any building or  
24 equipment used in the confinement feeding operation

25 located on the land according to rules adopted by the  
26 department of natural resources pursuant to chapter  
27 17A, which apply to the disposal of farm buildings or  
28 equipment by an individual or business organization.”

29 15. By striking page 4, line 38, through page 6,  
30 line 46.

31 16. Page 7, by striking lines 3 through 5 and  
32 inserting the following: “penalties, arising out of  
33 violations committed by animal feeding operations  
34 under division II”.

35 17. Page 7, by striking lines 9 through 11 and  
36 inserting the following: “the penalties arising out  
37 of violations committed by animal feeding operations  
38 under division III, which may be”.

39 18. Page 7, line 23, by inserting after the word  
40 “shall” the following: “not apply to an enforcement  
41 action in which the department enforces a civil  
42 penalty of three thousand dollars or less. This  
43 section shall also”.

44 19. Page 7, by striking lines 41 and 42 and  
45 inserting the following: “and which is connected to  
46 electric, water, and sewer systems. A”.

47 20. Page 7, by inserting before line 45 the  
48 following:

49 “— . Page 8, by inserting after line 17 the  
50 following:

### Page 3

1 “— . “Covered” means organic or inorganic  
2 material placed upon an animal feeding operation  
3 structure used to store manure as provided by rules  
4 adopted by the department after receiving  
5 recommendations which shall be submitted to the  
6 department by the college of agriculture at Iowa state  
7 university.”

8 21. Page 8, by striking lines 10 through 14 and  
9 inserting the following:

10 “— . “Public use area” means that portion of  
11 land owned by the United States, the state, or a  
12 political subdivision with facilities which attract  
13 the public to congregate and remain in the area for  
14 significant periods of time, as provided by rules  
15 which shall be adopted by the department pursuant to  
16 chapter 17A.”

17 22. Page 8, line 25, by striking the words “beef  
18 cattle” and inserting the following: “bovine”.

19 23. Page 8, by striking line 26 and inserting the  
20 following: “thousand pounds or less for bovine.

21 — . “Swine farrow-to-finish operation” means a

22 confinement feeding operation in which porcine are  
 23 produced and in which a primary portion of the phases  
 24 of the production cycle are conducted at one  
 25 confinement feeding operation. Phases of the  
 26 production cycle include, but are not limited to,  
 27 gestation, farrowing, growing, and finishing.””

28 24. Page 9, by striking lines 1 through 13 and  
 29 inserting the following:

30	“pounds	pounds	pounds
31	for	for ani-	for
32	animals	imals other	ani-
33	other	than	imals
34	than	bovine, or	other
35	bovine,	1,600,000	than
36	or	or more	bovine,
37	less	pounds but	or
38	than	less than	4,000,000
39	1,600,000	4,000,000	or more
40	pounds	pounds	pounds
41	Type of structure	for bovine	for bovine”.

42 25. Page 10, by striking lines 5 through 17 and  
 43 inserting the following:

44	“pounds	pounds	pounds
45	for	for ani-	for
46	animals	imals other	ani-
47	other	than	imals
48	than	bovine, or	other
49	bovine,	1,600,000	than
50	or	or more	bovine,

#### Page 4

1	less	pounds but	or
2	than	less than	4,000,000
3	1,600,000	4,000,000	or more
4	pounds	pounds	pounds
5	Type of structure	for bovine	for bovine”.

6 26. Page 10, by striking lines 22 through 46 and  
 7 inserting the following:

8 “2. a. As used in this subsection, a “qualified  
 9 confinement feeding operation” means a confinement  
 10 feeding operation having an animal weight capacity of  
 11 two million or more pounds for animals other than  
 12 animals kept in a swine farrow-to-finish operation or  
 13 bovine kept in a confinement feeding operation; a  
 14 swine farrow-to-finish operation having an animal  
 15 weight capacity of two million five hundred thousand  
 16 or more pounds; or a confinement feeding operation  
 17 having an animal weight capacity of six million or  
 18 more pounds for bovine.

19 b. A qualified confinement feeding operation shall  
20 only use an animal feeding operation structure which  
21 employs bacterial action which is maintained by the  
22 utilization of air or oxygen, and which shall include  
23 aeration equipment. The type and degree of treatment  
24 technology required to be installed shall be based on  
25 the size of the confinement feeding operation,  
26 according to rules adopted by the department. The  
27 equipment shall be installed, operated, and maintained  
28 in accordance with the manufacturer's instructions and  
29 requirements of rules adopted pursuant to this  
30 subsection.

31 c. This subsection shall not apply to a  
32 confinement feeding operation which stores manure as  
33 dry matter, or to an egg washwater storage structure.  
34 This subsection shall not apply to a confinement  
35 feeding operation, if the operation was constructed  
36 prior to the effective date of this Act, or the  
37 department issued a permit prior to the effective date  
38 of this Act for the construction of an animal feeding  
39 operation structure connected to a confinement feeding  
40 operation and the construction began prior to the  
41 effective date of this Act.”

42 27. Page 10, by inserting before line 47 the  
43 following:

44 “—. Page 11, line 23, by striking the words  
45 “beef cattle” and inserting the following: “bovine”.

46 28. Page 11, line 25, by striking the words “beef  
47 cattle” and inserting the following: “bovine.”

48 29. Page 11, by inserting after line 3 the  
49 following:

50 “—. Page 12, line 26, by inserting after the

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1 word “residences” the following: “, educational  
2 institutions, commercial enterprises, bona fide  
3 religious institutions, or public use areas.”

4 30. Page 11, by striking lines 14 through 28.

5 31. Page 11, by striking lines 42 and 43.

6 32. Page 13, by striking lines 8 through 30 and  
7 inserting the following:

8 “—. Page 15, by striking lines 30 through 33  
9 and inserting the following: “penalty upon a habitual  
10 violator which shall not exceed twenty-five thousand  
11 dollars for each day the violation continues. The  
12 increased penalty may be assessed for each violation  
13 committed subsequent to the violation which results in  
14 classifying the person as a habitual violator. A  
15 person shall be classified as a habitual violator, if

16 the person has committed three or more violations”.

17 33. Page 13, by striking lines 35 through 39 and  
18 inserting the following: “violation must have been  
19 committed on or after January 1, 1995. In addition,  
20 each violation must have been referred to the attorney  
21 general for legal action under this chapter, and  
22 each”.

23 34. Page 14, by inserting after line 13 the  
24 following:

25 “\_\_\_ . Page 17, line 2, by striking the word “the”  
26 and inserting the following: “a”.

27 35. Page 14, by striking lines 16 through 18 and  
28 inserting the following:

29 “\_\_\_ . Page 17, by striking lines 17 through 19  
30 and inserting the following: “penalties and interest  
31 earned on civil penalties, arising out of a violation  
32 involving an animal feeding operation shall be  
33 deposited in the manure”.

34 36. Page 14, line 31, by striking the words “of  
35 natural resources”.

36 37. Page 14, by striking lines 36 through 39 and  
37 inserting the following:

38 “\_\_\_ . A person shall not apply manure by spray  
39 irrigation equipment, except as provided by rules  
40 which shall be adopted by the department pursuant to  
41 chapter 17A.”

42 38. Page 14, line 42, by striking the figure  
43 “455B.202” and inserting the following: “455B.203”.

44 39. Page 15, by striking lines 8 and 9 and  
45 inserting the following: “animal agriculture  
46 consulting organization provided for in this Act.”

47 40. Page 15, line 21, by striking the word  
48 “livestock” and inserting the following: “animal”.

49 41. Page 15, by striking lines 37 through 42.

50 42. Page 15, by inserting after line 44 the

## Page 6

1 following:

2 “\_\_\_ . Page 20, line 22, by inserting after the  
3 word “operation.” the following: “The department  
4 shall comply with section 455B.103 in conducting an  
5 investigation of the premises where the animals are  
6 kept.”

7 43. By striking page 15, line 48, through page  
8 16, line 3, and inserting the following:

9 “\_\_\_ . Page 21, by striking lines 8 through 11 and  
10 inserting the following: “designated area than  
11 provided in section 159.27.”

12 44. Page 16, lines 10 and 11, by striking the

13 words "a permittee" and inserting the following: "an  
14 owner".

15 45. Page 16, by inserting after line 23, the  
16 following:

17 "\_\_\_\_. "Owner" means the owner of an animal feeding  
18 operation, as defined in section 455B.161, which  
19 utilizes an animal feeding operation structure."

20 46. Page 16, by striking lines 28 through 30.

21 47. Page 16, lines 31 and 32, by striking the  
22 words "a permittee" and inserting the following: "an  
23 owner".

24 48. Page 16, line 36, by striking the words "a  
25 permittee" and inserting the following: "an owner".

26 49. Page 17, line 28, by striking the word  
27 "release" and inserting the following: "agreement".

28 50. Page 17, line 34, by inserting after the word  
29 "parties" the following: "agreeing to mediation".

30 51. Page 18, line 7, by striking the figures and  
31 word "654B.2 or 654B.4" and inserting the following:  
32 "654C.2 or 654C.4".

33 52. By striking page 18, line 13, through page  
34 20, line 1, and inserting the following:

35 "\_\_\_\_. By striking page 21, line 12, through page  
36 22, line 30, and inserting the following:

37 "Sec. \_\_\_\_ . Section 657.1, Code 1995, is amended to  
38 read as follows:

39 657.1 NUISANCE -- WHAT CONSTITUTES -- ACTION TO  
40 ABATE.

41 Whatever is injurious to health, indecent, or  
42 unreasonably offensive to the senses, or an  
43 obstruction to the free use of property, so as  
44 essentially to unreasonably interfere with the  
45 comfortable enjoyment of life or property, is a  
46 nuisance, and a civil action by ordinary proceedings  
47 may be brought to enjoin and abate the same and to  
48 recover damages sustained on account thereof.

49 Sec. \_\_\_\_ . Section 657.2, subsection 1, Code 1995,  
50 is amended to read as follows:

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1 1. The erecting, continuing, or using any building  
2 or other place for the exercise of any trade,  
3 employment, or manufacture, which, by occasioning  
4 noxious exhalations, unreasonably offensive smells, or  
5 other annoyances, becomes injurious and dangerous to  
6 the health, comfort, or property of individuals or the  
7 public.

8 Sec. \_\_\_\_ . NEW SECTION. 657.11 ANIMAL FEEDING  
9 OPERATIONS.

10 1. The purpose of this section is to protect  
11 animal agricultural producers who manage their  
12 operations according to state and federal requirements  
13 from the costs of defending nuisance suits, which  
14 negatively impact upon Iowa's competitive economic  
15 position and discourage persons from entering into  
16 animal agricultural production. This section is  
17 intended to promote the expansion of animal  
18 agriculture in this state by protecting persons  
19 engaged in the care and feeding of animals. The  
20 general assembly has balanced all competing interests  
21 and declares its intent to protect and preserve animal  
22 agricultural production operations.

23 2. If a person has received all permits required  
24 pursuant to chapter 455B for an animal feeding  
25 operation, as defined in section 455B.161, there shall  
26 be a rebuttable presumption that an animal feeding  
27 operation is not a public or private nuisance under  
28 this chapter or under principles of common law, and  
29 that the animal feeding operation does not  
30 unreasonably and continuously interfere with another  
31 person's comfortable use and enjoyment of the person's  
32 life or property under any other cause of action. The  
33 rebuttable presumption also applies to persons who are  
34 not required to obtain a permit pursuant to chapter  
35 455B for an animal feeding operation as defined in  
36 section 455B.161. The rebuttable presumption shall  
37 not apply if the injury to a person or damage to  
38 property is proximately caused by a failure to comply  
39 with a federal statute or regulation or a state  
40 statute or rule which applies to the animal feeding  
41 operation.

42 3. The rebuttable presumption may be overcome by  
43 clear and convincing evidence of both of the  
44 following:

45 a. The animal feeding operation unreasonably and  
46 continuously interferes with another person's  
47 comfortable use and enjoyment of the person's life or  
48 property.

49 b. The injury or damage is proximately caused by  
50 the negligent operation of the animal feeding

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1 operation.

2 4. The rebuttable presumption created by this  
3 section shall apply regardless of the established date  
4 of operation or expansion of the animal feeding  
5 operation. The rebuttable presumption includes, but  
6 is not limited to, a defense for actions arising out

7 of the care and feeding of animals; the handling or  
8 transportation of animals; the treatment or disposal  
9 of manure resulting from animals; the transportation  
10 and application of animal manure; and the creation of  
11 noise, odor, dust, or fumes arising from an animal  
12 feeding operation.

13 5. An animal feeding operation that complies with  
14 the requirements in chapter 455B for animal feeding  
15 operations shall be deemed to meet any common law  
16 requirements regarding the standard of a normal person  
17 living in the locality of the operation.

18 6. A person who brings a losing cause of action  
19 against a person for whom the rebuttable presumption  
20 created under this section is not rebutted, shall be  
21 liable to the person against whom the action was  
22 brought for all costs and expenses incurred in the  
23 defense of the action, if the court determines that a  
24 claim is frivolous.

25 7. The rebuttable presumption created in this  
26 section does not apply to an injury to a person or  
27 damages to property caused by the animal feeding  
28 operation before the effective date of this Act.”

29 53. Page 20, by striking lines 2 through 4.

30 54. Page 20, by inserting before line 5 the  
31 following:

32 “ \_\_\_\_ . Page 22, line 31, by striking the words  
33 “CONSULTATION WITH INTERESTED ORGANIZATIONS.” and  
34 inserting the following: “ANIMAL AGRICULTURE  
35 CONSULTING ORGANIZATION.”

36 55. Page 22, line 35, by inserting after the word  
37 “association,” the following: “an organization  
38 representing agricultural producers generally,”.

39 56. Page 22, line 35, by inserting after the word  
40 “university,” the following: “the soil conservation  
41 division of the department of agriculture and land  
42 stewardship,”.

43 57. Page 23, by striking lines 4 through 8 and  
44 inserting the following: “Act, and the Act’s  
45 implementation. The department shall consult with”.

46 58. By renumbering as necessary.

S-3656

1 Amend House File 578, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 18 the  
4 following:

5 “Sec. \_\_\_\_ . Notwithstanding the provisions of  
6 chapter 8D, upon a determination by the commission to  
7 connect any denominational administrative or

8 educational site, the commission shall provide for the  
 9 connection of any other denominational administrative  
 10 or educational site upon the request of the governing  
 11 authority of such denomination."  
 12 2. By renumbering as necessary.

JIM LIND

S-3657

1 Amend House File 578, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 1, line 27 through page 2,  
 4 line 7, and inserting the following:  
 5 "b. Notwithstanding contrary provisions of chapter  
 6 8D, upon completion of the study established in 1995  
 7 Iowa Acts, House File 461, enacted during the 1995  
 8 regular session, and upon a determination under the  
 9 study that the sale of the network is practicable, the  
 10 commission shall develop a request for proposals for  
 11 the sale of the Iowa communications network. The  
 12 request for proposals shall provide for the assurance  
 13 of affordable access to the network for public  
 14 entities, including Part III users, which are not yet  
 15 connected to the network. The request for proposals  
 16 shall also provide that all remaining Part III sites  
 17 which are not connected to the network by June 30,  
 18 1996, shall be connected by July 1, 1999. The  
 19 commission shall not enter into an agreement related  
 20 to a proposal submitted in response to the request for  
 21 proposals without the prior authorization by a  
 22 constitutional majority of each house of the general  
 23 assembly and approval by the governor. The commission  
 24 shall deliver a written report on or before March 15,  
 25 1996, to the general assembly which shall include all  
 26 proposals submitted in response to the request for  
 27 proposals and the recommendations of the commission  
 28 regarding the proposals."

ANDY MCKEAN  
 RANDAL J. GIANNETTO  
 EMIL J. HUSAK  
 NANCY BOETTGER

S-3658

1 Amend Senate File 485 as follows:  
 2 1. Page 2, line 21, by inserting after the word  
 3 "records." the following: "The provisions of chapters  
 4 21 and 22 applicable to cities, counties, and school

5 districts apply to the authority. The records of the  
6 authority are subject to audit pursuant to section  
7 11.6."

PATRICK J. DELUHERY  
LARRY MURPHY

S-3659

1 Amend House File 437, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, line 11, by striking the word and  
4 figure "and 2" and inserting the following: ", 2, and  
5 4".

6 2. Page 2, by striking lines 14 and 15 and  
7 inserting the following: "who shall be an Iowa  
8 resident who has reached the age".

9 3. Page 3, by inserting after line 24 the  
10 following:

11 "4. The treasurer and candidate in the case of a  
12 candidate's committee, and the treasurer and  
13 chairperson in the case of a political committee,  
14 shall preserve all records required to be kept by this  
15 section for a period of ~~three~~ five years. However, a  
16 committee is not required to preserve any records for  
17 more than three years from the date of the election in  
18 which the committee is involved, or the certified date  
19 of dissolution of the committee, whichever is  
20 applicable. For purposes of this section, the five-  
21 year period shall commence with the due date of the  
22 disclosure report covering the activity documented in  
23 the records."

24 4. Page 5, line 4, by striking the figure "4" and  
25 inserting the following: "5".

26 5. Page 12, line 3, by inserting after the figure  
27 "8," the following: "8A".

28 6. Page 12, by inserting after line 12 the  
29 following:

30 "— . This section shall not be construed to  
31 require the inclusion on published material of  
32 information which discloses the identity or address of  
33 any individual who is acting independently and using  
34 their own modest resources to publish or distribute  
35 the material."

36 7. Page 13, by striking lines 34 and 35 and  
37 inserting the following:

38 "b. Contributions to national, state, or local  
39 political party central committees, or to partisan  
40 political committees organized to represent persons  
41 within the boundaries of a congressional district."

- 42 8. Title page, line 9, by striking the word  
43 "providing" and inserting the following: "changing  
44 requirements".  
45 9. Title page, lines 10 and 11, by striking the  
46 words "by nonregistered entities".  
47 10. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-3660

- 1 Amend the amendment, S-3537, to Senate File 478 as  
2 follows:  
3 1. Page 1, by striking lines 8 through 10 and  
4 inserting the following:  
5 " \_\_\_\_ . Page 1, by striking lines 24 through 27 and  
6 inserting the following:  
7 "Sec. \_\_\_\_ . This Act applies retroactively to  
8 January 1, 1995, for tax years beginning on or after  
9 that date. However, the retroactive application of  
10 this Act applies only to financial institutions that  
11 have an investment in an investment subsidiary on or  
12 after July 1, 1995, for the remainder of the  
13 taxpayer's current taxable year."  
14 \_\_\_\_ . Title page, line 4, by striking the words  
15 "effective and"."

RICHARD F. DRAKE  
WAYNE BENNETT  
RANDAL J. GIANNETTO

S-3661

- 1 Amend Senate File 485 as follows:  
2 1. Page 1, line 3, by inserting after the word  
3 "city" the following: "or both a county and a city".  
4 2. Page 2, line 8, by inserting after the word  
5 "governor." the following: "If a school district  
6 joins with both a county and a city to create an  
7 authority, the third member shall be appointed by the  
8 third political subdivision in lieu of the governor."  
9 3. Page 3, line 18, by striking the word "both"  
10 and inserting the following: "all".  
11 4. Page 5, line 16, by striking the word "both"  
12 and inserting the following: "all".

LARRY MURPHY  
ELAINE SZYMONIAK

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 508

S-3662

- 1 Amend the Senate amendment, H-4177, to House File  
2 508, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by striking lines 3 through 26.  
5 2. By renumbering as necessary.

S-3663

- 1 Amend the House amendment, S-3055, to Senate File  
2 13, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by striking lines 11 and 12, and  
5 inserting the following: "which a delay will create a  
6 serious health risk or impairment of a major bodily  
7 function."  
8 2. Page 1, line 16, by inserting after the word  
9 "minor" the following: ", a grandparent of a pregnant  
10 minor, or an adult aunt or uncle of the pregnant  
11 minor".  
12 3. Page 1, line 29, by inserting after the word  
13 "process" the following: "or other contractual  
14 agreement".  
15 4. Page 3, line 19, by inserting after the word  
16 "minor." the following: "If the pregnant minor  
17 decides to terminate parental rights following the  
18 child's birth, a copy of the completed certification  
19 form shall be attached to the petition for termination  
20 of parental rights."  
21 5. Page 3, line 41, by striking the figure "17."  
22 and inserting the following: "17 and inserting the  
23 following:  
24 "Sec. \_\_\_\_ . **NEW SECTION. 135L.3 NOTIFICATION OF**  
25 **PARENT OF PREGNANT MINOR PRIOR TO THE ADOPTION OF THE**  
26 **CHILD.**  
27 Following compliance with the provisions of section  
28 135L.2, a pregnant minor who chooses to place the  
29 pregnant minor's child for adoption is subject to the  
30 following conditions:  
31 1. Notification of a parent of the pregnant minor  
32 of the pregnant minor's decision to place the child  
33 for adoption. Notification shall be made at least  
34 twenty-four hours prior to the conducting of the  
35 hearing on termination of parental rights and shall be  
36 made in person or by mailing the notification by

37 restricted certified mail to the parent of the  
38 pregnant minor at the usual place of abode of the  
39 parent. For the purpose of delivery by restricted  
40 certified mail, the time of delivery is deemed to  
41 occur at twelve o'clock noon on the next day on which  
42 regular mail delivery takes place, subsequent to the  
43 mailing.

44 2. If the pregnant minor objects to the  
45 notification of a parent, the pregnant minor may  
46 petition the court to authorize waiver of the  
47 notification requirement in accordance with the  
48 following procedures:

49 a. The court shall ensure that the pregnant minor  
50 is provided with assistance in preparing and filing

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1 the petition for waiver of notification and shall  
2 ensure that the pregnant minor's identity remains  
3 confidential.

4 b. The pregnant minor may participate in the court  
5 proceedings on the pregnant minor's own behalf. The  
6 court may appoint a guardian ad litem for the pregnant  
7 minor who may be the responsible adult and the court  
8 shall appoint a guardian ad litem for the pregnant  
9 minor if the pregnant minor is not accompanied by an  
10 adult and if the pregnant minor has not viewed the  
11 video as provided pursuant to section 135L.2. The  
12 court shall advise the pregnant minor of the pregnant  
13 minor's right to court-appointed legal counsel and  
14 shall, upon the pregnant minor's request, provide the  
15 pregnant minor with court-appointed legal counsel, at  
16 no cost to the pregnant minor.

17 c. The court proceedings shall be conducted in a  
18 manner which protects the confidentiality of the  
19 pregnant minor and all court documents pertaining to  
20 the proceedings shall remain confidential. Only the  
21 pregnant minor, the pregnant minor's guardian ad  
22 litem, the pregnant minor's legal counsel, and persons  
23 whose presence is specifically requested by the  
24 pregnant minor or by the pregnant minor's guardian ad  
25 litem, or by the pregnant minor's legal counsel may  
26 attend the hearing on the petition.

27 d. Notwithstanding any law or rule to the  
28 contrary, the court proceedings under this section and  
29 section 135L.4 shall be given precedence over other  
30 pending matters to ensure that the court reaches a  
31 decision expeditiously.

32 e. Upon petition and following an appropriate  
33 hearing, the court shall waive the notification

34 requirements if the court determines either of the  
35 following:

36 (1) That the pregnant minor is mature and capable  
37 of providing informed consent to the termination of  
38 parental rights for the purposes of adoption of the  
39 pregnant minor's child.

40 (2) That the minor is not mature, or does not  
41 claim to be mature, but that notification is not in  
42 the best interest of the pregnant minor.

43 f. If the court does not deny the petition for  
44 waiver of notification, the court shall issue specific  
45 factual findings and legal conclusions, in writing, to  
46 support the decision.

47 g. Upon conclusion of the hearing, the court shall  
48 immediately issue a written order which shall be  
49 provided immediately to the pregnant minor, the  
50 pregnant minor's guardian ad litem, the pregnant

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1 minor's legal counsel, or any other person designated  
2 by the pregnant minor to receive the order.

3 h. An expedited, confidential appeal shall be  
4 available to a pregnant minor for whom the court  
5 denies a petition for waiver of notification. An  
6 order granting the pregnant minor's application for  
7 waiver of notification is not subject to appeal.  
8 Access to the appellate courts for the purpose of an  
9 appeal under this section shall be provided to a  
10 pregnant minor twenty-four hours a day, seven days a  
11 week.

12 i. A pregnant minor who chooses to utilize the  
13 waiver of notification procedures under this section  
14 shall not be required to pay a fee at any level of the  
15 proceedings. Fees charged and court costs taxed in  
16 connection with a proceeding under this section are  
17 waived.

18 j. Venue for proceedings under this section is in  
19 any court in the state.

20 k. The supreme court shall prescribe rules to  
21 ensure that the proceedings under this section are  
22 performed in an expeditious and confidential manner.

23 l. The requirements of this section regarding  
24 notification of a parent of a pregnant minor who  
25 chooses to place the pregnant minor's child for  
26 adoption do not apply if any of the following applies:

27 (1) A parent of the pregnant minor authorizes the  
28 pregnant minor's decision, in writing, and a copy of  
29 the written authorization is attached to the  
30 termination of parental rights petition.

31 (2) The pregnant minor's attending physician  
32 certifies in writing that a medical emergency exists  
33 which necessitates the immediate performance of an  
34 abortion in accordance with section 135L.6.

35 (3) The pregnant minor declares that the pregnant  
36 minor is a victim of child abuse pursuant to section  
37 232.68, the person responsible for the care of the  
38 child is a parent of the child, and either the abuse  
39 has been reported pursuant to the procedures  
40 prescribed in chapter 232, division III, part 2, or a  
41 parent of the child is named in a report of founded  
42 child abuse. The department of human services shall  
43 maintain confidentiality under chapter 232 regarding  
44 the pregnant minor's pregnancy.

45 (4) The pregnant minor declares that the pregnant  
46 minor is a victim of sexual abuse as defined in  
47 chapter 709 and has reported the sexual abuse to law  
48 enforcement.

49 m. A copy of the completed certification form  
50 pursuant to section 135L.2, a copy of the notification

Page 4

1 document mailed to a parent, or a copy of the order  
2 waiving notification shall be attached to the petition  
3 for termination of parental rights, unless the  
4 pregnant minor is otherwise exempt from obtaining any  
5 of these documents under this chapter.”

6 6. Page 4, by striking lines 1 through 25 and  
7 inserting the following:

8 “ — . Page 9, by striking lines 7 and 8 and  
9 inserting the following: “proceedings on the pregnant  
10 minor's own behalf. The court may appoint a guardian  
11 ad litem for the pregnant minor and the court shall  
12 appoint a guardian ad litem for the pregnant minor if  
13 the pregnant minor is not accompanied by an adult and  
14 if the pregnant minor has not viewed the video as  
15 provided pursuant to section 135L.2. The”.

16 — . Page 9, line 15, by striking the word  
17 “anonymity” and inserting the following:  
18 “confidentiality”.

19 — . Page 9, line 23, by striking the word “The”  
20 and inserting the following: “Notwithstanding any law  
21 or rule to the contrary, the”.

22 — . Page 9, line 34, by striking the word “The”  
23 and inserting the following: “If the court does not  
24 deny the petition for waiver of notification, the”.

25 — . Page 10, line 7, by striking the word  
26 “anonymous,”.

27 — . Page 10, line 16, by inserting after the

28 word "proceedings." the following: "Fees charged and  
29 court costs taxed in connection with a proceeding  
30 under this section are waived."

31 \_\_\_\_ . Page 10, line 21, by striking the word "  
32 anonymous,"."

33 7. Page 4, by striking line 26.

34 8. Page 4, by inserting before line 27 the  
35 following:

36 "\_\_\_\_ . Page 11, lines 15 and 16, by striking the  
37 words "with confirmation by the senate"."

38 9. Page 4, by inserting after line 50 the  
39 following:

40 "\_\_\_\_ . Page 12, lines 12 and 13, by striking the  
41 words "pursuant to section 69.19" and inserting the  
42 following: "on the date on which all members are  
43 appointed".

44 \_\_\_\_ . Page 12, line 26, by inserting after the  
45 word "process" the following: "or other contractual  
46 arrangement".

47 \_\_\_\_ . Page 12, line 27, by inserting after the  
48 word "applications" the following: "or upon agreement  
49 of a simple majority of the members to a contractual  
50 agreement"."

#### Page 5

1 10. Page 5, by inserting after line 2 the  
2 following:

3 "\_\_\_\_ . Page 13, line 20, by inserting after the  
4 figure "1996." the following: "The advisory committee  
5 shall submit a report to the general assembly by  
6 January 8, 1996, regarding the progress of the  
7 committee in completing the committee's duties  
8 regarding the development and distribution of the  
9 video.""

10 11. Page 5, line 8, by inserting after the word  
11 "section" the following: "135L.3 with regard to  
12 notification of a parent prior to the termination of  
13 parental rights of a pregnant minor for the purposes  
14 of placing the child for adoption or of section".

15 12. Page 5, by striking line 9.

16 13. Page 5, by striking lines 10 and 11.

17 14. Page 5, line 21, by striking the words  
18 "physician or" and inserting the following:  
19 "physician,".

20 15. Page 5, line 22, by inserting after the word  
21 "physician" the following: ", or to be attached to  
22 the termination of parental rights petition".

23 16. Page 5, line 28, by inserting after the word  
24 "minor" the following: "or relative to the

25 termination of parental rights of a pregnant minor”.

26 17. Page 5, by striking lines 41 through 46.

27 18. By striking page 5, line 47, through page 6,  
28 line 4, and inserting the following:

29 “\_\_\_ . Page 16, line 23, by striking the word

30 “thirty” and inserting the following: “sixty”.”

31 19. Page 6, by striking lines 5 through 9 and  
32 inserting the following:

33 “\_\_\_ . By striking page 16, line 28, through page  
34 17, line 3, and inserting the following:

35 “If the advisory committee created pursuant to  
36 section 135L.5 has completed its duties regarding the  
37 development and distribution of the video pursuant to  
38 section 135L.2 prior to January 1, 1996, the remainder  
39 of this Act takes effect January 1, 1996. However, if  
40 the advisory committee has not completed its duties  
41 prior to January 1, 1996, sections 1 through 4 and 6  
42 through 9 of this Act take effect July 1, 1996.””

43 20. By renumbering, relettering, and correcting  
44 internal references as necessary.

ELAINE SZYMONIAK  
MERLIN E. BARTZ  
MARY E. KRAMER  
LARRY MURPHY

S-3664

1 Amend the amendment, S-3663, to the House  
2 amendment, S-3055, to Senate File 13, as amended,  
3 passed, and reprinted by the Senate, as follows:

4 1. Page 2, by striking lines 43 and 44 and  
5 inserting the following:

6 “f. The court shall issue specific”.

7 2. Page 4, by striking lines 22 through 24.

8 3. By renumbering as necessary.

MERLIN E. BARTZ

S-3665

1 Amend the amendment, S-3663, to the House  
2 amendment, S-3055, to Senate File 13, as amended,  
3 passed, and reprinted by the Senate, as follows:

4 1. Page 3, by striking lines 45 through 48.

5 2. Page 4, by striking line 33.

6 3. Page 5, by striking line 15.

7 4. By renumbering as necessary.

ALLEN BORLAUG

S-3666

1 Amend House File 577, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking line 1 and inserting the  
4 following:

5 "Section 1. NEW SECTION. 358C.1 LEGISLATIVE  
6 FINDINGS -- PURPOSE.

7 The general assembly finds and declares as follows:

8 1. The economic health and development of Iowa  
9 communities is tied to opportunities for jobs in and  
10 near those communities and the availability of jobs is  
11 in part tied to the availability of affordable, decent  
12 housing in those communities.

13 2. A need exists for a program to assist  
14 developers and communities in increasing the  
15 availability of housing in Iowa communities.

16 3. A shortage of opportunities and means for  
17 developing local housing exists. It is in the best  
18 interest of the state and its citizens for  
19 infrastructure development which will lower the costs  
20 of developing housing.

21 4. The expansion of local housing is dependent  
22 upon the cost of providing the basic infrastructure  
23 necessary for a housing development. Providing this  
24 infrastructure is a public purpose for which the state  
25 may encourage the formation of real estate improvement  
26 districts for the purpose of providing water, sewer,  
27 roads, and other infrastructure."

28 2. Page 1, line 18, by inserting after the word  
29 "chapter" the following: ", in a county designated as  
30 a pilot county under section 358C.1A".

31 3. Page 1, by inserting after line 24 the  
32 following:

33 "Sec. \_\_\_\_ . NEW SECTION. 358C.1A PILOT PROGRAM  
34 ESTABLISHED.

35 1. The establishment of real estate improvement  
36 districts under this chapter shall be limited to six  
37 pilot counties. Districts may be established in  
38 Jasper, Pottawattamie, and Woodbury counties.  
39 Districts may also be established in three counties  
40 which shall be determined by the director of the Iowa  
41 finance authority so as to add to the diversity of the  
42 pilot program. A real estate improvement district  
43 shall not be established in a pilot county after two  
44 years from the effective date of this Act."

45 4. Page 24, by inserting after line 24 the  
46 following:

47 "Sec. \_\_\_\_ . HOUSING SUMMIT. The Iowa league of  
48 cities and the Iowa state association of counties are

49 requested to convene a housing summit to examine  
50 housing development in Iowa. It is requested that the

Page 2

1 summit examine the use of tax increment financing, the  
2 desirability of establishing a local housing  
3 development bond program in the Iowa finance  
4 authority, the effect of recissions of federal funds  
5 on Iowa's ability to increase its stock of housing,  
6 and existing programs which have been successful in  
7 promoting the expansion of housing in Iowa. It is  
8 requested that participants in the summit include the  
9 Iowa chapter of the American planning association,  
10 home developers and builders, economic development  
11 experts, and others with experience in housing  
12 development or financing. A report containing the  
13 recommendations of the summit is requested to be  
14 provided to the studies committee of the legislative  
15 council not later than September 1, 1995.

16 Sec. \_\_\_\_ . LEGISLATIVE STUDY. The legislative  
17 council is requested to establish a study committee to  
18 receive the report and recommendations of the housing  
19 summit requested to be convened under this Act and to  
20 determine whether changes should be made to Iowa's  
21 laws regarding housing development. The committee  
22 shall present its recommendations, if any, to the  
23 legislative council not later than November 15, 1995.  
24 Membership on the committee is requested to be the  
25 following:

26 1. Eight members from the senate and house of  
27 representatives, two members appointed by the majority  
28 leader of the senate, two members appointed by the  
29 minority leader of the senate, two members appointed  
30 by the speaker of the house of representatives, and  
31 two members appointed by the minority leader of the  
32 house of representatives.

33 2. Eight nonvoting private members appointed by  
34 the legislative council as follows:

35 a. The director of the department of economic  
36 development and the director of the Iowa finance  
37 authority, or their designees.

38 b. A representative of the Iowa league of cities.

39 c. A representative of the Iowa state association  
40 of counties.

41 d. A representative of an organization  
42 representing home builders.

43 e. A person with experience in municipal bonding  
44 and knowledgeable about the legal requirements for  
45 issuing bonds.

- 46 f. A person representing an organization which  
 47 advocates for low and moderate income persons  
 48 regarding housing.  
 49 g. A person with experience in financing the  
 50 development and purchase of housing.”

Page 3

- 1 5. Title page, line 1, by inserting after the  
 2 word “to” the following: “the establishment of a  
 3 pilot program for”.  
 4 6. By renumbering, relettering, or redesignating  
 5 and correcting internal references as necessary.

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 565

S-3667

- 1 Amend the Senate amendment, H-4116, to House File  
 2 565, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. By striking page 1, line 5, through page 3,  
 5 line 46, and inserting the following:  
 6 “”Section 1. NEW SECTION. 256.38 SCHOOL-TO-WORK  
 7 TRANSITION SYSTEM.  
 8 1. It is the policy of the state of Iowa to  
 9 provide an education system that prepares the students  
 10 of this state to meet the high skills demands of  
 11 today’s workplace. The general assembly recognizes  
 12 the need to prepare students for any postsecondary  
 13 opportunity that leads to high-wage, high-skill  
 14 careers. In order to meet this need, the high school  
 15 curriculum must be redesigned so students appreciate  
 16 the relevance of academic course work, reach higher  
 17 levels of learning in science, math, and  
 18 communications skills, and acquire the ability to  
 19 apply this knowledge. Career pathways will modify  
 20 high school curricula and instruction to provide  
 21 students with opportunities to achieve high levels of  
 22 skills and knowledge within a broad range of related  
 23 career areas, which will require a variety of levels  
 24 of preparation.  
 25 2. The departments of education, employment  
 26 services, and economic development shall develop a  
 27 statewide school-to-work transition system in

28 consultation with local school districts, community  
29 colleges, and labor, business, and industry interests.  
30 The system shall be designed to attain the following  
31 objectives:  
32 a. Motivate youths to stay in school and become  
33 productive citizens.  
34 b. Set high standards by promoting higher academic  
35 performance levels.  
36 c. Connect work and learning so that the classroom  
37 is linked to worksite learning and experience.  
38 d. Ready students for work in order to improve  
39 their prospects for immediate employment after leaving  
40 school through career pathways that provide  
41 significant opportunity to continued education and  
42 career development.  
43 e. Engage employers and workers by promoting their  
44 participation in the education of youth in order to  
45 ensure the development of a skilled, flexible, entry-  
46 level workforce.  
47 f. Provide a framework to position the state to  
48 access federal resources for state youth  
49 apprenticeship systems and local programs.  
50 Sec. 2. NEW SECTION. 256.39 CAREER PATHWAYS

Page 2

1 PROGRAM.

2 1. If the general assembly appropriates moneys for  
3 the establishment of a career pathways program, the  
4 department of education shall develop a career  
5 pathways grant program, criteria for the formation of  
6 ongoing career pathways consortia in each merged area,  
7 and guidelines and a process to be used in selecting  
8 career pathways consortium grant recipients, including  
9 a requirement that grant recipients shall provide  
10 matching funds or match grant funds with in-kind  
11 resources on a dollar-for-dollar basis. A portion of  
12 the moneys appropriated by the general assembly shall  
13 be made available to schools to pay for the issuance  
14 of employability skills assessments to public or  
15 nonpublic school students. An existing partnership or  
16 organization, including a regional school-to-work  
17 partnership, that meets the established criteria, may  
18 be considered a consortium for grant application  
19 purposes. One or more school districts may be  
20 considered a consortium for grant application  
21 purposes, provided the district can demonstrate the  
22 manner in which a community college, area education  
23 agency, representatives from business and labor  
24 organizations, and others as determined within the

25 region will be involved. Existing school-to-work  
26 partnerships are encouraged to assist the local  
27 consortia in developing a plan and budget. The  
28 department shall provide assistance to consortia in  
29 planning and implementing career pathways program  
30 efforts.

31 2. To be eligible for a career pathways grant, a  
32 career pathways consortium shall develop a career  
33 pathways program that includes, but is not limited to,  
34 the following:

35 a. Measure the employability skills of students.

36 Employability skills shall include, but are not  
37 limited to, reading for information, applied  
38 mathematics, listening, and writing.

39 b. Curricula designed to integrate academic and  
40 work-based learning to achieve high employability  
41 skills by all students related to career pathways.

42 The curricula shall be designed through the  
43 cooperative efforts of secondary and postsecondary  
44 education professionals, business professionals, and  
45 community services professionals.

46 c. Staff development to implement the high-  
47 standard curriculum. These efforts may include team  
48 teaching techniques that utilize expertise from  
49 partnership businesses and postsecondary institutions.

50 3. In addition to the provisions of subsection 2,

### Page 3

1 a career pathways program may include, but is not  
2 limited to, the following:

3 a. Career guidance and exploration for students.

4 b. Involvement and recognition of business, labor,  
5 and community organizations as partners in the career  
6 pathways program.

7 c. Provision for program accountability.

8 d. Encouragement of team teaching within the  
9 school or in partnership with postsecondary schools,  
10 and business, labor, community, and nonprofit  
11 organizations.

12 e. Service learning opportunities for students.

13 4. Business, labor, and community organizations  
14 are encouraged to market the career pathways program  
15 to the local community and provide students with  
16 mentors, shadow professionals, speakers, field trip  
17 sites, summer jobs, internships, and job offers for  
18 students who graduate with high performance records.  
19 Students are encouraged to volunteer their time to  
20 community organizations in exchange for workplace  
21 learning opportunities that do not displace current

22 employees.

23 5. In developing career pathways program efforts,  
24 each consortium shall make every effort to cooperate  
25 with the juvenile courts, the department of economic  
26 development, the department of employment services,  
27 the department of human services, and the new Iowa  
28 schools development corporation.

29 6. The department of education shall direct and  
30 monitor the progress of each career pathways  
31 consortium in developing career pathways programs. By  
32 January 15, 1998, the department shall submit to the  
33 general assembly any findings and recommendations of  
34 the career pathways consortia, along with the  
35 department's recommendations for specific career  
36 pathways program efforts and for appropriate funding.  
37 levels to implement and sustain the recommended  
38 programs.

39 7. Notwithstanding section 8.33, unencumbered or  
40 unobligated funds remaining on June 30 of the fiscal  
41 year for which the funds were appropriated shall not  
42 revert but shall be available for expenditure for the  
43 following fiscal year for the purposes of this  
44 section.

45 8. A career pathways program is a comprehensive  
46 school transformation program under section 294A.14."

S-3668

1 Amend House File 577, as passed by the House, as  
2 follows:

3 1. Page 2, line 8, by striking the words "Areas  
4 of contiguous and noncontiguous" and inserting the  
5 following: "Only areas of contiguous".

6 2. Page 3, by striking lines 9 through 11 and  
7 inserting the following: "objections to a subsequent  
8 annexation by a city."

9 3. Page 3, by striking lines 23 and 24 and  
10 inserting the following:

11 "8. The".

12 4. Page 4, line 17, by striking the words  
13 "Sidewalks and pedestrian" and inserting the  
14 following: "Pedestrian".

15 5. Page 4, by striking lines 25 and 26.

16 6. Page 4, lines 28 and 29, by striking the words  
17 "and disposal and treatment plants".

18 7. Page 9, line 12, by inserting after the word  
19 "supervisors" the following: "or city council".

20 8. By striking page 9, line 17, through page 10,  
21 line 10, and inserting the following: "shall serve an  
22 initial two-year term."

- 23 9. Page 10, line 15, by striking the words "In  
24 lieu of a special election, successors" and inserting  
25 the following: "Successors".
- 26 10. Page 12, by striking lines 9 through 25 and  
27 inserting the following: "clerk, and a treasurer from  
28 its membership."
- 29 11. Page 13, line 15, by inserting after the word  
30 "franchise" the following: "under section 364.2,".
- 31 12. Page 17, lines 7 through 9, by striking the  
32 words "used and assessed as agricultural property  
33 shall be deferred upon the filing of a request by the  
34 owner" and inserting the following: "shall be made".
- 35 13. Page 17, line 11, by inserting after the word  
36 "cities." the following: "Notwithstanding the  
37 provisions of section 384.62, the combined assessments  
38 against any lot for public improvements included in  
39 the petition creating the housing development district  
40 or as authorized in section 358C.3, shall not exceed  
41 the valuation of that lot as established by section  
42 384.46."
- 43 14. By striking page 18, line 32, through page  
44 19, line 2, and inserting the following: "object to  
45 the annexation if a city annexes all the territory  
46 within".
- 47 15. By striking page 20, line 11, through page  
48 21, line 14.
- 49 16. Page 24, line 6, by inserting after the word  
50 "improvements" the following: "or obligations".

**Page 2**

- 1 17. By renumbering and relettering as necessary.

MICHAEL E. GRONSTAL

## S-3669

- 1 Amend the amendment, S-3666, to House File 577, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking lines 37 through 39, and  
5 inserting the following: "pilot counties,"

MICHAEL E. GRONSTAL

## S-3670

- 1 Amend Senate File 485 as follows:  
2 1. Page 3, line 23, by inserting after the word  
3 "a" the following: "sixty-percent".

4 2. Page 5, line 18, by inserting after the word  
5 "a" the following: "sixty-percent".

STEWART IVERSON, Jr.

S-3671

1 Amend House File 505, as passed by the House, as  
2 follows:  
3 1. Page 2, by inserting after line 3 the  
4 following:  
5 "Sec. ——. SUPPLEMENTAL EXPENSE PAYMENT. If the  
6 amendments adopted by the department of human services  
7 in 1993 through 1995 in 441 Iowa administrative code,  
8 rules 22.1 and 24.1, which revise the definition of  
9 the term "persons with mental retardation," have the  
10 result of increasing costs to a county during the  
11 fiscal period beginning July 1, 1993, and ending June  
12 30, 1995, the county shall report the increased costs  
13 to the department of human services. The department  
14 shall compile the county reports of increased costs to  
15 develop a total of the increased costs submitted by  
16 counties pursuant to this section. The total  
17 increased costs shall be included in a report  
18 submitted to the governor and the general assembly for  
19 budget consideration during the 1996 legislative  
20 session. If the total increased costs exceeds  
21 \$2,000,000, the report shall include a recommendation  
22 for a supplemental appropriation for the amount in  
23 excess of \$2,000,000 to be used for a supplemental  
24 expense payment to counties. The amount of a county's  
25 supplemental expense payment would be equal to the  
26 amount of the county's proportion of the total of the  
27 increased costs submitted applied to the amount of the  
28 supplemental appropriation. The council on human  
29 services shall adopt rules in consultation with the  
30 state-county management committee to establish forms  
31 and other requirements implementing the provisions of  
32 this section."  
33 2. By renumbering as necessary.

BERL E. PRIEBE  
ELAINE SZYMONIAK

S-3672

1 Amend the amendment, S-3666, to House File 577, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 2, by inserting after line 50 the

5 following:

- 6 "h. A representative of the Iowa association of
- 7 regional councils.
- 8 i. A representative of an organization
- 9 representing real estate brokers."

MICHAEL E. GRONSTAL

S-3673

- 1 Amend House File 579, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, line 12, by striking the word "to"
- 4 and inserting the following: "shall".
- 5 2. Page 10, line 13, by striking the word "to"
- 6 and inserting the following: "and present them to".

TONY BISIGNANO

S-3674

- 1 Amend House File 579, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 11, line 7, by striking the word "sixty-
- 4 five" and inserting the following: "fifty".

O. GENE MADDOX  
MARY E. KRAMER

S-3675

- 1 Amend House File 579, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, line 22, by inserting after the
- 4 figure "1." the following: "a."
- 5 2. Page 11, line 7, by striking the words "Each
- 6 member shall receive a" and inserting the following:
- 7 "Each member shall receive a".
- 8 3. Page 11, by striking lines 8 through 10 and
- 9 inserting the following: "hundred twenty-five dollar
- 10 per month allowance for legislative district
- 11 constituency postage, travel, telephone costs, and
- 12 other expenses. Travel expenses shall be paid at".
- 13 4. Page 11, by inserting after line 20 the
- 14 following:
- 15 "b. Each member of the general assembly shall
- 16 receive a monthly legislative district constituency
- 17 allowance for postage, travel, telephone costs, and
- 18 other expenses determined as follows:
- 19 (1) For each senate member, a monthly allowance of

20 one hundred seventy-five dollars plus an additional  
 21 sum based upon the square miles within the member's  
 22 district as provided in paragraph "c".

23 (2) For each house member, a monthly allowance of  
 24 one hundred fifty dollars plus an additional sum based  
 25 upon the square miles within the member's district as  
 26 provided in paragraph "c".

27 c. In addition to the amount stated in paragraph  
 28 "b", each member of the general assembly shall receive  
 29 an additional monthly allowance based on the square  
 30 miles within the member's legislative district  
 31 determined as follows:

32 (1) Three hundred square miles or less, twenty-  
 33 five dollars.

34 (2) More than three hundred square miles but not  
 35 more than eight hundred square miles, fifty dollars.

36 (3) More than eight hundred square miles but not  
 37 more than one thousand two hundred square miles,  
 38 seventy-five dollars.

39 (4) More than one thousand two hundred square  
 40 miles but not more than one thousand nine hundred  
 41 square miles, one hundred dollars.

42 (5) More than one thousand nine hundred square  
 43 miles, one hundred twenty-five dollars."

MERLIN E. BARTZ  
 BERL E. PRIEBE  
 WAYNE D. BENNETT  
 EMIL J. HUSAK

S-3676

1 Amend House File 579, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 6 through 17 and  
 4 inserting the following:

5 "Sec. \_\_\_\_ . ELECTIVE EXECUTIVE OFFICIALS.

6 1. The annual salary rates specified in this  
 7 section are effective for the fiscal years beginning  
 8 July 1, 1995, July 1, 1996, and July 1, 1997, and for  
 9 subsequent fiscal years until otherwise provided by  
 10 the general assembly. The salaries provided for in  
 11 this section shall be paid from funds appropriated to  
 12 the department or agency specified in this section  
 13 pursuant to any Act of the general assembly or if the  
 14 appropriation is not sufficient, from the salary  
 15 adjustment fund.

16 2. The following annual salary rates are effective  
 17 for the fiscal year beginning July 1, 1995, and shall  
 18 be paid to the person holding the position indicated

19 commencing with the pay period beginning June 30,  
20 1995:

21 a. OFFICE OF THE GOVERNOR

22 (1) Salary for the governor:

23 ..... \$ 82,269

24 (2) Salary for the lieutenant governor:

25 ..... \$ 62,400

26 b. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

27 Salary for the secretary of agriculture:

28 ..... \$ 65,580

29 c. DEPARTMENT OF JUSTICE

30 Salary for the attorney general:

31 ..... \$ 79,958

32 d. OFFICE OF THE AUDITOR OF STATE

33 Salary for the auditor of state:

34 ..... \$ 65,580

35 e. OFFICE OF THE SECRETARY OF STATE

36 Salary for the secretary of state:

37 ..... \$ 65,580

38 f. OFFICE OF THE TREASURER OF STATE

39 Salary for the treasurer of state:

40 ..... \$ 65,580

41 3. The following annual salary rates are effective  
42 for the fiscal year beginning July 1, 1996, and shall  
43 be paid to the person holding the position indicated  
44 commencing with the pay period beginning June 28,  
45 1996:

46 a. OFFICE OF THE GOVERNOR

47 (1) Salary for the governor:

48 ..... \$ 90,235

49 (2) Salary for the lieutenant governor which shall  
50 be seventy percent of the salary of the governor:

Page 2

1 ..... \$ 63,164

2 b. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

3 Salary for the secretary of agriculture:

4 ..... \$ 71,815

5 c. DEPARTMENT OF JUSTICE

6 Salary for the attorney general:

7 ..... \$ 86,739

8 d. OFFICE OF THE AUDITOR OF STATE

9 Salary for the auditor of state:

10 ..... \$ 71,815

11 e. OFFICE OF THE SECRETARY OF STATE

12 Salary for the secretary of state:

13 ..... \$ 71,815

14 f. OFFICE OF THE TREASURER OF STATE

15 Salary for the treasurer of state:

16 ..... \$ 71,815  
 17 4. The following annual salary rates are effective  
 18 for the fiscal year beginning July 1, 1997, and shall  
 19 be paid to the person holding the position indicated  
 20 commencing with the pay period beginning June 27,  
 21 1997:"

TONY BISIGNANO

S-3677

1 Amend House File 577, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 12, by inserting after line 1 the  
 4 following:  
 5 "8. The provisions of chapters 21 and 22  
 6 applicable to cities, counties, and school districts  
 7 apply to the district. The records of the district  
 8 are subject to audit pursuant to section 11.6."

PATRICK J. DELUHERY  
MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
SENATE FILE 367

S-3678.

1 Amend Senate File 367, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 13.2, Code 1995, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 13. Develop written procedures  
 8 and policies to be followed by prosecuting attorneys  
 9 in the prosecution of domestic abuse cases under  
 10 chapters 236 and 708.  
 11 Sec. 2. Section 232.8, subsection 1, Code 1995, is  
 12 amended by adding the following new paragraph:  
 13 NEW PARAGRAPH. c. The juvenile court shall have  
 14 jurisdiction in proceedings commenced against a child  
 15 pursuant to section 236.3 over which the district  
 16 court has waived its jurisdiction. The juvenile court  
 17 shall hear the action in the manner of an adjudicatory  
 18 hearing under section 232.47, subject to the  
 19 following:  
 20 (1) The juvenile court shall abide by the  
 21 provisions of sections 236.4 and 236.6 in holding  
 22 hearings and making a disposition.

23 (2) The plaintiff is entitled to proceed pro se  
24 under sections 236.3A and 236.3B.  
25 Sec. 3. Section 232.22, subsection 1, Code 1995,  
26 is amended by adding the following new paragraph:  
27 NEW PARAGRAPH. f. There is probable cause to  
28 believe that the child has committed a delinquent act  
29 which would be domestic abuse under chapter 236 or a  
30 domestic abuse assault under section 708.2A if  
31 committed by an adult.  
32 Sec. 4. Section 232.29, Code 1995, is amended by  
33 adding the following new subsection:  
34 NEW SUBSECTION. 3. An informal adjustment  
35 agreement regarding a child who has been placed in  
36 detention under section 232.22, subsection 1,  
37 paragraph "f", may include a provision that the child  
38 voluntarily participate in a batterers' treatment  
39 program under section 708.2B.  
40 Sec. 5. Section 232.46, Code 1995, is amended by  
41 adding the following new subsection:  
42 NEW SUBSECTION. 1A. A consent decree entered  
43 regarding a child placed in detention under section  
44 232.22, subsection 1, paragraph "f", shall require the  
45 child to attend a batterers' treatment program under  
46 section 708.2B. The second time the child fails to  
47 attend the batterers' treatment as required by the  
48 consent decree shall result in the decree being  
49 vacated and proceedings commenced under section  
50 232.47.

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1 Sec. 6. Section 232.52, subsection 2, Code 1995,  
2 is amended by adding the following new paragraph:  
3 NEW PARAGRAPH. g. In the case of a child  
4 adjudicated delinquent for an act which would be a  
5 violation of chapter 236 or section 708.2A if  
6 committed by an adult, an order requiring the child to  
7 attend a batterers' treatment program under section  
8 708.2B.  
9 Sec. 7. Section 236.2, subsection 4, Code 1995, is  
10 amended to read as follows:  
11 4. a. "Family or household members" means  
12 spouses, persons cohabiting, parents, or other persons  
13 related by consanguinity or affinity, except children  
14 under eighteen.  
15 b. "Family or household members" does not include  
16 children under age eighteen of persons listed in  
17 paragraph "a".  
18 Sec. 8. Section 236.3, unnumbered paragraph 1,  
19 Code 1995, is amended to read as follows:

20 A person, including a parent or guardian on behalf  
21 of an unemancipated minor, may seek relief from  
22 domestic abuse by filing a verified petition in the  
23 district court. Venue shall lie where either party  
24 resides. The petition shall state the:

25 Sec. 9. Section 236.3, Code 1995, is amended by  
26 adding the following new subsection:

27 NEW SUBSECTION. 1A. If the petition is being  
28 filed on behalf of an unemancipated minor, the name of  
29 the parent or guardian filing the petition and the  
30 parent's or guardian's address. For the purposes of  
31 this chapter, "plaintiff" includes a person filing an  
32 action on behalf of an unemancipated minor.

33 Sec. 10. Section 236.3, Code 1995, is amended by  
34 adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. If the person against  
36 whom relief from domestic abuse is being sought is  
37 seventeen years of age or younger, the district court  
38 shall waive its jurisdiction over the action to the  
39 juvenile court.

40 Sec. 11. Section 236.5, Code 1995, is amended by  
41 adding the following new subsection:

42 NEW SUBSECTION. 2A. The court may order that the  
43 defendant pay the plaintiff's attorneys fees and court  
44 costs.

45 Sec. 12. Section 236.8, Code 1995, is amended to  
46 read as follows:

47 236.8 CONTEMPT -- HEARINGS.

48 The A person commits a simple misdemeanor or the  
49 court may hold a party person in contempt for a  
50 violation of an order or court-approved consent

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1 agreement entered under this chapter, for violation of  
2 a temporary or permanent protective order or order to  
3 vacate the homestead under chapter 598, or for  
4 violation of any order that establishes conditions of  
5 release or is a protective order or sentencing order  
6 in a criminal prosecution arising from a domestic  
7 abuse assault. If convicted or held in contempt, the  
8 defendant shall serve a jail sentence. Any jail  
9 sentence of more than one day imposed under this  
10 section shall be served on consecutive days. A  
11 defendant who is held in contempt or convicted may be  
12 ordered by the court to pay the plaintiff's attorneys  
13 fees and court costs incurred in the proceedings under  
14 this section.

15 A hearing in a contempt proceeding brought pursuant  
16 to this section shall be held not less than five and

17 not more than fifteen days after the issuance of a  
18 rule to show cause, as set by the court.

19 A person shall not be convicted of and held in  
20 contempt for the same violation of an order or court-  
21 approved consent agreement entered under this chapter,  
22 for the same violation of a temporary or permanent  
23 protective order or order to vacate the homestead  
24 under chapter 598, or for violation of any order that  
25 establishes conditions of release or is a protective  
26 order or sentencing order in a criminal prosecution  
27 arising from a domestic abuse assault.

28 Sec. 13. NEW SECTION. 236.20 FOREIGN PROTECTIVE  
29 ORDERS -- REGISTRATION -- ENFORCEMENT.

30 1. As used in this section, "foreign protective  
31 order" means a protective order entered in a state  
32 other than Iowa which would be an order or court-  
33 approved consent agreement entered under this chapter,  
34 a temporary or permanent protective order or order to  
35 vacate the homestead under chapter 598, or an order  
36 that establishes conditions of release or is a  
37 protective order or sentencing order in a criminal  
38 prosecution arising from a domestic abuse assault if  
39 it had been entered in Iowa.

40 2. A copy of a foreign protective order  
41 authenticated in accordance with the statutes of this  
42 state may be filed with the clerk of the district  
43 court of the county in which the person in whose favor  
44 the order was entered resides. The clerk shall  
45 provide copies of the order as required by section  
46 236.5.

47 3. A foreign protective order so filed has the  
48 same effect and shall be enforced in the same manner  
49 as a protective order issued in this state.

50 Sec. 14. NEW SECTION. 236.21 MUTUAL PROTECTIVE

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1 ORDERS PROHIBITED -- EXCEPTIONS.

2 A court in an action under this chapter shall not  
3 issue mutual protective orders against the victim and  
4 the abuser unless both file a petition requesting a  
5 protective order.

6 Sec. 15. Section 708.2B, Code 1995, is amended by  
7 adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. District departments or  
9 contract service providers shall receive upon request  
10 peace officers' investigative reports regarding  
11 persons participating in programs under this section.  
12 The receipt of reports under this section shall not  
13 waive the confidentiality of the reports under section

14 22.7.

15 Sec. 16. Section 907.3, subsection, 1, paragraph  
16 i, Code 1995, is amended to read as follows:

17 i. The offense is a conviction for or plea of  
18 guilty to a violation of section 236.8 or a finding of  
19 contempt pursuant to section 236.8 or 236.14.

20 Sec. 17. Section 907.3, subsection 2, Code 1995,  
21 is amended to read as follows:

22 2. At the time of or after pronouncing judgment  
23 and with the consent of the defendant, the court may  
24 defer the sentence and assign the defendant to the  
25 judicial district department of correctional services.  
26 However, the court shall not defer the sentence for a  
27 violation of section 708.2A if the defendant has  
28 previously received a deferred judgment or sentence  
29 for a violation of section 708.2 or 708.2A which was  
30 issued on a domestic abuse assault, or if similar  
31 relief was granted anywhere in the United States  
32 concerning that jurisdiction's statutes which  
33 substantially correspond to domestic abuse assault as  
34 provided in section 708.2A. In addition, the court  
35 shall not defer a sentence if it is imposed for a  
36 conviction for or plea of guilty to a violation of  
37 section 236.8 or for contempt pursuant to section  
38 236.8 or 236.14. Upon a showing that the defendant is  
39 not fulfilling the conditions of probation, the court  
40 may revoke probation and impose any sentence  
41 authorized by law. Before taking such action, the  
42 court shall give the defendant an opportunity to be  
43 heard on any matter relevant to the proposed action.  
44 Upon violation of the conditions of probation, the  
45 court may proceed as provided in chapter 908.

46 Sec. 18. The commissioner of insurance shall  
47 evaluate model legislation which will be proposed by  
48 the national association of insurance commissioners  
49 regarding using domestic abuse as a factor in  
50 determining whether a person shall be offered

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1 insurance coverage and make recommendations to the  
2 general assembly regarding adopting the model  
3 legislation."

4 2. Title page, by striking lines 1 through 3 and  
5 inserting the following: "An Act relating to domestic  
6 abuse and providing a penalty."

7 3. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 266

S-3679

1 Amend Senate File 266, 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 "DEPARTMENT OF EDUCATION

6 Section 1. There is appropriated from the general  
7 fund of the state to the department of education for  
8 the fiscal year beginning July 1, 1995, and ending  
9 June 30, 1996, the following amounts, or so much  
10 thereof as may be necessary, to be used for the  
11 purposes designated:

12 1. GENERAL ADMINISTRATION

13 For salaries, support, maintenance, miscellaneous  
14 purposes, and for not more than the following full-  
15 time equivalent positions:

16 .....	\$	5,134,445
17 .....	FTEs	93.95

18 The department of education shall conduct a study  
19 of the possible uses for the remaining portion of the  
20 interest earned on the permanent school fund after  
21 transfers are made pursuant to section 257B.1A,  
22 subsections 2 and 3. The department shall submit a  
23 report of its findings and recommendations to the  
24 general assembly and the legislative fiscal bureau by  
25 January 1, 1996.

26 The department of education shall conduct a study  
27 of chapter 299, the compulsory education law of this  
28 state, in cooperation with interested individuals from  
29 throughout the state. The department shall submit a  
30 report of the findings and recommendations to the  
31 general assembly by January 1, 1996.

32 2. VOCATIONAL EDUCATION ADMINISTRATION

33 For salaries, support, maintenance, miscellaneous  
34 purposes, and for not more than the following full-  
35 time equivalent positions:

36 .....	\$	644,510
37 .....	FTEs	18.60

38 3. VOCATIONAL REHABILITATION DIVISION

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

42 .....	\$	3,732,836
43 .....	FTEs	285.75

44 It is the intent of the general assembly that the  
45 division of vocational rehabilitation services of the

46 department of education shall seek, in addition to  
 47 state appropriations, funds other than federal funds,  
 48 which may include but are not limited to local funds,  
 49 for purposes of matching federal vocational  
 50 rehabilitation funds.

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1 Notwithstanding the full-time equivalent position  
 2 limit established in this subsection for the fiscal  
 3 year ending June 30, 1996, if federal funding is  
 4 available to pay the costs of additional employees for  
 5 the vocational rehabilitation division who would have  
 6 duties relating to vocational rehabilitation services  
 7 paid for through federal funding, authorization to  
 8 hire not more than four full-time equivalent employees  
 9 shall be provided, the full-time equivalent position  
 10 limit shall be exceeded, and the additional employees  
 11 shall be hired by the division.

12 b. For matching funds for programs to enable  
 13 severely physically or mentally disabled persons to  
 14 function more independently, including salaries and  
 15 support, and for not more than the following full-time  
 16 equivalent positions:

17 .....	\$	37,445
18 .....	FTEs	1.50

19 4. BOARD OF EDUCATIONAL EXAMINERS

20 For salaries, support, maintenance, miscellaneous  
 21 purposes, and for not more than the following full-  
 22 time equivalent positions:

23 .....	\$	187,739
24 .....	FTEs	2.00

25 5. SCHOOL FOOD SERVICE

26 For use as state matching funds for federal  
 27 programs that shall be disbursed according to federal  
 28 regulations, including salaries, support, maintenance,  
 29 miscellaneous purposes, and for not more than the  
 30 following full-time equivalent positions:

31 .....	\$	2,716,859
32 .....	FTEs	14.00

33 6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

34 To provide funds for costs of providing textbooks  
 35 to each resident pupil who attends a nonpublic school  
 36 as authorized by section 301.1. The funding is  
 37 limited to \$20 per pupil and shall not exceed the  
 38 comparable services offered to resident public school  
 39 pupils:

40 .....	\$	616,000
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41 7. STATE LIBRARY

42 For salaries, support, maintenance, miscellaneous

43	purposes, and for not more than the following full-		
44	time equivalent positions:		
45	.....	\$	2,392,820
46	.....	FTEs	33.50
47	8. REGIONAL LIBRARY		
48	For state aid:		
49	.....	\$	1,457,000
50	9. CENTER FOR ASSESSMENT		

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1	For the purpose of developing academic standards in		
2	the areas of math, history, science, English, language		
3	arts, and geography:		
4	.....	\$	300,000
5	10. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION		
6	To assist a vocational agriculture youth		
7	organization sponsored by the schools to support the		
8	foundation established by that vocational agriculture		
9	youth organization and for other youth activities:		
10	.....	\$	69,400
11	11. CAREER PATHWAYS PROGRAM		
12	For purposes of developing and implementing a		
13	career pathways program to expand opportunities for		
14	youth and adults to become prepared for and succeed in		
15	high-wage, high-skill employment:		
16	.....	\$	650,000.
17	12. FAMILY RESOURCE CENTERS		
18	For support of the family resource center		
19	demonstration program established under chapter 256C:		
20	.....	\$	120,000
21	13. CAREER OPPORTUNITY PROGRAM		
22	For purposes of providing assistance to minority		
23	persons who major in fields or subject areas where		
24	minorities are currently underrepresented or		
25	underutilized pursuant to section 260C.29, as enacted		
26	by this Act:		
27	.....	\$	60,000
28	14. PUBLIC BROADCASTING DIVISION		
29	For salaries, support, maintenance, capital		
30	expenditures, miscellaneous purposes, and for not more		
31	than the following full-time equivalent positions:		
32	.....	\$	6,380,889
33	.....	FTEs	97.00
34	Of the full-time equivalent positions provided for		
35	under this subsection for the fiscal year beginning		
36	July 1, 1995, and ending June 30, 1996, it is the		
37	intent of the general assembly that 4.0 full-time		
38	equivalent positions be provided for purposes formerly		
39	provided for under the Star Schools program.		

40 The public broadcasting division shall conduct a  
 41 study, in collaboration with all entities receiving  
 42 services via the Iowa communications network, of the  
 43 efficiencies of the network and shall make  
 44 recommendations relating to the elimination of  
 45 duplicative efforts. The study shall include an  
 46 investigation of the duties and functions of employees  
 47 of the division, other state agencies, area education  
 48 agencies, and public schools, if those duties and  
 49 functions involve the Iowa communications network.  
 50 The division shall submit a report of its findings and

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1 recommendations to the general assembly and the  
 2 legislative fiscal bureau by January 1, 1996.  
 3 15. NATIONAL ASSESSMENT OF EDUCATION PROGRESS  
 4 (NAEP)  
 5 For participation by the department of education in  
 6 a state and national project to determine the academic  
 7 achievement of Iowa students in math, reading,  
 8 science, United States history, or geography:  
 9 ..... \$ 50,000  
 10 16. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS  
 11 For reimbursement for vocational education  
 12 expenditures made by secondary schools:  
 13 ..... \$ 3,308,850  
 14 Funds appropriated in this subsection shall be used  
 15 for expenditures made by school districts to meet the  
 16 standards set in sections 256.11, 258.4, and 260C.14  
 17 as a result of the enactment of 1989 Iowa Acts,  
 18 chapter 278. Funds shall be used as reimbursement for  
 19 vocational education expenditures made by secondary  
 20 schools in the manner provided by the department of  
 21 education for implementation of the standards set in  
 22 1989 Iowa Acts, chapter 278.  
 23 17. COMMUNITY COLLEGES  
 24 Notwithstanding chapter 260D, for general state  
 25 financial aid, including general financial aid to  
 26 merged areas in lieu of personal property tax  
 27 replacement payments under section 427A.13, to merged  
 28 areas as defined in section 260C.2, for vocational  
 29 education programs in accordance with chapters 258 and  
 30 260C, to purchase instructional equipment for  
 31 vocational and technical courses of instruction in  
 32 community colleges, and for salary increases:  
 33 ..... \$120,771,270  
 34 The funds appropriated in this subsection shall be  
 35 allocated as follows:  
 36 a. Merged Area I ..... \$ 5,781,157

37	b. Merged Area II .....	\$ 6,809,183
38	c. Merged Area III .....	\$ 6,428,778
39	d. Merged Area IV .....	\$ 3,063,294
40	e. Merged Area V .....	\$ 6,552,170
41	f. Merged Area VI .....	\$ 6,071,324
42	g. Merged Area VII .....	\$ 8,599,696
43	h. Merged Area IX .....	\$ 10,620,161
44	i. Merged Area X .....	\$ 16,484,261
45	j. Merged Area XI .....	\$ 17,609,198
46	k. Merged Area XII .....	\$ 6,979,917
47	l. Merged Area XIII .....	\$ 7,154,214
48	m. Merged Area XIV .....	\$ 3,173,427
49	n. Merged Area XV .....	\$ 9,898,325
50	o. Merged Area XVI .....	\$ 5,546,165

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1 Sec. 2. Notwithstanding 1994 Iowa Acts, chapter  
 2 1193, section 2, subsection 2, funds appropriated and  
 3 allocated to the merged areas pursuant to 1994 Iowa  
 4 Acts, chapter 1193, section 2, for the fiscal year  
 5 beginning July 1, 1994, and ending June 30, 1995,  
 6 pursuant to section 8.53, unnumbered paragraph 1,  
 7 shall be paid to the merged areas by June 30, 1995.

8 Sec. 3. The general assembly strongly encourages  
 9 an area education agency which received funds in the  
 10 fiscal year beginning July 1, 1994, and ending June  
 11 30, 1995, for purposes of establishing a character  
 12 education pilot program, to reallocate and expend, in  
 13 the fiscal year beginning July 1, 1995, and ending  
 14 June 30, 1996, \$45,300 from the amount paid to the  
 15 agency for educational services under section 257.35,  
 16 for purposes of continuing the progress made under the  
 17 character education pilot program.

18 Sec. 4. The department of education shall conduct  
 19 a study of funding for community colleges, and shall  
 20 make specific recommendations on the elimination of  
 21 chapter 260D and for alternatives to present community  
 22 college funding including, but not limited to, a plan  
 23 for distribution of funds to community colleges. The  
 24 department shall submit a report of its findings and  
 25 recommendations to the general assembly by January 1,  
 26 1996.

#### 27 COLLEGE STUDENT AID COMMISSION

28 Sec. 5. There is appropriated from the general  
 29 fund of the state to the college student aid  
 30 commission for the fiscal year beginning July 1, 1995,  
 31 and ending June 30, 1996, the following amounts, or so  
 32 much thereof as may be necessary, to be used for the  
 33 purposes designated:

34 1. GENERAL ADMINISTRATION

35 For salaries, support, maintenance, miscellaneous  
36 purposes, and for not more than the following full-  
37 time equivalent positions:

38 ..... \$ 281,256  
39 ..... FTEs 6.05

40 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH  
41 SCIENCES

42 a. For forgivable loans to Iowa students attending  
43 the university of osteopathic medicine and health  
44 sciences, under the forgivable loan program pursuant  
45 to section 261.19A:

46 ..... \$ 379,260

47 b. For the university of osteopathic medicine and  
48 health sciences for an initiative in primary health  
49 care to direct primary care physicians to shortage  
50 areas in the state:

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1 ..... \$ 395,000

2 The moneys appropriated in this lettered paragraph  
3 shall be used as follows:

4 (1) To reduce student loan debt for primary care  
5 physicians in an amount not to exceed \$30,000 per  
6 student for a four-year period of medical service in  
7 medically underserved areas of the state.

8 (2) For tuition scholarships for students  
9 attending the university of osteopathic medicine and  
10 health sciences who agree to practice primary care  
11 medicine in medically under-served areas of the state.  
12 The student shall practice in the state two years for  
13 every year of tuition. A person receiving funds under  
14 this subparagraph shall not be eligible for funds  
15 under subparagraph (1).

16 (3) For general administration costs of the  
17 university for the primary care initiative, the  
18 university shall expend an amount not to exceed  
19 \$50,000.

20 The university of osteopathic medicine and health  
21 sciences shall report quarterly to the legislative  
22 fiscal bureau concerning the expenditure of funds used  
23 pursuant to subparagraphs (1), (2), and (3) of this  
24 lettered paragraph. The university shall also submit  
25 the annual audit of the university to the legislative  
26 fiscal bureau within six months following the year  
27 being audited. The college student aid commission  
28 shall not provide moneys for subparagraphs (1) and (2).  
29 of this lettered paragraph until the university has  
30 signed and submitted contracts for the use of these

31 moneys for reduction of student loan debt and tuition  
 32 scholarships. Funds for subparagraph (3) of this  
 33 lettered paragraph shall be provided quarterly to the  
 34 university. Notwithstanding section 8.33, the funds  
 35 for this lettered paragraph shall not revert to the  
 36 general fund but be available for expenditure the  
 37 following fiscal year for purposes of subparagraphs  
 38 (1) and (2).

39 **3. STUDENT AID PROGRAMS**

40 For payments to students for the Iowa grant  
 41 program:

42 ..... \$ 1,469,790

43 Sec. 6. There is appropriated from the loan  
 44 reserve account to the college student aid commission  
 45 for the fiscal year beginning July 1, 1995, and ending  
 46 June 30, 1996, the following amount, or so much  
 47 thereof as may be necessary, to be used for the  
 48 purposes designated:

49 For operating costs of the Stafford loan program  
 50 including salaries, support, maintenance,

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1 miscellaneous purposes, and for not more than the  
 2 following full-time equivalent positions:

3 ..... \$ 4,639,570

4 ..... FTEs 29.95

5 **STATE BOARD OF REGENTS**

6 Sec. 7. There is appropriated from the general  
 7 fund of the state to the state board of regents for  
 8 the fiscal year beginning July 1, 1995, and ending  
 9 June 30, 1996, the following amounts, or so much  
 10 thereof as may be necessary, to be used for the  
 11 purposes designated:

12 **1. OFFICE OF STATE BOARD OF REGENTS**

13 a. For salaries, support, maintenance,  
 14 miscellaneous purposes, and for not more than the  
 15 following full-time equivalent positions:

16 ..... \$ 1,097,601

17 ..... FTEs 15.63

18 If the moneys provided in this lettered paragraph  
 19 are augmented by reimbursements from the institutions  
 20 under the control of the state board of regents for  
 21 the funding of the office of the state board of  
 22 regents, the office shall report quarterly such  
 23 reimbursements to the chairpersons and ranking members  
 24 of the joint appropriations subcommittee on education.

25 b. For allocation by the state board of regents to  
 26 the state university of Iowa, the Iowa state  
 27 university of science and technology, and the

28 university of northern Iowa to reimburse the  
 29 institutions for deficiencies in their operating funds  
 30 resulting from the pledging of tuitions, student fees  
 31 and charges, and institutional income to finance the  
 32 cost of providing academic and administrative  
 33 buildings and facilities and utility services at the  
 34 institutions:  
 35 ..... \$ 27,400,000  
 36 The state board of regents, the department of  
 37 management, and the legislative fiscal bureau shall  
 38 cooperate to determine and agree upon, by November 15,  
 39 1995, the amount that needs to be appropriated for  
 40 tuition replacement for the fiscal year beginning July  
 41 1, 1996.  
 42 c. For funds to be allocated to the southwest Iowa  
 43 graduate studies center:  
 44 ..... \$ 71,662  
 45 d. For funds to be allocated to the siouxland  
 46 interstate metropolitan planning council for the  
 47 tristate graduate center under section 262.9,  
 48 subsection 21:  
 49 ..... \$ 72,535  
 50 e. For funds to be allocated to the quad-cities

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1 graduate studies center:  
 2 ..... \$ 150,374  
 3 2. STATE UNIVERSITY OF IOWA  
 4 a. General university, including lakeside  
 5 laboratory  
 6 For salaries, support, maintenance, equipment,  
 7 miscellaneous purposes, and for not more than the  
 8 following full-time equivalent positions:  
 9 ..... \$192,222,000  
 10 ..... FTEs 4,020.97  
 11 Funds appropriated in this lettered paragraph shall  
 12 not be used by the university to implement or carry  
 13 out a program or activity that has either the purpose  
 14 or effect of encouraging or supporting homosexuality  
 15 as a positive alternative lifestyle.  
 16 Of the funds appropriated in this lettered  
 17 paragraph, \$20,000 shall be allocated to the Iowa  
 18 research council.  
 19 b. For the primary health care initiative in the  
 20 college of medicine:  
 21 ..... \$ 770,000  
 22 From the moneys appropriated in this lettered  
 23 paragraph, \$330,000 shall be allocated to the  
 24 department of family practice at the state university

25 of Iowa college of medicine for family practice  
 26 faculty and support staff.  
 27 It is the intent of the general assembly that the  
 28 university place additional emphasis on the locum  
 29 tenus program.

30 c. University hospitals

31 For salaries, support, maintenance, equipment, and  
 32 miscellaneous purposes and for medical and surgical  
 33 treatment of indigent patients as provided in chapter  
 34 255, and for not more than the following full-time  
 35 equivalent positions:

36 ..... \$ 28,821,254  
 37 ..... FTEs 5,780.87

38 Funds appropriated in this lettered paragraph shall  
 39 not be used to perform abortions except medically  
 40 necessary abortions, and shall not be used to operate  
 41 the early termination of pregnancy clinic except for  
 42 the performance of medically necessary abortions. For  
 43 the purpose of this lettered paragraph, an abortion is  
 44 the purposeful interruption of pregnancy with the  
 45 intention other than to produce a live-born infant or  
 46 to remove a dead fetus, and a medically necessary  
 47 abortion is one performed under one of the following  
 48 conditions:

49 (1) The attending physician certifies that  
 50 continuing the pregnancy would endanger the life of

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1 the pregnant woman.

2 (2) The attending physician certifies that the  
 3 fetus is physically deformed, mentally deficient, or  
 4 afflicted with a congenital illness.

5 (3) The pregnancy is the result of a rape which is  
 6 reported within 45 days of the incident to a law  
 7 enforcement agency or public or private health agency  
 8 which may include a family physician.

9 (4) The pregnancy is the result of incest which is  
 10 reported within 150 days of the incident to a law  
 11 enforcement agency or public or private health agency  
 12 which may include a family physician.

13 (5) The abortion is a spontaneous abortion,  
 14 commonly known as a miscarriage, wherein not all of  
 15 the products of conception are expelled.

16 The total quota allocated to the counties for  
 17 indigent patients for the fiscal year beginning July  
 18 1, 1995, shall not be lower than the total quota  
 19 allocated to the counties for the fiscal year  
 20 commencing July 1, 1994. The total quota shall be  
 21 allocated among the counties on the basis of the 1990

22	census pursuant to section 255.16.		
23	d. Psychiatric hospital		
24	For salaries, support, maintenance, equipment, and		
25	miscellaneous purposes and for the care, treatment,		
26	and maintenance of committed and voluntary public		
27	patients, and for not more than the following full-		
28	time equivalent positions:		
29	.....	\$	7,018,877
30	.....	FTEs	312.09
31	e. Hospital-school		
32	For salaries, support, maintenance, miscellaneous		
33	purposes, and for not more than the following full-		
34	time equivalent positions:		
35	.....	\$	5,705,918
36	.....	FTEs	174.01
37	f. Oakdale campus		
38	For salaries, support, maintenance, miscellaneous		
39	purposes, and for not more than the following full-		
40	time equivalent positions:		
41	.....	\$	2,845,783
42	.....	FTEs	63.58
43	g. State hygienic laboratory		
44	For salaries, support, maintenance, miscellaneous		
45	purposes, and for not more than the following full-		
46	time equivalent positions:		
47	.....	\$	3,155,100
48	.....	FTEs	101.38
49	h. Family practice program		
50	For allocation by the dean of the college of		

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1	medicine, with approval of the advisory board, to		
2	qualified participants, to carry out chapter 148D for		
3	the family practice program, including salaries and		
4	support, and for not more than the following full-time		
5	equivalent positions:		
6	.....	\$	1,990,327
7	.....	FTEs	180.74
8	i. Child health care services		
9	For specialized child health care services,		
10	including childhood cancer diagnostic and treatment		
11	network programs, rural comprehensive care for		
12	hemophilia patients, and the Iowa high-risk infant		
13	follow-up program, including salaries and support, and		
14	for not more than the following full-time equivalent		
15	positions:		
16	.....	\$	440,054
17	.....	FTEs	10.93
18	j. Agricultural health and safety programs		

19	For agricultural health and safety programs, and		
20	for not more than the following full-time equivalent		
21	positions:		
22	.....	\$	247,117
23	.....	FTEs	3.48
24	k. Statewide cancer registry		
25	For the statewide cancer registry, and for not more		
26	than the following full-time equivalent positions:		
27	.....	\$	188,734
28	.....	FTEs	3.07
29	l. Substance abuse consortium		
30	For funds to be allocated to the Iowa consortium		
31	for substance abuse research and evaluation, and for		
32	not more than the following full-time equivalent		
33	positions:		
34	.....	\$	62,004
35	.....	FTEs	1.15
36	m. Center for biocatalysis		
37	For the center for biocatalysis, and for not more		
38	than the following full-time equivalent positions:		
39	.....	\$	1,284,395
40	.....	FTEs	4.00
41	n. National advanced driving simulator		
42	For the national advanced driving simulator, and		
43	for not more than the following full-time equivalent		
44	positions:		
45	.....	\$	599,726
46	.....	FTEs	5.00
47	(1) Of the moneys appropriated in this lettered		
48	paragraph, for the fiscal year beginning July 1, 1995,		
49	and ending June 30, 1996, the appropriation of the sum		
50	of \$326,347 is contingent upon the announcement by the		

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1 United States department of transportation of the  
 2 selection of the contractor for the national advanced  
 3 driving simulator system development.

4 (2) If the contingency in subparagraph (1) is met  
 5 it is the intent of the general assembly that of the  
 6 moneys appropriated in this lettered paragraph, the  
 7 state university of Iowa shall expend \$350,000, for  
 8 the fiscal year beginning July 1, 1995, and ending  
 9 June 30, 1996, for planning and architectural services  
 10 related to the construction of the facility to house  
 11 the national advanced driving simulator to be located  
 12 at the Oakdale research park. It is further the  
 13 intent of the general assembly to provide funding in  
 14 fiscal years beginning July 1, 1996, and July 1, 1997,  
 15 in the total amount of \$5.35 million for the

16 construction of the facility to house the national  
 17 advanced driving simulator to match federal funds  
 18 provided for the project. Funds provided for the  
 19 construction of the facility to house the national  
 20 advanced driving simulator in fiscal years beginning  
 21 July 1, 1996, and July 1, 1997, shall only be expended  
 22 upon receiving notification from the national highway  
 23 traffic safety administration that the United States  
 24 congress has authorized the construction of the  
 25 national advanced driving simulator, that federal  
 26 funds have been appropriated to begin construction,  
 27 and that delivery of the motion base, graphics system,  
 28 and integrating software will take place in  
 29 substantial compliance with the United States  
 30 department of transportation's acquisition schedule as  
 31 set forth in the cooperative agreement between the  
 32 state university of Iowa and the national highway  
 33 traffic safety administration.

34 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

35 a. General university

36 For salaries, support, maintenance, equipment,  
 37 miscellaneous purposes, and for not more than the  
 38 following full-time equivalent positions:

39 .....	\$153,080,000
40 .....	FTEs 3,569.28

41 Funds appropriated in this lettered paragraph shall  
 42 not be used by the university to implement or carry  
 43 out a program or activity that has either the purpose  
 44 or effect of encouraging or supporting homosexuality  
 45 as a positive alternative lifestyle.

46 Of the funds appropriated in this lettered  
 47 paragraph, \$20,000 shall be allocated to the Iowa  
 48 research council.

49 Of the funds appropriated in this lettered  
 50 paragraph, for the fiscal year beginning July 1, 1995,

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1 and ending June 30, 1996, \$1,000,000 shall be expended  
 2 for purposes of the healthy livestock program.

3 b. Agricultural experiment station

4 For salaries, support, maintenance, miscellaneous  
 5 purposes, and for not more than the following full-  
 6 time equivalent positions:

7 .....	\$ 30,717,738
8 .....	FTEs 515.94

9 c. Cooperative extension service in agriculture  
 10 and home economics

11 For salaries, support, maintenance, and  
 12 miscellaneous purposes, including salaries and support

13	for the fire service institute, and for not more than		
14	the following full-time equivalent positions:		
15	.....	\$	18,268,621
16	.....	FTEs	428.25
17	d. Leopold center		
18	For agricultural research grants at Iowa state		
19	university under section 266.39B, and for not more		
20	than the following full-time equivalent positions:		
21	.....	\$	560,593
22	.....	FTEs	11.50
23	e. For deposit in and the use of the livestock		
24	disease research fund under section 267.8, and for not		
25	more than the following full-time equivalent		
26	positions:		
27	.....	\$	276,022
28	.....	FTEs	3.37
29	4. UNIVERSITY OF NORTHERN IOWA		
30	a. For salaries, support, maintenance, equipment,		
31	miscellaneous purposes, and for not more than the		
32	following full-time equivalent positions:		
33	.....	\$	68,773,000
34	.....	FTEs	1,436.18
35	Funds appropriated in this lettered paragraph shall		
36	not be used by the university to implement or carry		
37	out a program or activity that has either the purpose		
38	or effect of encouraging or supporting homosexuality		
39	as a positive alternative lifestyle.		
40	Of the funds appropriated in this lettered		
41	paragraph, \$10,000 shall be allocated to the Iowa		
42	research council.		
43	b. Recycling and reuse center:		
44	.....	\$	239,745
45	5. STATE SCHOOL FOR THE DEAF		
46	For salaries, support, maintenance, miscellaneous		
47	purposes, and for not more than the following full-		
48	time equivalent positions:		
49	.....	\$	6,478,924
50	.....	FTEs	124.14

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1	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
2	For salaries, support, maintenance, miscellaneous		
3	purposes, and for not more than the following full-		
4	time equivalent positions:		
5	.....	\$	3,606,189
6	.....	FTEs	83.41
7	7. TUITION AND TRANSPORTATION COSTS		
8	For payment to local school boards for the tuition		
9	and transportation costs of students residing in the		

10 Iowa braille and sight saving school and the state  
 11 school for the deaf pursuant to section 262.43 and for  
 12 payment of certain clothing and transportation costs  
 13 for students at these schools pursuant to section  
 14 270.5:

15 ..... \$ 11,232

16 Sec. 8. Reallocations of sums received under  
 17 section 7, subsections 2, 3, 4, 5, and 6, of this Act,  
 18 including sums received for salaries, shall be  
 19 reported on a quarterly basis to the co-chairpersons  
 20 and ranking members of the legislative fiscal  
 21 committee and the joint appropriations subcommittee on  
 22 education.

23 Sec. 9. For the fiscal year beginning July 1,  
 24 1995, and ending June 30, 1996, the state board of  
 25 regents may use notes, bonds, or other evidences of  
 26 indebtedness issued under section 262.48 to finance  
 27 projects that will result in energy cost savings in an  
 28 amount that will cause the state board to recover the  
 29 cost of the projects within an average of six years.

30 Sec. 10. MEDICAL ASSISTANCE -- SUPPLEMENTAL  
 31 AMOUNTS.

32 For the fiscal year beginning July 1, 1995, and  
 33 ending June 30, 1996, the department of human services  
 34 shall continue the supplemental disproportionate share  
 35 and a supplemental indirect medical education  
 36 adjustment applicable to state-owned acute care  
 37 hospitals with more than 500 beds and shall reimburse  
 38 qualifying hospitals pursuant to that adjustment with  
 39 a supplemental amount for services provided medical  
 40 assistance recipients. The adjustment shall generate  
 41 supplemental payments intended to equal the state  
 42 appropriation made to a qualifying hospital for  
 43 treatment of indigent patients as provided in chapter  
 44 255. To the extent of the supplemental payments, a  
 45 qualifying hospital shall, after receipt of the funds,  
 46 transfer to the department of human services an amount  
 47 equal to the actual supplemental payments that were  
 48 made in that month. The aggregate amounts for the  
 49 fiscal year shall not exceed the state appropriation  
 50 made to the qualifying hospital for treatment of

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1 indigent patients as provided in chapter 255. The  
 2 department of human services shall deposit the portion  
 3 of these funds equal to the state share in the  
 4 department's medical assistance account and the  
 5 balance shall be credited to the general fund of the  
 6 state. To the extent that state funds appropriated to

7 a qualifying hospital for the treatment of indigent  
8 patients as provided in chapter 255 have been  
9 transferred to the department of human services as a  
10 result of these supplemental payments made to the  
11 qualifying hospital, the department shall not,  
12 directly or indirectly, recoup the supplemental  
13 payments made to a qualifying hospital for any reason,  
14 unless an equivalent amount of the funds transferred  
15 to the department of human services by a qualifying  
16 hospital pursuant to this provision is transferred to  
17 the qualifying hospital by the department.

18 If the state supplemental amount allotted to the  
19 state of Iowa for the federal fiscal year beginning  
20 October 1, 1995, and ending September 30, 1996,  
21 pursuant to section 1923 (f)(3) of the federal Social  
22 Security Act, as amended, or pursuant to federal  
23 payments for indirect medical education is greater  
24 than the amount necessary to fund the federal share of  
25 the supplemental payments specified in the preceding  
26 paragraph, the department of human services shall  
27 increase the supplemental disproportionate share or  
28 supplemental indirect medical education adjustment by  
29 the lesser of the amount necessary to utilize fully  
30 the state supplemental amount or the amount of state  
31 funds appropriated to the state university of Iowa  
32 general education fund and allocated to the university  
33 for the college of medicine. The state university of  
34 Iowa shall transfer from the allocation for the  
35 college of medicine to the department of human  
36 services, on a monthly basis, an amount equal to the  
37 additional supplemental payments made during the  
38 previous month pursuant to this paragraph. A  
39 qualifying hospital receiving supplemental payments  
40 pursuant to this paragraph that are greater than the  
41 state appropriation made to the qualifying hospital  
42 for treatment of indigent patients as provided in  
43 chapter 255 shall be obligated as a condition of its  
44 participation in the medical assistance program to  
45 transfer to the state university of Iowa general  
46 education fund on a monthly basis an amount equal to  
47 the funds transferred by the state university of Iowa  
48 to the department of human services. To the extent  
49 that state funds appropriated to the state university  
50 of Iowa and allocated to the college of medicine have

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1 been transferred to the department of human services  
2 as a result of these supplemental payments made to the  
3 qualifying hospital, the department shall not,

4 directly or indirectly, recoup these supplemental  
5 payments made to a qualifying hospital for any reason,  
6 unless an equivalent amount of the funds transferred  
7 to the department of human services by the state  
8 university of Iowa pursuant to this paragraph is  
9 transferred to the qualifying hospital by the  
10 department.

11 Continuation of the supplemental disproportionate  
12 share and supplemental indirect medical education  
13 adjustment shall preserve the funds available to the  
14 university hospital for medical and surgical treatment  
15 of indigent patients as provided in chapter 255 and to  
16 the state university of Iowa for educational purposes  
17 at the same level as provided by the state funds  
18 initially appropriated for that purpose.

19 The department of human services shall, in any  
20 compilation of data or other report distributed to the  
21 public concerning payments to providers under the  
22 medical assistance program, set forth reimbursements  
23 to a qualifying hospital through the supplemental  
24 disproportionate share and supplemental indirect  
25 medical education adjustment as a separate item and  
26 shall not include such payments in the amounts  
27 otherwise reported as the reimbursement to a  
28 qualifying hospital for services to medical assistance  
29 recipients.

30 For purposes of this section, "supplemental  
31 payment" means a supplemental payment amount paid for  
32 medical assistance to a hospital qualifying for that  
33 payment under this section.

34 DEPARTMENT OF CULTURAL AFFAIRS

35 Sec. 11. There is appropriated from the general  
36 fund of the state to the department of cultural  
37 affairs for the fiscal year beginning July 1, 1995,  
38 and ending June 30, 1996, the following amounts, or so  
39 much thereof as is necessary, to be used for the  
40 purposes designated:

41 1. ARTS DIVISION

42 For salaries, support, maintenance, miscellaneous  
43 purposes, including funds to match federal grants, for  
44 areawide arts and cultural service organizations that  
45 meet the requirements of chapter 303C, and for not  
46 more than the following full-time equivalent  
47 positions:

48 .....	\$	1,050,292
49 .....	FTEs	10.00

50 2. HISTORICAL DIVISION

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1	For salaries, support, maintenance, miscellaneous		
2	purposes, and for not more than the following full-		
3	time equivalent positions:		
4	.....	\$	2,419,877
5	.....	FTEs	57.00
6	It is the intent of the general assembly that the		
7	capitol security staff place the security of the state		
8	historical building at a priority level higher than		
9	that of state capitol parking security duty.		
10	3. HISTORIC SITES		
11	For salaries, support, maintenance, miscellaneous		
12	purposes, and for not more than the following full-		
13	time equivalent positions:		
14	.....	\$	228,799
15	.....	FTEs	3.00
16	4. ADMINISTRATION		
17	For salaries, support, maintenance, miscellaneous		
18	purposes, and for not more than the following full-		
19	time equivalent positions:		
20	.....	\$	213,920
21	.....	FTEs	4.30
22	5. COMMUNITY CULTURAL GRANTS		
23	For planning and programming for the community		
24	cultural grants program established under section		
25	303.3, and for not more than the following full-time		
26	equivalent position:		
27	.....	\$	703,234
28	.....	FTEs	0.70
29	Sec. 12. Notwithstanding section 8.33, funds		
30	appropriated in 1993 Iowa Acts, chapter 180, section		
31	64, remaining unencumbered or unobligated on June 30,		
32	1995, shall not revert to the general fund of the		
33	state but are appropriated to and shall be available		
34	for expenditure by the department of education for the		
35	fiscal year beginning July 1, 1995, and ending June		
36	30, 1996, and of those funds remaining, \$250,000 shall		
37	be expended for purposes of the career pathways		
38	program in addition to any other funds provided for		
39	the career pathways program under this Act.		
40	Sec. 13. Notwithstanding section 8.33, funds		
41	appropriated in 1994 Iowa Acts, chapter 1193, section		
42	14, remaining unencumbered or unobligated on June 30,		
43	1995, shall not revert to the general fund of the		
44	state but shall be available for purposes of the Iowa		
45	grant program, in addition to funds appropriated in		
46	section 5, subsection 3, of this Act, with funds to be		
47	distributed pursuant to section 261.93A.		
48	Sec. 14. Notwithstanding section 8.33, funds		

49 appropriated in 1994 Iowa Acts, chapter 1199, section  
50 35, remaining unencumbered or unobligated on June 30,

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1 1995, shall not revert to the general fund of the  
2 state but shall be appropriated and available to the  
3 historical division of the department of cultural  
4 affairs for purposes of contracting with the national  
5 park service to complete a reconnaissance study of  
6 blood run national historic landmark in Lyon county to  
7 determine the feasibility of incorporating the  
8 landmark into the national park system.

9 Sec. 15. Notwithstanding section 257B.1A,  
10 subsection 4, and 1994 Iowa Acts, chapter 1193,  
11 section 15, for the fiscal year beginning July 1,  
12 1994, and ending June 30, 1995, the remaining portion  
13 of the interest earned on the permanent school fund  
14 shall, after transfers are made pursuant to section  
15 257B.1A, subsections 2 and 3, be deposited in the  
16 interest for Iowa schools fund established under this  
17 Act.

18 Sec. 16. There is appropriated from the  
19 scholarship and tuition grant reserve fund to the  
20 college student aid commission for the fiscal year  
21 beginning July 1, 1995, and ending June 30, 1996, the  
22 amount of \$160,000, or the unobligated and  
23 unencumbered moneys transferred by August 31, 1995, to  
24 the fund at the close of the 1994-1995 fiscal year,  
25 whichever amount is greater, for purposes of the work-  
26 study program, in addition to funds appropriated in  
27 section 261.85.

28 Sec. 17. Funds appropriated for state scholarships  
29 pursuant to section 261.25, subsection 2, for the  
30 fiscal year beginning July 1, 1995, and ending June  
31 30, 1996, shall be used in their entirety to fund  
32 scholarships to eligible students, and the college  
33 student aid commission shall not place an across-the-  
34 board ceiling on the amount distributed under the  
35 state scholarship program.

36 Sec. 18. Section 257B.1, subsection 5, Code 1995,  
37 is amended by striking the subsection.

38 Sec. 19. Section 257B.1A, Code 1995, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:

41 257B.1A TRANSFER OF INTEREST.

42 1. The interest for Iowa schools fund is  
43 established in the office of treasurer of state. The  
44 department of revenue and finance shall deposit  
45 interest earned on the permanent school fund in the

46 interest for Iowa schools fund. Moneys in the  
47 interest for Iowa schools fund shall be transferred or  
48 allocated only for school purposes as provided in this  
49 section.  
50 2. For a transfer of moneys from the interest for

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1 Iowa schools fund to the first in the nation in  
2 education foundation, prior to July 1, October 1,  
3 January 1, and March 1 of each year, the governing  
4 board of the first in the nation in education  
5 foundation established in section 257A.2 shall certify  
6 to the treasurer of state the cumulative total value  
7 of contributions received under section 257A.7 for  
8 deposit in the first in the nation in education fund  
9 and for the use of the foundation. The cumulative  
10 total value of contributions received includes the  
11 value of the amount deposited in the national center  
12 endowment fund established in section 263.8A in excess  
13 of eight hundred seventy-five thousand dollars. The  
14 value of in-kind contributions shall be based upon the  
15 fair market value of the contribution determined for  
16 income tax purposes.

17 The portion of the interest in Iowa schools fund  
18 that is equal to the cumulative total value of  
19 contributions, less the portion of the interest in  
20 Iowa schools fund dedicated to the national center for  
21 gifted and talented education, is dedicated to the  
22 first in the nation in education foundation for that  
23 year. The interest earned on this dedicated amount  
24 shall be transferred by the treasurer of state to the  
25 credit of the first in the nation in education  
26 foundation.

27 3. For a transfer of moneys from the interest in  
28 Iowa schools fund to the national center endowment  
29 fund established in section 263.8A, prior to July 1,  
30 October 1, January 1, and March 1 of each year, the  
31 state university of Iowa shall certify to the  
32 treasurer of state the cumulative total value of  
33 contributions received and deposited in the national  
34 center endowment fund. Within fifteen days following  
35 certification by the state university of Iowa, the  
36 treasurer of state shall transfer from the interest in  
37 Iowa schools fund to the national center an amount  
38 equal to one-half the cumulative total value of the  
39 contributions deposited in the national center  
40 endowment fund, not to exceed eight hundred seventy-  
41 five thousand dollars.

42 Sec. 20. NEW SECTION. 260C.24 PAYMENT OF

## 43 APPROPRIATION.

44 Payment of appropriations for distribution under  
45 this chapter or of appropriations made in lieu of such  
46 appropriations, shall be made by the department of  
47 revenue and finance in monthly installments due on or  
48 about the fifteenth of each month of a budget year,  
49 and installments shall be as nearly equal as possible,  
50 as determined by the department of revenue and

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1 finance, taking into consideration the relative budget  
2 and cash position of the state resources.

3 Sec. 21. NEW SECTION. 260C.29 CAREER OPPORTUNITY  
4 PROGRAM -- MISSION.

5 1. The mission of the career opportunity program  
6 established in this section is to encourage  
7 collaborative efforts by a community college, the  
8 institutions under the control of the state board of  
9 regents, and business and industry to enhance the  
10 educational opportunities and provide for job creation  
11 and career advancement for Iowa's minority persons by  
12 providing assistance to minority persons who major in  
13 fields or subject areas where minorities are currently  
14 underrepresented or underutilized.

15 2. A career opportunity program is established to  
16 be administered by the community college located in a  
17 county with a population in excess of three hundred  
18 thousand. The community college shall provide office  
19 space for the efficient operation of the program. The  
20 community college shall employ a director for the  
21 program. The director of the program shall employ  
22 necessary support staff. The director and staff shall  
23 be employees of the community college.

24 3. The director of the program shall do the  
25 following:

26 a. Direct the coordination of the program between  
27 the community college and the institutions of higher  
28 education under the control of the state board of  
29 regents.

30 b. Propose rules to the state board of education  
31 as necessary to implement the program.

32 c. Recruit minority persons into the program.

33 d. Enlist the assistance and cooperation of  
34 leaders from business and industry to provide job  
35 placement services for students who are successfully  
36 completing the program.

37 e. Prepare and submit an annual report to the  
38 governor and the general assembly by January 15.

39 4. To be eligible for the program, a minority

40 person shall be a resident of Iowa who is accepted for  
41 admission at or attends a community college or an  
42 institution of higher education under the control of  
43 the state board of regents. In addition, the person  
44 shall major in or achieve credit toward an associate  
45 degree, a bachelor's degree, or a master's degree in a  
46 field or subject area where minorities are  
47 underrepresented or underutilized.  
48 5. The amount of assistance provided to a student  
49 under this section shall not exceed the cost of  
50 tuition, fees, and books required for the program in

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1 which the student is enrolled and attends. As used in  
2 this section, "books" may include book substitutes,  
3 including reusable workbooks, loose-leaf or bound  
4 manuals, and computer software materials used as book  
5 substitutes. A student who meets the qualifications  
6 of this section shall receive assistance under this  
7 section for not more than the equivalent of two full  
8 years of study.

9 6. For purposes of this section, "minority person"  
10 means a person who is Black, Hispanic, Asian, or a  
11 Pacific Islander, American Indian, or an Alaskan  
12 native American.

13 Sec. 22. Section 260D.14A, unnumbered paragraphs 1  
14 and 5, Code 1995, are amended to read as follows:

15 The department of education shall provide for the  
16 establishment of a community college excellence 2000  
17 account in the office of the treasurer of state for  
18 deposit of moneys appropriated to the account for  
19 purposes of funding quality instructional centers and  
20 program and administrative sharing agreements under  
21 sections 260C.45 and 260C.46. There is appropriated  
22 from the general fund of the state to the department  
23 of education for the fiscal year beginning July 1,  
24 ~~1995~~ 1997, an amount equal to two and five-tenths  
25 percent of the total state general aid generated for  
26 all community colleges during the budget year under  
27 this chapter for deposit in the community college  
28 excellence 2000 account. In the next succeeding two  
29 fiscal years, the percent multiplier shall be  
30 increased in equal increments until the multiplier  
31 reaches seven and one-half percent of the total state  
32 general aid generated for all community colleges  
33 during the budget year.

34 It is the intent of the general assembly that the  
35 general assembly enact legislation by July 1, ~~1995~~  
36 1997, that will increase the maximum percent

37 multiplier established in this section from seven and  
38 five-tenths percent to ten percent.

39 Sec. 23. Section 261.12, subsection 1, paragraph  
40 b, Code 1995, is amended to read as follows:

41 b. For the fiscal year beginning July 1, ~~1989~~  
42 1995, and for each following fiscal year, two thousand  
43 ~~six~~ nine hundred ~~fifty~~ dollars.

44 Sec. 24. Section 261.25, subsection 1, Code 1995,  
45 is amended to read as follows:

46 1. There is appropriated from the general fund of  
47 the state to the commission for each fiscal year the  
48 sum of ~~thirty-two~~ thirty-five million ~~four~~ six hundred  
49 ~~twenty-two~~ sixty-four thousand ~~three~~ seven hundred  
50 ~~sixty-two~~ fifty dollars for tuition grants.

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1 Sec. 25. Section 261.85, unnumbered paragraph 1,  
2 Code 1995, is amended to read as follows:

3 There is appropriated from the general fund of the  
4 state to the commission for each fiscal year the sum  
5 of two million ~~eight~~ nine hundred ~~ninety-eight~~ fifty  
6 thousand ~~eight~~ hundred ~~forty~~ dollars for the work-  
7 study program.

8 Sec. 26. Section 294A.25, subsection 8, Code 1995,  
9 is amended to read as follows:

10 8. For the fiscal year beginning July 1, ~~1994~~  
11 1995, to the department of education from phase III  
12 moneys the amount of one million two hundred fifty  
13 thousand dollars for support for the operations of the  
14 new Iowa schools development corporation and for  
15 school transformation design and implementation  
16 projects administered by the corporation. Of the  
17 amount provided in this subsection, one hundred fifty  
18 thousand dollars shall be used for the school and  
19 community planning initiative.

20 Sec. 27. Section 303.3, subsection 3, Code 1995,  
21 is amended to read as follows:

22 3. Notwithstanding section 8.33, moneys committed  
23 to grantees under contract that remain unexpended on  
24 June 30 of any fiscal year shall not revert but shall  
25 be available for expenditure for purposes of the  
26 ~~contract program~~ until June 30 of the succeeding  
27 fiscal year.

28 Sec. 28. FUNDS TRANSFERRED.

29 1. For the fiscal year beginning July 1, 1995, and  
30 ending June 30, 1996, the amount of \$150,000 is to be  
31 paid to the department of education from additional  
32 funds transferred from phase I to phase III for  
33 development of a K-12 and community college management

34 information system. Notwithstanding section 294A.20,  
35 if the additional funds transferred from phase I to  
36 phase III are insufficient for purposes of the  
37 appropriation provided under this subsection, moneys  
38 allocated to phase III, which would otherwise revert  
39 to the general fund under section 294A.20, shall be  
40 transferred to the department in an amount sufficient  
41 to fully fund the appropriation made under this  
42 subsection. The department shall submit a report to  
43 the legislative fiscal bureau by January 1, 1996,  
44 describing the specific expenditure of funds  
45 appropriated by the general assembly for purposes of  
46 the management information system; the estimated time  
47 of completion of the system; the department's  
48 accomplishments under the system; and any  
49 recommendations for future system funding needs.  
50 2. For the fiscal year beginning July 1, 1995, and

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1 ending June 30, 1996, up to \$50,000 from additional  
2 funds transferred from phase I to phase III is to be  
3 paid to the department of education for support of the  
4 Iowa mathematics and science coalition. If funds  
5 available from the specified sources are insufficient  
6 to fully fund the appropriation, the amount  
7 appropriated to the department under this subsection  
8 shall be reduced to an amount equal to the available  
9 funds.

10 Sec. 29. Section 261.52A, Code 1995, is repealed.

11 Sec. 30. 1994 Iowa Acts, chapter 1193, section 15,  
12 is repealed.

13 Sec. 31. Sections 2, 12 through 15, 19, 27, and 30  
14 of this Act, being deemed of immediate importance,  
15 take effect upon enactment."

HOUSE AMENDMENT TO  
SENATE FILE 478

S-3680

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 24 through 27 and  
4 inserting the following:

5 "Sec. \_\_\_\_ . This Act applies retroactively to  
6 January 1, 1995, for tax years beginning on or after  
7 that date. However, the retroactive application of  
8 this Act applies only to financial institutions that  
9 have an investment in an investment subsidiary on or

- 10 after July 1, 1995, for the remainder of the  
11 taxpayer's current taxable year.”  
12 2. Title page, line 4, by striking the words  
13 “effective and”.

S-3681

1 Amend Senate File 487 as follows:

- 2 1. Page 1, by striking line 13 and inserting the  
3 following: “enforcing child support obligations,  
4 including spousal or medical support obligations to  
5 the extent provided in the child support order, and”.  
6 2. Page 1, lines 15 and 16, by striking the words  
7 “, spousal, or medical support obligations” and  
8 inserting the following: “support obligations,  
9 including spousal or medical support obligations to  
10 the extent provided in the child support order”.  
11 3. Page 1, by inserting after line 19 the  
12 following:  
13 “Sec. 100. Section 97B.73, unnumbered paragraph 1,  
14 Code 1995, is amended to read as follows:  
15 A vested or retired member who was in public  
16 employment comparable to employment covered under this  
17 chapter in another state or in the federal government,  
18 or who was a member of another public retirement  
19 system in this state, including but not limited to the  
20 teachers insurance annuity association-college  
21 retirement equities fund, but who was not retired  
22 under that system, upon submitting verification of  
23 membership and service in the other public system to  
24 the department, including proof that the member has no  
25 further claim upon a retirement benefit from that  
26 other public system, may make employer and employee  
27 contributions to the system either for the entire  
28 period of service in the other public system, or for  
29 partial service in the other public system in  
30 increments of one or more years, as long as the  
31 increments represent full years and not a portion of a  
32 year. The member may also make one lump sum  
33 contribution to the system which represents the entire  
34 period of service in the other public system, even if  
35 the period of time exceeds one year or includes a  
36 portion of a year. If the member wishes to transfer  
37 only a portion of the service value of another public  
38 system to this system and the other public system  
39 allows a partial withdrawal of a member's system  
40 credits, the member shall receive credit for  
41 membership service in this system equivalent to the  
42 number of years of service transferred from the other  
43 public system. The contribution payable shall be

44 based upon the member's covered wages for the most  
45 recent full calendar year at the applicable rates in  
46 effect for that calendar year under sections 97B.11  
47 and 97B.49 and multiplied by the member's years of  
48 service in other public employment. If the member's  
49 most recent covered wages were earned prior to the  
50 most recent calendar year, the member's covered wages

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1 shall be adjusted by the department by an inflation  
2 factor to reflect changes in the economy since the  
3 covered wages were earned.  
4 Sec. 101. Section 97B.80, unnumbered paragraph 1,  
5 Code 1995, is amended to read as follows:  
6 ~~Effective July 1, 1992; a~~ A vested or retired  
7 member, who at any time served on active duty in the  
8 armed forces of the United States, upon submitting  
9 verification of the dates of the active duty service,  
10 may make employer and employee contributions to the  
11 system based upon the member's covered wages for the  
12 most recent full calendar year in which the member had  
13 reportable wages at the applicable rates in effect for  
14 that year under sections 97B.11 and 97B.49, for the  
15 period of time of the active duty service; ~~in~~  
16 ~~increments of no greater than one year and not less~~  
17 ~~than one calendar quarter; and receive credit for~~  
18 ~~membership service and prior service for the period of~~  
19 ~~time for which the contributions are made. However,~~  
20 ~~the member may not make contributions in an increment~~  
21 ~~of less than one year more than once. The member may~~  
22 ~~also make one lump sum contribution to the system~~  
23 ~~which represents the period of time of the active duty~~  
24 ~~service, even if the period of time exceeds one year~~  
25 ~~or a portion of the service. If the member's most~~  
26 ~~recent covered wages were earned prior to the most~~  
27 ~~recent calendar year, the member's covered wages shall~~  
28 ~~be adjusted by the department by an inflation factor~~  
29 ~~to reflect changes in the economy. The department~~  
30 ~~shall adjust benefits for a six-month period prior to~~  
31 ~~the date the member pays contributions under this~~  
32 ~~section if the member is receiving a retirement~~  
33 ~~allowance at the time the contribution payment is~~  
34 ~~made. Verification of active duty service and payment~~  
35 ~~of contributions shall be made to the department.~~  
36 However, a member is not eligible to make  
37 contributions under this section if the member is  
38 receiving, is eligible to receive, or may in the  
39 future be eligible to receive retirement pay from the  
40 United States government for active duty in the armed

41 forces, except for retirement pay granted by the  
 42 United States government under retired pay for  
 43 nonregular service (10 U.S.C. § 1331, et seq.). A  
 44 member receiving retired pay for nonregular service  
 45 who makes contributions under this section shall  
 46 provide information required by the department  
 47 documenting time periods covered under retired pay for  
 48 nonregular service.”  
 49 4. Page 1, lines 32 and 33, by striking the words  
 50 “, spousal, or medical support obligations” and

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1 inserting the following: “support obligations,  
 2 including spousal or medical support obligations to  
 3 the extent provided in the child support order.”  
 4 5. Page 1, by striking line 35 and inserting the  
 5 following: “enforcing child support obligations,  
 6 including spousal or medical support obligations to  
 7 the extent provided in the child support order, the”  
 8 6. Page 2, by inserting after line 3 the  
 9 following:  
 10 “Sec. \_\_\_\_ . Section 411.36, subsection 1,  
 11 unnumbered paragraph 1, Code 1995, as amended by 1995  
 12 Iowa Acts, Senate File 45, section 5, is amended to  
 13 read as follows:  
 14 A board of trustees for the statewide fire and  
 15 police retirement system is created. The board shall  
 16 consist of ~~thirteen~~ fourteen members, including nine  
 17 voting members and ~~four~~ five nonvoting members.  
 18 Section 69.16A applies to the appointment of the  
 19 voting members of the board. The voting members of  
 20 the board shall be as follows:  
 21 Sec. \_\_\_\_ . Section 411.36, subsection 1, unnumbered  
 22 paragraph 2, Code 1995, as amended by 1995 Iowa Acts,  
 23 Senate File 45, section 5, is amended to read as  
 24 follows:  
 25 The treasurer of state, or the treasurer’s  
 26 designee, shall serve as an ex officio, nonvoting  
 27 member. The other nonvoting members of the board  
 28 shall be two state representatives, one appointed by  
 29 the speaker of the house of representatives and one by  
 30 the minority leader of the house, and two state  
 31 senators, one appointed by the majority leader of the  
 32 senate and one by the minority leader of the senate.  
 33 Sec. \_\_\_\_ . Section 411.36, subsection 2, Code 1995,  
 34 is amended to read as follows:  
 35 2. Except as otherwise provided for the initial  
 36 appointments, the ~~The~~ voting members shall be  
 37 appointed for four-year terms, and the nonvoting

38 members who are members of the senate and the house of  
39 representatives shall be appointed for two-year terms.  
40 Terms begin on May 1 in the year of appointment and  
41 expire on April 30 in the year of expiration.  
42 Sec. \_\_\_\_ . Section 411.36, subsection 5, paragraph  
43 a, Code 1995, is amended to read as follows:  
44 a. Members of the board, except the treasurer of  
45 state or the treasurer's designee, shall be paid their  
46 actual and necessary expenses incurred in the  
47 performance of their duties and shall receive a per  
48 diem as specified in section 7E.6 for each day of  
49 service. Per diem and expenses shall be paid to  
50 voting members from the fire and police retirement

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1 fund created in section 411.8.”  
2 7. Page 2, by inserting after line 3 the  
3 following:  
4 “Sec. 102. 1994 Iowa Acts, chapter 1183, section  
5 51, is amended to read as follows:  
6 SEC. 51. Section 97B.66, unnumbered paragraphs 1  
7 and 2, Code Supplement 1993, are amended to read as  
8 follows:  
9 A vested or retired member who was a member of the  
10 teachers insurance and annuity association-college  
11 retirement equity fund at any time between July 1,  
12 1967 and June 30, 1971 and who became a member of the  
13 system on July 1, 1971, upon submitting verification  
14 of service and wages earned during the applicable  
15 period of service under the teachers insurance and  
16 annuity association-college retirement equity fund,  
17 may make employer and employee contributions to the  
18 system based upon the covered wages of the member and  
19 the covered wages and the contribution rates in effect  
20 for all or a portion of that period of service and  
21 receive credit for membership service under this  
22 system equivalent to the applicable period of  
23 membership service in the teachers insurance and  
24 annuity association-college retirement equity fund for  
25 which the contributions have been made. In addition,  
26 a member making employer and employee contributions  
27 because of membership in the teachers insurance and  
28 annuity association-college retirement equity fund  
29 under this section who was a member of the system on  
30 June 30, 1967 and withdrew the member's accumulated  
31 contributions because of membership on July 1, 1967 in  
32 the teachers insurance and annuity association-college  
33 retirement equity fund, may make employee  
34 contributions to the system for all or a portion of

35 the period of service under the system prior to July  
36 1, 1967. A member making contributions pursuant to  
37 this section may make the contributions either for the  
38 entire applicable period of service, or, effective  
39 upon the date that the department determines that the  
40 amendments to this paragraph and unnumbered paragraph  
41 2 contained in this Act shall be implemented, for  
42 portions of the period of service, and if  
43 contributions are made for portions of the period of  
44 service, the contributions shall be in increments of  
45 one or more years, as long as the increments represent  
46 full years and not a portion of a year. However, the  
47 department shall not implement the amendments to this  
48 paragraph or unnumbered paragraph 2, as enacted in  
49 this Act, unless and until the department determines  
50 that the most recent annual actuarial valuation of the

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1 retirement system indicates that the employer and  
2 employee contribution rates in effect under section  
3 97B.11 can absorb the amendments to this paragraph and  
4 unnumbered paragraph 2 and to section 97B.72,  
5 unnumbered paragraphs 1 and 2, section 97B.72A,  
6 subsection 1, unnumbered paragraph 1, section 97B.73A,  
7 unnumbered paragraph 1, and section 97B.74, unnumbered  
8 paragraphs 1 and 2, contained in this Act, after  
9 meeting the other established priority of the system.  
10 Until the amendments are implemented, the department  
11 shall continue to implement the provisions of section  
12 97B.66, unnumbered paragraphs 1 and 2, Code Supplement  
13 1993. As used in this section, unless the context  
14 otherwise requires, "other established priority of the  
15 system" means that commencing January 1 following the  
16 most recent annual actuarial valuation of the system,  
17 the department has increased the covered wage  
18 limitation from the previous year by three thousand  
19 dollars, in accordance with section 97B.41, subsection  
20 20, paragraph "b", subparagraph (11).  
21 The contributions paid by the vested or retired  
22 member shall be equal to the accumulated contributions  
23 as defined in section 97B.41, subsection 2, by the  
24 member for the applicable period of service, and the  
25 employer contribution for the applicable period of  
26 service under the teachers insurance and annuity  
27 association-college retirement equity fund, that would  
28 have been or had been contributed by the vested or  
29 retired member and the employer, if applicable, plus  
30 interest on the contributions that would have accrued  
31 for the applicable period from the date the previous

32 applicable period of service commenced under this  
33 system or from the date the service of the member in  
34 the teachers insurance and annuity association-college  
35 retirement equity fund commenced to the date of  
36 payment of the contributions by the member equal to  
37 two percent plus the interest dividend rate applicable  
38 for each year.

39 Sec. 103. 1994 Iowa Acts, Chapter 1183, section  
40 53, is amended to read as follows:

41 SEC. 53. Section 97B.72, unnumbered paragraphs 1  
42 and 2, Code Supplement 1993, are amended to read as  
43 follows:

44 Persons who are members of the Seventy-first  
45 General Assembly or a succeeding general assembly who  
46 submit proof to the department of membership in the  
47 general assembly during any period beginning July 4,  
48 1953, may make contributions to the system for all or  
49 a portion of the period of service in the general  
50 assembly, and receive credit for the applicable period

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1 for which contributions are made. The contributions  
2 made by the member shall be equal to the accumulated  
3 contributions as defined in section 97B.41, subsection  
4 2, which would have been made if the member of the  
5 general assembly had been a member of the system  
6 during the applicable period. The proof of membership  
7 in the general assembly and payment of accumulated  
8 contributions shall be transmitted to the department.  
9 A member making contributions pursuant to this section  
10 may make the contributions either for the entire  
11 applicable period of service, or, effective upon the  
12 date that the department determines that the  
13 amendments to this paragraph and unnumbered paragraph  
14 2 contained in this Act shall be implemented, for  
15 portions of the period of service, and if  
16 contributions are made for portions of the period of  
17 service, the contributions shall be in increments of  
18 one or more years, as long as the increments represent  
19 full years and not a portion of a year. However, the  
20 department shall not implement the amendments to this  
21 paragraph or unnumbered paragraph 2, as enacted in  
22 this Act, unless and until the department determines  
23 that the most recent annual actuarial valuation of the  
24 retirement system indicates that the employer and  
25 employee contribution rates in effect under section  
26 97B.11 can absorb the amendments to this paragraph and  
27 unnumbered paragraph 2 and to section 97B.66,  
28 unnumbered paragraphs 1 and 2, section 97B.72A,

29 subsection 1, unnumbered paragraph 1, section 97B.73A,  
30 unnumbered paragraph 1, and section 97B.74, unnumbered  
31 paragraphs 1 and 2, contained in this Act, after  
32 meeting the other established priority of the system,  
33 as defined in section 97B.66. Until the amendments  
34 are implemented, the department shall continue to  
35 implement the provisions of section 97B.72, unnumbered  
36 paragraphs 1 and 2, Code Supplement 1993.  
37 There is appropriated from moneys available to the  
38 general assembly under section 2.12 an amount  
39 sufficient to pay the contributions of the employer  
40 based on the period of service for which the members  
41 have paid accumulated contributions in an amount equal  
42 to the contributions which would have been made if the  
43 members of the general assembly who made employee  
44 contributions had been members of the system during  
45 the applicable period of service in the general  
46 assembly plus two percent interest plus interest  
47 dividends for all completed calendar years and for any  
48 completed calendar year for which the interest  
49 dividend has not been declared and for completed  
50 months of partially completed calendar years at two

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1 percent interest plus the interest dividend rate  
2 calculated for the previous year, compounded annually,  
3 from the end of the calendar year in which  
4 contribution was made to the first day of the month of  
5 such date.

6 Sec. 104. 1994 Iowa Acts, Chapter 1183, section  
7 54, is amended to read as follows:

8 SEC. 54. Section 97B.72A, subsection 1, unnumbered  
9 paragraph 1, Code Supplement 1993, is amended to read  
10 as follows:

11 An active or vested member of the system who was a  
12 member of the general assembly prior to July 1, 1988,  
13 may make contributions to the system for all or a  
14 portion of the period of service in the general  
15 assembly. The contributions made by the member shall  
16 be equal to the accumulated contributions as defined  
17 in section 97B.41, subsection 2, which would have been  
18 made if the member of the general assembly had been a  
19 member of the system during the applicable period of  
20 service in the general assembly. A member making  
21 contributions pursuant to this section may make the  
22 contributions either for the entire applicable period  
23 of service, or for portions of the period of service;  
24 and, effective upon the date that the department  
25 determines that the amendments to this paragraph

26 contained in this Act shall be implemented, if  
27 contributions are made for portions of the period of  
28 service; the contributions shall be in increments of  
29 one or more years, as long as the increments represent  
30 full years and not a portion of a year. The member of  
31 the system shall submit proof to the department of  
32 membership in the general assembly. The department  
33 shall credit the member with the period of membership  
34 service for which contributions are made. However,  
35 the department shall not implement the amendments to  
36 this paragraph, as enacted in this Act, unless and  
37 until the department determines that the most recent  
38 annual actuarial valuation of the retirement system  
39 indicates that the employer and employee contribution  
40 rates in effect under section 97B.11 can absorb the  
41 amendments to this paragraph and to section 97B.66,  
42 unnumbered paragraphs 1 and 2, section 97B.72,  
43 unnumbered paragraphs 1 and 2, section 97B.73A,  
44 unnumbered paragraph 1, and section 97B.74, unnumbered  
45 paragraphs 1 and 2, contained in this Act, after  
46 meeting the other established priority of the system,  
47 as defined in section 97B.66. Until the amendments  
48 are implemented, the department shall continue to  
49 implement the provisions of section 97B.72A,  
50 subsection 1, unnumbered paragraph 1, Code Supplement

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1 1993.  
2 Sec. 105. 1994 Iowa Acts, Chapter 1183, section  
3 57, is amended to read as follows:  
4 SEC. 57. Section 97B.73A, unnumbered paragraph 1,  
5 Code Supplement 1993, is amended to read as follows:  
6 A part-time county attorney may elect in writing to  
7 the department to make employee contributions to the  
8 system for the county attorney's previous service as a  
9 county attorney and receive credit for membership  
10 service in the system for the applicable period of  
11 service as a part-time county attorney for which  
12 employee contributions are made. The contributions  
13 paid by the member shall be equal to the accumulated  
14 contributions, as defined in section 97B.41,  
15 subsection 2, for the applicable period of membership  
16 service. A member making contributions pursuant to  
17 this section may make the contributions either for the  
18 entire applicable period of service, or, effective  
19 upon the date that the department determines that the  
20 amendments to this paragraph contained in this Act  
21 shall be implemented, for portions of the period of  
22 service; and if contributions are made for portions of

23 the period of service, the contributions shall be in  
24 increments of one or more years, as long as the  
25 increments represent full years and not a portion of a  
26 year. A member who elects to make contributions under  
27 this section shall notify the county board of  
28 supervisors of the member's election, and the county  
29 board of supervisors shall pay to the department the  
30 employer contributions that would have been  
31 contributed by the employer under section 97B.11 plus  
32 interest on the contributions that would have accrued  
33 if the county attorney had been a member of the system  
34 for the applicable period of service. However, the  
35 department shall not implement the amendments to this  
36 paragraph, as enacted in this Act, unless and until  
37 the department determines that the most recent annual  
38 actuarial valuation of the retirement system indicates  
39 that the employer and employee contribution rates in  
40 effect under section 97B.11 can absorb the amendments  
41 to this paragraph and to section 97B.66, unnumbered  
42 paragraphs 1 and 2, section 97B.72, unnumbered  
43 paragraphs 1 and 2, section 97B.72A, subsection 1,  
44 unnumbered paragraph 1, and section 97B.74, unnumbered  
45 paragraphs 1 and 2, contained in this Act, after  
46 meeting the other established priority of the system,  
47 as defined in section 97B.66. Until the amendments  
48 are implemented, the department shall continue to  
49 implement the provisions of section 97B.73A,  
50 unnumbered paragraph 1, Code Supplement 1993.

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1 Sec. 106. 1994 Iowa Acts, Chapter 1183, section  
2 58, is amended to read as follows:

3 SEC. 58. Section 97B.74, unnumbered paragraphs 1  
4 and 2, Code Supplement 1993, are amended to read as  
5 follows:

6 An active, vested, or retired member who was a  
7 member of the system at any time on or after July 4,  
8 1953, and who received a refund of the member's  
9 contributions for that period of membership service,  
10 may elect in writing to the department to make  
11 contributions to the system for all or a portion of  
12 the period of membership service for which a refund of  
13 contributions was made, and receive credit for the  
14 period of membership service for which contributions  
15 are made. The contributions repaid by the member for  
16 such service shall be equal to the accumulated  
17 contributions, as defined in section 97B.41,  
18 subsection 2, received by the member for the  
19 applicable period of membership service plus interest

20 on the accumulated contributions for the applicable  
21 period from the date of receipt by the member to the  
22 date of repayment equal to two percent plus the  
23 interest dividend rate applicable for each year  
24 compounded annually.

25 An active member must have at least one quarter's  
26 reportable wages on file and have membership service,  
27 including that period of membership service for which  
28 a refund of contributions was made, sufficient to give  
29 the member vested status. A member making  
30 contributions pursuant to this section may make the  
31 contributions either for the entire applicable period  
32 of service, or, effective upon the date that the  
33 department determines that the amendments to this  
34 paragraph and unnumbered paragraph 1 contained in this  
35 Act shall be implemented, for portions of the period  
36 of service; ~~and if contributions are made for portions~~  
37 ~~of the period of service, the contributions shall be~~  
38 ~~in increments of one or more years, as long as the~~  
39 ~~increments represent full years and not a portion of a~~  
40 ~~year.~~ However, the department shall not implement the  
41 amendments to this paragraph or unnumbered paragraph  
42 1, as enacted in this Act, unless and until the  
43 department determines that the most recent annual  
44 actuarial valuation of the retirement system indicates  
45 that the employer and employee contribution rates in  
46 effect under section 97B.11 can absorb the amendments  
47 to this paragraph and to unnumbered paragraph 1 and to  
48 section 97B.66, unnumbered paragraphs 1 and 2, section  
49 97B.72, unnumbered paragraphs 1 and 2, section  
50 97B.72A, subsection 1, unnumbered paragraph 1, and

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1 section 97B.73A, unnumbered paragraph 1, contained in  
2 this Act, after meeting the other established priority  
3 of the system, as defined in section 97B.66. Until  
4 the amendments are implemented, the department shall  
5 continue to implement the provisions of section  
6 97B.74, unnumbered paragraphs 1 and 2, Code Supplement  
7 1993.”

8 8. Title page, line 1, by inserting after the  
9 word “Act” the following: “relating to public  
10 employee benefits and”.

11 9. Title page, line 3, by striking the words “,  
12 spousal, or” and inserting the following: “support  
13 obligations including to the extent provided in the  
14 child support order any spousal or”.

15 10. By renumbering and correcting internal  
16 references as necessary.

COMMITTEE ON STATE GOVERNMENT  
MICHAEL E. GRONSTAL, Chairperson

S-3682

1 Amend the House amendment, S-3680, to Senate File  
2 478, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, lines 10 and 11, by striking the words  
5 “, for the remainder of the taxpayer's current taxable  
6 year”.

WILLIAM D. PALMER

S-3683

1 Amend the House amendment, S-3679, to Senate File  
2 266, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 16, line 36, by striking the figure  
5 “250,000” and inserting the following: “200,000”.  
6 2. Page 16, by inserting after line 39 the  
7 following:  
8 “Sec. 706. Notwithstanding section 8.33, funds  
9 appropriated in 1993 Iowa Acts, chapter 180, section  
10 64, remaining unencumbered or unobligated on June 30,  
11 1995, shall not revert to the general fund of the  
12 state but are appropriated to and shall be available  
13 for expenditure by the department of education for the  
14 fiscal year beginning July 1, 1995, and ending June  
15 30, 1996, and of those funds remaining, \$50,000 shall  
16 be expended for purposes of the parent education pilot  
17 program established under 1994 Iowa Acts, chapter  
18 1199, section 58, in a county with fewer than 35,000  
19 inhabitants.”  
20 3. Page 22, line 13, by inserting after the  
21 figure “12” the following: “, 706”.  
22 4. By renumbering and correcting internal  
23 references as necessary.

MERLIN E. BARTZ

HOUSE AMENDMENT TO  
SENATE FILE 484

S-3684

1 Amend Senate File 484, 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. AUDITOR OF STATE. There is  
6 appropriated from the general fund of the state to the  
7 office of the auditor of state for the fiscal year  
8 beginning July 1, 1995, and ending June 30, 1996, the  
9 following amount, or so much thereof as is necessary,  
10 to be used for the purposes designated:

11 For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-  
13 time equivalent positions:

14 .....	\$	1,310,549
15 .....	FTEs	112.50

16 The auditor of state may retain additional full-  
17 time equivalent positions as is reasonable and  
18 necessary to perform governmental subdivision audits  
19 which are reimbursable pursuant to section 11.20 or  
20 11.21, to perform audits which are requested by and  
21 reimbursable from the federal government, and to  
22 perform work requested by and reimbursable from  
23 departments or agencies pursuant to section 11.5A or  
24 11.5B. The auditor of state shall notify the  
25 department of management, the legislative fiscal  
26 committee, and the legislative fiscal bureau of the  
27 additional full-time equivalent positions retained.

28 Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.

29 There is appropriated from the general fund of the  
30 state to the Iowa ethics and campaign disclosure board  
31 for the fiscal year beginning July 1, 1995, and ending  
32 June 30, 1996, the following amount, or so much  
33 thereof as is necessary, for the purposes designated:

34 For salaries, support, maintenance, miscellaneous  
35 purposes, and for not more than the following full-  
36 time equivalent positions:

37 .....	\$	375,786
38 .....	FTEs	8.00

39 Sec. 3. DEPARTMENT OF COMMERCE. There is  
40 appropriated from the general fund of the state to the  
41 department of commerce for the fiscal year beginning  
42 July 1, 1995, and ending June 30, 1996, the following  
43 amounts, or so much thereof as is necessary, for the  
44 purposes designated:

45 1. PROFESSIONAL LICENSING AND REGULATION DIVISION

46	a. For salaries, support, maintenance,		
47	miscellaneous purposes, and for not more than the		
48	following full-time equivalent positions:		
49	.....	\$	897,802
50	.....	FTEs	14.00

Page 2

1 b. There is appropriated from the title guaranty  
2 fund created in section 16.91 to the professional  
3 licensing and regulation division, an amount up to  
4 \$25,000, to be used to pay half the cost of employing  
5 an auditor for real estate broker trust accounts. In  
6 addition to the amount appropriated in this paragraph,  
7 the commission may increase the license fees provided  
8 for in section 543B.27 in an amount sufficient to pay  
9 half the cost of employing an auditor for real estate  
10 broker trust accounts.

11 2. ADMINISTRATIVE SERVICES DIVISION

12 For salaries, support, maintenance, miscellaneous  
13 purposes, and for not more than the following full-  
14 time equivalent positions:

15	.....	\$	211,586
16	.....	FTEs	2.00

17 It is the intent of the general assembly that the  
18 two positions authorized in this subsection for the  
19 division shall coordinate the administrative services  
20 to be provided to the divisions in the department.  
21 These two positions are under the direct supervision  
22 of, and shall report to, the director of the  
23 department.

24 The division of administrative services shall  
25 assess each division within the department of commerce  
26 and the office of consumer advocate within the  
27 department of justice a pro rata share of the  
28 operating expenses of the division of administrative  
29 services. The pro rata share shall be determined  
30 pursuant to a cost allocation plan established by the  
31 division of administrative services and agreed to by  
32 the administrators of the divisions and the consumer  
33 advocate. To the extent practicable, the cost  
34 allocation plan shall be based on the proportion of  
35 the administrative expenses incurred on behalf of each  
36 division and the office of consumer advocate. Each  
37 division and the office of consumer advocate shall  
38 include in its charges assessed or revenues generated,  
39 an amount sufficient to cover the amount stated in its  
40 appropriation, any state assessed indirect costs  
41 determined by the department of revenue and finance,  
42 and the cost of services provided by the division of

43 administrative services.

44 3. ALCOHOLIC BEVERAGES DIVISION

45 For salaries, support, maintenance, miscellaneous  
46 purposes, and for not more than the following full-  
47 time equivalent positions:

48 ..... \$ 1,861,105  
49 ..... FTEs 33.50

50 4. BANKING DIVISION

Page 3

1 For salaries, support, maintenance, miscellaneous  
2 purposes, and for not more than the following full-  
3 time equivalent positions:

4 ..... \$ 5,375,058  
5 ..... FTEs 84.00

6 5. CREDIT UNION DIVISION

7 For salaries, support, maintenance, miscellaneous  
8 purposes, and for not more than the following full-  
9 time equivalent positions:

10 ..... \$ 1,047,066  
11 ..... FTEs 20.00

12 6. INSURANCE DIVISION

13 For salaries, support, maintenance, miscellaneous  
14 purposes, and for not more than the following full-  
15 time equivalent positions:

16 ..... \$ 2,924,482  
17 ..... FTEs 91.50

18 Of the amounts appropriated in this section to the  
19 insurance division, not more than \$100,000 shall be  
20 used for the regulation of health insurance purchasing  
21 cooperatives.

22 The insurance division may reallocate authorized  
23 full-time equivalent positions as necessary to respond  
24 to accreditation recommendations or requirements. The  
25 insurance division expenditures for examination  
26 purposes may exceed the projected receipts, refunds  
27 and reimbursements, estimated pursuant to section  
28 505.7, subsection 7, including the expenditures for  
29 retention of additional personnel, if the expenditures  
30 are fully reimbursable and the division first does  
31 both of the following:

32 a. Notifies the department of management,  
33 legislative fiscal bureau, and the legislative fiscal  
34 committee of the need for the expenditures.

35 b. Files with each of the entities named in  
36 paragraph "a" the legislative and regulatory  
37 justification for the expenditures, along with an  
38 estimate of the expenditures.

39 7. UTILITIES DIVISION

40 For salaries, support, maintenance, miscellaneous  
 41 purposes, and for not more than the following full-  
 42 time equivalent positions:  
 43 ..... \$ 4,911,871  
 44 ..... FTEs 79.00  
 45 The utilities division may expend additional funds,  
 46 including funds for additional personnel, if those  
 47 additional expenditures are actual expenses which  
 48 exceed the funds budgeted for utility regulation.  
 49 Before the division expends or encumbers an amount in  
 50 excess of the funds budgeted for regulation, the

## Page 4

1 director of the department of management shall approve  
 2 the expenditure or encumbrance. Before approval is  
 3 given, the director of the department of management  
 4 shall determine that the regulation expenses exceed  
 5 the funds budgeted by the general assembly to the  
 6 division and that the division does not have other  
 7 funds from which regulation expenses can be paid.  
 8 Upon approval of the director of the department of  
 9 management the division may expend and encumber funds  
 10 for excess regulation expenses. The amounts necessary  
 11 to fund the excess regulation expenses shall be  
 12 collected from those utility companies being regulated  
 13 which caused the excess expenditures, and the  
 14 collections shall be treated as repayment receipts as  
 15 defined in section 8.2.

16 Sec. 4. There is appropriated from the general  
 17 fund of the state to the following named agencies for  
 18 the fiscal year beginning July 1, 1995, and ending  
 19 June 30, 1996, the following amounts, or so much  
 20 thereof as is necessary, to be used for the purposes  
 21 designated:

22	1. COMMISSION ON UNIFORM STATE LAWS	
23	For support of the commission and expenses of the	
24	members:	
25	.....	\$ 20,803
26	2. NATIONAL CONFERENCE OF STATE LEGISLATURES	
27	For support of the membership assessment:	
28	.....	\$ 87,719
29	3. AMERICAN LEGISLATIVE EXCHANGE COUNCIL	
30	For support of biennial individual dues of \$50	
31	payable upon request of a legislator:	
32	.....	\$ 7,500

33 Sec. 5. There is appropriated from the general  
 34 fund of the state to the department of general  
 35 services for the fiscal year beginning July 1, 1995,  
 36 and ending June 30, 1996, the following amounts, or so

37 much thereof as is necessary, to be used for, the  
38 purposes designated:

39 1. ADMINISTRATION DIVISION

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

43 ..... \$ 1,190,167  
44 ..... FTEs 32.35

45 2. INFORMATION SERVICES DIVISION

46 For salaries, support, maintenance, miscellaneous  
47 purposes, and for not more than the following full-  
48 time equivalent positions:

49 ..... \$ 5,497,002  
50 ..... FTEs 141.60

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1 3. PROPERTY MANAGEMENT DIVISION

2 For salaries, support, maintenance, miscellaneous  
3 purposes, and for not more than the following full-  
4 time equivalent positions:

5 ..... \$ 3,935,381  
6 ..... FTEs 113.00

7 The department of general services shall not change  
8 the appropriations for the purposes designated in  
9 subsections 1 through 3 from the amounts appropriated  
10 under those subsections unless notice of the revisions  
11 is given prior to their effective date to the  
12 legislative fiscal bureau. The notice shall include  
13 information on the department's rationale for making  
14 the changes.

15 Savings achieved in providing telephone services  
16 shall be used by the department of general services to  
17 increase efficiencies in the provision of those  
18 services. The department of general services shall  
19 report not later than August 31, 1996, on the projects  
20 undertaken to the chairpersons and the ranking members  
21 of the joint appropriations subcommittee on  
22 administration and regulation and to the legislative  
23 fiscal bureau. The report shall include a listing of  
24 the projects and efficiencies undertaken during the  
25 fiscal year, the cost of each project, and the  
26 benefits, including the projected savings on an annual  
27 basis and for the life of the efficiency improvement.

28 4. CAPITOL PLANNING COMMISSION

29 For expenses of the members in carrying out their  
30 duties under chapter 18A:

31 ..... \$ 1,256

32 5. RENTAL SPACE

33 For payment of lease or rental costs of buildings

34 and office space at the seat of government as provided  
 35 in section 18.12, subsection 9, notwithstanding  
 36 section 18.16:  
 37 ..... \$ 607,955  
 38 **6. UTILITY COSTS**  
 39 For payment of utility costs and for not more than  
 40 the following full-time equivalent positions:  
 41 ..... \$ 2,059,178  
 42 ..... FTEs 1.00  
 43 The department of general services may use funds  
 44 appropriated in this subsection for utility costs to  
 45 fund energy conservation projects in the state capitol  
 46 complex which will have a 100 percent payback within a  
 47 24-month period. In addition, notwithstanding  
 48 sections 8.33 and 18.12, subsection 11, any excess  
 49 funds appropriated for utility costs in this  
 50 subsection shall not revert to the general fund of the

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1 state on June 30, 1996, and these funds shall be used  
 2 for implementation of energy conservation projects  
 3 having a payback of 100 percent within a two-year to  
 4 six-year period. The department of general services  
 5 shall report not later than August 31, 1996, on the  
 6 projects having 100 percent payback within a six-year  
 7 period to the chairpersons and ranking members of the  
 8 joint appropriations subcommittee on administration  
 9 and regulation and to the legislative fiscal bureau.  
 10 The report shall include a listing of the projects  
 11 undertaken, the cost of each project, and the  
 12 projected savings on an annual basis and for the life  
 13 of the project.

14 **7. TERRACE HILL OPERATIONS**

15 For salaries, support, maintenance, and  
 16 miscellaneous purposes necessary for the operation of  
 17 Terrace Hill and for not more than the following full-  
 18 time equivalent positions:  
 19 ..... \$ 164,637  
 20 ..... FTEs 4.00

21 Sec. 6. There is appropriated from the designated  
 22 revolving funds to the department of general services  
 23 for the fiscal year beginning July 1, 1995, and ending  
 24 June 30, 1996, the following amounts, or so much  
 25 thereof as is necessary, to be used for the purposes  
 26 designated:

27 1. From the centralized printing permanent  
 28 revolving fund established by section 18.57 for  
 29 salaries, support, maintenance, miscellaneous  
 30 purposes, and for not more than the following full-

31	time equivalent positions:		
32	.....	\$	912,217
33	.....	FTEs	26.05
34	2. The remainder of the centralized printing		
35	permanent revolving fund is appropriated for the		
36	expense incurred in supplying paper stock, offset		
37	printing, copy preparation, binding, distribution		
38	costs, original payment of printing and binding claims		
39	and contingencies arising during the fiscal year		
40	beginning July 1, 1995, and ending June 30, 1996,		
41	which are legally payable from this fund.		
42	3. From the centralized purchasing permanent		
43	revolving fund established by section 18.9 for		
44	salaries, support, maintenance, miscellaneous		
45	purposes, and for not more than the following full-		
46	time equivalent positions:		
47	.....	\$	734,140
48	.....	FTEs	16.05
49	4. The remainder of the centralized purchasing		
50	permanent revolving fund is appropriated for the		

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1	payment of expenses incurred through purchases by		
2	various state departments and for contingencies		
3	arising during the fiscal year beginning July 1, 1995,		
4	and ending June 30, 1996, which are legally payable		
5	from this fund.		
6	5. From the vehicle dispatcher revolving fund		
7	established by section 18.119 for salaries, support,		
8	maintenance, miscellaneous purposes, and for not more		
9	than the following full-time equivalent positions:		
10	.....	\$	625,075
11	.....	FTEs	15.00
12	6. The remainder of the vehicle dispatcher		
13	revolving fund is appropriated for the purchase of		
14	gasoline, gasohol, oil, tires, repairs, and all other		
15	maintenance expenses incurred in the operation of		
16	state-owned motor vehicles and for contingencies		
17	arising during the fiscal year beginning July 1, 1995,		
18	and ending June 30, 1996, which are legally payable		
19	from this fund.		
20	The vehicle dispatcher shall report, not later than		
21	February 15, 1996, to the chairpersons and the ranking		
22	members of the joint appropriations subcommittee on		
23	administration and regulation and to the legislative		
24	fiscal bureau regarding the efficiencies of the		
25	vehicle fleet and the changes in the efficiencies.		
26	The report shall include the cost per mile, fuel		
27	efficiencies, maintenance costs, useful life, the		

28 costs of extending the useful life, and other measures  
 29 which the vehicle dispatcher or the legislative fiscal  
 30 bureau finds appropriate. The information shall be  
 31 reported for each general type of vehicle. The  
 32 overhead costs shall also be reported with the total  
 33 costs of the vehicle dispatcher operations.

34 The department of general services shall report to  
 35 the chairpersons and ranking members of the joint  
 36 appropriations subcommittee on administration and  
 37 regulation and the legislative fiscal bureau not later  
 38 than February 15, 1996, a comparison of the  
 39 performance of vehicles burning an 85 percent ethanol  
 40 mixture and those burning a 10 percent ethanol  
 41 mixture. The report shall include, but is not limited  
 42 to, average mileage, vehicle life, and problems  
 43 encountered.

44 Sec. 7. GOVERNOR AND LIEUTENANT GOVERNOR. There  
 45 is appropriated from the general fund of the state to  
 46 the offices of the governor and the lieutenant  
 47 governor for the fiscal year beginning July 1, 1995,  
 48 and ending June 30, 1996, the following amounts, or so  
 49 much thereof as is necessary, to be used for the  
 50 purposes designated:

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1	1. For salaries, support, maintenance, and		
2	miscellaneous purposes for the general office of the		
3	governor and the general office of the lieutenant		
4	governor, and for not more than the following full-		
5	time equivalent positions:		
6	.....	\$	1,106,128
7	..... FTEs		17.25
8	2. For the governor's expenses and the lieutenant		
9	governor's expenses connected with office:		
10	.....	\$	2,416
11	3. For salaries, support, maintenance, and		
12	miscellaneous purposes for the governor's quarters at		
13	Terrace Hill, and for not more than the following		
14	full-time equivalent positions:		
15	.....	\$	64,648
16	..... FTEs		2.00
17	4. For the payment of expenses of ad hoc		
18	committees, councils, and task forces appointed by the		
19	governor to research and analyze a particular subject		
20	area relevant to the problems and responsibilities of		
21	state and local government, including the employment		
22	of professional, technical, and administrative staff		
23	and the payment of per diem and actual expenses of		
24	committee, council, or task force members as specified		

25	pursuant to section 7E.6:		
26	.....	\$	1,610
27	The ad hoc committees, councils, and task forces		
28	appointed by the governor are subject to chapters 21		
29	and 22 and the members and the staff shall be informed		
30	of these requirements. A member shall not receive a		
31	per diem if the member is receiving a salary as a		
32	full-time public employee, but members shall be		
33	reimbursed for actual and necessary expenses.		
34	5. For salaries, support, maintenance, and		
35	miscellaneous purposes for the office of		
36	administrative rules coordinator, and for not more		
37	than the following full-time equivalent positions:		
38	.....	\$	108,336
39	.....	FTEs	2.00
40	6. For payment of Iowa's membership in the		
41	national governors' conference:		
42	.....	\$	74,435
43	Sec. 8. DEPARTMENT OF INSPECTIONS AND APPEALS.		
44	There is appropriated from the general fund of the		
45	state to the department of inspections and appeals for		
46	the fiscal year beginning July 1, 1995, and ending		
47	June 30, 1996, the following amounts, or so much		
48	thereof as is necessary, for the purposes designated:		
49	1. FINANCE AND SERVICES DIVISION		
50	For salaries, support, maintenance, miscellaneous		

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1	purposes, and for not more than the following full-		
2	time equivalent positions:		
3	.....	\$	467,275
4	.....	FTEs	21.00
5	2. AUDITS DIVISION		
6	For salaries, support, maintenance, miscellaneous		
7	purposes, and for not more than the following full-		
8	time equivalent positions:		
9	.....	\$	352,092
10	.....	FTEs	11.00
11	3. APPEALS AND FAIR HEARINGS DIVISION		
12	For salaries, support, maintenance, miscellaneous		
13	purposes, and for not more than the following full-		
14	time equivalent positions:		
15	.....	\$	223,048
16	.....	FTEs	24.00
17	4. INVESTIGATIONS DIVISION		
18	For salaries, support, maintenance, miscellaneous		
19	purposes, and for not more than the following full-		
20	time equivalent positions:		
21	.....	\$	729,111

22	.....	FTEs	35.00
23	5. HEALTH FACILITIES DIVISION		
24	For salaries, support, maintenance, miscellaneous		
25	purposes, and for not more than the following full-		
26	time equivalent positions:		
27	.....	\$	1,663,070
28	.....	FTEs	101.00
29	6. INSPECTIONS DIVISION		
30	For salaries, support, maintenance, miscellaneous		
31	purposes, and for not more than the following full-		
32	time equivalent positions:		
33	.....	\$	577,869
34	.....	FTEs	13.00
35	7. EMPLOYMENT APPEAL BOARD		
36	For salaries, support, maintenance, miscellaneous		
37	purposes, and for not more than the following full-		
38	time equivalent positions:		
39	.....	\$	33,067
40	.....	FTEs	15.00
41	The employment appeal board shall be reimbursed by		
42	the labor services division of the department of		
43	employment services for all costs associated with		
44	hearings conducted under chapter 91C, related to		
45	contractor registration. The board may expend, in		
46	addition to the amount appropriated under this		
47	subsection, additional amounts as are directly		
48	billable to the labor services division under this		
49	subsection and to retain the additional full-time		
50	equivalent positions as needed to conduct hearings		

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1	required pursuant to chapter 91C.		
2	8. STATE FOSTER CARE REVIEW BOARD		
3	For salaries, support, maintenance, miscellaneous		
4	purposes, and for not more than the following full-		
5	time equivalent positions:		
6	.....	\$	527,041
7	.....	FTEs	10.00
8	The department of human services, in coordination		
9	with the state foster care review board and the		
10	department of inspections and appeals, shall submit an		
11	application for funding available pursuant to Title		
12	IV-E of the federal Social Security Act for claims for		
13	state foster care review board administrative review		
14	costs.		
15	9. The department of inspections and appeals shall		
16	provide an accounting of all costs associated with		
17	negotiating agreements and compacts pursuant to		
18	section 10A.104, subsection 10, and all costs		

19 associated with monitoring such agreements and  
 20 compacts. Information in the accounting shall include  
 21 the dates and destinations of all travel related to  
 22 the negotiations and monitoring, and all costs  
 23 associated with the personnel involved, including  
 24 salary, travel, and support costs.

25 Sec. 9. RACETRACK REGULATION. There is  
 26 appropriated from the general fund of the state to the  
 27 racing and gaming commission of the department of  
 28 inspections and appeals for the fiscal year beginning  
 29 July 1, 1995, and ending June 30, 1996, the following  
 30 amount, or so much thereof as is necessary, to be used  
 31 for the purposes designated:

32 For salaries, support, maintenance, miscellaneous  
 33 purposes, for the regulation of pari-mutuel  
 34 racetracks, and for not more than the following full-  
 35 time equivalent positions:

36 .....	\$	1,760,378
37 .....	FTEs	23.85

38 Sec. 10. EXCURSION BOAT REGULATION. There is  
 39 appropriated from the general fund of the state to the  
 40 racing and gaming commission of the department of  
 41 inspections and appeals for the fiscal year beginning  
 42 July 1, 1995, and ending June 30, 1996, the following  
 43 amount, or so much thereof as is necessary, to be used  
 44 for the purposes designated:

45 For salaries, support, maintenance, and  
 46 miscellaneous purposes for administration and  
 47 enforcement of the excursion boat gambling laws, and  
 48 for not more than the following full-time equivalent  
 49 positions:

50 .....	\$	860,651
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1 .....	FTEs	17.11
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2 It is the intent of the general assembly that the  
 3 racing and gaming commission shall only employ  
 4 additional full-time equivalent positions for  
 5 riverboat gambling enforcement as authorized by the  
 6 department of management as needed for enforcement on  
 7 new riverboats. If more than six riverboats are  
 8 operating during the fiscal year beginning July 1,  
 9 1995, and ending June 30, 1996, the commission may  
 10 expend no more than \$84,917 for no more than 2.00 FTEs  
 11 for each additional riverboat in excess of six. The  
 12 additional expense associated with the positions shall  
 13 be paid from fees assessed by the commission as  
 14 provided in chapter 99F.

15 Notwithstanding section 8.39, funds shall not be

16 transferred to the department of inspections and  
 17 appeals which would be used for monitoring Indian  
 18 gaming.

19 Sec. 11. DEPARTMENT OF INSPECTIONS AND APPEALS -  
 20 SERVICE CHARGES. The department of inspections and  
 21 appeals may charge state departments, agencies, and  
 22 commissions for services rendered and the payment  
 23 received shall be considered repayment receipts as  
 24 defined in section 8.2.

25 Sec. 12. USE TAX APPROPRIATION. There is  
 26 appropriated from the use tax receipts collected  
 27 pursuant to section 423.7 prior to their deposit in  
 28 the road use tax fund pursuant to section 423.24,  
 29 subsection 1, to the appeals and fair hearings  
 30 division of the department of inspections and appeals  
 31 for the fiscal year beginning July 1, 1995, and ending  
 32 June 30, 1996, the following amount, or so much  
 33 thereof as is necessary, for the purposes designated:

34 For salaries, support, maintenance, and  
 35 miscellaneous purposes:  
 36 ..... \$ 924,090

37 Sec. 13. DEPARTMENT OF MANAGEMENT. There is  
 38 appropriated from the general fund of the state to the  
 39 department of management for the fiscal year beginning  
 40 July 1, 1995, and ending June 30, 1996, the following  
 41 amounts, or so much thereof as is necessary, to be  
 42 used for the purposes designated:

43 1. GENERAL OFFICE  
 44 For salaries, support, maintenance, miscellaneous  
 45 purposes, and for not more than the following full-  
 46 time equivalent positions:  
 47 ..... \$ 2,032,287  
 48 ..... FTEs 30.00

49 2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS  
 50 For reimbursement to local law enforcement agencies

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1 for the training of officers who resign pursuant to  
 2 section 384.15, subsection 7:  
 3 ..... \$ 47,500

4 3. COUNCIL OF STATE GOVERNMENTS  
 5 For support of the membership assessment:  
 6 ..... \$ 75,500

7 Sec. 14. There is appropriated from the road use  
 8 tax fund to the department of management for the  
 9 fiscal year beginning July 1, 1995, and ending June  
 10 30, 1996, the following amount, or so much thereof as  
 11 is necessary, to be used for the purposes designated:  
 12 For salaries, support, maintenance, and

13 miscellaneous purposes:  
 14 ..... \$ 56,000  
 15 The department of management shall report to the  
 16 chairpersons and ranking members of the senate and  
 17 house committees on appropriations, the chairpersons  
 18 and ranking members of the joint appropriations  
 19 subcommittee on administration and regulation, and the  
 20 legislative fiscal bureau, the number of furloughs and  
 21 the number of layoffs that occur in each state agency,  
 22 the savings associated with those furloughs and  
 23 layoffs, the effect of the furloughs and layoffs on  
 24 services provided by the state agency, and other  
 25 relevant information. The department shall provide a  
 26 year-end report summarizing the information for the  
 27 fiscal year beginning July 1, 1995, which will be due  
 28 by September 1, 1996.  
 29 When addressing staffing targets for state  
 30 agencies, the department of management shall state the  
 31 number of staff authorized for a state agency in terms  
 32 of full-time equivalent positions.  
 33 Sec. 15. There is appropriated from the general  
 34 fund of the state to the department of personnel for  
 35 the fiscal year beginning July 1, 1995, and ending  
 36 June 30, 1996, the following amounts, or so much  
 37 thereof as is necessary, to be used for the purposes  
 38 designated including the filing of quarterly reports  
 39 as required in this section:  
 40 1. OPERATIONS  
 41 For salaries, support, maintenance, and  
 42 miscellaneous purposes for the director's staff,  
 43 information services, data processing, and financial  
 44 services, and for not more than the following full-  
 45 time equivalent positions:  
 46 ..... \$ 1,041,716  
 47 ..... FTEs 18.58  
 48 2. PROGRAM DELIVERY  
 49 For salaries for personnel services, employment law  
 50 and labor relations and training for not more than the

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1 following full-time equivalent positions:  
 2 ..... \$ 1,213,964  
 3 ..... FTEs 33.20  
 4 3. PROGRAM ADMINISTRATION AND DEVELOPMENT  
 5 For salaries for employment, compensation, and  
 6 benefits and workers' compensation and for not more  
 7 than the following full-time equivalent positions:  
 8 ..... \$ 1,386,933  
 9 ..... FTEs 32.80

10 Any funds received by the department for workers'  
 11 compensation purposes other than the funds  
 12 appropriated in subsection 3 shall be used only for  
 13 the payment of workers' compensation claims.  
 14 The funds for support, maintenance, and  
 15 miscellaneous purposes for personnel assigned to  
 16 program delivery under subsection 2 and program  
 17 administration and development under subsection 3 are  
 18 payable from the appropriation made in subsection 1.

19 The department of personnel shall report semi-  
 20 annually to the chairpersons and ranking members of  
 21 the joint appropriations subcommittee on  
 22 administration and regulation concerning the number of  
 23 vacancies in existing full-time equivalent positions  
 24 and the average time taken to fill the vacancies. The  
 25 reports shall include quarterly and annual averages  
 26 organized according to state agency and general  
 27 occupational category as established by the federal  
 28 equal employment opportunity commission. All  
 29 departments and agencies of the state shall cooperate  
 30 with the department in the preparation of the reports.

31 Sec. 16. IPERS. There is appropriated from the  
 32 Iowa public employees' retirement system fund to the  
 33 department of personnel for the fiscal year beginning  
 34 July 1, 1995, and ending June 30, 1996, the following  
 35 amount, or so much thereof as is necessary, to be used  
 36 for the purposes designated:

37 1. For salaries, support, maintenance, and other  
 38 operational purposes to pay the costs of the Iowa  
 39 public employees' retirement system:

40 ..... \$ 3,749,983

41 2. It is the intent of the general assembly that  
 42 the Iowa public employees' retirement system employ  
 43 sufficient staff within the appropriation provided in  
 44 this section to meet the developing requirements of  
 45 the investment program.

46 3. The department of personnel shall submit,  
 47 annually, a report to the chairpersons and ranking  
 48 members of the joint appropriations subcommittee on  
 49 administration and regulation and to the legislative  
 50 fiscal bureau regarding the results of the state's top

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1 achievement recognition program. The reports  
 2 submitted shall include, but are not limited to,  
 3 identification of the recipients, a description of the  
 4 meritorious achievements, and the awards conferred.

5 Sec. 17. There is appropriated from the primary  
 6 road fund to the department of personnel for the

7 fiscal year beginning July 1, 1995, and ending June  
8 30, 1996, the following amount, or so much thereof as  
9 is necessary, to be used for the purposes designated:

10 For salaries, support, maintenance, and  
11 miscellaneous purposes to provide personnel services  
12 for the state department of transportation:  
13 ..... \$ 331,694

14 Sec. 18. There is appropriated from the road use  
15 tax fund to the department of personnel for the fiscal  
16 year beginning July 1, 1995, and ending June 30, 1996,  
17 the following amount, or so much thereof as is  
18 necessary, to be used for the purposes designated:

19 For salaries, support, maintenance, and  
20 miscellaneous purposes to provide personnel services  
21 for the state department of transportation:  
22 ..... \$ 53,996

23 Sec. 19. There is appropriated from the general  
24 fund of the state to the department of revenue and  
25 finance for the fiscal year beginning July 1, 1995,  
26 and ending June 30, 1996, the following amounts, or so  
27 much thereof as is necessary, to be used for the  
28 purposes designated, and for not more than the  
29 following full-time equivalent positions used for the  
30 purposes designated in subsections 1 through 3:

31 ..... FTEs 577.43

32 1. AUDIT AND COMPLIANCE

33 For salaries, support, maintenance, and  
34 miscellaneous purposes:  
35 ..... \$ 10,563,293

36 2. STATE FINANCIAL MANAGEMENT

37 For salaries, support, maintenance, and  
38 miscellaneous purposes:  
39 ..... \$ 9,376,548

40 3. INTERNAL RESOURCES MANAGEMENT

41 For salaries, support, maintenance, and  
42 miscellaneous purposes:  
43 ..... \$ 5,910,111

44 4. COLLECTION COSTS AND FEES

45 For payment of collection costs and fees pursuant  
46 to section 422.26:  
47 ..... \$ 45,000

48 8. a. The department of revenue and finance shall  
49 not change the appropriations for the purposes  
50 designated in subsections 1 through 3 from the amounts

1 appropriated in those subsections unless notice of the  
2 revisions is given prior to their effective date to  
3 the legislative fiscal bureau. The notice shall

4 include information on the department's rationale for  
5 making the changes.

6 b. The department of revenue and finance shall  
7 report quarterly to the legislative fiscal bureau  
8 concerning progress in the implementation of generally  
9 accepted accounting principles, including  
10 determination of reporting entities, fund  
11 classifications, modification of the Iowa financial  
12 accounting system, progress on preparing a  
13 comprehensive annual financial report, and the most  
14 current estimate of the general fund balance based on  
15 current generally accepted accounting principles.

16 c. The director of revenue and finance shall  
17 report annually to the chairpersons and ranking  
18 members of the joint appropriations subcommittee on  
19 administration and regulation and the legislative  
20 fiscal bureau on the implementation and financial  
21 status of the integrated revenue information system.  
22 The report shall include any changes from the  
23 scheduled progress including expenditures or estimated  
24 revenue.

25 d. The director of revenue and finance shall  
26 prepare and issue a state appraisal manual and the  
27 revisions to the state appraisal manual as provided in  
28 section 421.17, subsection 18, without cost to a city  
29 or county.

30 Sec. 20. There is appropriated from the lottery  
31 fund to the department of revenue and finance for the  
32 fiscal year beginning July 1, 1995, and ending June  
33 30, 1996, the following amount, or so much thereof as  
34 is necessary, to be used for the purposes designated:

35 For salaries, support, maintenance, miscellaneous  
36 purposes for the administration and operation of  
37 lottery games, and for not more than the following  
38 full-time equivalent positions:

39 .....	\$	7,408,016
40 .....	FTEs	120.00

41 Sec. 21. There is appropriated from the motor  
42 vehicle fuel tax fund created by section 452A.77 to  
43 the department of revenue and finance for the fiscal  
44 year beginning July 1, 1995, and ending June 30, 1996,  
45 the following amount, or so much thereof as is  
46 necessary, to be used for the purposes designated:

47 For salaries, support, maintenance, and  
48 miscellaneous purposes for administration and  
49 enforcement of the provisions of chapter 452A and the  
50 motor vehicle use tax program:

Page 16

1 ..... \$ 1,008,025

2 Sec. 22. There is appropriated from the general

3 fund of the state to the office of the secretary of

4 state for the fiscal year beginning July 1, 1995, and

5 ending June 30, 1996, the following amounts, or so

6 much thereof as is necessary, to be used for the

7 purposes designated:

8 1. ADMINISTRATION AND ELECTIONS

9 For salaries, support, maintenance, miscellaneous

10 purposes, and for not more than the following full-

11 time equivalent positions:

12 ..... \$ 520,514

13 ..... FTEs 9.00

14 2. BUSINESS SERVICES

15 For salaries, support, maintenance, miscellaneous

16 purposes, and for not more than the following full-

17 time equivalent positions:

18 ..... \$ 1,565,021

19 ..... FTEs 28.00

20 3. For costs incurred in the printing of the

21 official register:

22 ..... \$ 60,000

23 Sec. 23. STATE-FEDERAL RELATIONS. There is

24 appropriated from the general fund of the state to the

25 office of state-federal relations for the fiscal year

26 beginning July 1, 1995, and ending June 30, 1996, the

27 following amount, or so much thereof as is necessary,

28 to be used for the purposes designated:

29 For salaries, support, maintenance, miscellaneous

30 purposes, and for not more than the following full-

31 time equivalent positions:

32 ..... \$ 235,521

33 ..... FTEs 3.00

34 Sec. 24. TREASURER. There is appropriated from

35 the general fund of the state to the office of

36 treasurer of state for the fiscal year beginning July

37 1, 1995, and ending June 30, 1996, the following

38 amount, or so much thereof as is necessary, to be used

39 for the purposes designated:

40 For salaries, support, maintenance, miscellaneous

41 purposes, and for not more than the following full-

42 time equivalent positions:

43 ..... \$ 855,694

44 ..... FTEs 27.80

45 The office of treasurer of state shall supply

46 clerical and secretarial support for the executive

47 council.

48 Sec. 25. SECOND INJURY FUND. The administrative

49 costs and expenses incurred by the treasurer of state,  
50 the attorney general, the second injury fund, or the

Page 17.

1 department of revenue and finance, in connection with  
2 the second injury fund, may be paid from the second  
3 injury fund. However, the payment of administrative  
4 costs and expenses incurred by the treasurer of state,  
5 the attorney general, the second injury fund, and the  
6 department of revenue and finance, as authorized in  
7 this section, shall only be permitted for  
8 administrative costs and expenses incurred in the  
9 fiscal year commencing July 1, 1995, and ending June  
10 30, 1996, shall not exceed \$170,000.

11 Sec. 26. STATE WORKERS' COMPENSATION CLAIMS.

12 There is appropriated from the general fund of the  
13 state to the department of personnel for the fiscal  
14 year beginning July 1, 1995, and ending June 30, 1996,  
15 the following amount, or so much thereof as is  
16 necessary, to be used for the purpose designated:

17 For distribution, subject to approval of the  
18 department of management, to various state departments  
19 to fund the premiums for paying workers' compensation  
20 claims which are assessed to and collected from the  
21 state department by the department of personnel based  
22 upon a rating formula established by the department of  
23 personnel:

24 ..... \$ 5,884,740

25 The premiums collected by the department of  
26 personnel shall be segregated into a separate workers'  
27 compensation fund in the state treasury to be used for  
28 payment of state employees' workers' compensation  
29 claims. Notwithstanding section 8.33, unencumbered or  
30 unobligated moneys remaining in this workers'  
31 compensation fund at the end of the fiscal year shall  
32 not revert but shall be available for expenditure for  
33 purposes of the fund for subsequent fiscal years.

34 Sec. 27. Notwithstanding section 509A.5, there is  
35 appropriated from the employer share of the health  
36 insurance premium reserve fund the following amount  
37 for the purpose designated:

38 For the health data commission:  
39 ..... \$ 100,000

40 Sec. 28. CENTRALIZED PURCHASING REVOLVING FUND

41 TRANSFER. Notwithstanding section 18.9, there is  
42 transferred from the centralized purchasing revolving  
43 fund created under section 18.9 to the general fund of  
44 the state on June 30, 1995, the sum of \$135,000.

45 Sec. 29. IMPLEMENTATION OF FUNDING REDUCTIONS --

46 INTENT OF GENERAL ASSEMBLY. It is the intent of the  
47 general assembly that the departments, agencies, and  
48 offices of the executive department of state  
49 government shall implement funding reductions through  
50 organizational changes which reduce supervisory

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1 positions, vertically and horizontally, and increase  
2 the span of control of the remaining supervisors as  
3 recommended by the governor's committee on government  
4 spending reform.

5 Sec. 30. ELIMINATION OF VACANT UNFUNDED JOBS. The  
6 state departments, agencies, or offices receiving  
7 appropriations under this Act shall eliminate, within  
8 thirty days after the beginning of a fiscal year, all  
9 vacant unfunded positions on the table of organization  
10 of the state department, agency, or office.

11 Sec. 31. STATE COMMUNICATIONS NETWORK -- REDUCTION  
12 OF TRAVEL AND RELATED EXPENSES. The offices of the  
13 governor and lieutenant governor, the office of  
14 secretary of state, the office of treasurer of state,  
15 the auditor of state, the department of commerce, the  
16 department of inspections and appeals, the Iowa ethics  
17 and campaign disclosure board, the department of  
18 general services, the department of management, the  
19 department of revenue and finance, and the department  
20 of personnel shall use the services of the state  
21 communications network as much as possible for  
22 interagency communication, meetings, and conferences  
23 to reduce travel and related expenses for the  
24 respective offices or departments.

25 Sec. 32. REPORT OF ADDITIONAL INCOME AND  
26 EXPENDITURES. The state departments, agencies, and  
27 offices receiving appropriations under this Act shall  
28 report all expenses in excess of the funds  
29 appropriated from any statutory revolving funds during  
30 the fiscal year beginning July 1, 1994, and ending  
31 June 30, 1995. The report shall also include the  
32 beginning and ending balances of the revolving funds.

33 The report required pursuant to this section shall  
34 be submitted not later than September 30, 1995, for  
35 expenditures made during the fiscal year beginning  
36 July 1, 1994, and ending June 30, 1995, to the  
37 chairpersons and ranking members of the joint  
38 appropriations subcommittee on administration and  
39 regulations and the legislative fiscal bureau.

40 Sec. 33. FEDERAL GRANTS. All federal grants to  
41 and the federal receipts of agencies appropriated  
42 funds under this Act, not otherwise appropriated, are

43 appropriated for the purposes set forth in the federal  
44 grants or receipts unless otherwise provided by the  
45 general assembly.  
46 Sec. 34. EFFECTIVE DATE. This section and section  
47 28 of this Act take effect on June 30, 1995. The  
48 remainder of this Act takes effect on July 1, 1995."  
49 2. Title page, by striking lines 3 and 4 and  
50 inserting the following: "providing for other

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1 properly related matters, and providing an effective  
2 date."

S-3685

1 Amend the House amendment, S-3679, to Senate File  
2 266, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 16, line 36, by striking the figure  
5 "250,000" and inserting the following: "200,000".  
6 2. Page 16, by inserting after line 39 the  
7 following:  
8 "Sec. 706. Notwithstanding section 8.33, funds  
9 appropriated in 1993 Iowa Acts, chapter 180, section  
10 64, remaining unencumbered or unobligated on June 30,  
11 1995, shall not revert to the general fund of the  
12 state but are appropriated to and shall be available  
13 for expenditure by the department of education for the  
14 fiscal year beginning July 1, 1995, and ending June  
15 30, 1996, and of those funds remaining, \$50,000 shall  
16 be expended for purposes of the character education  
17 pilot program under section 256.18."  
18 3. Page 22, line 13, by inserting after the  
19 figure "12" the following: ", 706".  
20 4. By renumbering and correcting internal  
21 references as necessary.

MERLIN E. BARTZ

S-3686

1 Amend Senate File 212 as follows:  
2 1. Page 1, line 17, by inserting after the word  
3 "pupils." the following: "The department shall not  
4 distribute any moneys from the fund established by  
5 this section until an appropriation from the fund is  
6 made by the general assembly."  
7 2. Page 2, line 3, by striking the words "an  
8 apple and a desk" and inserting the following: "a

9 school building and a flag”.

10 3. Page 2, by inserting after line 31 the  
11 following:

12 “Sec. \_\_\_\_ . The department of education shall study  
13 and report any recommendations to the general assembly  
14 by January 8, 1996, regarding a procedure to  
15 distribute moneys deposited in the Iowa education  
16 transportation enhancement fund established in section  
17 285.8A to local school boards to be used for providing  
18 transportation for pupils.”

19 4. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson

S-3687

1 Amend the House amendment, S-3679, to Senate File  
2 266, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. By striking page 1, line 1, through page 22,  
5 line 15, and inserting the following:

6 “Amend Senate File 266, as amended, passed, and  
7 reprinted by the Senate, as follows:

8 “\_\_\_\_ . By striking everything after the enacting  
9 clause and inserting the following:

10 “DEPARTMENT OF EDUCATION

11 Section 1. There is appropriated from the general  
12 fund of the state to the department of education for  
13 the fiscal year beginning July 1, 1995, and ending  
14 June 30, 1996, the following amounts, or so much  
15 thereof as may be necessary, to be used for the  
16 purposes designated:

17 1. GENERAL ADMINISTRATION

18 For salaries, support, maintenance, miscellaneous  
19 purposes, and for not more than the following full-  
20 time equivalent positions:

21 .....	\$	5,134,445
22 .....	FTEs	93.95

23 One of the full-time equivalent positions provided  
24 for under this subsection shall be filled by an  
25 individual hired by the department of education to  
26 direct and administer the management information  
27 system. The individual hired shall possess a  
28 background in education and administrative experience  
29 at the community college level.

30 The department of education shall conduct a study  
31 of chapter 299, the compulsory education law of this  
32 state, in cooperation with interested individuals from  
33 throughout the state. The department shall submit a

34 report of the findings and recommendations to the  
 35 general assembly by January 1, 1996.

36 2. VOCATIONAL EDUCATION ADMINISTRATION

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

40 .....	\$	644,510
41 .....	FTEs	18.60

42 3. VOCATIONAL REHABILITATION DIVISION

43 a. For salaries, support, maintenance,  
 44 miscellaneous purposes, and for not more than the  
 45 following full-time equivalent positions:

46 .....	\$	3,732,836
47 .....	FTEs	285.75

48 It is the intent of the general assembly that the  
 49 division of vocational rehabilitation services of the  
 50 department of education shall seek, in addition to

Page 2

1 state appropriations, funds other than federal funds,  
 2 which may include but are not limited to local funds,  
 3 for purposes of matching federal vocational  
 4 rehabilitation funds.

5 Notwithstanding the full-time equivalent position  
 6 limit established in this subsection for the fiscal  
 7 year ending June 30, 1996, if federal funding is  
 8 available to pay the costs of additional employees for  
 9 the vocational rehabilitation division who would have  
 10 duties relating to vocational rehabilitation services  
 11 paid for through federal funding, authorization to  
 12 hire not more than four full-time equivalent employees  
 13 shall be provided, the full-time equivalent position  
 14 limit shall be exceeded, and the additional employees  
 15 shall be hired by the division.

16 b. For matching funds for programs to enable  
 17 severely physically or mentally disabled persons to  
 18 function more independently, including salaries and  
 19 support, and for not more than the following full-time  
 20 equivalent positions:

21 .....	\$	37,445
22 .....	FTEs	1.50

23 4. BOARD OF EDUCATIONAL EXAMINERS

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

27 .....	\$	187,739
28 .....	FTEs	2.00

29 5. SCHOOL FOOD SERVICE

30 For use as state matching funds for federal

31 programs that shall be disbursed according to federal  
32 regulations, including salaries, support, maintenance,  
33 miscellaneous purposes, and for not more than the  
34 following full-time equivalent positions:

35 ..... \$ 2,716,859  
36 ..... FTEs 14.00

37 6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

38 To provide funds for costs of providing textbooks  
39 to each resident pupil who attends a nonpublic school  
40 as authorized by section 301.1. The funding is  
41 limited to \$20 per pupil and shall not exceed the  
42 comparable services offered to resident public school  
43 pupils:

44 ..... \$ 616,000

45 7. STATE LIBRARY

46 For salaries, support, maintenance, miscellaneous  
47 purposes, and for not more than the following full-  
48 time equivalent positions:

49 ..... \$ 2,609,820  
50 ..... FTEs 34.50

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1 8. REGIONAL LIBRARY

2 For state aid:

3 ..... \$ 1,507,000

4 9. CENTER FOR ASSESSMENT

5 For the purpose of developing academic standards in  
6 the areas of math, history, science, English, language  
7 arts, and geography:

8 ..... \$ 300,000

9 10. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION

10 To assist a vocational agriculture youth  
11 organization sponsored by the schools to support the  
12 foundation established by that vocational agriculture  
13 youth organization and for other youth activities:

14 ..... \$ 69,400

15 11. CAREER PATHWAYS PROGRAM

16 For purposes of developing and implementing a  
17 career pathways program to expand opportunities for  
18 youth and adults to become prepared for and succeed in  
19 high-wage, high-skill employment:

20 ..... \$ 650,000

21 Of the funds appropriated in this subsection, for  
22 the fiscal year beginning July 1, 1995, and ending  
23 June 30, 1996, \$50,000 shall be expended for purposes  
24 of employing an individual to administer and direct  
25 the career opportunities program. The individual  
26 employed shall possess a background in business and  
27 secondary and postsecondary education.

28	12. FAMILY RESOURCE CENTERS		
29	For support of the family resource center		
30	demonstration program established under chapter 256C:		
31	.....	\$	120,000
32	13. CAREER OPPORTUNITY PROGRAM		
33	For purposes of providing assistance to minority		
34	persons who major in fields or subject areas where		
35	minorities are currently underrepresented or		
36	underutilized pursuant to section 260C.29, as enacted		
37	by this Act:		
38	.....	\$	135,000
39	14. PUBLIC BROADCASTING DIVISION		
40	For salaries, support, maintenance, capital		
41	expenditures, miscellaneous purposes, and for not more		
42	than the following full-time equivalent positions:		
43	.....	\$	6,380,889
44	.....	FTEs	97.00
45	Of the full-time equivalent positions provided for		
46	under this subsection for the fiscal year beginning		
47	July 1, 1995, and ending June 30, 1996, it is the		
48	intent of the general assembly that 4.0 full-time		
49	equivalent positions be provided for purposes formerly		
50	provided for under the Star Schools program.		

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1 The public broadcasting division shall conduct a  
 2 study, in collaboration with all entities receiving  
 3 services via the Iowa communications network, of the  
 4 efficiencies of the network and shall make  
 5 recommendations relating to the elimination of  
 6 duplicative efforts. The study shall include an  
 7 investigation of the duties and functions of employees  
 8 of the division, other state agencies, area education  
 9 agencies, and public schools, if those duties and  
 10 functions involve the Iowa communications network.  
 11 The division shall submit a report of its findings and  
 12 recommendations to the general assembly and the  
 13 legislative fiscal bureau by January 1, 1996.

14 15. NATIONAL ASSESSMENT OF EDUCATION PROGRESS  
 15 (NAEP)

16 For participation by the department of education in  
 17 a state and national project to determine the academic  
 18 achievement of Iowa students in math, reading,  
 19 science, United States history, or geography:  
 20 .....

	\$	50,000
--	----	--------

21 16. LOCAL ARTS COMPREHENSIVE EDUCATIONAL  
 22 STRATEGIES (LACES)

23 For contracting with the Iowa alliance for arts  
 24 education to execute the local arts comprehensive

25 educational strategies program (LACES):	
26 .....	\$ 25,000
27 The department of education and the Iowa alliance	
28 for arts education shall jointly develop grant	
29 applications and select grant recipients for the local	
30 arts comprehensive educational strategies program. At	
31 least 50 percent of the funds appropriated by the	
32 general assembly for the fiscal year beginning July 1,	
33 1995, and ending June 30, 1996, for purposes of the	
34 local arts comprehensive educational strategies	
35 program, shall be allocated to schools which are new	
36 participants in the program.	
37 17. ADVANCED PLACEMENT	
38 For purposes of awarding matching grants to schools	
39 to be used for instructional staff development so that	
40 additional advanced placement courses may be offered	
41 at K-12 public schools:	
42 .....	\$ 75,000
43 Schools that receive grants under this subsection	
44 shall provide a local match or other matching	
45 financial support and shall coordinate instructional	
46 staff development with a public postsecondary	
47 institution.	
48 18. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS	
49 For reimbursement for vocational education	
50 expenditures made by secondary schools:	

## Page 5

1 .....	\$ 3,308,850
2 Funds appropriated in this subsection shall be used	
3 for expenditures made by school districts to meet the	
4 standards set in sections 256.11, 258.4, and 260C.14	
5 as a result of the enactment of 1989 Iowa Acts,	
6 chapter 278. Funds shall be used as reimbursement for	
7 vocational education expenditures made by secondary	
8 schools in the manner provided by the department of	
9 education for implementation of the standards set in	
10 1989 Iowa Acts, chapter 278.	
11 19. COMMUNITY COLLEGES	
12 Notwithstanding chapter 260D, for general state	
13 financial aid, including general financial aid to	
14 merged areas in lieu of personal property tax	
15 replacement payments under section 427A.13, to merged	
16 areas as defined in section 260C.2, for vocational	
17 education programs in accordance with chapters 258 and	
18 260C, to purchase instructional equipment for	
19 vocational and technical courses of instruction in	
20 community colleges, and for salary increases:	
21 .....	\$120,871,270

22 The funds appropriated in this subsection shall be  
 23 allocated as follows:

24	a. Merged Area I .....	\$ 5,772,758
25	b. Merged Area II .....	\$ 6,806,992
26	c. Merged Area III .....	\$ 6,427,597
27	d. Merged Area IV .....	\$ 3,131,482
28	e. Merged Area V .....	\$ 6,550,035
29	f. Merged Area VI .....	\$ 6,069,919
30	g. Merged Area VII .....	\$ 8,658,583
31	h. Merged Area IX .....	\$ 10,616,358
32	i. Merged Area X .....	\$ 16,478,159
33	j. Merged Area XI .....	\$ 17,604,404
34	k. Merged Area XII .....	\$ 6,992,399
35	l. Merged Area XIII .....	\$ 7,151,752
36	m. Merged Area XIV .....	\$ 3,172,128
37	n. Merged Area XV .....	\$ 9,894,442
38	o. Merged Area XVI .....	\$ 5,544,262

39 Sec. 2. Notwithstanding 1994 Iowa Acts, chapter  
 40 1193, section 2, subsection 2, funds appropriated and  
 41 allocated to the merged areas pursuant to 1994 Iowa  
 42 Acts, chapter 1193, section 2, for the fiscal year  
 43 beginning July 1, 1994, and ending June 30, 1995,  
 44 pursuant to section 8.53, unnumbered paragraph 1,  
 45 shall be paid to the merged areas by June 30, 1995.

46 Sec. 3. The department of education shall, in  
 47 consultation with the Iowa association of community  
 48 college presidents and the Iowa association of  
 49 community college trustees, conduct a study of funding  
 50 for community colleges, and shall make specific

**Page 6**

1 recommendations on the elimination of chapter 260D and  
 2 for alternatives to present community college funding  
 3 including, but not limited to, a plan for distribution  
 4 of funds to community colleges. The department shall  
 5 submit a report of its findings and recommendations to  
 6 the governor and the general assembly by December 1,  
 7 1995.

**COLLEGE STUDENT AID COMMISSION**

9 Sec. 4. There is appropriated from the general  
 10 fund of the state to the college student aid  
 11 commission for the fiscal year beginning July 1, 1995,  
 12 and ending June 30, 1996, the following amounts, or so  
 13 much thereof as may be necessary, to be used for the  
 14 purposes designated:

**1. GENERAL ADMINISTRATION**

16 For salaries, support, maintenance, miscellaneous  
 17 purposes, and for not more than the following full-  
 18 time equivalent positions:

19 .....	\$	321,256
20 .....	FTEs	7.05

21 From the moneys appropriated in this subsection,  
 22 \$15,000 for the fiscal year beginning July 1, 1995,  
 23 and ending June 30, 1996, shall be expended to provide  
 24 grants to students who would meet the requirements for  
 25 receipt of a vocational-technical tuition grant, but  
 26 who are enrolled in a licensed school of cosmetology  
 27 arts and sciences under chapter 157, or a licensed  
 28 barber school under chapter 158. The amount of the  
 29 grant made by the college student aid commission  
 30 pursuant to this subsection shall be not less than  
 31 \$300 or the amount of the student's established  
 32 financial need.

33 **2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH**  
 34 **SCIENCES**

35 a. For forgivable loans to Iowa students attending  
 36 the university of osteopathic medicine and health  
 37 sciences, under the forgivable loan program pursuant  
 38 to section 261.19A:

39 .....	\$	379,260
----------	----	---------

40 b. For the university of osteopathic medicine and  
 41 health sciences for an initiative in primary health  
 42 care to direct primary care physicians to shortage  
 43 areas in the state:

44 .....	\$	395,000
----------	----	---------

45 The moneys appropriated in this lettered paragraph  
 46 shall be used as follows:

47 (1) To reduce student loan debt for primary care  
 48 physicians in an amount not to exceed \$30,000 per  
 49 student for a four-year period of medical service in  
 50 medically under-served areas of the state.

**Page 7**

1 (2) For tuition scholarships for students  
 2 attending the university of osteopathic medicine and  
 3 health sciences who agree to practice primary care  
 4 medicine in medically under-served areas of the state.  
 5 The student shall practice in the state two years for  
 6 every year of tuition. A person receiving funds under  
 7 this subparagraph shall not be eligible for funds  
 8 under subparagraph (1).

9 (3) For general administration costs of the  
 10 university for the primary care initiative, the  
 11 university shall expend an amount not to exceed  
 12 \$50,000.

13 The university of osteopathic medicine and health  
 14 sciences shall report quarterly to the legislative  
 15 fiscal bureau concerning the expenditure of funds used

16 pursuant to subparagraphs (1), (2), and (3) of this  
 17 lettered paragraph. The university shall also submit  
 18 the annual audit of the university to the legislative  
 19 fiscal bureau within six months following the year  
 20 being audited. The college student aid commission  
 21 shall not provide moneys for subparagraphs (1) and (2)  
 22 of this lettered paragraph until the university has  
 23 signed and submitted contracts for the use of these  
 24 moneys for reduction of student loan debt and tuition  
 25 scholarships. Funds for subparagraph (3) of this  
 26 lettered paragraph shall be provided quarterly to the  
 27 university. Notwithstanding section 8.33, the funds  
 28 for this lettered paragraph shall not revert to the  
 29 general fund but be available for expenditure the  
 30 following fiscal year for purposes of subparagraphs  
 31 (1) and (2).

32 3. STUDENT AID PROGRAMS

33 For payments to students for the Iowa grant  
 34 program:

35 ..... \$ 1,469,790

36 From the moneys appropriated in this subsection,  
 37 \$1,397,790 for the fiscal year beginning July 1, 1995,  
 38 and ending June 30, 1996, shall be expended for an  
 39 Iowa grant program, with funds to be allocated to  
 40 institutions pursuant to section 261.93A. The  
 41 remainder shall be allocated for the graduate student  
 42 financial assistance program.

43 Sec. 5. There is appropriated from the loan  
 44 reserve account to the college student aid commission  
 45 for the fiscal year beginning July 1, 1995, and ending  
 46 June 30, 1996, the following amount, or so much  
 47 thereof as may be necessary, to be used for the  
 48 purposes designated:

49 For operating costs of the Stafford loan program  
 50 including salaries, support, maintenance,

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1 miscellaneous purposes, and for not more than the  
 2 following full-time equivalent positions:

3 ..... \$ 4,714,570

4 ..... FTEs 31.95

5 STATE BOARD OF REGENTS

6 Sec. 6. There is appropriated from the general  
 7 fund of the state to the state board of regents for  
 8 the fiscal year beginning July 1, 1995, and ending  
 9 June 30, 1996, the following amounts, or so much  
 10 thereof as may be necessary, to be used for the  
 11 purposes designated:

12 1. OFFICE OF STATE BOARD OF REGENTS

13 a. For salaries, support, maintenance,  
 14 miscellaneous purposes, and for not more than the  
 15 following full-time equivalent positions:  
 16 ..... \$ 1,097,601  
 17 ..... FTEs 15.63

18 If the moneys provided in this lettered paragraph  
 19 are augmented by reimbursements from the institutions  
 20 under the control of the state board of regents for  
 21 the funding of the office of the state board of  
 22 regents, the office shall report quarterly such  
 23 reimbursements to the chairpersons and ranking members  
 24 of the joint appropriations subcommittee on education.

25 b. For allocation by the state board of regents to  
 26 the state university of Iowa, the Iowa state  
 27 university of science and technology, and the  
 28 university of northern Iowa to reimburse the  
 29 institutions for deficiencies in their operating funds  
 30 resulting from the pledging of tuitions, student fees  
 31 and charges, and institutional income to finance the  
 32 cost of providing academic and administrative  
 33 buildings and facilities and utility services at the  
 34 institutions:  
 35 ..... \$ 27,400,000

36 The state board of regents, the department of  
 37 management, and the legislative fiscal bureau shall  
 38 cooperate to determine and agree upon, by November 15,  
 39 1995, the amount that needs to be appropriated for  
 40 tuition replacement for the fiscal year beginning July  
 41 1, 1996.

42 c. For funds to be allocated to the southwest Iowa  
 43 graduate studies center:  
 44 ..... \$ 71,662

45 d. For funds to be allocated to the siouxland  
 46 interstate metropolitan planning council for the  
 47 tristate graduate center under section 262.9,  
 48 subsection 21:  
 49 ..... \$ 72,535

50 e. For funds to be allocated to the quad-cities

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1 graduate studies center:  
 2 ..... \$ 150,374

3 2. STATE UNIVERSITY OF IOWA

4 a. General university, including lakeside  
 5 laboratory  
 6 For salaries, support, maintenance, equipment,  
 7 miscellaneous purposes, and for not more than the  
 8 following full-time equivalent positions:  
 9 ..... \$192,122,000

10 ..... FTEs 4,020.97

11 b. For the primary health care initiative in the  
12 college of medicine:

13 ..... \$ 770,000

14 From the moneys appropriated in this lettered  
15 paragraph, \$330,000 shall be allocated to the  
16 department of family practice at the state university  
17 of Iowa college of medicine for family practice  
18 faculty and support staff.

19 It is the intent of the general assembly that the  
20 university place additional emphasis on the locum  
21 tenus program.

22 c. University hospitals

23 For salaries, general support, maintenance,  
24 equipment, and miscellaneous purposes and for medical  
25 and surgical treatment of indigent patients as  
26 provided in chapter 255, and for not more than the  
27 following full-time equivalent positions:

28 ..... \$ 28,821,254

29 ..... FTEs 5,780.87

30 The university of Iowa hospitals and clinics shall  
31 submit quarterly a report regarding the portion of the  
32 appropriation in this lettered paragraph expended on  
33 general support in a format jointly developed by the  
34 university of Iowa hospitals and clinics, the  
35 legislative fiscal bureau, and the department of  
36 management which delineates the expenditures and  
37 purposes of the funds.

38 Funds appropriated in this lettered paragraph shall  
39 not be used to perform abortions except medically  
40 necessary abortions, and shall not be used to operate  
41 the early termination of pregnancy clinic except for  
42 the performance of medically necessary abortions. For  
43 the purpose of this lettered paragraph, an abortion is  
44 the purposeful interruption of pregnancy with the  
45 intention other than to produce a live-born infant or  
46 to remove a dead fetus, and a medically necessary  
47 abortion is one performed under one of the following  
48 conditions:

49 (1) The attending physician certifies that  
50 continuing the pregnancy would endanger the life of

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1 the pregnant woman.

2 (2) The attending physician certifies that the  
3 fetus is physically deformed, mentally deficient, or  
4 afflicted with a congenital illness.

5 (3) The pregnancy is the result of a rape which is  
6 reported within 45 days of the incident to a law

7 enforcement agency or public or private health agency  
 8 which may include a family physician.

9 (4) The pregnancy is the result of incest which is  
 10 reported within 150 days of the incident to a law  
 11 enforcement agency or public or private health agency  
 12 which may include a family physician.

13 (5) The abortion is a spontaneous abortion,  
 14 commonly known as a miscarriage, wherein not all of  
 15 the products of conception are expelled.

16 The total quota allocated to the counties for  
 17 indigent patients for the fiscal year beginning July  
 18 1, 1995, shall not be lower than the total quota  
 19 allocated to the counties for the fiscal year  
 20 commencing July 1, 1994. The total quota shall be  
 21 allocated among the counties on the basis of the 1990  
 22 census pursuant to section 255.16.

23 d. Psychiatric hospital

24 For salaries, support, maintenance, equipment, and  
 25 miscellaneous purposes and for the care, treatment,  
 26 and maintenance of committed and voluntary public  
 27 patients, and for not more than the following full-  
 28 time equivalent positions:

29 .....	\$	7,018,877
30 .....	FTEs	312.09

31 e. Hospital-school

32 For salaries, support, maintenance, miscellaneous  
 33 purposes, and for not more than the following full-  
 34 time equivalent positions:

35 .....	\$	5,705,918
36 .....	FTEs	174.01

37 f. Oakdale campus

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

41 .....	\$	2,845,783
42 .....	FTEs	63.58

43 g. State hygienic laboratory

44 For salaries, support, maintenance, miscellaneous  
 45 purposes, and for not more than the following full-  
 46 time equivalent positions:

47 .....	\$	3,155,100
48 .....	FTEs	101.38

49 h. Family practice program

50 For allocation by the dean of the college of

1 medicine, with approval of the advisory board, to  
 2 qualified participants, to carry out chapter 148D of  
 3 the family practice program, including salaries and

4	support, and for not more than the following full-time		
5	equivalent positions:		
6	.....	\$	1,990,327
7	.....	FTEs	180.74
8	i. Child health care services		
9	For specialized child health care services,		
10	including childhood cancer diagnostic and treatment		
11	network programs, rural comprehensive care for		
12	hemophilia patients, and the Iowa high-risk infant		
13	follow-up program, including salaries and support, and		
14	for not more than the following full-time equivalent		
15	positions:		
16	.....	\$	440,054
17	.....	FTEs	10.93
18	j. Agricultural health and safety programs		
19	For agricultural health and safety programs, and		
20	for not more than the following full-time equivalent		
21	positions:		
22	.....	\$	247,117
23	.....	FTEs	3.48
24	k. Statewide cancer registry		
25	For the statewide cancer registry, and for not more		
26	than the following full-time equivalent positions:		
27	.....	\$	188,734
28	.....	FTEs	3.07
29	l. Substance abuse consortium		
30	For funds to be allocated to the Iowa consortium		
31	for substance abuse research and evaluation, and for		
32	not more than the following full-time equivalent		
33	positions:		
34	.....	\$	62,004
35	.....	FTEs	1.15
36	m. Center for biocatalysis		
37	For the center for biocatalysis, and for not more		
38	than the following full-time equivalent positions:		
39	.....	\$	1,284,395
40	.....	FTEs	4.00
41	n. National advanced driving simulator		
42	For the national advanced driving simulator, and		
43	for not more than the following full-time equivalent		
44	positions:		
45	.....	\$	599,726
46	.....	FTEs	5.00
47	(1) Of the moneys appropriated in this lettered		
48	paragraph, for the fiscal year beginning July 1, 1995,		
49	and ending June 30, 1996, the appropriation of the sum		
50	of \$326,347 is contingent upon the announcement by the		

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1 United States department of transportation of the  
 2 selection of the contractor for the national advanced  
 3 driving simulator system development.  
 4 (2) If the contingency in subparagraph (1) is met  
 5 it is the intent of the general assembly that of the  
 6 moneys appropriated in this lettered paragraph, the  
 7 state university of Iowa shall expend \$350,000, for  
 8 the fiscal year beginning July 1, 1995, and ending  
 9 June 30, 1996, for planning and architectural services  
 10 related to the construction of the facility to house  
 11 the national advanced driving simulator to be located  
 12 at the Oakdale research park. It is further the  
 13 intent of the general assembly to provide funding in  
 14 fiscal years beginning July 1, 1996, and July 1, 1997,  
 15 in the total amount of \$5.35 million for the  
 16 construction of the facility to house the national  
 17 advanced driving simulator to match federal funds  
 18 provided for the project. Funds provided for the  
 19 construction of the facility to house the national  
 20 advanced driving simulator in fiscal years beginning  
 21 July 1, 1996, and July 1, 1997, shall only be expended  
 22 upon receiving notification from the national highway  
 23 traffic safety administration that the United States  
 24 congress has authorized the construction of the  
 25 national advanced driving simulator, that federal  
 26 funds have been appropriated to begin construction,  
 27 and that delivery of the motion base, graphics system,  
 28 and integrating software will take place in  
 29 substantial compliance with the United States  
 30 department of transportation's acquisition schedule as  
 31 set forth in the cooperative agreement between the  
 32 state university of Iowa and the national highway  
 33 traffic safety administration.

34 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

35 a. General university

36 For salaries, support, maintenance, equipment,  
 37 miscellaneous purposes, and for not more than the  
 38 following full-time equivalent positions:

39 .....	\$153,108,000
40 .....	FTEs 3,569.28

41 Of the funds appropriated in this lettered  
 42 paragraph, for the fiscal year beginning July 1, 1995,  
 43 and ending June 30, 1996, \$1,000,000 shall be expended  
 44 for purposes of the healthy livestock program.

45 Of the funds appropriated in this lettered  
 46 paragraph, for the fiscal year beginning July 1, 1995,  
 47 and ending June 30, 1996, \$75,000 shall be expended to  
 48 hold a North American free trade agreement export and

49 trade summit, in conjunction with the Iowa general  
50 assembly, the cooperative extension service, the

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1 department of economic development, the department of  
2 agriculture and land stewardship, and the department  
3 of transportation. The university shall cooperate  
4 with a committee of legislators in the planning,  
5 implementation, and activities of the summit. The  
6 committee shall consist of two members appointed by  
7 the majority leader of the senate, two members  
8 appointed by the minority leader of the senate, two  
9 members appointed by the speaker of the house of  
10 representatives, and two members appointed by the  
11 minority leader of the house of representatives. The  
12 summit shall examine strategies regarding the  
13 expansion of export and trade opportunities with  
14 Canada and Mexico for agricultural, commercial, and  
15 telecommunications, durable goods and other  
16 manufactured products and services, due to the  
17 ratification of the North American free trade  
18 agreement, especially strategies to increase exports  
19 of agricultural products and businesses in rural  
20 communities, for assisting small and medium-sized  
21 businesses which do not currently export or trade with  
22 Canada or Mexico to initiate such trade, and for  
23 developing intermodal transportation systems to  
24 establish a Laredo to Duluth North American free trade  
25 agreement trade corridor. The summit shall also  
26 examine the activities of other states regarding  
27 efforts to promote trade with Canada or Mexico and the  
28 potential for cooperative efforts with other states,  
29 and strategies to mitigate any potential negative  
30 effects on any Iowa economic sector as a result of  
31 growth in export and trade with Canada and Mexico.  
32 The university shall seek the widest possible summit  
33 participation by public or private entities,  
34 businesses, labor organizations, other groups, or  
35 individual citizens.

36 b. Agricultural experiment station

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

40 .....	\$ 30,717,738
41 .....	FTEs 515.94

42 c. Cooperative extension service in agriculture  
43 and home economics

44 For salaries, support, maintenance, and  
45 miscellaneous purposes, including salaries and support

46 for the fire service institute, and for not more than  
 47 the following full-time equivalent positions:  
 48 ..... \$ 18,268,621  
 49 ..... FTEs 428.25  
 50 d. Leopold center

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1 For agricultural research grants at Iowa state  
 2 university under section 266.39B, and for not more  
 3 than the following full-time equivalent positions:  
 4 ..... \$ 560,593  
 5 ..... FTEs 11.50

6 e. For deposit in and the use of the livestock  
 7 disease research fund under section 267.8, and for not  
 8 more than the following full-time equivalent  
 9 positions:  
 10 ..... \$ 276,022  
 11 ..... FTEs 3.37

12 4. UNIVERSITY OF NORTHERN IOWA  
 13 a. For salaries, support, maintenance, equipment,  
 14 miscellaneous purposes, and for not more than the  
 15 following full-time equivalent positions:  
 16 ..... \$ 68,762,000  
 17 ..... FTEs 1,436.18

18 b. Recycling and reuse center:  
 19 ..... \$ 239,745

20 5. STATE SCHOOL FOR THE DEAF  
 21 For salaries, support, maintenance, miscellaneous  
 22 purposes, and for not more than the following full-  
 23 time equivalent positions:  
 24 ..... \$ 6,478,924  
 25 ..... FTEs 124.14

26 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL  
 27 For salaries, support, maintenance, miscellaneous  
 28 purposes, and for not more than the following full-  
 29 time equivalent positions:  
 30 ..... \$ 3,606,189  
 31 ..... FTEs 83.41

32 7. TUITION AND TRANSPORTATION COSTS  
 33 For payment to local school boards for the tuition  
 34 and transportation costs of students residing in the  
 35 Iowa braille and sight saving school and the state  
 36 school for the deaf pursuant to section 262.43 and for  
 37 payment of certain clothing and transportation costs  
 38 for students at these schools pursuant to section  
 39 270.5:  
 40 ..... \$ 11,232

41 Sec. 7. Reallocations of sums received under  
 42 section 6, subsections 2, 3, 4, 5, and 6, of this Act,

43 including sums received for salaries, shall be  
44 reported on a quarterly basis to the co-chairpersons  
45 and ranking members of the legislative fiscal  
46 committee and the joint appropriations subcommittee on  
47 education.  
48 Sec. 8. For the fiscal year beginning July 1,  
49 1995, and ending June 30, 1996, the state board of  
50 regents may use notes, bonds, or other evidences of

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1 indebtedness issued under section 262.48 to finance  
2 projects that will result in energy cost savings in an  
3 amount that will cause the state board to recover the  
4 cost of the projects within an average of six years.  
5 Sec. 9. MEDICAL ASSISTANCE -- SUPPLEMENTAL  
6 AMOUNTS. For the fiscal year beginning July 1, 1995,  
7 and ending June 30, 1996, the department of human  
8 services shall continue the supplemental  
9 disproportionate share and a supplemental indirect  
10 medical education adjustment applicable to state-owned  
11 acute care hospitals with more than 500 beds and shall  
12 reimburse qualifying hospitals pursuant to that  
13 adjustment with a supplemental amount for services  
14 provided medical assistance recipients. The  
15 adjustment shall generate supplemental payments  
16 intended to equal the state appropriation made to a  
17 qualifying hospital for treatment of indigent patients  
18 as provided in chapter 255. To the extent of the  
19 supplemental payments, a qualifying hospital shall,  
20 after receipt of the funds, transfer to the department  
21 of human services an amount equal to the actual  
22 supplemental payments that were made in that month.  
23 The aggregate amounts for the fiscal year shall not  
24 exceed the state appropriation made to the qualifying  
25 hospital for treatment of indigent patients as  
26 provided in chapter 255. The department of human  
27 services shall deposit the portion of these funds  
28 equal to the state share in the department's medical  
29 assistance account and the balance shall be credited  
30 to the general fund of the state. To the extent that  
31 state funds appropriated to a qualifying hospital for  
32 the treatment of indigent patients as provided in  
33 chapter 255 have been transferred to the department of  
34 human services as a result of these supplemental  
35 payments made to the qualifying hospital, the  
36 department shall not, directly or indirectly, recoup  
37 the supplemental payments made to a qualifying  
38 hospital for any reason, unless an equivalent amount  
39 of the funds transferred to the department of human

40 services by a qualifying hospital pursuant to this  
41 provision is transferred to the qualifying hospital by  
42 the department.

43 If the state supplemental amount allotted to the  
44 state of Iowa for the federal fiscal year beginning  
45 October 1, 1995, and ending September 30, 1996,  
46 pursuant to section 1923 (f)(3) of the federal Social  
47 Security Act, as amended, or pursuant to federal  
48 payments for indirect medical education is greater  
49 than the amount necessary to fund the federal share of  
50 the supplemental payments specified in the preceding

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1 paragraph, the department of human services shall  
2 increase the supplemental disproportionate share or  
3 supplemental indirect medical education adjustment by  
4 the lesser of the amount necessary to utilize fully  
5 the state supplemental amount or the amount of state  
6 funds appropriated to the state university of Iowa  
7 general education fund and allocated to the university  
8 for the college of medicine. The state university of  
9 Iowa shall transfer from the allocation for the  
10 college of medicine to the department of human  
11 services, on a monthly basis, an amount equal to the  
12 additional supplemental payments made during the  
13 previous month pursuant to this paragraph. A  
14 qualifying hospital receiving supplemental payments  
15 pursuant to this paragraph that are greater than the  
16 state appropriation made to the qualifying hospital  
17 for treatment of indigent patients as provided in  
18 chapter 255 shall be obligated as a condition of its  
19 participation in the medical assistance program to  
20 transfer to the state university of Iowa general  
21 education fund on a monthly basis an amount equal to  
22 the funds transferred by the state university of Iowa  
23 to the department of human services. To the extent  
24 that state funds appropriated to the state university  
25 of Iowa and allocated to the college of medicine have  
26 been transferred to the department of human services  
27 as a result of these supplemental payments made to the  
28 qualifying hospital, the department shall not,  
29 directly or indirectly, recoup these supplemental  
30 payments made to a qualifying hospital for any reason,  
31 unless an equivalent amount of the funds transferred  
32 to the department of human services by the state  
33 university of Iowa pursuant to this paragraph is  
34 transferred to the qualifying hospital by the  
35 department.  
36 Continuation of the supplemental disproportionate

37 share and supplemental indirect medical education  
 38 adjustment shall preserve the funds available to the  
 39 university hospital for medical and surgical treatment  
 40 of indigent patients as provided in chapter 255 and to  
 41 the state university of Iowa for educational purposes  
 42 at the same level as provided by the state funds  
 43 initially appropriated for that purpose.  
 44 The department of human services shall, in any  
 45 compilation of data or other report distributed to the  
 46 public concerning payments to providers under the  
 47 medical assistance program, set forth reimbursements  
 48 to a qualifying hospital through the supplemental  
 49 disproportionate share and supplemental indirect  
 50 medical education adjustment as a separate item and

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1 shall not include such payments in the amounts  
 2 otherwise reported as the reimbursement to a  
 3 qualifying hospital for services to medical assistance  
 4 recipients.  
 5 For purposes of this section, "supplemental  
 6 payment" means a supplemental payment amount paid for  
 7 medical assistance to a hospital qualifying for that  
 8 payment under this section.

9 DEPARTMENT OF CULTURAL AFFAIRS

10 Sec. 10. There is appropriated from the general  
 11 fund of the state to the department of cultural  
 12 affairs for the fiscal year beginning July 1, 1995,  
 13 and ending June 30, 1996, the following amounts, or so  
 14 much thereof as is necessary, to be used for the  
 15 purposes designated:

16 1. ARTS DIVISION

17 For salaries, support, maintenance, miscellaneous  
 18 purposes, including funds to match federal grants, for  
 19 areawide arts and cultural service organizations that  
 20 meet the requirements of chapter 303C, and for not  
 21 more than the following full-time equivalent  
 22 positions:

23 .....	\$	1,050,292
24 .....	FTEs	10.00

25 2. HISTORICAL DIVISION

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

29 .....	\$	2,459,877
30 .....	FTEs	58.00

31 It is the intent of the general assembly that  
 32 capitol security reallocate personnel to properly  
 33 protect the state historical building.

34 3. HISTORIC SITES

35 For salaries, support, maintenance, miscellaneous  
36 purposes, and for not more than the following full-  
37 time equivalent positions:

38 .....	\$	228,799
39 .....	FTEs	3.00

40 4. ADMINISTRATION

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

44 .....	\$	213,920
45 .....	FTEs	4.30

46 5. COMMUNITY CULTURAL GRANTS

47 For planning and programming for the community  
48 cultural grants program established under section  
49 303.3, and for not more than the following full-time  
50 equivalent position:

Page 18

1 .....	\$	703,234
2 .....	FTEs	0.70

3 Sec. 11. Notwithstanding section 8.33, funds  
4 appropriated in 1993 Iowa Acts, chapter 180, section  
5 64, remaining unencumbered or unobligated on June 30,  
6 1995, shall not revert to the general fund of the  
7 state but are appropriated to and shall be available  
8 for expenditure by the department of education for the  
9 fiscal year beginning July 1, 1995, and ending June  
10 30, 1996, and of those funds remaining, \$250,000 shall  
11 be expended for purposes of the career pathways  
12 program in addition to any other funds provided for  
13 the career pathways program under this Act.

14 Sec. 12. Notwithstanding section 8.33, funds  
15 appropriated in 1994 Iowa Acts, chapter 1193, section  
16 14, remaining unencumbered or unobligated on June 30,  
17 1995, shall not revert to the general fund of the  
18 state but shall be available for purposes of the Iowa  
19 grant program, in addition to funds appropriated in  
20 section 4, subsection 3, of this Act, with funds to be  
21 distributed pursuant to section 261.93A.

22 Sec. 13. Notwithstanding section 257B.1A,  
23 subsection 4, and 1994 Iowa Acts, chapter 1193,  
24 section 15, for the fiscal year beginning July 1,  
25 1994, and ending June 30, 1995, the remaining portion  
26 of the interest earned on the permanent school fund  
27 shall, after transfers are made pursuant to section  
28 257B.1A, subsections 2 and 3, be deposited in the  
29 interest for Iowa schools fund established under this  
30 Act.

31 Sec. 14. There is appropriated from the  
32 scholarship and tuition grant reserve fund to the  
33 college student aid commission for the fiscal year  
34 beginning July 1, 1995, and ending June 30, 1996, the  
35 amount of \$160,000 for purposes of the work-study  
36 program, in addition to funds appropriated in section  
37 261.85.

38 Sec. 15. Funds appropriated for state scholarships  
39 pursuant to section 261.25, subsection 2, for the  
40 fiscal year beginning July 1, 1995, and ending June  
41 30, 1996, shall be used in their entirety to fund  
42 scholarships to eligible students, and the college  
43 student aid commission shall not place an across-the-  
44 board ceiling on the amount distributed under the  
45 state scholarship program.

46 Sec. 16. Section 257B.1, subsection 5, Code 1995,  
47 is amended by striking the subsection.

48 Sec. 17. Section 257B.1A, Code 1995, is amended by  
49 striking the section and inserting in lieu thereof the  
50 following:

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#### 1 257B.1A TRANSFER OF INTEREST.

2 1. The interest for Iowa schools fund is  
3 established in the office of treasurer of state. The  
4 department of revenue and finance shall deposit  
5 interest earned on the permanent school fund in the  
6 interest for Iowa schools fund. Moneys in the  
7 interest for Iowa schools fund shall be transferred or  
8 allocated only for school purposes as provided in this  
9 section.

10 2. For a transfer of moneys from the interest for  
11 Iowa schools fund to the first in the nation in  
12 education foundation, prior to July 1, October 1,  
13 January 1, and March 1 of each year, the governing  
14 board of the first in the nation in education  
15 foundation established in section 257A.2 shall certify  
16 to the treasurer of state the cumulative total value  
17 of contributions received under section 257A.7 for  
18 deposit in the first in the nation in education fund  
19 and for the use of the foundation. The cumulative  
20 total value of contributions received includes the  
21 value of the amount deposited in the national center  
22 endowment fund established in section 263.8A in excess  
23 of eight hundred seventy-five thousand dollars. The  
24 value of in-kind contributions shall be based upon the  
25 fair market value of the contribution determined for  
26 income tax purposes.

27 The portion of the interest in Iowa schools fund

28 that is equal to the cumulative total value of  
29 contributions, less the portion of the interest in  
30 Iowa schools fund dedicated to the national center for  
31 gifted and talented education, is dedicated to the  
32 first in the nation in education foundation for that  
33 year. The interest earned on this dedicated amount  
34 shall be transferred by the treasurer of state to the  
35 credit of the first in the nation in education  
36 foundation.

37 3. For a transfer of moneys from the interest in  
38 Iowa schools fund to the national center endowment  
39 fund established in section 263.8A, prior to July 1,  
40 October 1, January 1, and March 1 of each year, the  
41 state university of Iowa shall certify to the  
42 treasurer of state the cumulative total value of  
43 contributions received and deposited in the national  
44 center endowment fund. Within fifteen days following  
45 certification by the state university of Iowa, the  
46 treasurer of state shall transfer from the interest in  
47 Iowa schools fund to the national center an amount  
48 equal to one-half the cumulative total value of the  
49 contributions deposited in the national center  
50 endowment fund, not to exceed eight hundred seventy-

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1 five thousand dollars.

2 Sec. 18. NEW SECTION. 260C.24 PAYMENT OF  
3 APPROPRIATION.

4 Payment of appropriations for distribution under  
5 this chapter or of appropriations made in lieu of such  
6 appropriations, shall be made by the department of  
7 revenue and finance in monthly installments due on or  
8 about the fifteenth of each month of a budget year,  
9 and installments shall be as nearly equal as possible,  
10 as determined by the department of revenue and  
11 finance, taking into consideration the relative budget  
12 and cash position of the state resources.

13 Sec. 19. NEW SECTION. 260C.29 CAREER OPPORTUNITY  
14 PROGRAM -- MISSION.

15 1. The mission of the career opportunity program  
16 established in this section is to encourage  
17 collaborative efforts by a community college, the  
18 institutions under the control of the state board of  
19 regents, and business and industry to enhance the  
20 educational opportunities and provide for job creation  
21 and career advancement for Iowa's minority persons by  
22 providing assistance to minority persons who major in  
23 fields or subject areas where minorities are currently  
24 underrepresented or underutilized.

25 2. A career opportunity program is established to  
26 be administered by the community college located in a  
27 county with a population in excess of three hundred  
28 thousand. The community college shall provide office  
29 space for the efficient operation of the program. The  
30 community college shall employ a director for the  
31 program. The director of the program shall employ  
32 necessary support staff. The director and staff shall  
33 be employees of the community college.

34 3. The director of the program shall do the  
35 following:

36 a. Direct the coordination of the program between  
37 the community college and the institutions of higher  
38 education under the control of the state board of  
39 regents.

40 b. Propose rules to the state board of education  
41 as necessary to implement the program.

42 c. Recruit minority persons into the program.

43 d. Enlist the assistance and cooperation of  
44 leaders from business and industry to provide job  
45 placement services for students who are successfully  
46 completing the program.

47 e. Prepare and submit an annual report to the  
48 governor and the general assembly by January 15.

49 4. To be eligible for the program, a minority  
50 person shall be a resident of Iowa who is accepted for

## Page 21

1 admission at or attends a community college or an  
2 institution of higher education under the control of  
3 the state board of regents. In addition, the person  
4 shall major in or achieve credit toward an associate  
5 degree, a bachelor's degree, or a master's degree in a  
6 field or subject area where minorities are  
7 underrepresented or underutilized.

8 5. The amount of assistance provided to a student  
9 under this section shall not exceed the cost of  
10 tuition, fees, and books required for the program in  
11 which the student is enrolled and attends. As used in  
12 this section, "books" may include book substitutes,  
13 including reusable workbooks, loose-leaf or bound  
14 manuals, and computer software materials used as book  
15 substitutes. A student who meets the qualifications  
16 of this section shall receive assistance under this  
17 section for not more than the equivalent of two full  
18 years of study.

19 6. For purposes of this section, "minority person"  
20 means a person who is Black, Hispanic, Asian, or a  
21 Pacific Islander, American Indian, or an Alaskan

22 native American.

23 Sec. 20. Section 260D.14A, unnumbered paragraphs 1  
24 and 5, Code 1995, are amended to read as follows:

25 The department of education shall provide for the  
26 establishment of a community college excellence 2000  
27 account in the office of the treasurer of state for  
28 deposit of moneys appropriated to the account for  
29 purposes of funding quality instructional centers and  
30 program and administrative sharing agreements under  
31 sections 260C.45 and 260C.46. There is appropriated  
32 from the general fund of the state to the department  
33 of education for the fiscal year beginning July 1,  
34 ~~1996~~ 1997, an amount equal to two and five-tenths  
35 percent of the total state general aid generated for  
36 all community colleges during the budget year under  
37 this chapter for deposit in the community college  
38 excellence 2000 account. In the next succeeding two  
39 fiscal years, the percent multiplier shall be  
40 increased in equal increments until the multiplier  
41 reaches seven and one-half percent of the total state  
42 general aid generated for all community colleges  
43 during the budget year.

44 It is the intent of the general assembly that the  
45 general assembly enact legislation by July 1, ~~1996~~  
46 1997, that will increase the maximum percent  
47 multiplier established in this section from seven and  
48 five-tenths percent to ten percent.

49 Sec. 21. Section 261.12, subsection 1, paragraph  
50 b, Code 1995, is amended to read as follows:

**Page 22**

1 b. For the fiscal year beginning July 1, 1989  
2 1995, and for each following fiscal year, two thousand  
3 ~~six~~ nine hundred ~~fifty~~ dollars.

4 Sec. 22. Section 261.25, subsection 1, Code 1995,  
5 is amended to read as follows:

6 1. There is appropriated from the general fund of  
7 the state to the commission for each fiscal year the  
8 sum of ~~thirty-two~~ thirty-five million ~~four~~ six hundred  
9 ~~twenty-two~~ sixty-four thousand ~~three~~ seven hundred  
10 ~~sixty-two~~ fifty dollars for tuition grants.

11 Sec. 23. **NEW SECTION.** 261.51 CHIROPRACTIC  
12 GRADUATE STUDENT FORGIVABLE LOANS.

13 1. A chiropractic graduate student forgivable loan  
14 program is established, to be administered by the  
15 college student aid commission for resident graduate  
16 students who are enrolled at Iowa chiropractic  
17 colleges and universities. A resident graduate  
18 student attending an Iowa chiropractic college or

19 university is eligible for loan forgiveness under the  
20 program if the student meets all of the following  
21 conditions:

22 a. The student graduates from an Iowa chiropractic  
23 college or university that meets the requirements for  
24 approval under section 151.4.

25 b. The student has completed a chiropractic  
26 residency program.

27 c. The student practices in the state of Iowa.

28 d. The student has made application for, using the  
29 procedures specified in section 261.16, and received  
30 moneys through the college student aid commission from  
31 the funds allocated for loans under this section.

32 2. Of the moneys loaned to an eligible student,  
33 for each year of up to and including four years of  
34 practice in Iowa, the amount of one thousand one  
35 hundred dollars shall be forgiven. If a student fails  
36 to complete a year of practice in the state, the loan  
37 amount for that year shall not be forgiven.

38 Forgivable loans made to eligible students shall not  
39 become due, for repayment purposes, until after the  
40 student has completed the student's residency.

41 3. For purposes of this section "graduate student"  
42 means a student who has completed at least ninety  
43 semester hours, or the trimester or quarter  
44 equivalent, of postsecondary course work at a public  
45 higher education institution or at an accredited  
46 private institution, as defined under section 261.9.

47 The college student aid commission shall adopt rules,  
48 consistent with rules used for students enrolled in  
49 higher education institutions under the control of the  
50 state board of regents, for purposes of determining

**Page 23**

1 Iowa residency status of graduate students under this  
2 section. The commission shall also adopt rules which  
3 provide standards, guidelines, and procedures for the  
4 receipt, processing, and administration of student  
5 applications and loans under this section.

6 Sec. 24. Section 261.85, unnumbered paragraph 1,  
7 Code 1995, is amended to read as follows:

8 There is appropriated from the general fund of the  
9 state to the commission for each fiscal year the sum  
10 of two million ~~eight nine~~ hundred ~~ninety-eight fifty~~  
11 thousand ~~eight hundred forty~~ dollars for the work-  
12 study program.

13 Sec. 25. Section 262.2, Code 1995, is amended to  
14 read as follows:

15 262.2 APPOINTMENT -- TERM OF OFFICE.

16 1. The members shall be appointed by the governor  
 17 subject to confirmation by the senate. The term of  
 18 each member of the board shall be for six years. The  
 19 terms of three members of the board shall begin and  
 20 expire in each odd-numbered year as provided in  
 21 section 69.19.

22 2. The recognized student government organization  
 23 at each of the three institutions of higher learning  
 24 under the control of the board shall submit, at least  
 25 biennially, to the executive director who shall  
 26 transfer to the governor a list of at least three  
 27 names of students eligible to represent the  
 28 institution on the board. The governor may appoint  
 29 the ninth member of the board from the lists of names  
 30 submitted by the recognized student organizations.

31 Sec. 26. Section 275.55A, Code 1995, is amended to  
 32 read as follows:

33 275.55A ATTENDANCE IN OTHER DISTRICT.

34 A ~~pupil~~ student enrolled in ninth, tenth, or  
 35 eleventh grade during the school year preceding the  
 36 effective date of a dissolution proposal, who was a  
 37 resident of the school district that dissolved, may  
 38 enroll in ~~any~~ a school district to which territory of  
 39 the school district that dissolved was attached until  
 40 ~~that pupil's~~ the student's graduation from high  
 41 school, unless the student was expelled or suspended  
 42 from school and the conditions of expulsion or  
 43 suspension have not been met. The student under  
 44 expulsion or suspension shall not be enrolled until  
 45 the board of directors of the school district to which  
 46 territory of the dissolved school district was  
 47 attached approves, by majority vote, the enrollment of  
 48 the student. Notwithstanding section 282.24, the  
 49 district of residence of the ~~pupil~~ student, determined  
 50 in the dissolution proposal, shall pay tuition to the

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1 school district selected by the ~~pupil~~ student in an  
 2 amount not to exceed the district cost per pupil of  
 3 the district of residence and the school district  
 4 selected by the ~~pupil~~ student shall accept that  
 5 tuition payment and enroll the ~~pupil~~ student.

6 Sec. 27. Section 282.4, Code 1995, is amended to  
 7 read as follows:

8 282.4 SUSPENSION -- EXPULSION -- DISMISSAL.

9 1. The board may, by a majority vote, expel any  
 10 ~~pupil~~ student from school for a violation of the  
 11 regulations or rules established by the board, or when  
 12 the presence of the ~~pupil~~ student is detrimental to

13 the best interests of the school. The board may  
 14 confer upon any teacher, principal, or superintendent  
 15 the power temporarily to ~~dismiss~~ suspend a ~~pupil~~  
 16 student, notice of ~~such dismissal~~ the suspension being  
 17 at once given in writing to the president of the  
 18 board.

19 2. A ~~pupil student~~ who commits an assault, as  
 20 defined under section 708.1, against a school employee  
 21 in a school building, on school grounds, or at a  
 22 school-sponsored function shall be suspended for a  
 23 time to be determined by the principal. Notice of the  
 24 suspension shall be immediately sent to the president  
 25 of the board. By special meeting or at the next  
 26 regularly scheduled board meeting, the board shall  
 27 review the suspension and decide whether to hold a  
 28 disciplinary hearing to determine whether or not to  
 29 order further sanctions against the ~~pupil student~~,  
 30 which may include expelling the ~~pupil student~~. In  
 31 making its decision, the board shall consider the best  
 32 interests of the school district, which shall include  
 33 what is best to protect and ensure the safety of the  
 34 school employees and ~~pupils students~~ from the ~~pupil~~  
 35 student committing the assault.

36 A ~~pupil student~~ shall not be suspended or expelled  
 37 pursuant to this section if the suspension or  
 38 expulsion would violate the federal Individuals with  
 39 Disabilities Education Act.

40 3. Notwithstanding section 282.6, if a student has  
 41 been expelled or suspended from school and has not met  
 42 the conditions of the expulsion or suspension and if  
 43 the student, or the parent or guardian of the student,  
 44 changes district of residence, the student shall not  
 45 be enrolled in the new district of residence until the  
 46 board of directors of the new district of residence  
 47 approves, by a majority vote, the enrollment of the  
 48 student.

49 Sec. 28. Section 282.5, Code 1995, is amended to  
 50 read as follows:

Page 25

1 282.5 READMISSION OF STUDENT.

2 When a student is ~~dismissed~~ suspended by a teacher,  
 3 principal, or superintendent, pursuant to section  
 4 282.4, the student may be readmitted by the teacher,  
 5 principal, or superintendent, but when expelled by the  
 6 board the student may be readmitted only by the board  
 7 or in the manner prescribed by the board.

8 Sec. 29. Section 294A.25, subsection 8, Code 1995,  
 9 is amended to read as follows:

10 8. For the fiscal year beginning July 1, 1994  
 11 1995, to the department of education from phase III  
 12 moneys the amount of one million two hundred fifty  
 13 thousand dollars for support for the operations of the  
 14 new Iowa schools development corporation and for  
 15 school transformation design and implementation  
 16 projects administered by the corporation. Of the  
 17 amount provided in this subsection, one hundred fifty  
 18 thousand dollars shall be used for the school and  
 19 community planning initiative.

20 Sec. 30. Section 303.3, subsection 3, Code 1995,  
 21 is amended to read as follows:

22 3. Notwithstanding section 8.33, moneys committed  
 23 to grantees under contract that remain unexpended on  
 24 June 30 of any fiscal year shall not revert but shall  
 25 be available for expenditure for purposes of the  
 26 contract program until June 30 of the succeeding  
 27 fiscal year.

28 Sec. 31. FUNDS TRANSFERRED.

29 1. For the fiscal year beginning July 1, 1995, and  
 30 ending June 30, 1996, the amount of \$150,000 is to be  
 31 paid to the department of education from additional  
 32 funds transferred from phase I to phase III for  
 33 development of a K-12 and community college management  
 34 information system. Notwithstanding section 294A.20,  
 35 if the additional funds transferred from phase I to  
 36 phase III are insufficient for purposes of the  
 37 appropriation provided under this subsection, moneys  
 38 allocated to phase III, which would otherwise revert  
 39 to the general fund under section 294A.20, shall be  
 40 transferred to the department in an amount sufficient  
 41 to fully fund the appropriation made under this  
 42 subsection. The department shall submit a report to  
 43 the legislative fiscal bureau by January 1, 1996,  
 44 describing the specific expenditure of funds  
 45 appropriated by the general assembly for purposes of  
 46 the management information system; the estimated time  
 47 of completion of the system; the department's  
 48 accomplishments under the system; and any  
 49 recommendations for future system funding needs.  
 50 2. For the fiscal year beginning July 1, 1995, and

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1 ending June 30, 1996, up to \$50,000 from additional  
 2 funds transferred from phase I to phase III is to be  
 3 paid to the department of education for support of the  
 4 Iowa mathematics and science coalition. If funds  
 5 available from the specified sources are insufficient  
 6 to fully fund the appropriation, the amount

7 appropriated to the department under this subsection  
 8 shall be reduced to an amount equal to the available  
 9 funds.  
 10 Sec. 32. 1994 Iowa Acts, chapter 1193, section 15,  
 11 is repealed.  
 12 Sec. 33. Sections 2, 11 through 13, 16, 17, 26  
 13 through 28, 30, and this section of this Act, being  
 14 deemed of immediate importance, take effect upon  
 15 enactment.””

JOHN P. KIBBIE

S-3688

1 Amend the amendment, S-3687, to the House  
 2 amendment, S-3679, to Senate File 266, as amended,  
 3 passed, and reprinted by the Senate, as follows:  
 4 1. By striking page 1, line 1, through page 26,  
 5 line 15, and inserting the following:  
 6 “Amend the House amendment, S-3679, to Senate File  
 7 266, as amended, passed, and reprinted by the Senate,  
 8 as follows:

9 “\_\_\_ . By striking page 1, line 1, through page  
 10 22, line 15, and inserting the following:  
 11 “Amend Senate File 266, as amended, passed, and  
 12 reprinted by the Senate, as follows:

13 “\_\_\_ . By striking everything after the enacting  
 14 clause and inserting the following:

“DEPARTMENT OF EDUCATION

15 Section 1. There is appropriated from the general  
 16 fund of the state to the department of education for  
 17 the fiscal year beginning July 1, 1995, and ending  
 18 June 30, 1996, the following amounts, or so much  
 19 thereof as may be necessary, to be used for the  
 20 purposes designated:

21 1. GENERAL ADMINISTRATION

22 For salaries, support, maintenance, miscellaneous  
 23 purposes, and for not more than the following full-  
 24 time equivalent positions:

25	.....	\$	5,134,445
26	.....		
27	.....	FTEs	93.95

28 One of the full-time equivalent positions provided  
 29 for under this subsection shall be filled by an  
 30 individual hired by the department of education to  
 31 direct and administer the management information  
 32 system. The individual hired shall possess a  
 33 background in education and administrative experience  
 34 at the community college level.

35 The department of education shall conduct a study  
 36 of the possible uses for the remaining portion of the

37 interest earned on the permanent school fund after transfers  
 38 are made pursuant to section 257B.1A, subsections 2 and 3.  
 39 The department shall submit a report of its findings and  
 40 recommendations to the general assembly and the legislative  
 41 fiscal bureau by January 1, 1996.

42 The department of education shall conduct a study  
 43 of chapter 299, the compulsory education law of this  
 44 state, in cooperation with interested individuals from  
 45 throughout the state. The department shall submit a  
 46 report of the findings and recommendations to the  
 47 general assembly by January 1, 1996.

48 2. VOCATIONAL EDUCATION ADMINISTRATION

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

Page 2

1 time equivalent positions:

2 ..... \$ 644,510  
 3 ..... FTEs 18.60

4 3. VOCATIONAL REHABILITATION DIVISION

5 a. For salaries, support, maintenance,  
 6 miscellaneous purposes, and for not more than the  
 7 following full-time equivalent positions:

8 ..... \$ 3,732,836  
 9 ..... FTEs 285.75

10 It is the intent of the general assembly that the  
 11 division of vocational rehabilitation services of the  
 12 department of education shall seek, in addition to  
 13 state appropriations, funds other than federal funds,  
 14 which may include but are not limited to local funds,  
 15 for purposes of matching federal vocational  
 16 rehabilitation funds.

17 Notwithstanding the full-time equivalent position  
 18 limit established in this subsection for the fiscal  
 19 year ending June 30, 1996, if federal funding is  
 20 available to pay the costs of additional employees for  
 21 the vocational rehabilitation division who would have  
 22 duties relating to vocational rehabilitation services  
 23 paid for through federal funding, authorization to  
 24 hire not more than four full-time equivalent employees  
 25 shall be provided, the full-time equivalent position  
 26 limit shall be exceeded, and the additional employees  
 27 shall be hired by the division.

28 b. For matching funds for programs to enable  
 29 severely physically or mentally disabled persons to  
 30 function more independently, including salaries and  
 31 support, and for not more than the following full-time  
 32 equivalent positions:

33 ..... \$ 37,445

34	.....	FTEs	1.50
35	4. BOARD OF EDUCATIONAL EXAMINERS		
36	For salaries, support, maintenance, miscellaneous		
37	purposes, and for not more than the following full-		
38	time equivalent positions:		
39	.....	\$	187,739
40	.....	FTEs	2.00
41	5. SCHOOL FOOD SERVICE		
42	For use as state matching funds for federal		
43	programs that shall be disbursed according to federal		
44	regulations, including salaries, support, maintenance,		
45	miscellaneous purposes, and for not more than the		
46	following full-time equivalent positions:		
47	.....	\$	2,716,859
48	.....	FTEs	14.00
49	6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS		
50	To provide funds for costs of providing textbooks		

Page 3

1	to each resident pupil who attends a nonpublic school		
2	as authorized by section 301.1. The funding is		
3	limited to \$20 per pupil and shall not exceed the		
4	comparable services offered to resident public school		
5	pupils:		
6	.....	\$	616,000
7	7. STATE LIBRARY		
8	For salaries, support, maintenance, miscellaneous		
9	purposes, and for not more than the following full-		
10	time equivalent positions:		
11	.....	\$	2,609,820
12	.....	FTEs	34.50
13	8. REGIONAL LIBRARY		
14	For state aid:		
15	.....	\$	1,507,000
16	9. CENTER FOR ASSESSMENT		
17	For the purpose of developing academic standards in		
18	the areas of math, history, science, English, language		
19	arts, and geography:		
20	.....	\$	300,000
21	10. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION		
22	To assist a vocational agriculture youth		
23	organization sponsored by the schools to support the		
24	foundation established by that vocational agriculture		
25	youth organization and for other youth activities:		
26	.....	\$	69,400
27	11. CAREER PATHWAYS PROGRAM		
28	For purposes of developing and implementing a		
29	career pathways program to expand opportunities for		
30	youth and adults to become prepared for and succeed in		

31 high-wage, high-skill employment:

32 ..... \$ 650,000

33 Of the funds appropriated in this subsection, for  
34 the fiscal year beginning July 1, 1995, and ending  
35 June 30, 1996, \$50,000 shall be expended for purposes  
36 of employing an individual to administer and direct  
37 the career opportunities program. The individual  
38 employed shall possess a background in business and  
39 secondary and postsecondary education.

40 12. FAMILY RESOURCE CENTERS

41 For support of the family resource center  
42 demonstration program established under chapter 256C:

43 ..... \$ 120,000

44 13. CAREER OPPORTUNITY PROGRAM

45 For purposes of providing assistance to minority  
46 persons who major in fields or subject areas where  
47 minorities are currently underrepresented or  
48 underutilized pursuant to section 260C.29, as enacted  
49 by this Act:

50 ..... \$ 135,000

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1 14. PUBLIC BROADCASTING DIVISION

2 For salaries, support, maintenance, capital  
3 expenditures, miscellaneous purposes, and for not more  
4 than the following full-time equivalent positions:

5 ..... \$ 6,380,889  
6 ..... FTEs 97.00

7 Of the full-time equivalent positions provided for  
8 under this subsection for the fiscal year beginning  
9 July 1, 1995, and ending June 30, 1996, it is the  
10 intent of the general assembly that 4.0 full-time  
11 equivalent positions be provided for purposes formerly  
12 provided for under the Star Schools program.

13 The public broadcasting division shall conduct a  
14 study, in collaboration with all entities receiving  
15 services via the Iowa communications network, of the  
16 efficiencies of the network and shall make  
17 recommendations relating to the elimination of  
18 duplicative efforts. The study shall include an  
19 investigation of the duties and functions of employees  
20 of the division, other state agencies, area education  
21 agencies, and public schools, if those duties and  
22 functions involve the Iowa communications network.  
23 The division shall submit a report of its findings and  
24 recommendations to the general assembly and the  
25 legislative fiscal bureau by January 1, 1996.

26 15. NATIONAL ASSESSMENT OF EDUCATION PROGRESS  
27 (NAEP)

28 For participation by the department of education in  
 29 a state and national project to determine the academic  
 30 achievement of Iowa students in math, reading,  
 31 science, United States history, or geography:  
 32 ..... \$ 50,000  
 33 16. LOCAL ARTS COMPREHENSIVE EDUCATIONAL  
 34 STRATEGIES (LACES)  
 35 For contracting with the Iowa alliance for arts  
 36 education to execute the local arts comprehensive  
 37 educational strategies program (LACES):  
 38 ..... \$ 25,000  
 39 The department of education and the Iowa alliance  
 40 for arts education shall jointly develop grant  
 41 applications and select grant recipients for the local  
 42 arts comprehensive educational strategies program. At  
 43 least 50 percent of the funds appropriated by the  
 44 general assembly for the fiscal year beginning July 1,  
 45 1995, and ending June 30, 1996, for purposes of the  
 46 local arts comprehensive educational strategies  
 47 program, shall be allocated to schools which are new  
 48 participants in the program.  
 49 17. ADVANCED PLACEMENT  
 50 For purposes of awarding matching grants to schools

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1 to be used for instructional staff development so that  
 2 additional advanced placement courses may be offered  
 3 at K-12 public schools:  
 4 ..... \$ 75,000  
 5 Schools that receive grants under this subsection  
 6 shall provide a local match or other matching  
 7 financial support and shall coordinate instructional  
 8 staff development with a public postsecondary  
 9 institution.  
 10 18. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS  
 11 For reimbursement for vocational education  
 12 expenditures made by secondary schools:  
 13 ..... \$ 3,308,850  
 14 Funds appropriated in this subsection shall be used  
 15 for expenditures made by school districts to meet the  
 16 standards set in sections 256.11, 258.4, and 260C.14  
 17 as a result of the enactment of 1989 Iowa Acts,  
 18 chapter 278. Funds shall be used as reimbursement for  
 19 vocational education expenditures made by secondary  
 20 schools in the manner provided by the department of  
 21 education for implementation of the standards set in  
 22 1989 Iowa Acts, chapter 278.  
 23 19. COMMUNITY COLLEGES  
 24 Notwithstanding chapter 260D, for general state

25 financial aid, including general financial aid to  
 26 merged areas in lieu of personal property tax  
 27 replacement payments under section 427A.13, to merged  
 28 areas as defined in section 260C.2, for vocational  
 29 education programs in accordance with chapters 258 and  
 30 260C, to purchase instructional equipment for  
 31 vocational and technical courses of instruction in  
 32 community colleges, and for salary increases:  
 33 ..... \$120,871,270

34 The funds appropriated in this subsection shall be  
 35 allocated as follows:

36 a. Merged Area I .....	\$ 5,772,758
37 b. Merged Area II .....	\$ 6,806,992
38 c. Merged Area III .....	\$ 6,427,597
39 d. Merged Area IV .....	\$ 3,131,482
40 e. Merged Area V .....	\$ 6,550,035
41 f. Merged Area VI .....	\$ 6,069,919
42 g. Merged Area VII .....	\$ 8,658,583
43 h. Merged Area IX .....	\$ 10,616,358
44 i. Merged Area X .....	\$ 16,478,159
45 j. Merged Area XI .....	\$ 17,604,404
46 k. Merged Area XII .....	\$ 6,992,399
47 l. Merged Area XIII .....	\$ 7,151,752
48 m. Merged Area XIV .....	\$ 3,172,128
49 n. Merged Area XV .....	\$ 9,894,442
50 o. Merged Area XVI .....	\$ 5,544,262

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1 Sec. 2. Notwithstanding 1994 Iowa Acts, chapter  
 2 1193, section 2, subsection 2, funds appropriated and  
 3 allocated to the merged areas pursuant to 1994 Iowa  
 4 Acts, chapter 1193, section 2, for the fiscal year  
 5 beginning July 1, 1994, and ending June 30, 1995,  
 6 pursuant to section 8.53, unnumbered paragraph 1,  
 7 shall be paid to the merged areas by June 30, 1995.

8 Sec. 3. The department of education shall, in  
 9 consultation with the Iowa association of community  
 10 college presidents and the Iowa association of  
 11 community college trustees, conduct a study of funding  
 12 for community colleges, and shall make specific  
 13 recommendations on the elimination of chapter 260D and  
 14 for alternatives to present community college funding  
 15 including, but not limited to, a plan for distribution  
 16 of funds to community colleges. The department shall  
 17 submit a report of its findings and recommendations to  
 18 the governor and the general assembly by December 1,  
 19 1995.

20 COLLEGE STUDENT AID COMMISSION

21 Sec. 4. There is appropriated from the general

22 fund of the state to the college student aid  
 23 commission for the fiscal year beginning July 1, 1995,  
 24 and ending June 30, 1996, the following amounts, or so  
 25 much thereof as may be necessary, to be used for the  
 26 purposes designated:

27 1. GENERAL ADMINISTRATION

28 For salaries, support, maintenance, miscellaneous  
 29 purposes, and for not more than the following full-  
 30 time equivalent positions:

31 .....	\$	321,256
32 .....	FTEs	7.05

33 From the moneys appropriated in this subsection,  
 34 \$15,000 for the fiscal year beginning July 1, 1995,  
 35 and ending June 30, 1996, shall be expended to provide  
 36 grants to students who would meet the requirements for  
 37 receipt of a vocational-technical tuition grant, but  
 38 who are enrolled in a licensed school of cosmetology  
 39 arts and sciences under chapter 157, or a licensed  
 40 barber school under chapter 158. The amount of the  
 41 grant made by the college student aid commission  
 42 pursuant to this subsection shall be not less than  
 43 \$300 or the amount of the student's established  
 44 financial need.

45 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH  
 46 SCIENCES

47 a. For forgivable loans to Iowa students attending  
 48 the university of osteopathic medicine and health  
 49 sciences, under the forgivable loan program pursuant  
 50 to section 261.19A:

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1 .....	\$	379,260
2 b. For the university of osteopathic medicine and 3 health sciences for an initiative in primary health 4 care to direct primary care physicians to shortage 5 areas in the state: 6 .....	\$	395,000

7 The moneys appropriated in this lettered paragraph  
 8 shall be used as follows:

9 (1) To reduce student loan debt for primary care  
 10 physicians in an amount not to exceed \$30,000 per  
 11 student for a four-year period of medical service in  
 12 medically under-served areas of the state.

13 (2) For tuition scholarships for students  
 14 attending the university of osteopathic medicine and  
 15 health sciences who agree to practice primary care  
 16 medicine in medically under-served areas of the state.  
 17 The student shall practice in the state two years for  
 18 every year of tuition. A person receiving funds under

19 this subparagraph shall not be eligible for funds  
20 under subparagraph (1).

21 (3) For general administration costs of the  
22 university for the primary care initiative, the  
23 university shall expend an amount not to exceed  
24 \$50,000.

25 The university of osteopathic medicine and health  
26 sciences shall report quarterly to the legislative  
27 fiscal bureau concerning the expenditure of funds used  
28 pursuant to subparagraphs (1), (2), and (3) of this  
29 lettered paragraph. The university shall also submit  
30 the annual audit of the university to the legislative  
31 fiscal bureau within six months following the year  
32 being audited. The college student aid commission  
33 shall not provide moneys for subparagraphs (1) and (2)  
34 of this lettered paragraph until the university has  
35 signed and submitted contracts for the use of these  
36 moneys for reduction of student loan debt and tuition  
37 scholarships. Funds for subparagraph (3) of this  
38 lettered paragraph shall be provided quarterly to the  
39 university. Notwithstanding section 8.33, the funds  
40 for this lettered paragraph shall not revert to the  
41 general fund but be available for expenditure the  
42 following fiscal year for purposes of subparagraphs  
43 (1) and (2).

44 3. STUDENT AID PROGRAMS

45 For payments to students for the Iowa grant  
46 program:

47 ..... \$ 1,469,790

48 From the moneys appropriated in this subsection,  
49 \$1,397,790 for the fiscal year beginning July 1, 1995,  
50 and ending June 30, 1996, shall be expended for an

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1 Iowa grant program, with funds to be allocated to  
2 institutions pursuant to section 261.93A. The  
3 remainder shall be allocated for the graduate student  
4 financial assistance program.

5 Sec. 5. There is appropriated from the loan  
6 reserve account to the college student aid commission  
7 for the fiscal year beginning July 1, 1995, and ending  
8 June 30, 1996, the following amount, or so much  
9 thereof as may be necessary, to be used for the  
10 purposes designated:

11 For operating costs of the Stafford loan program  
12 including salaries, support, maintenance,  
13 miscellaneous purposes, and for not more than the  
14 following full-time equivalent positions:

15 ..... \$ 4,714,570

16 ..... FTEs 31.95

17 STATE BOARD OF REGENTS

18 Sec. 6. There is appropriated from the general  
 19 fund of the state to the state board of regents for  
 20 the fiscal year beginning July 1, 1995, and ending  
 21 June 30, 1996, the following amounts, or so much  
 22 thereof as may be necessary, to be used for the  
 23 purposes designated:

24 1. OFFICE OF STATE BOARD OF REGENTS

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

28 ..... \$ 1,097,601

29 ..... FTEs 15.63

30 If the moneys provided in this lettered paragraph  
 31 are augmented by reimbursements from the institutions  
 32 under the control of the state board of regents for  
 33 the funding of the office of the state board of  
 34 regents, the office shall report quarterly such  
 35 reimbursements to the chairpersons and ranking members  
 36 of the joint appropriations subcommittee on education.

37 b. For allocation by the state board of regents to  
 38 the state university of Iowa, the Iowa state  
 39 university of science and technology, and the  
 40 university of northern Iowa to reimburse the  
 41 institutions for deficiencies in their operating funds  
 42 resulting from the pledging of tuitions, student fees  
 43 and charges, and institutional income to finance the  
 44 cost of providing academic and administrative  
 45 buildings and facilities and utility services at the  
 46 institutions:

47 ..... \$ 27,400,000

48 The state board of regents, the department of  
 49 management, and the legislative fiscal bureau shall  
 50 cooperate to determine and agree upon, by November 15,

Page 9

1 1995, the amount that needs to be appropriated for  
 2 tuition replacement for the fiscal year beginning July  
 3 1, 1996.

4 c. For funds to be allocated to the southwest Iowa  
 5 graduate studies center:

6 ..... \$ 71,662

7 d. For funds to be allocated to the siouxland  
 8 interstate metropolitan planning council for the  
 9 tristate graduate center under section 262.9,  
 10 subsection 21:

11 ..... \$ 72,535

12 e. For funds to be allocated to the quad-cities

13 graduate studies center:

14 ..... \$ 150,374

15 2. STATE UNIVERSITY OF IOWA

16 a. General university, including lakeside

17 laboratory

18 For salaries, support, maintenance, equipment,

19 miscellaneous purposes, and for not more than the

20 following full-time equivalent positions:

21 ..... \$192,122,000

22 ..... FTEs 4,020.97

23 b. For the primary health care initiative in the

24 college of medicine:

25 ..... \$ 770,000

26 From the moneys appropriated in this lettered

27 paragraph, \$330,000 shall be allocated to the

28 department of family practice at the state university

29 of Iowa college of medicine for family practice

30 faculty and support staff.

31 It is the intent of the general assembly that the

32 university place additional emphasis on the locum

33 tenus program.

34 c. University hospitals

35 For salaries, general support, maintenance,

36 equipment, and miscellaneous purposes and for medical

37 and surgical treatment of indigent patients as

38 provided in chapter 255, and for not more than the

39 following full-time equivalent positions:

40 ..... \$ 28,821,254

41 ..... FTEs 5,780.87

42 The university of Iowa hospitals and clinics shall

43 submit quarterly a report regarding the portion of the

44 appropriation in this lettered paragraph expended on

45 general support in a format jointly developed by the

46 university of Iowa hospitals and clinics, the

47 legislative fiscal bureau, and the department of

48 management which delineates the expenditures and

49 purposes of the funds.

50 Funds appropriated in this lettered paragraph shall

Page 10

1 not be used to perform abortions except medically

2 necessary abortions, and shall not be used to operate

3 the early termination of pregnancy clinic except for

4 the performance of medically necessary abortions. For

5 the purpose of this lettered paragraph, an abortion is

6 the purposeful interruption of pregnancy with the

7 intention other than to produce a live-born infant or

8 to remove a dead fetus, and a medically necessary

9 abortion is one performed under one of the following

10 conditions:

11 (1) The attending physician certifies that  
 12 continuing the pregnancy would endanger the life of  
 13 the pregnant woman.

14 (2) The attending physician certifies that the  
 15 fetus is physically deformed, mentally deficient, or  
 16 afflicted with a congenital illness.

17 (3) The pregnancy is the result of a rape which is  
 18 reported within 45 days of the incident to a law  
 19 enforcement agency or public or private health agency  
 20 which may include a family physician.

21 (4) The pregnancy is the result of incest which is  
 22 reported within 150 days of the incident to a law  
 23 enforcement agency or public or private health agency  
 24 which may include a family physician.

25 (5) The abortion is a spontaneous abortion,  
 26 commonly known as a miscarriage, wherein not all of  
 27 the products of conception are expelled.

28 The total quota allocated to the counties for  
 29 indigent patients for the fiscal year beginning July  
 30 1, 1995, shall not be lower than the total quota  
 31 allocated to the counties for the fiscal year  
 32 commencing July 1, 1994. The total quota shall be  
 33 allocated among the counties on the basis of the 1990  
 34 census pursuant to section 255.16.

35 d. Psychiatric hospital

36 For salaries, support, maintenance, equipment, and  
 37 miscellaneous purposes and for the care, treatment,  
 38 and maintenance of committed and voluntary public  
 39 patients, and for not more than the following full-  
 40 time equivalent positions:

41 .....	\$	7,018,877
42 .....	FTEs	312.09

43 e. Hospital-school

44 For salaries, support, maintenance, miscellaneous  
 45 purposes, and for not more than the following full-  
 46 time equivalent positions:

47 .....	\$	5,705,918
48 .....	FTEs	174.01

49 f. Oakdale campus

50 For salaries, support, maintenance, miscellaneous

Page 11

1 purposes, and for not more than the following full-  
 2 time equivalent positions:

3 .....	\$	2,845,783
4 .....	FTEs	63.58

5 g. State hygienic laboratory

6 For salaries, support, maintenance, miscellaneous

7	purposes, and for not more than the following full-		
8	time equivalent positions:		
9	.....	\$	3,155,100
10	.....	FTEs	101.88
11	h. Family practice program		
12	For allocation by the dean of the college of		
13	medicine, with approval of the advisory board, to		
14	qualified participants, to carry out chapter 148D for		
15	the family practice program, including salaries and		
16	support, and for not more than the following full-time		
17	equivalent positions:		
18	.....	\$	1,990,327
19	.....	FTEs	180.74
20	i. Child health care services		
21	For specialized child health care services,		
22	including childhood cancer diagnostic and treatment		
23	network programs, rural comprehensive care for		
24	hemophilia patients, and the Iowa high-risk infant		
25	follow-up program, including salaries and support, and		
26	for not more than the following full-time equivalent		
27	positions:		
28	.....	\$	440,054
29	.....	FTEs	10.93
30	j. Agricultural health and safety programs		
31	For agricultural health and safety programs, and		
32	for not more than the following full-time equivalent		
33	positions:		
34	.....	\$	247,117
35	.....	FTEs	3.48
36	k. Statewide cancer registry		
37	For the statewide cancer registry, and for not more		
38	than the following full-time equivalent positions:		
39	.....	\$	188,734
40	.....	FTEs	3.07
41	l. Substance abuse consortium		
42	For funds to be allocated to the Iowa consortium		
43	for substance abuse research and evaluation, and for		
44	not more than the following full-time equivalent		
45	positions:		
46	.....	\$	62,004
47	.....	FTEs	1.15
48	m. Center for biocatalysis		
49	For the center for biocatalysis, and for not more		
50	than the following full-time equivalent positions:		
1	.....	\$	1,284,395
2	.....	FTEs	4.00
3	n. National advanced driving simulator		

4 For the national advanced driving simulator, and  
 5 for not more than the following full-time equivalent  
 6 positions:

7 .....	\$	599,726
8 .....	FTEs	5.00

9 (1) Of the moneys appropriated in this lettered  
 10 paragraph, for the fiscal year beginning July 1, 1995,  
 11 and ending June 30, 1996, the appropriation of the sum  
 12 of \$326,347 is contingent upon the announcement by the  
 13 United States department of transportation of the  
 14 selection of the contractor for the national advanced  
 15 driving simulator system development.

16 (2) If the contingency in subparagraph (1) is met  
 17 it is the intent of the general assembly that of the  
 18 moneys appropriated in this lettered paragraph, the  
 19 state university of Iowa shall expend \$350,000, for  
 20 the fiscal year beginning July 1, 1995, and ending  
 21 June 30, 1996, for planning and architectural services  
 22 related to the construction of the facility to house  
 23 the national advanced driving simulator to be located  
 24 at the Oakdale research park. It is further the  
 25 intent of the general assembly to provide funding in  
 26 fiscal years beginning July 1, 1996, and July 1, 1997,  
 27 in the total amount of \$5.35 million for the  
 28 construction of the facility to house the national  
 29 advanced driving simulator to match federal funds  
 30 provided for the project. Funds provided for the  
 31 construction of the facility to house the national  
 32 advanced driving simulator in fiscal years beginning  
 33 July 1, 1996, and July 1, 1997, shall only be expended  
 34 upon receiving notification from the national highway  
 35 traffic safety administration that the United States  
 36 congress has authorized the construction of the  
 37 national advanced driving simulator, that federal  
 38 funds have been appropriated to begin construction,  
 39 and that delivery of the motion base, graphics system,  
 40 and integrating software will take place in  
 41 substantial compliance with the United States  
 42 department of transportation's acquisition schedule as  
 43 set forth in the cooperative agreement between the  
 44 state university of Iowa and the national highway  
 45 traffic safety administration.

46 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

47 a. General university

48 For salaries, support, maintenance, equipment,  
 49 miscellaneous purposes, and for not more than the  
 50 following full-time equivalent positions:

## Page 13

1	.....	\$153,108,000
2	.....	FTEs 3,569.28

3 Of the funds appropriated in this lettered  
4 paragraph, for the fiscal year beginning July 1, 1995,  
5 and ending June 30, 1996, \$1,000,000 shall be expended  
6 for purposes of the healthy livestock program.

7 Of the funds appropriated in this lettered  
8 paragraph, for the fiscal year beginning July 1, 1995,  
9 and ending June 30, 1996, \$75,000 shall be expended to  
10 hold a North American free trade agreement export and  
11 trade summit, in conjunction with the Iowa general  
12 assembly, the cooperative extension service, the  
13 department of economic development, the department of  
14 agriculture and land stewardship, and the department  
15 of transportation. The university shall cooperate  
16 with a committee of legislators in the planning,  
17 implementation, and activities of the summit. The  
18 committee shall consist of two members appointed by  
19 the majority leader of the senate, two members  
20 appointed by the minority leader of the senate, two  
21 members appointed by the speaker of the house of  
22 representatives, and two members appointed by the  
23 minority leader of the house of representatives. The  
24 summit shall examine strategies regarding the  
25 expansion of export and trade opportunities with  
26 Canada and Mexico for agricultural, commercial, and  
27 telecommunications, durable goods and other  
28 manufactured products and services, due to the  
29 ratification of the North American free trade  
30 agreement, especially strategies to increase exports  
31 of agricultural products and businesses in rural  
32 communities, for assisting small and medium-sized  
33 businesses which do not currently export or trade with  
34 Canada or Mexico to initiate such trade, and for  
35 developing intermodal transportation systems to  
36 establish a Laredo to Duluth North American free trade  
37 agreement trade corridor. The summit shall also  
38 examine the activities of other states regarding  
39 efforts to promote trade with Canada or Mexico and the  
40 potential for cooperative efforts with other states,  
41 and strategies to mitigate any potential negative  
42 effects on any Iowa economic sector as a result of  
43 growth in export and trade with Canada and Mexico.  
44 The university shall seek the widest possible summit  
45 participation by public or private entities,  
46 businesses, labor organizations, other groups, or  
47 individual citizens.

48 b. Agricultural experiment station

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

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1	time equivalent positions:		
2	.....	\$	30,717,738
3	.....	FTEs	515.94
4	c. Cooperative extension service in agriculture		
5	and home economics		
6	For salaries, support, maintenance, and		
7	miscellaneous purposes, including salaries and support.		
8	for the fire service institute, and for not more than		
9	the following full-time equivalent positions:		
10	.....	\$	18,268,621
11	.....	FTEs	428.25
12	d. Leopold center		
13	For agricultural research grants at Iowa state		
14	university under section 266.39B, and for not more		
15	than the following full-time equivalent positions:		
16	.....	\$	560,593
17	.....	FTEs	11.50
18	e. For deposit in and the use of the livestock		
19	disease research fund under section 267.8, and for not		
20	more than the following full-time equivalent		
21	positions:		
22	.....	\$	276,022
23	.....	FTEs	3.37
24	4. UNIVERSITY OF NORTHERN IOWA		
25	a. For salaries, support, maintenance, equipment,		
26	miscellaneous purposes, and for not more than the		
27	following full-time equivalent positions:		
28	.....	\$	68,762,000
29	.....	FTEs	1,436.18
30	b. Recycling and reuse center:		
31	.....	\$	239,745
32	5. STATE SCHOOL FOR THE DEAF		
33	For salaries, support, maintenance, miscellaneous		
34	purposes, and for not more than the following full-		
35	time equivalent positions:		
36	.....	\$	6,478,924
37	.....	FTEs	124.14
38	6. IOWA BRAILLE AND SIGHT SAVING SCHOOL		
39	For salaries, support, maintenance, miscellaneous		
40	purposes, and for not more than the following full-		
41	time equivalent positions:		
42	.....	\$	3,606,189
43	.....	FTEs	83.41
44	7. TUITION AND TRANSPORTATION COSTS		
45	For payment to local school boards for the tuition		

46 and transportation costs of students residing in the  
47 Iowa braille and sight saving school and the state  
48 school for the deaf pursuant to section 262.43 and for  
49 payment of certain clothing and transportation costs  
50 for students at these schools pursuant to section

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1 270.5:  
2 ..... \$ 11,232  
3 Sec. 7. Reallocations of sums received under  
4 section 6, subsections 2, 3, 4, 5, and 6, of this Act,  
5 including sums received for salaries, shall be  
6 reported on a quarterly basis to the co-chairpersons  
7 and ranking members of the legislative fiscal  
8 committee and the joint appropriations subcommittee on  
9 education.  
10 Sec. 8. For the fiscal year beginning July 1,  
11 1995, and ending June 30, 1996, the state board of  
12 regents may use notes, bonds, or other evidences of  
13 indebtedness issued under section 262.48 to finance  
14 projects that will result in energy cost savings in an  
15 amount that will cause the state board to recover the  
16 cost of the projects within an average of six years.  
17 Sec. 9. MEDICAL ASSISTANCE -- SUPPLEMENTAL  
18 AMOUNTS. For the fiscal year beginning July 1, 1995,  
19 and ending June 30, 1996, the department of human  
20 services shall continue the supplemental  
21 disproportionate share and a supplemental indirect  
22 medical education adjustment applicable to state-owned  
23 acute care hospitals with more than 500 beds and shall  
24 reimburse qualifying hospitals pursuant to that  
25 adjustment with a supplemental amount for services  
26 provided medical assistance recipients. The  
27 adjustment shall generate supplemental payments  
28 intended to equal the state appropriation made to a  
29 qualifying hospital for treatment of indigent patients  
30 as provided in chapter 255. To the extent of the  
31 supplemental payments, a qualifying hospital shall,  
32 after receipt of the funds, transfer to the department  
33 of human services an amount equal to the actual  
34 supplemental payments that were made in that month.  
35 The aggregate amounts for the fiscal year shall not  
36 exceed the state appropriation made to the qualifying  
37 hospital for treatment of indigent patients as  
38 provided in chapter 255. The department of human  
39 services shall deposit the portion of these funds  
40 equal to the state share in the department's medical  
41 assistance account and the balance shall be credited  
42 to the general fund of the state. To the extent that

43 state funds appropriated to a qualifying hospital for  
44 the treatment of indigent patients as provided in  
45 chapter 255 have been transferred to the department of  
46 human services as a result of these supplemental  
47 payments made to the qualifying hospital, the  
48 department shall not, directly or indirectly, recoup  
49 the supplemental payments made to a qualifying  
50 hospital for any reason, unless an equivalent amount

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1 of the funds transferred to the department of human  
2 services by a qualifying hospital pursuant to this  
3 provision is transferred to the qualifying hospital by  
4 the department.  
5 If the state supplemental amount allotted to the  
6 state of Iowa for the federal fiscal year beginning  
7 October 1, 1995, and ending September 30, 1996,  
8 pursuant to section 1923 (f)(3) of the federal Social  
9 Security Act, as amended, or pursuant to federal  
10 payments for indirect medical education is greater  
11 than the amount necessary to fund the federal share of  
12 the supplemental payments specified in the preceding  
13 paragraph, the department of human services shall  
14 increase the supplemental disproportionate share or  
15 supplemental indirect medical education adjustment by  
16 the lesser of the amount necessary to utilize fully  
17 the state supplemental amount or the amount of state  
18 funds appropriated to the state university of Iowa  
19 general education fund and allocated to the university  
20 for the college of medicine. The state university of  
21 Iowa shall transfer from the allocation for the  
22 college of medicine to the department of human  
23 services, on a monthly basis, an amount equal to the  
24 additional supplemental payments made during the  
25 previous month pursuant to this paragraph. A  
26 qualifying hospital receiving supplemental payments  
27 pursuant to this paragraph that are greater than the  
28 state appropriation made to the qualifying hospital  
29 for treatment of indigent patients as provided in  
30 chapter 255 shall be obligated as a condition of its  
31 participation in the medical assistance program to  
32 transfer to the state university of Iowa general  
33 education fund on a monthly basis an amount equal to  
34 the funds transferred by the state university of Iowa  
35 to the department of human services. To the extent  
36 that state funds appropriated to the state university  
37 of Iowa and allocated to the college of medicine have  
38 been transferred to the department of human services  
39 as a result of these supplemental payments made to the

40 qualifying hospital, the department shall not,  
 41 directly or indirectly, recoup these supplemental  
 42 payments made to a qualifying hospital for any reason,  
 43 unless an equivalent amount of the funds transferred  
 44 to the department of human services by the state  
 45 university of Iowa pursuant to this paragraph is  
 46 transferred to the qualifying hospital by the  
 47 department.

48 Continuation of the supplemental disproportionate  
 49 share and supplemental indirect medical education  
 50 adjustment shall preserve the funds available to the

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1 university hospital for medical and surgical treatment  
 2 of indigent patients as provided in chapter 255 and to  
 3 the state university of Iowa for educational purposes  
 4 at the same level as provided by the state funds  
 5 initially appropriated for that purpose.

6 The department of human services shall, in any  
 7 compilation of data or other report distributed to the  
 8 public concerning payments to providers under the  
 9 medical assistance program, set forth reimbursements  
 10 to a qualifying hospital through the supplemental  
 11 disproportionate share and supplemental indirect  
 12 medical education adjustment as a separate item and  
 13 shall not include such payments in the amounts  
 14 otherwise reported as the reimbursement to a  
 15 qualifying hospital for services to medical assistance  
 16 recipients.

17 For purposes of this section, "supplemental  
 18 payment" means a supplemental payment amount paid for  
 19 medical assistance to a hospital qualifying for that  
 20 payment under this section.

DEPARTMENT OF CULTURAL AFFAIRS

22 Sec. 10. There is appropriated from the general  
 23 fund of the state to the department of cultural  
 24 affairs for the fiscal year beginning July 1, 1995,  
 25 and ending June 30, 1996, the following amounts, or so  
 26 much thereof as is necessary, to be used for the  
 27 purposes designated:

1. ARTS DIVISION

29 For salaries, support, maintenance, miscellaneous  
 30 purposes, including funds to match federal grants, for  
 31 areawide arts and cultural service organizations that  
 32 meet the requirements of chapter 303C, and for not  
 33 more than the following full-time equivalent  
 34 positions:

35 .....	\$	1,050,292
36 .....	FTEs	10.00

37 2. HISTORICAL DIVISION

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

41 .....	\$	2,459,877
42 .....	FTEs	58.00

43 It is the intent of the general assembly that  
44 capitol security reallocate personnel to properly  
45 protect the state historical building.

46 3. HISTORIC SITES

47 For salaries, support, maintenance, miscellaneous  
48 purposes, and for not more than the following full-  
49 time equivalent positions:

50 .....	\$	228,799
----------	----	---------

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1 .....	FTEs	3.00
---------	------	------

2 4. ADMINISTRATION

3 For salaries, support, maintenance, miscellaneous  
4 purposes, and for not more than the following full-  
5 time equivalent positions:

6 .....	\$	213,920
7 .....	FTEs	4.30

8 5. COMMUNITY CULTURAL GRANTS

9 For planning and programming for the community  
10 cultural grants program established under section  
11 303.3, and for not more than the following full-time  
12 equivalent position:

13 .....	\$	703,234
14 .....	FTEs	0.70

15 Sec. 11. Notwithstanding section 8.33, funds  
16 appropriated in 1993 Iowa Acts, chapter 180, section  
17 64, remaining unencumbered or unobligated on June 30,  
18 1995, shall not revert to the general fund of the  
19 state but are appropriated to and shall be available  
20 for expenditure by the department of education for the  
21 fiscal year beginning July 1, 1995, and ending June  
22 30, 1996, and of those funds remaining, \$250,000 shall  
23 be expended for purposes of the career pathways  
24 program in addition to any other funds provided for  
25 the career pathways program under this Act.

26 Sec. 12. Notwithstanding section 8.33, funds  
27 appropriated in 1994 Iowa Acts, chapter 1193, section  
28 14, remaining unencumbered or unobligated on June 30,  
29 1995, shall not revert to the general fund of the  
30 state but shall be available for purposes of the Iowa  
31 grant program, in addition to funds appropriated in  
32 section 4, subsection 3, of this Act, with funds to be  
33 distributed pursuant to section 261.93A.

34 Sec. 13. Notwithstanding section 257B.1A,  
35 subsection 4, and 1994 Iowa Acts, chapter 1193,  
36 section 15, for the fiscal year beginning July 1,  
37 1994, and ending June 30, 1995, the remaining portion  
38 of the interest earned on the permanent school fund  
39 shall, after transfers are made pursuant to section  
40 257B.1A, subsections 2 and 3, be deposited in the  
41 interest for Iowa schools fund established under this  
42 Act.

43 Sec. 14. There is appropriated from the  
44 scholarship and tuition grant reserve fund to the  
45 college student aid commission for the fiscal year  
46 beginning July 1, 1995, and ending June 30, 1996, the  
47 amount of \$160,000 for purposes of the work-study  
48 program, in addition to funds appropriated in section  
49 261.85.

50 Sec. 15. Funds appropriated for state scholarships

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1 pursuant to section 261.25, subsection 2, for the  
2 fiscal year beginning July 1, 1995, and ending June  
3 30, 1996, shall be used in their entirety to fund  
4 scholarships to eligible students, and the college  
5 student aid commission shall not place an across-the-  
6 board ceiling on the amount distributed under the  
7 state scholarship program.

8 Sec. 16. Section 257B.1, subsection 5, Code 1995,  
9 is amended by striking the subsection.

10 Sec. 17. Section 257B.1A, Code 1995, is amended by  
11 striking the section and inserting in lieu thereof the  
12 following:

#### 13 257B.1A TRANSFER OF INTEREST.

14 1. The interest for Iowa schools fund is  
15 established in the office of treasurer of state. The  
16 department of revenue and finance shall deposit  
17 interest earned on the permanent school fund in the  
18 interest for Iowa schools fund. Moneys in the  
19 interest for Iowa schools fund shall be transferred or  
20 allocated only for school purposes as provided in this  
21 section.

22 2. For a transfer of moneys from the interest for  
23 Iowa schools fund to the first in the nation in  
24 education foundation, prior to July 1, October 1,  
25 January 1, and March 1 of each year, the governing  
26 board of the first in the nation in education  
27 foundation established in section 257A.2 shall certify  
28 to the treasurer of state the cumulative total value  
29 of contributions received under section 257A.7 for  
30 deposit in the first in the nation in education fund

31 and for the use of the foundation. The cumulative  
32 total value of contributions received includes the  
33 value of the amount deposited in the national center  
34 endowment fund established in section 263.8A in excess  
35 of eight hundred seventy-five thousand dollars. The  
36 value of in-kind contributions shall be based upon the  
37 fair market value of the contribution determined for  
38 income tax purposes.

39 The portion of the interest in Iowa schools fund  
40 that is equal to the cumulative total value of  
41 contributions, less the portion of the interest in  
42 Iowa schools fund dedicated to the national center for  
43 gifted and talented education, is dedicated to the  
44 first in the nation in education foundation for that  
45 year. The interest earned on this dedicated amount  
46 shall be transferred by the treasurer of state to the  
47 credit of the first in the nation in education  
48 foundation.

49 3. For a transfer of moneys from the interest in  
50 Iowa schools fund to the national center endowment

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1 fund established in section 263.8A, prior to July 1,  
2 October 1, January 1, and March 1 of each year, the  
3 state university of Iowa shall certify to the  
4 treasurer of state the cumulative total value of  
5 contributions received and deposited in the national  
6 center endowment fund. Within fifteen days following  
7 certification by the state university of Iowa, the  
8 treasurer of state shall transfer from the interest in  
9 Iowa schools fund to the national center an amount  
10 equal to one-half the cumulative total value of the  
11 contributions deposited in the national center  
12 endowment fund, not to exceed eight hundred seventy-  
13 five thousand dollars.

14 Sec. 18. NEW SECTION. 260C.24 PAYMENT OF  
15 APPROPRIATION.

16 Payment of appropriations for distribution under  
17 this chapter or of appropriations made in lieu of such  
18 appropriations, shall be made by the department of  
19 revenue and finance in monthly installments due on or  
20 about the fifteenth of each month of a budget year,  
21 and installments shall be as nearly equal as possible,  
22 as determined by the department of revenue and  
23 finance, taking into consideration the relative budget  
24 and cash position of the state resources.

25 Sec. 19. NEW SECTION. 260C.29 CAREER OPPORTUNITY  
26 PROGRAM -- MISSION.

27 1. The mission of the career opportunity program

28 established in this section is to encourage  
29 collaborative efforts by a community college, the  
30 institutions under the control of the state board of  
31 regents, and business and industry to enhance the  
32 educational opportunities and provide for job creation  
33 and career advancement for Iowa's minority persons by  
34 providing assistance to minority persons who major in  
35 fields or subject areas where minorities are currently  
36 underrepresented or underutilized.

37 2. A career opportunity program is established to  
38 be administered by the community college located in a  
39 county with a population in excess of three hundred  
40 thousand. The community college shall provide office  
41 space for the efficient operation of the program. The  
42 community college shall employ a director for the  
43 program. The director of the program shall employ  
44 necessary support staff. The director and staff shall  
45 be employees of the community college.

46 3. The director of the program shall do the  
47 following:

48 a. Direct the coordination of the program between  
49 the community college and the institutions of higher  
50 education under the control of the state board of

## Page 21

1 regents.

2 b. Propose rules to the state board of education  
3 as necessary to implement the program.

4 c. Recruit minority persons into the program.

5 d. Enlist the assistance and cooperation of  
6 leaders from business and industry to provide job  
7 placement services for students who are successfully  
8 completing the program.

9 e. Prepare and submit an annual report to the  
10 governor and the general assembly by January 15.

11 4. To be eligible for the program, a minority  
12 person shall be a resident of Iowa who is accepted for  
13 admission at or attends a community college or an  
14 institution of higher education under the control of  
15 the state board of regents. In addition, the person  
16 shall major in or achieve credit toward an associate  
17 degree, a bachelor's degree, or a master's degree in a  
18 field or subject area where minorities are  
19 underrepresented or underutilized.

20 5. The amount of assistance provided to a student  
21 under this section shall not exceed the cost of  
22 tuition, fees, and books required for the program in  
23 which the student is enrolled and attends. As used in  
24 this section, "books" may include book substitutes,

25 including reusable workbooks, loose-leaf or bound  
26 manuals, and computer software materials used as book  
27 substitutes. A student who meets the qualifications  
28 of this section shall receive assistance under this  
29 section for not more than the equivalent of two full  
30 years of study.

31 6. For purposes of this section, "minority person"  
32 means a person who is Black, Hispanic, Asian, or a  
33 Pacific Islander, American Indian, or an Alaskan  
34 native American.

35 Sec. 20. Section 260D.14A, unnumbered paragraphs 1  
36 and 5, Code 1995, are amended to read as follows:

37 The department of education shall provide for the  
38 establishment of a community college excellence 2000  
39 account in the office of the treasurer of state for  
40 deposit of moneys appropriated to the account for  
41 purposes of funding quality instructional centers and  
42 program and administrative sharing agreements under  
43 sections 260C.45 and 260C.46. There is appropriated  
44 from the general fund of the state to the department  
45 of education for the fiscal year beginning July 1,  
46 ~~1995~~ 1997, an amount equal to two and five-tenths  
47 percent of the total state general aid generated for  
48 all community colleges during the budget year under  
49 this chapter for deposit in the community college  
50 excellence 2000 account. In the next succeeding two

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1 fiscal years, the percent multiplier shall be  
2 increased in equal increments until the multiplier  
3 reaches seven and one-half percent of the total state  
4 general aid generated for all community colleges  
5 during the budget year.

6 It is the intent of the general assembly that the  
7 general assembly enact legislation by July 1, ~~1995~~  
8 1997, that will increase the maximum percent  
9 multiplier established in this section from seven and  
10 five-tenths percent to ten percent.

11 Sec. 21. Section 261.12, subsection 1, paragraph  
12 b, Code 1995, is amended to read as follows:

13 b. For the fiscal year beginning July 1, ~~1989~~  
14 1995, and for each following fiscal year, two thousand  
15 ~~six~~ nine hundred ~~fifty~~ dollars.

16 Sec. 22. Section 261.25, subsection 1, Code 1995,  
17 is amended to read as follows:

18 1. There is appropriated from the general fund of  
19 the state to the commission for each fiscal year the  
20 sum of ~~thirty-two~~ thirty-five million ~~four~~ six hundred  
21 ~~twenty-two~~ sixty-four thousand ~~three~~ seven hundred

22 ~~sixty-two~~ fifty dollars for tuition grants.

23 Sec. 23. **NEW SECTION. 261.51 CHIROPRACTIC**

24 **GRADUATE STUDENT FORGIVABLE LOANS.**

25 1. A chiropractic graduate student forgivable loan  
26 program is established, to be administered by the  
27 college student aid commission for resident graduate  
28 students who are enrolled at Iowa chiropractic  
29 colleges and universities. A resident graduate  
30 student attending an Iowa chiropractic college or  
31 university is eligible for loan forgiveness under the  
32 program if the student meets all of the following  
33 conditions:

34 a. The student graduates from an Iowa chiropractic  
35 college or university that meets the requirements for  
36 approval under section 151.4.

37 b. The student has completed a chiropractic  
38 residency program.

39 c. The student practices in the state of Iowa.

40 d. The student has made application for, using the  
41 procedures specified in section 261.16, and received  
42 moneys through the college student aid commission from  
43 the funds allocated for loans under this section.

44 2. Of the moneys loaned to an eligible student,  
45 for each year of up to and including four years of  
46 practice in Iowa, the amount of one thousand one  
47 hundred dollars shall be forgiven. If a student fails  
48 to complete a year of practice in the state, the loan  
49 amount for that year shall not be forgiven.

50 Forgivable loans made to eligible students shall not

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1 become due, for repayment purposes, until after the  
2 student has completed the student's residency.

3 3. For purposes of this section "graduate student"  
4 means a student who has completed at least ninety  
5 semester hours, or the trimester or quarter

6 equivalent, of postsecondary course work at a public  
7 higher education institution or at an accredited  
8 private institution, as defined under section 261.9.

9 The college student aid commission shall adopt rules,  
10 consistent with rules used for students enrolled in  
11 higher education institutions under the control of the  
12 state board of regents, for purposes of determining  
13 Iowa residency status of graduate students under this  
14 section. The commission shall also adopt rules which  
15 provide standards, guidelines, and procedures for the  
16 receipt, processing, and administration of student  
17 applications and loans under this section.

18 Sec. 24. Section 261.85, unnumbered paragraph 1,

19 Code 1995, is amended to read as follows:

20 There is appropriated from the general fund of the  
21 state to the commission for each fiscal year the sum  
22 of two million ~~eight nine~~ hundred ~~ninety-eight~~ fifty  
23 thousand ~~eight hundred forty~~ dollars for the work-  
24 study program.

25 Sec. 25. Section 262.2, Code 1995, is amended to  
26 read as follows:

27 262.2 APPOINTMENT -- TERM OF OFFICE.

28 1. The members shall be appointed by the governor  
29 subject to confirmation by the senate. The term of  
30 each member of the board shall be for six years. The  
31 terms of three members of the board shall begin and  
32 expire in each odd-numbered year as provided in  
33 section 69.19.

34 2. The recognized student government organization  
35 at each of the three institutions of higher learning  
36 under the control of the board shall submit, at least  
37 biennially, to the executive director who shall  
38 transfer to the governor a list of at least three  
39 names of students eligible to represent the  
40 institution on the board. The governor may appoint  
41 the ninth member of the board from the lists of names  
42 submitted by the recognized student organizations.

43 Sec. 26. Section 275.55A, Code 1995, is amended to  
44 read as follows:

45 275.55A ATTENDANCE IN OTHER DISTRICT.

46 A ~~pupil~~ student enrolled in ninth, tenth, or  
47 eleventh grade during the school year preceding the  
48 effective date of a dissolution proposal, who was a  
49 resident of the school district that dissolved, may  
50 enroll in ~~any~~ a school district to which territory of

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1 the school district that dissolved was attached until  
2 ~~that pupil's~~ the student's graduation from high  
3 school, unless the student was expelled or suspended  
4 from school and the conditions of expulsion or  
5 suspension have not been met. The student under  
6 expulsion or suspension shall not be enrolled until  
7 the board of directors of the school district to which  
8 territory of the dissolved school district was  
9 attached approves, by majority vote, the enrollment of  
10 the student. Notwithstanding section 282.24, the  
11 district of residence of the ~~pupil~~ student, determined  
12 in the dissolution proposal, shall pay tuition to the  
13 school district selected by the ~~pupil~~ student in an  
14 amount not to exceed the district cost per pupil of  
15 the district of residence and the school district

16 selected by the ~~pupil student~~ shall accept that  
17 tuition payment and enroll the ~~pupil student~~.

18 Sec. 27. Section 282.4, Code 1995, is amended to  
19 read as follows:

20 282.4 SUSPENSION -- EXPULSION -- DISMISSAL.

21 1. The board may, by a majority vote, expel any  
22 ~~pupil student~~ from school for a violation of the  
23 regulations or rules established by the board, or when  
24 the presence of the ~~pupil student~~ is detrimental to  
25 the best interests of the school. The board may  
26 confer upon any teacher, principal, or superintendent  
27 the power temporarily to ~~dismiss suspend~~ a ~~pupil~~  
28 ~~student~~, notice of ~~such dismissal the suspension~~ being  
29 at once given in writing to the president of the  
30 board.

31 2. A ~~pupil student~~ who commits an assault, as  
32 defined under section 708.1, against a school employee  
33 in a school building, on school grounds, or at a  
34 school-sponsored function shall be suspended for a  
35 time to be determined by the principal. Notice of the  
36 suspension shall be immediately sent to the president  
37 of the board. By special meeting or at the next  
38 regularly scheduled board meeting, the board shall  
39 review the suspension and decide whether to hold a  
40 disciplinary hearing to determine whether or not to  
41 order further sanctions against the ~~pupil student~~,  
42 which may include expelling the ~~pupil student~~. In  
43 making its decision, the board shall consider the best  
44 interests of the school district, which shall include  
45 what is best to protect and ensure the safety of the  
46 school employees and ~~pupils students~~ from the ~~pupil~~  
47 ~~student~~ committing the assault.

48 A ~~pupil student~~ shall not be suspended or expelled  
49 pursuant to this section if the suspension or  
50 expulsion would violate the federal Individuals with

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1 Disabilities Education Act.

2 3. Notwithstanding section 282.6, if a student has  
3 been expelled or suspended from school and has not met  
4 the conditions of the expulsion or suspension and if  
5 the student, or the parent or guardian of the student,  
6 changes district of residence, the student shall not  
7 be enrolled in the new district of residence until the  
8 board of directors of the new district of residence  
9 approves, by a majority vote, the enrollment of the  
10 student.

11 Sec. 28. Section 282.5, Code 1995, is amended to  
12 read as follows:

## 13 282.5 READMISSION OF STUDENT.

14 When a student is ~~dismissed~~ suspended by a teacher,  
15 principal, or superintendent, pursuant to section  
16 282.4, the student may be readmitted by the teacher,  
17 principal, or superintendent, but when expelled by the  
18 board the student may be readmitted only by the board  
19 or in the manner prescribed by the board.

20 Sec. 29. Section 294A.25, subsection 8, Code 1995,  
21 is amended to read as follows:

22 8. For the fiscal year beginning July 1, ~~1994~~  
23 1995, to the department of education from phase III  
24 moneys the amount of one million two hundred fifty  
25 thousand dollars for support for the operations of the  
26 new Iowa schools development corporation and for  
27 school transformation design and implementation  
28 projects administered by the corporation. Of the  
29 amount provided in this subsection, one hundred fifty  
30 thousand dollars shall be used for the school and  
31 community planning initiative.

32 Sec. 30. Section 303.3, subsection 3, Code 1995,  
33 is amended to read as follows:

34 3. Notwithstanding section 8.33, moneys committed  
35 to grantees under contract that remain unexpended on  
36 June 30 of any fiscal year shall not revert but shall  
37 be available for expenditure for purposes of the  
38 contract program until June 30 of the succeeding  
39 fiscal year.

## 40 Sec. 31. FUNDS TRANSFERRED.

41 1. For the fiscal year beginning July 1, 1995, and  
42 ending June 30, 1996, the amount of \$150,000 is to be  
43 paid to the department of education from additional  
44 funds transferred from phase I to phase III for  
45 development of a K-12 and community college management  
46 information system. Notwithstanding section 294A.20,  
47 if the additional funds transferred from phase I to  
48 phase III are insufficient for purposes of the  
49 appropriation provided under this subsection, moneys  
50 allocated to phase III, which would otherwise revert

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1 to the general fund under section 294A.20, shall be  
2 transferred to the department in an amount sufficient  
3 to fully fund the appropriation made under this  
4 subsection. The department shall submit a report to  
5 the legislative fiscal bureau by January 1, 1996,  
6 describing the specific expenditure of funds  
7 appropriated by the general assembly for purposes of  
8 the management information system; the estimated time  
9 of completion of the system; the department's

10 accomplishments under the system; and any  
 11 recommendations for future system funding needs.  
 12 2. For the fiscal year beginning July 1, 1995, and  
 13 ending June 30, 1996, up to \$50,000 from additional  
 14 funds transferred from phase I to phase III is to be  
 15 paid to the department of education for support of the  
 16 Iowa mathematics and science coalition. If funds  
 17 available from the specified sources are insufficient  
 18 to fully fund the appropriation, the amount  
 19 appropriated to the department under this subsection  
 20 shall be reduced to an amount equal to the available  
 21 funds.  
 22 Sec. 32. 1994 Iowa Acts, chapter 1193, section 15,  
 23 is repealed.  
 24 Sec. 33. Sections 2, 11 through 13, 16, 17, 26  
 25 through 28, 30, and this section of this Act, being  
 26 deemed of immediate importance, take effect upon  
 27 enactment."""

JOHN P. KIBBIE

S-3689

1 Amend the House amendment, S-3684, to Senate File  
 2 484, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. Page 1, by striking page 1, line 1, through  
 5 page 19, line 2, and inserting the following:  
 6 "Amend Senate File 484, as amended, passed, and  
 7 reprinted by the Senate, as follows:

8 — . By striking everything after the enacting  
 9 clause and inserting the following:

10 "Section 1. AUDITOR OF STATE. There is  
 11 appropriated from the general fund of the state to the  
 12 office of the auditor of state for the fiscal year  
 13 beginning July 1, 1995, and ending June 30, 1996, the  
 14 following amount, or so much thereof as is necessary,  
 15 to be used for the purposes designated:

16 For salaries, support, maintenance, miscellaneous  
 17 purposes, and for not more than the following full-  
 18 time equivalent positions:

19 .....	\$	1,310,549
20 .....	FTEs	112.50

21 The auditor of state may retain additional full-  
 22 time equivalent positions as is reasonable and  
 23 necessary to perform governmental subdivision audits  
 24 which are reimbursable pursuant to section 11.20 or  
 25 11.21, to perform audits which are requested by and  
 26 reimbursable from the federal government, and to  
 27 perform work requested by and reimbursable from

28 departments or agencies pursuant to section 11.5A or  
 29 11.5B. The auditor of state shall notify the  
 30 department of management, the legislative fiscal  
 31 committee, and the legislative fiscal bureau of the  
 32 additional full-time equivalent positions retained.

33 Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.

34 There is appropriated from the general fund of the  
 35 state to the Iowa ethics and campaign disclosure board  
 36 for the fiscal year beginning July 1, 1995, and ending  
 37 June 30, 1996, the following amount, or so much  
 38 thereof as is necessary, for the purposes designated:

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

42 .....	\$	375,786
43 .....	FTEs	8.00

44 Sec. 3. DEPARTMENT OF COMMERCE. There is  
 45 appropriated from the general fund of the state to the  
 46 department of commerce for the fiscal year beginning  
 47 July 1, 1995, and ending June 30, 1996, the following  
 48 amounts, or so much thereof as is necessary, for the  
 49 purposes designated:

50 1. PROFESSIONAL LICENSING AND REGULATION DIVISION

Page 2

1 For salaries, support, maintenance, miscellaneous  
 2 purposes, and for not more than the following full-  
 3 time equivalent positions:

4 .....	\$	897,802
5 .....	FTEs	14.00

6 It is the intent of the general assembly that each  
 7 examining and licensing board or commission created  
 8 under chapters 542B, 542C, 543B, 543D, 544A, and 544B  
 9 shall provide that the fees assessed for licensing do  
 10 not exceed the operating costs of services provided by  
 11 each board or commission.

12 2. ADMINISTRATIVE SERVICES DIVISION

13 For salaries, support, maintenance, miscellaneous  
 14 purposes, and for not more than the following full-  
 15 time equivalent positions:

16 .....	\$	211,586
17 .....	FTEs	2.00

18 It is the intent of the general assembly that the  
 19 two positions authorized in this subsection for the  
 20 division shall coordinate the administrative services  
 21 to be provided to the divisions in the department.  
 22 These two positions are under the direct supervision  
 23 of, and shall report to, the director of the  
 24 department.

25 The division of administrative services shall  
 26 assess each division within the department of commerce  
 27 and the office of consumer advocate within the  
 28 department of justice a pro rata share of the  
 29 operating expenses of the division of administrative  
 30 services. The pro rata share shall be determined  
 31 pursuant to a cost allocation plan established by the  
 32 division of administrative services and agreed to by  
 33 the administrators of the divisions and the consumer  
 34 advocate. To the extent practicable, the cost  
 35 allocation plan shall be based on the proportion of  
 36 the administrative expenses incurred on behalf of each  
 37 division and the office of consumer advocate. Each  
 38 division and the office of consumer advocate shall  
 39 include in its charges assessed or revenues generated,  
 40 an amount sufficient to cover the amount stated in its  
 41 appropriation, any state assessed indirect costs  
 42 determined by the department of revenue and finance,  
 43 and the cost of services provided by the division of  
 44 administrative services.

45 3. ALCOHOLIC BEVERAGES DIVISION

46 For salaries, support, maintenance, miscellaneous  
 47 purposes, and for not more than the following full-  
 48 time equivalent positions:

49 .....	\$	1,861,105
50 .....	FTEs	33.50

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1 4. BANKING DIVISION

2 For salaries, support, maintenance, miscellaneous  
 3 purposes, and for not more than the following full-  
 4 time equivalent positions:

5 .....	\$	5,375,058
6 .....	FTEs	84.00

7 5. CREDIT UNION DIVISION

8 For salaries, support, maintenance, miscellaneous  
 9 purposes, and for not more than the following full-  
 10 time equivalent positions:

11 .....	\$	1,047,066
12 .....	FTEs	20.00

13 6. INSURANCE DIVISION

14 For salaries, support, maintenance, miscellaneous  
 15 purposes, and for not more than the following full-  
 16 time equivalent positions:

17 .....	\$	2,924,482
18 .....	FTEs	91.50

19 Of the amounts appropriated in this section to the  
 20 insurance division, not more than \$100,000 shall be  
 21 used for the regulation of health insurance purchasing

22 cooperatives.

23 The insurance division shall monitor public  
24 utilization of the coverages identified in chapter  
25 514C under managed care plans in this state.

26 The insurance division may reallocate authorized  
27 full-time equivalent positions as necessary to respond  
28 to accreditation recommendations or requirements. The  
29 insurance division expenditures for examination  
30 purposes may exceed the projected receipts, refunds  
31 and reimbursements, estimated pursuant to section  
32 505.7, subsection 7, including the expenditures for  
33 retention of additional personnel, if the expenditures  
34 are fully reimbursable and the division first does  
35 both of the following:

36 a. Notifies the department of management,  
37 legislative fiscal bureau, and the legislative fiscal  
38 committee of the need for the expenditures.

39 b. Files with each of the entities named in  
40 paragraph "a" the legislative and regulatory  
41 justification for the expenditures, along with an  
42 estimate of the expenditures.

43 c. (1) Of the amounts appropriated to the  
44 insurance division in this subsection not more than  
45 \$100,000 shall be used for continuing the division's  
46 senior health insurance information program and not  
47 more than \$100,000 shall be used for the purpose of  
48 establishing a pilot consumer health education and  
49 assistance program.

50 (2) The purpose of the consumer health education

Page 4

1 and assistance program is to educate and assist health  
2 care consumers to make more informed health insurance  
3 and care choices in the marketplace. Both oral and  
4 written educational assistance relating to health care  
5 insurance, delivery systems, provider services and  
6 coverage, billing procedures, and sources of  
7 information shall be provided by the division. The  
8 division of insurance may request, and other state  
9 agencies shall provide, assistance in implementing and  
10 administering the health care education and assistance  
11 program.

12 (3) The commissioner of insurance shall appoint an  
13 advisory committee consisting of knowledgeable and  
14 interested citizens and state and local public  
15 officials to provide advice and review the program. A  
16 majority of the members of the advisory committee  
17 shall be bona fide representatives of consumers.

18 (4) The commissioner of insurance shall prepare a

19 progress report relating to the activities of the  
 20 program, the report to be submitted to the governor  
 21 and the members of the general assembly not later than  
 22 March 1, 1996. The governor and the legislative  
 23 council may request progress reports from the  
 24 commissioner of insurance as deemed appropriate.

25 **7. UTILITIES DIVISION**

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

29 .....	\$	4,911,871
30 .....	FTEs	79.00

31 The utilities division may expend additional funds,  
 32 including funds for additional personnel, if those  
 33 additional expenditures are actual expenses which  
 34 exceed the funds budgeted for utility regulation.  
 35 Before the division expends or encumbers an amount in  
 36 excess of the funds budgeted for regulation, the  
 37 director of the department of management shall approve  
 38 the expenditure or encumbrance. Before approval is  
 39 given, the director of the department of management  
 40 shall determine that the regulation expenses exceed  
 41 the funds budgeted by the general assembly to the  
 42 division and that the division does not have other  
 43 funds from which regulation expenses can be paid.  
 44 Upon approval of the director of the department of  
 45 management the division may expend and encumber funds  
 46 for excess regulation expenses. The amounts necessary  
 47 to fund the excess regulation expenses shall be  
 48 collected from those utility companies being regulated  
 49 which caused the excess expenditures, and the  
 50 collections shall be treated as repayment receipts as

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1 defined in section 8.2.

2 Sec. 4. There is appropriated from the general  
 3 fund of the state to the following named agencies for  
 4 the fiscal year beginning July 1, 1995, and ending  
 5 June 30, 1996, the following amounts, or so much  
 6 thereof as is necessary, to be used for the purposes  
 7 designated:

8 **1. COMMISSION ON UNIFORM STATE LAWS**

9 For support of the commission and expenses of the  
 10 members:

11 .....	\$	20,803
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12 **2. NATIONAL CONFERENCE OF STATE LEGISLATURES**

13 For support of the membership assessment:

14 .....	\$	87,719
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15 Sec. 5. There is appropriated from the general

16 fund of the state to the department of general  
 17 services for the fiscal year beginning July 1, 1995,  
 18 and ending June 30, 1996, the following amounts, or so  
 19 much thereof as is necessary, to be used for the  
 20 purposes designated:

21 1. ADMINISTRATION DIVISION

22 For salaries, support, maintenance, miscellaneous  
 23 purposes, and for not more than the following full-  
 24 time equivalent positions:

25 .....	\$	1,169,975
26 .....	FTEs	31.35

27 2. INFORMATION SERVICES DIVISION

28 For salaries, support, maintenance, miscellaneous  
 29 purposes, and for not more than the following full-  
 30 time equivalent positions:

31 .....	\$	5,497,002
32 .....	FTEs	141.60

33 3. PROPERTY MANAGEMENT DIVISION

34 For salaries, support, maintenance, miscellaneous  
 35 purposes, and for not more than the following full-  
 36 time equivalent positions:

37 .....	\$	3,903,103
38 .....	FTEs	112.00

39 The department of general services shall not change  
 40 the appropriations for the purposes designated in  
 41 subsections 1 through 3 from the amounts appropriated  
 42 under those subsections unless notice of the revisions  
 43 is given prior to their effective date to the  
 44 legislative fiscal bureau. The notice shall include  
 45 information on the department's rationale for making  
 46 the changes.

47 Savings achieved in providing telephone services  
 48 shall be used by the department of general services to  
 49 increase efficiencies in the provision of those  
 50 services. The department of general services shall

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1 report not later than August 31, 1996, on the projects  
 2 undertaken to the chairpersons and the ranking members  
 3 of the joint appropriations subcommittee on  
 4 administration and regulation and to the legislative  
 5 fiscal bureau. The report shall include a listing of  
 6 the projects and efficiencies undertaken during the  
 7 fiscal year, the cost of each project, and the  
 8 benefits, including the projected savings on an annual  
 9 basis and for the life of the efficiency improvement.

10 4. CAPITOL PLANNING COMMISSION

11 For expenses of the members in carrying out their  
 12 duties under chapter 18A:

13 ..... \$ 2,000  
14 5. RENTAL SPACE  
15 For payment of lease or rental costs of buildings  
16 and office space at the seat of government as provided  
17 in section 18.12, subsection 9, notwithstanding  
18 section 18.16:  
19 ..... \$ 607,955  
20 6. UTILITY COSTS  
21 For payment of utility costs and for not more than  
22 the following full-time equivalent positions:  
23 ..... \$ 2,059,178  
24 ..... FTEs 1.00  
25 The department of general services may use funds  
26 appropriated in this subsection for utility costs to  
27 fund energy conservation projects in the state capitol  
28 complex which will have a 100 percent payback within a  
29 24-month period. In addition, notwithstanding  
30 sections 8.33 and 18.12, subsection 11, any excess  
31 funds appropriated for utility costs in this  
32 subsection shall not revert to the general fund of the  
33 state on June 30, 1996, and these funds shall be used  
34 for implementation of energy conservation projects  
35 having a payback of 100 percent within a two-year to  
36 six-year period. The department of general services  
37 shall report not later than August 31, 1996, on the  
38 projects having 100 percent payback within a six-year  
39 period to the chairpersons and ranking members of the  
40 joint appropriations subcommittee on administration  
41 and regulation and to the legislative fiscal bureau.  
42 The report shall include a listing of the projects  
43 undertaken, the cost of each project, and the  
44 projected savings on an annual basis and for the life  
45 of the project.  
46 7. TERRACE HILL OPERATIONS  
47 For salaries, support, maintenance, and  
48 miscellaneous purposes necessary for the operation of  
49 Terrace Hill and for not more than the following full-  
50 time equivalent positions:

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1 ..... \$ 164,637  
2 ..... FTEs 4.00  
3 Sec. 6. There is appropriated from the designated  
4 revolving funds to the department of general services  
5 for the fiscal year beginning July 1, 1995, and ending  
6 June 30, 1996, the following amounts, or so much  
7 thereof as is necessary, to be used for the purposes  
8 designated:  
9 1. From the centralized printing permanent

10 revolving fund established by section 18.57 for  
 11 salaries, support, maintenance, miscellaneous  
 12 purposes, and for not more than the following full-  
 13 time equivalent positions:

14 .....	\$	912,217
15 .....	FTEs	26.05

16 2. The remainder of the centralized printing  
 17 permanent revolving fund is appropriated for the  
 18 expense incurred in supplying paper stock, offset  
 19 printing, copy preparation, binding, distribution  
 20 costs, original payment of printing and binding claims  
 21 and contingencies arising during the fiscal year  
 22 beginning July 1, 1995, and ending June 30, 1996,  
 23 which are legally payable from this fund.

24 3. From the centralized purchasing permanent  
 25 revolving fund established by section 18.9 for  
 26 salaries, support, maintenance, miscellaneous  
 27 purposes, and for not more than the following full-  
 28 time equivalent positions:

29 .....	\$	734,140
30 .....	FTEs	16.05

31 4. The remainder of the centralized purchasing  
 32 permanent revolving fund is appropriated for the  
 33 payment of expenses incurred through purchases by  
 34 various state departments and for contingencies  
 35 arising during the fiscal year beginning July 1, 1995,  
 36 and ending June 30, 1996, which are legally payable  
 37 from this fund.

38 5. From the vehicle dispatcher revolving fund  
 39 established by section 18.119 for salaries, support,  
 40 maintenance, miscellaneous purposes, and for not more  
 41 than the following full-time equivalent positions:

42 .....	\$	625,075
43 .....	FTEs	15.00

44 The vehicle dispatcher shall determine the  
 45 difference between the projected cost of motor vehicle  
 46 fuel and the actual cost of the motor vehicle fuel  
 47 purchased for the use of each state agency for the  
 48 fiscal year beginning July 1, 1995, and ending June  
 49 30, 1996. If the actual cost of the fuel is less than  
 50 the projected cost, the vehicle dispatcher shall bill

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- 1 the amount of the difference to each state agency at
- 2 the end of each calendar quarter. Upon receipt, the
- 3 director or head of each state agency shall pay the
- 4 amount of the claim submitted by the vehicle
- 5 dispatcher.
- 6 6. The remainder of the vehicle dispatcher

7 revolving fund is appropriated for the purchase of  
8 gasoline, gasohol, oil, tires, repairs, and all other  
9 maintenance expenses incurred in the operation of  
10 state-owned motor vehicles and for contingencies  
11 arising during the fiscal year beginning July 1, 1995,  
12 and ending June 30, 1996, which are legally payable  
13 from this fund.

14 The vehicle dispatcher shall report, not later than  
15 February 15, 1996, to the chairpersons and the ranking  
16 members of the joint appropriations subcommittee on  
17 administration and regulation and to the legislative  
18 fiscal bureau regarding the efficiencies of the  
19 vehicle fleet and the changes in the efficiencies.

20 The report shall include the cost per mile, fuel  
21 efficiencies, maintenance costs, useful life, the  
22 costs of extending the useful life, and other measures  
23 which the vehicle dispatcher or the legislative fiscal  
24 bureau finds appropriate. The information shall be  
25 reported for each general type of vehicle. The  
26 overhead costs shall also be reported with the total  
27 costs of the vehicle dispatcher operations.

28 The department of general services shall report to  
29 the chairpersons and ranking members of the joint  
30 appropriations subcommittee on administration and  
31 regulation and the legislative fiscal bureau not later  
32 than February 15, 1996, a comparison of the  
33 performance of vehicles burning an 85 percent ethanol  
34 mixture and those burning a 10 percent ethanol  
35 mixture. The report shall include, but is not limited  
36 to, average mileage, vehicle life, and problems  
37 encountered.

38 Sec. 7. CHILD DAY CARE PROGRAM.

39 1. The general assembly considers child day care  
40 to be an important service for employers, employees,  
41 and their children. Employer-supported child care can  
42 have a positive impact upon employee morale and  
43 retention and can positively affect the children who  
44 are receiving child care services. High quality child  
45 care is of significant value to employers. It is  
46 believed that a quality, on-site child care program  
47 available to the children of state employees will  
48 provide a model for other employers in this state to  
49 emulate.

50 2. a. The director of general services shall

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1 develop a plan for establishing and operating a fee-  
2 based child day care program available to public  
3 employees officed at or near the capitol complex. The

4 plan shall include all of the information contained in  
5 the steering committee description contained in this  
6 paragraph and shall be submitted to the general  
7 assembly on or before March 1, 1996. The legislative  
8 council is requested to appoint a capitol complex  
9 child day care program steering committee to provide  
10 direction to the department of general services in  
11 developing facility plans, establishing the  
12 facilities, developing operation policies, contracting  
13 with a vendor to operate the program, and other  
14 decisions involving establishment and operation of the  
15 program. The steering committee shall utilize the  
16 March 1990 consultant report to the capitol complex ad  
17 hoc committee on child care, particularly the  
18 intermediate quality recommendations, in its decision  
19 making.

20 b. The steering committee membership shall include  
21 members of the general assembly; representatives of  
22 the departments of general services, personnel, human  
23 services, and education; employees officed at the  
24 capitol complex who purchase child day care services;  
25 a representative of the state board of regents center  
26 for early childhood education; a representative of the  
27 Iowa state university of science and technology early  
28 childhood education programs; and other persons  
29 knowledgeable concerning child day care programs.

30 3. In consultation with the steering committee,  
31 the director of the department of general services  
32 shall develop a child day care program plan giving  
33 consideration to the recommendations of the March 1990  
34 consultant report.

35 4. The program shall be designed to operate with a  
36 capacity of 150 children and to regularly serve  
37 infants, toddlers, preschool, school age, and mildly  
38 ill children.

39 **Sec. 8. GOVERNOR AND LIEUTENANT GOVERNOR.** There  
40 is appropriated from the general fund of the state to  
41 the offices of the governor and the lieutenant  
42 governor for the fiscal year beginning July 1, 1995,  
43 and ending June 30, 1996, the following amounts, or so  
44 much thereof as is necessary, to be used for the  
45 purposes designated:

46 1. For salaries, support, maintenance, and  
47 miscellaneous purposes for the general office of the  
48 governor and the general office of the lieutenant  
49 governor, and for not more than the following full-  
50 time equivalent positions:

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1 .....	\$	1,088,936
2 .....	FTEs	17.25
3 2. For the governor's expenses and the lieutenant		
4 governor's expenses connected with office:		
5 .....	\$	2,416
6 3. For salaries, support, maintenance, and		
7 miscellaneous purposes for the governor's quarters at		
8 Terrace Hill, and for not more than the following		
9 full-time equivalent positions:		
10 .....	\$	51,746
11 .....	FTEs	1.50
12 4. For the payment of expenses of ad hoc		
13 committees, councils, and task forces appointed by the		
14 governor to research and analyze a particular subject		
15 area relevant to the problems and responsibilities of		
16 state and local government, including the employment		
17 of professional, technical, and administrative staff		
18 and the payment of per diem and actual expenses of		
19 committee, council, or task force members as specified		
20 pursuant to section 7E.6:		
21 .....	\$	1,610
22 The ad hoc committees, councils, and task forces		
23 appointed by the governor are subject to chapters 21		
24 and 22 and the members and the staff shall be informed		
25 of these requirements. A member shall not receive a		
26 per diem if the member is receiving a salary as a		
27 full-time public employee, but members shall be		
28 reimbursed for actual and necessary expenses.		
29 5. For salaries, support, maintenance, and		
30 miscellaneous purposes for the office of		
31 administrative rules coordinator, and for not more		
32 than the following full-time equivalent positions:		
33 .....	\$	108,336
34 .....	FTEs	2.00
35 6. For payment of Iowa's membership in the		
36 national governors' conference:		
37 .....	\$	74,435
38 Sec. 9. DEPARTMENT OF INSPECTIONS AND APPEALS.		
39 There is appropriated from the general fund of the		
40 state to the department of inspections and appeals for		
41 the fiscal year beginning July 1, 1995, and ending		
42 June 30, 1996, the following amounts, or so much		
43 thereof as is necessary, for the purposes designated:		
44 1. FINANCE AND SERVICES DIVISION		
45 For salaries, support, maintenance, miscellaneous		
46 purposes, and for not more than the following full-		
47 time equivalent positions:		
48 .....	\$	467,275

49 ..... FTEs 21.00  
 50 2. AUDITS DIVISION

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1 For salaries, support, maintenance, miscellaneous  
 2 purposes, and for not more than the following full-  
 3 time equivalent positions:

4 ..... \$ 352,092  
 5 ..... FTEs 11.00

6 3. APPEALS AND FAIR HEARINGS DIVISION

7 For salaries, support, maintenance, miscellaneous  
 8 purposes, and for not more than the following full-  
 9 time equivalent positions:

10 ..... \$ 223,048  
 11 ..... FTEs 24.00

12 If Senate File 358 is enacted by the Seventy-sixth  
 13 General Assembly, 1995 Regular Session, there is  
 14 appropriated from the general fund of the state to the  
 15 appeals and fair hearings division for the fiscal year  
 16 beginning July 1, 1995, and ending December 31, 1995,  
 17 an additional sum of \$45,000, or so much thereof as is  
 18 necessary, and 1.50 FTEs to carry out the  
 19 responsibilities of the division as specified in  
 20 Senate File 358.

21 4. INVESTIGATIONS DIVISION

22 For salaries, support, maintenance, miscellaneous  
 23 purposes, and for not more than the following full-  
 24 time equivalent positions:

25 ..... \$ 729,111  
 26 ..... FTEs 35.00

27 5. HEALTH FACILITIES DIVISION

28 For salaries, support, maintenance, miscellaneous  
 29 purposes, and for not more than the following full-  
 30 time equivalent positions:

31 ..... \$ 1,663,070  
 32 ..... FTEs 99.00

33 6. INSPECTIONS DIVISION

34 For salaries, support, maintenance, miscellaneous  
 35 purposes, and for not more than the following full-  
 36 time equivalent positions:

37 ..... \$ 577,869  
 38 ..... FTEs 13.00

39 7. EMPLOYMENT APPEAL BOARD

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

43 ..... \$ 33,067  
 44 ..... FTEs 15.00

45 The employment appeal board shall be reimbursed by

46 the labor services division of the department of  
47 employment services for all costs associated with  
48 hearings conducted under chapter 91C, related to  
49 contractor registration. The board may expend, in  
50 addition to the amount appropriated under this

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1 subsection, additional amounts as are directly  
2 billable to the labor services division under this  
3 subsection and to retain the additional full-time  
4 equivalent positions as needed to conduct hearings  
5 required pursuant to chapter 91C.

6 8. STATE FOSTER CARE REVIEW BOARD

7 For salaries, support, maintenance, miscellaneous  
8 purposes, and for not more than the following full-  
9 time equivalent positions:

10 .....	\$	527,041
11 .....	FTEs	10.00

12 The department of human services, in coordination  
13 with the state foster care review board and the  
14 department of inspections and appeals, shall submit an  
15 application for funding available pursuant to Title  
16 IV-E of the federal Social Security Act for claims for  
17 state foster care review board administrative review  
18 costs.

19 9. The department of inspections and appeals shall  
20 provide an accounting of all costs associated with  
21 negotiating agreements and compacts pursuant to  
22 section 10A.104, subsection 10, and all costs  
23 associated with monitoring such agreements and  
24 compacts. Information in the accounting shall include  
25 the dates and destinations of all travel related to  
26 the negotiations and monitoring, and all costs  
27 associated with the personnel involved, including  
28 salary, travel, and support costs.

29 Sec. 10. RACETRACK REGULATION. There is  
30 appropriated from the general fund of the state to the  
31 racing and gaming commission of the department of  
32 inspections and appeals for the fiscal year beginning  
33 July 1, 1995, and ending June 30, 1996, the following  
34 amount, or so much thereof as is necessary, to be used  
35 for the purposes designated:

36 For salaries, support, maintenance, miscellaneous  
37 purposes, for the regulation of pari-mutuel  
38 racetracks, and for not more than the following full-  
39 time equivalent positions:

40 .....	\$	1,760,378
41 .....	FTEs	23.85

42 Sec. 11. EXCURSION BOAT REGULATION. There is

43 appropriated from the general fund of the state to the  
 44 racing and gaming commission of the department of  
 45 inspections and appeals for the fiscal year beginning  
 46 July 1, 1995, and ending June 30, 1996, the following  
 47 amount, or so much thereof as is necessary, to be used  
 48 for the purposes designated:

49 For salaries, support, maintenance, and  
 50 miscellaneous purposes for administration and

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1 enforcement of the excursion boat gambling laws, and  
 2 for not more than the following full-time equivalent  
 3 positions:

4 .....	\$	860,651
5 .....	FTEs	17.11

6 It is the intent of the general assembly that the  
 7 racing and gaming commission shall only employ  
 8 additional full-time equivalent positions for  
 9 riverboat gambling enforcement as authorized by the  
 10 department of management as needed for enforcement on  
 11 new riverboats. If more than six riverboats are  
 12 operating during the fiscal year beginning July 1,  
 13 1995, and ending June 30, 1996, the commission may  
 14 expend no more than \$84,917 for no more than 2.00 FTEs  
 15 for each additional riverboat in excess of six. The  
 16 additional expense associated with the positions shall  
 17 be paid from fees assessed by the commission as  
 18 provided in chapter 99F.

19 Notwithstanding section 8.39, funds shall not be  
 20 transferred to the department of inspections and  
 21 appeals which would be used for monitoring Indian  
 22 gaming.

23 Sec. 12. DEPARTMENT OF INSPECTIONS AND APPEALS --  
 24 SERVICE CHARGES. The department of inspections and  
 25 appeals may charge state departments, agencies, and  
 26 commissions for services rendered and the payment  
 27 received shall be considered repayment receipts as  
 28 defined in section 8.2.

29 Sec. 13. USE TAX APPROPRIATION. There is  
 30 appropriated from the use tax receipts collected  
 31 pursuant to section 423.7 prior to their deposit in  
 32 the road use tax fund pursuant to section 423.24,  
 33 subsection 1, to the appeals and fair hearings  
 34 division of the department of inspections and appeals  
 35 for the fiscal year beginning July 1, 1995, and ending  
 36 June 30, 1996, the following amount, or so much  
 37 thereof as is necessary, for the purposes designated:

38 For salaries, support, maintenance, and  
 39 miscellaneous purposes:

40 ..... \$ 924,090  
 41 Sec. 14. DEPARTMENT OF MANAGEMENT. There is  
 42 appropriated from the general fund of the state to the  
 43 department of management for the fiscal year beginning  
 44 July 1, 1995, and ending June 30, 1996, the following  
 45 amounts, or so much thereof as is necessary, to be  
 46 used for the purposes designated:  
 47 1. GENERAL OFFICE  
 48 For salaries, support, maintenance, miscellaneous  
 49 purposes, and for not more than the following full-  
 50 time equivalent positions:

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1 ..... \$ 1,959,287  
 2 ..... FTEs 29.00  
 3 2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS  
 4 For reimbursement to local law enforcement agencies  
 5 for the training of officers who resign pursuant to  
 6 section 384.15, subsection 7:  
 7 ..... \$ 47,500  
 8 3. COUNCIL OF STATE GOVERNMENTS  
 9 For support of the membership assessment:  
 10 ..... \$ 75,500  
 11 The department of management shall conduct a study  
 12 of the positions of deputy director throughout the  
 13 executive branch of state government. The study shall  
 14 include the responsibilities of each deputy director,  
 15 the salaries of the deputy directors, the number of  
 16 deputy director positions, and the variation of  
 17 responsibilities among the deputy director positions.  
 18 The department shall report its findings to the  
 19 chairpersons and ranking members of the joint  
 20 subcommittees on oversight, audit and government  
 21 reform, and to the legislative fiscal bureau by  
 22 September 1, 1995.  
 23 Sec. 15. There is appropriated from the road use  
 24 tax fund to the department of management for the  
 25 fiscal year beginning July 1, 1995, and ending June  
 26 30, 1996, the following amount, or so much thereof as  
 27 is necessary, to be used for the purposes designated:  
 28 For salaries, support, maintenance, and  
 29 miscellaneous purposes:  
 30 ..... \$ 56,000  
 31 The department of management shall report to the  
 32 chairpersons and ranking members of the senate and  
 33 house committees on appropriations, the chairpersons  
 34 and ranking members of the joint appropriations  
 35 subcommittee on administration and regulation, and the  
 36 legislative fiscal bureau, the number of furloughs and

37 the number of layoffs that occur in each state agency,  
 38 the savings associated with those furloughs and  
 39 layoffs, the effect of the furloughs and layoffs on  
 40 services provided by the state agency, and other  
 41 relevant information. The department shall provide a  
 42 year-end report summarizing the information for the  
 43 fiscal year beginning July 1, 1995, which will be due  
 44 by September 1, 1996.

45 When addressing staffing targets for state  
 46 agencies, the department of management shall state the  
 47 number of staff authorized for a state agency in terms  
 48 of full-time equivalent positions.

49 Sec. 16. There is appropriated from the general  
 50 fund of the state to the department of personnel for

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1 the fiscal year beginning July 1, 1995, and ending  
 2 June 30, 1996, the following amounts, or so much  
 3 thereof as is necessary, to be used for the purposes  
 4 designated including the filing of quarterly reports  
 5 as required in this section:

6 1. OPERATIONS

7 For salaries, support, maintenance, and  
 8 miscellaneous purposes for the director's staff,  
 9 information services, data processing, and financial  
 10 services, and for not more than the following full-  
 11 time equivalent positions:

12 .....	\$	1,041,716
13 .....	FTEs	18.58

14 2. PROGRAM DELIVERY

15 For salaries for personnel services, employment law  
 16 and labor relations and training for not more than the  
 17 following full-time equivalent positions:

18 .....	\$	1,213,964
19 .....	FTEs	33.20

20 3. PROGRAM ADMINISTRATION AND DEVELOPMENT

21 For salaries for employment, compensation, and  
 22 benefits and workers' compensation and for not more  
 23 than the following full-time equivalent positions:

24 .....	\$	1,386,933
25 .....	FTEs	32.80

26 Any funds received by the department for workers'  
 27 compensation purposes other than the funds  
 28 appropriated in subsection 3 shall be used only for  
 29 the payment of workers' compensation claims.

30 The funds for support, maintenance, and  
 31 miscellaneous purposes for personnel assigned to  
 32 program delivery under subsection 2 and program  
 33 administration and development under subsection 3 are

34 payable from the appropriation made in subsection 1.  
 35 The department of personnel shall report semi-  
 36 annually to the chairpersons and ranking members of  
 37 the joint appropriations subcommittee on  
 38 administration and regulation concerning the number of  
 39 vacancies in existing full-time equivalent positions  
 40 and the average time taken to fill the vacancies. The  
 41 reports shall include quarterly and annual averages  
 42 organized according to state agency and general  
 43 occupational category as established by the federal  
 44 equal employment opportunity commission. All  
 45 departments and agencies of the state shall cooperate  
 46 with the department in the preparation of the reports.  
 47 Sec. 17. IPERS. There is appropriated from the  
 48 Iowa public employees' retirement system fund to the  
 49 department of personnel for the fiscal year beginning  
 50 July 1, 1995, and ending June 30, 1996, the following

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1 amount, or so much thereof as is necessary, to be used  
 2 for the purposes designated:  
 3 1. For salaries, support, maintenance, and other  
 4 operational purposes to pay the costs of the Iowa  
 5 public employees' retirement system:  
 6 ..... \$ 3,749,983  
 7 2. It is the intent of the general assembly that  
 8 the Iowa public employees' retirement system employ  
 9 sufficient staff within the appropriation provided in  
 10 this section to meet the developing requirements of  
 11 the investment program.  
 12 3. The department of personnel shall submit,  
 13 annually, a report to the chairpersons and ranking  
 14 members of the joint appropriations subcommittee on  
 15 administration and regulation and to the legislative  
 16 fiscal bureau regarding the results of the state's top  
 17 achievement recognition program. The reports  
 18 submitted shall include, but are not limited to,  
 19 identification of the recipients, a description of the  
 20 meritorious achievements, and the awards conferred.  
 21 Sec. 18. There is appropriated from the primary  
 22 road fund to the department of personnel for the  
 23 fiscal year beginning July 1, 1995, and ending June  
 24 30, 1996, the following amount, or so much thereof as  
 25 is necessary, to be used for the purposes designated:  
 26 For salaries, support, maintenance, and  
 27 miscellaneous purposes to provide personnel services  
 28 for the state department of transportation:  
 29 ..... \$ 331,694  
 30 Sec. 19. There is appropriated from the road use

31 tax fund to the department of personnel for the fiscal  
 32 year beginning July 1, 1995, and ending June 30, 1996,  
 33 the following amount, or so much thereof as is  
 34 necessary, to be used for the purposes designated:  
 35 For salaries, support, maintenance, and  
 36 miscellaneous purposes to provide personnel services  
 37 for the state department of transportation:  
 38 ..... \$ 53,996  
 39 Sec. 20. There is appropriated from the general  
 40 fund of the state to the department of revenue and  
 41 finance for the fiscal year beginning July 1, 1995,  
 42 and ending June 30, 1996, the following amounts, or so  
 43 much thereof as is necessary, to be used for the  
 44 purposes designated, and for not more than the  
 45 following full-time equivalent positions used for the  
 46 purposes designated in subsections 1 through 3:  
 47 ..... FTEs 577.43  
 48 1. AUDIT AND COMPLIANCE  
 49 For salaries, support, maintenance, and  
 50 miscellaneous purposes:

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1 ..... \$ 10,563,293  
 2 2. STATE FINANCIAL MANAGEMENT  
 3 For salaries, support, maintenance, and  
 4 miscellaneous purposes:  
 5 ..... \$ 9,376,548  
 6 3. INTERNAL RESOURCES MANAGEMENT  
 7 For salaries, support, maintenance, and  
 8 miscellaneous purposes:  
 9 ..... \$ 5,910,111  
 10 4. COLLECTION COSTS AND FEES  
 11 For payment of collection costs and fees pursuant  
 12 to section 422.26:  
 13 ..... \$ 45,000  
 14 5. a. The department of revenue and finance shall  
 15 not change the appropriations for the purposes  
 16 designated in subsections 1 through 3 from the amounts  
 17 appropriated in those subsections unless notice of the  
 18 revisions is given prior to their effective date to  
 19 the legislative fiscal bureau. The notice shall  
 20 include information on the department's rationale for  
 21 making the changes.  
 22 b. The department of revenue and finance shall  
 23 report quarterly to the legislative fiscal bureau  
 24 concerning progress in the implementation of generally  
 25 accepted accounting principles, including  
 26 determination of reporting entities, fund  
 27 classifications, modification of the Iowa financial

28 accounting system, progress on preparing a  
 29 comprehensive annual financial report, and the most  
 30 current estimate of the general fund balance based on  
 31 current generally accepted accounting principles.  
 32 c. The director of revenue and finance shall  
 33 report annually to the chairpersons and ranking  
 34 members of the joint appropriations subcommittee on  
 35 administration and regulation and the legislative  
 36 fiscal bureau on the implementation and financial  
 37 status of the integrated revenue information system.  
 38 The report shall include any changes from the  
 39 scheduled progress including expenditures or estimated  
 40 revenue.  
 41 d. The director of revenue and finance shall  
 42 prepare and issue a state appraisal manual and the  
 43 revisions to the state appraisal manual as provided in  
 44 section 421.17, subsection 18, without cost to a city  
 45 or county.  
 46 Sec. 21. There is appropriated from the lottery  
 47 fund to the department of revenue and finance for the  
 48 fiscal year beginning July 1, 1995, and ending June  
 49 30, 1996, the following amount, or so much thereof as  
 50 is necessary, to be used for the purposes designated:

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1 For salaries, support, maintenance, miscellaneous  
 2 purposes for the administration and operation of  
 3 lottery games, and for not more than the following  
 4 full-time equivalent positions:  
 5 ..... \$ 7,408,016  
 6 ..... FTEs 120.00

7 Sec. 22. There is appropriated from the motor  
 8 vehicle fuel tax fund created by section 452A.77 to  
 9 the department of revenue and finance for the fiscal  
 10 year beginning July 1, 1995, and ending June 30, 1996,  
 11 the following amount, or so much thereof as is  
 12 necessary, to be used for the purposes designated:  
 13 For salaries, support, maintenance, and  
 14 miscellaneous purposes for administration and  
 15 enforcement of the provisions of chapter 452A and the  
 16 motor vehicle use tax program:  
 17 ..... \$ 1,008,025

18 Sec. 23. There is appropriated from the general  
 19 fund of the state to the office of the secretary of  
 20 state for the fiscal year beginning July 1, 1995, and  
 21 ending June 30, 1996, the following amounts, or so  
 22 much thereof as is necessary, to be used for the  
 23 purposes designated:

24 1. ADMINISTRATION AND ELECTIONS

25	For salaries, support, maintenance, miscellaneous		
26	purposes, and for not more than the following full-		
27	time equivalent positions:		
28	.....	\$	520,514
29	.....	FTEs	9.00
30	<b>2. BUSINESS SERVICES</b>		
31	For salaries, support, maintenance, miscellaneous		
32	purposes, and for not more than the following full-		
33	time equivalent positions:		
34	.....	\$	1,565,021
35	.....	FTEs	28.00
36	<b>3. For costs incurred in the printing of the</b>		
37	<b>official register:</b>		
38	.....	\$	60,000
39	<b>Sec. 24. STATE-FEDERAL RELATIONS.</b> There is		
40	appropriated from the general fund of the state to the		
41	office of state-federal relations for the fiscal year		
42	beginning July 1, 1995, and ending June 30, 1996, the		
43	following amount, or so much thereof as is necessary,		
44	to be used for the purposes designated:		
45	For salaries, support, maintenance, miscellaneous		
46	purposes, and for not more than the following full-		
47	time equivalent positions:		
48	.....	\$	235,521
49	.....	FTEs	3.00
50	<b>Sec. 25. TREASURER.</b> There is appropriated from		

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1	the general fund of the state to the office of		
2	treasurer of state for the fiscal year beginning July		
3	1, 1995, and ending June 30, 1996, the following		
4	amount, or so much thereof as is necessary, to be used		
5	for the purposes designated:		
6	For salaries, support, maintenance, miscellaneous		
7	purposes, and for not more than the following full-		
8	time equivalent positions:		
9	.....	\$	855,694
10	.....	FTEs	27.80
11	The office of treasurer of state shall supply		
12	clerical and secretarial support for the executive		
13	council.		
14	<b>Sec. 26. SECOND INJURY FUND.</b> The administrative		
15	costs and expenses incurred by the treasurer of state,		
16	the attorney general, the second injury fund, or the		
17	department of revenue and finance, in connection with		
18	the second injury fund, may be paid from the second		
19	injury fund. However, the payment of administrative		
20	costs and expenses incurred by the treasurer of state,		
21	the attorney general, the second injury fund, and the		

22 department of revenue and finance, as authorized in  
23 this section, shall only be permitted for  
24 administrative costs and expenses incurred in the  
25 fiscal year commencing July 1, 1995, and ending June  
26 30, 1996, shall not exceed \$170,000.

27 Sec. 27. STATE WORKERS' COMPENSATION CLAIMS.

28 There is appropriated from the general fund of the  
29 state to the department of personnel for the fiscal  
30 year beginning July 1, 1995, and ending June 30, 1996,  
31 the following amount, or so much thereof as is  
32 necessary, to be used for the purpose designated:

33 For distribution, subject to approval of the  
34 department of management, to various state departments  
35 to fund the premiums for paying workers' compensation  
36 claims which are assessed to and collected from the  
37 state department by the department of personnel based  
38 upon a rating formula established by the department of  
39 personnel:

40 ..... \$ 5,884,740

41 The premiums collected by the department of  
42 personnel shall be segregated into a separate workers'  
43 compensation fund in the state treasury to be used for  
44 payment of state employees' workers' compensation  
45 claims. Notwithstanding section 8.33, unencumbered or  
46 unobligated moneys remaining in this workers'  
47 compensation fund at the end of the fiscal year shall  
48 not revert but shall be available for expenditure for  
49 purposes of the fund for subsequent fiscal years.

50 Sec. 28. Notwithstanding section 509A.5, there is

Page 20

1 appropriated from the employer share of the health  
2 insurance premium reserve fund the following amount  
3 for the purpose designated:

4 For the health data commission:  
5 ..... \$ 100,000

6 Sec. 29. RURAL FIRE PROTECTION.

7 1. There is appropriated from the general fund of  
8 the state to the fire marshal for the fiscal year  
9 beginning July 1, 1995, and ending June 30, 1996, the  
10 following amount, or so much thereof as is necessary,  
11 to be used for the purpose designated:

12 For supporting a rural fire protection  
13 demonstration project:  
14 ..... \$ 6,000

15 2. The department shall award moneys to one or  
16 more resource conservation and development councils  
17 which apply for such moneys for the installation of  
18 permanent dry fire hydrants. Moneys awarded under

19 this section shall not be used to pay for salaries or  
20 support administration. The purpose of a project  
21 shall be to demonstrate how dry hydrants may be used  
22 to preserve life and protect property from dangers  
23 associated with fire, and to support rural  
24 infrastructure in order to encourage investment in  
25 rural communities.

26 3. A resource conservation and development council  
27 which receives an award under this section shall  
28 appoint a dry hydrant project coordinator who shall be  
29 responsible for administering the award as provided in  
30 this section. In applying for and administering an  
31 award, a council shall cooperate with relevant county  
32 boards of supervisors, county engineers, soil and  
33 water conservation districts, local fire departments,  
34 township trustees, rural water associations, and  
35 landowners. The council shall also seek cooperation  
36 from the natural resources and conservation service of  
37 the United States department of agriculture, and, if  
38 appropriate, the United States army corps of  
39 engineers.

40 4. Applications shall be judged based on criteria  
41 established by the department. The fire service  
42 institute advisory committee established pursuant to  
43 section 266.46 may assist the department in  
44 establishing criteria and judging applications.  
45 Applicants shall submit a plan that demonstrates the  
46 practical advantages of using a dry hydrant, which  
47 relies upon natural roadside water impoundments and  
48 man-made impoundments fed by rural water mains, to  
49 provide viable and economical sources of water  
50 required to extinguish fires in rural areas. The plan

**Page 21**

1 shall provide for instructing fire departments  
2 regarding the installation and operation of dry  
3 hydrants, including methods to utilize labor and  
4 equipment. In implementing the plan, the dry hydrant  
5 project coordinator shall cooperate with the Iowa fire  
6 service institute at Iowa state university as provided  
7 in section 266.41, the fire service institute advisory  
8 committee, and any association which provides for the  
9 training of fire fighters, including the Iowa  
10 firemen's association and the Iowa society of fire  
11 service instructors.

12 5. The fire marshal shall prepare a report which  
13 shall include findings submitted by each dry hydrant  
14 project coordinator who administers an award and  
15 recommendations submitted by the fire service

16 institute advisory committee. The committee may  
17 provide a plan or model for the installation of dry  
18 hydrants throughout the state. The report shall be  
19 delivered to the general assembly by January 10, 1996.

20 **Sec. 30. CENTRALIZED PURCHASING REVOLVING FUND**  
21 **TRANSFER.** Notwithstanding section 18.9, there is  
22 transferred from the centralized purchasing revolving  
23 fund created under section 18.9 to the general fund of  
24 the state on June 30, 1995, the sum of \$250,000.

25 **Sec. 31. SECRETARY OF STATE OPTICAL IMAGING**  
26 **ACCOUNT TRANSFER.** The secretary of state shall pay to  
27 the general fund of the state on June 30, 1995, the  
28 sum of \$75,000, or so much thereof as remains of funds  
29 appropriated for an optical imaging project. If  
30 insufficient unencumbered or unobligated funds remain  
31 in the optical imaging account as of June 30, 1995, to  
32 pay \$75,000 to the general fund of the state, the  
33 deficiency shall be paid from other moneys  
34 appropriated to the office of secretary of state  
35 pursuant to this Act.

36 **Sec. 32. IMPLEMENTATION OF FUNDING REDUCTIONS --**  
37 **INTENT OF GENERAL ASSEMBLY.** It is the intent of the  
38 general assembly that the departments, agencies, and  
39 offices of the executive department of state  
40 government shall implement funding reductions through  
41 organizational changes which reduce supervisory  
42 positions, vertically and horizontally, and increase  
43 the span of control of the remaining supervisors as  
44 recommended by the governor's committee on government  
45 spending reform.

46 **Sec. 33. ELIMINATION OF VACANT UNFUNDED JOBS.** The  
47 state departments, agencies, or offices receiving  
48 appropriations under this Act shall eliminate, within  
49 thirty days after the beginning of a fiscal year, all  
50 vacant unfunded positions on the table of organization

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1 of the state department, agency, or office.  
2 **Sec. 34. STATE COMMUNICATIONS NETWORK -- REDUCTION**  
3 **OF TRAVEL AND RELATED EXPENSES.** The offices of the  
4 governor and lieutenant governor, the office of  
5 secretary of state, the office of treasurer of state,  
6 the auditor of state, the department of commerce, the  
7 department of inspections and appeals, the Iowa ethics  
8 and campaign disclosure board, the department of  
9 general services, the department of management, the  
10 department of revenue and finance, and the department  
11 of personnel shall use the services of the state  
12 communications network as much as possible for

13 interagency communication, meetings, and conferences  
14 to reduce travel and related expenses for the  
15 respective offices or departments.

16 Sec. 35. REPORT OF ADDITIONAL INCOME AND  
17 EXPENDITURES. The state departments, agencies, and  
18 offices receiving appropriations under this Act shall  
19 report all expenses in excess of the funds  
20 appropriated from any statutory revolving funds during  
21 the fiscal year beginning July 1, 1994, and ending  
22 June 30, 1995. The report shall also include the  
23 beginning and ending balances of the revolving funds.  
24 The report required pursuant to this section shall  
25 be submitted not later than September 30, 1995, for  
26 expenditures made during the fiscal year beginning  
27 July 1, 1994, and ending June 30, 1995, to the  
28 chairpersons and ranking members of the joint  
29 appropriations subcommittee on administration and  
30 regulations and the legislative fiscal bureau.

31 Sec. 36. FEDERAL GRANTS. All federal grants to  
32 and the federal receipts of agencies appropriated  
33 funds under this Act, not otherwise appropriated, are  
34 appropriated for the purposes set forth in the federal  
35 grants or receipts unless otherwise provided by the  
36 general assembly.

37 Sec. 37. Section 12.21, Code 1995, is amended to  
38 read as follows:

39 12.21 ACCEPTING CREDIT CARD PAYMENTS.  
40 The treasurer of state may enter into an agreement  
41 with a financial institution to provide credit card  
42 receipt processing for state departments which are  
43 authorized by the treasurer of state to accept payment  
44 by credit card. A department which accepts credit  
45 card payments ~~shall~~ may adjust its fees to reflect the  
46 cost of processing as determined by the treasurer of  
47 state. A fee may be charged by a department for using  
48 the credit card payment method notwithstanding any  
49 other provision of the Code setting specific fees.  
50 The treasurer of state shall adopt rules to implement

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1 this section.  
2 Sec. 38. Section 17A.8, subsection 9, Code 1995,  
3 is amended to read as follows:  
4 9. Upon a vote of ~~two-thirds~~ six of its members,  
5 the administrative rules review committee may delay  
6 the effective date of a rule until the adjournment of  
7 the next regular session of the general assembly. The  
8 committee shall refer a rule whose effective date has  
9 been delayed to the speaker of the house of

10 representatives and the president of the senate who  
11 shall refer the rule to the appropriate standing  
12 committees of the general assembly. If the general  
13 assembly has not disapproved of the rule by a joint  
14 resolution, the rule shall become effective. The  
15 speaker of the house of representatives and the  
16 president of the senate shall notify the  
17 administrative code editor of the final disposition of  
18 any rule delayed pursuant to this subsection. If a  
19 rule is disapproved, it shall not become effective and  
20 the agency shall withdraw the rule. This section  
21 shall not apply to rules made effective under section  
22 17A.5, subsection 2, paragraph "b".

23 Sec. 39. Section 25.2, Code 1995, is amended to  
24 read as follows:

25 25.2 EXAMINATION OF REPORT -- APPROVAL OR  
26 REJECTION -- PAYMENT.

27 The state appeal board with the recommendation of  
28 the special assistant attorney general for claims may  
29 approve or reject claims against the state of less  
30 than ten years covering the following: Outdated  
31 warrants; outdated sales and use tax refunds; license  
32 refunds; additional agricultural land tax credits;  
33 outdated invoices; fuel and gas tax refunds; outdated  
34 homestead and veterans' exemptions; outdated funeral  
35 service claims; tractor fees; registration permits;  
36 outdated bills for merchandise; services furnished to  
37 the state; claims by any county or county official  
38 relating to the personal property tax credit; and  
39 refunds of fees collected by the state. Payments  
40 authorized by the state appeal board shall be paid  
41 from the appropriation or fund of original  
42 certification of the claim. However, if that  
43 appropriation or fund has since reverted under section  
44 8.33 then such payment authorized by the state appeal  
45 board shall be out of any money in the state treasury  
46 not otherwise appropriated. Notwithstanding the  
47 provisions of this section, the director of revenue  
48 and finance may reissue outdated warrants. On or  
49 before November 1 of each year, the director of  
50 revenue and finance shall provide the treasurer of

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1 state with a report of all unpaid warrants which have  
2 been outdated for two years or more. The treasurer  
3 shall include information regarding outdated warrants  
4 in the notice published pursuant to section 556.12.  
5 The provisions of section 556.11 regarding agreements  
6 to pay compensation for recovery or assistance in

7 recovery of unclaimed property are applicable to  
8 agreements to pay compensation to recover or assist in  
9 the recovery of outdated warrants.

10 Sec. 40. NEW SECTION. 70A.1A SALARY LIMITATIONS

11 -- CERTAIN DEPARTMENT HEADS AND SUBORDINATE OFFICERS  
12 AND EMPLOYEES.

13 1. The directors, principal assistants, and  
14 employees of the following departments, boards, and  
15 offices shall not receive an annual salary which  
16 exceeds eighty percent of the annual salary of the  
17 governor:

- 18 a. Iowa ethics and campaign disclosure board.
- 19 b. Department of commerce.
- 20 c. Department of general services.
- 21 d. Office of the governor.
- 22 e. Department of inspections and appeals.
- 23 f. Department of management.
- 24 g. Department of personnel.
- 25 h. Department of revenue and finance.
- 26 i. Office of state-federal relations.

27 2. The annual salaries of the deputy officers and  
28 employees of the following state agencies shall not  
29 exceed eighty percent of annual salary of the state  
30 agency's elected principal officer:

- 31 a. Office of auditor of state.
- 32 b. Office of secretary of state.
- 33 c. Office of treasurer of state.

34 Sec. 41. SALARIES EXCEEDING LIMITS -- TRANSITION.

35 On the effective date of this Act, if the salary of  
36 an officer or employee of the state departments and  
37 offices listed in section 43 of this Act exceeds the  
38 80 percent limitation, the salary of the officer or  
39 employee shall be frozen at that pay rate until the  
40 officer's or employee's salary is less than 80 percent  
41 of the applicable principal officer's salary. When  
42 the officer's or employee's salary is less than an  
43 amount which equals the 80 percent limitation, the  
44 officer or employee may receive salary adjustments as  
45 otherwise provided by law, but total annual salary  
46 shall not exceed the 80 percent limitation.

47 Sec. 42. Section 411.36, subsection 1, unnumbered  
48 paragraph 1, Code 1995, as amended by 1995 Iowa Acts,  
49 Senate File 45, section 5, is amended to read as  
50 follows:

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1 A board of trustees for the statewide fire and  
2 police retirement system is created. The board shall  
3 consist of ~~thirteen~~ fourteen members, including nine

4 voting members and ~~four~~ five nonvoting members.

5 Section 69.16A applies to the appointment of the  
6 voting members of the board. The voting members of  
7 the board shall be as follows:

8 Sec. 43. Section 411.36, subsection 1, unnumbered  
9 paragraph 2, Code 1995, as amended by 1995 Iowa Acts,  
10 Senate File 45, section 5, is amended to read as  
11 follows:

12 The treasurer of state, or the treasurer's  
13 designee, shall serve as an ex officio, nonvoting  
14 member. The other nonvoting members of the board  
15 shall be two state representatives, one appointed by  
16 the speaker of the house of representatives and one by  
17 the minority leader of the house, and two state  
18 senators, one appointed by the majority leader of the  
19 senate and one by the minority leader of the senate.

20 Sec. 44. Section 411.36, subsection 2, Code 1995,  
21 is amended to read as follows:

22 2. Except as otherwise provided for the initial  
23 appointments, the The voting members shall be  
24 appointed for four-year terms, and the nonvoting  
25 members who are members of the senate and the house of  
26 representatives shall be appointed for two-year terms.  
27 Terms begin on May 1 in the year of appointment and  
28 expire on April 30 in the year of expiration.

29 Sec. 45. Section 411.36, subsection 5, paragraph  
30 a, Code 1995, is amended to read as follows:

31 a. Members of the board, except the treasurer of  
32 state or the treasurer's designee, shall be paid their  
33 actual and necessary expenses incurred in the  
34 performance of their duties and shall receive a per  
35 diem as specified in section 7E.6 for each day of  
36 service. Per diem and expenses shall be paid to  
37 voting members from the fire and police retirement  
38 fund created in section 411.8.

39 Sec. 46. Section 462A.78, subsection 5, Code 1995,  
40 is amended to read as follows:

41 5. The funds collected under subsection 1,  
42 paragraph "a", shall be placed in the general fund of  
43 the county and used for the expenses of the county  
44 conservation board if one exists in that county. Of  
45 each surcharge collected as required under subsection  
46 1, paragraph "b", the county recorder shall remit five  
47 dollars to the office of treasurer of state department  
48 of revenue and finance for deposit in the general fund  
49 of the state.

50 Sec. 47. NEW SECTION. 514C.11 PATIENT ACCESS TO

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1 TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN OR  
2 INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

3 Notwithstanding section 514C.6, a managed care  
4 health plan or indemnity plan with a limited provider  
5 network shall provide patients direct access to each  
6 type of physician, as defined in section 135.1 and  
7 licensed under chapter 148, 150A, or 151, and shall  
8 not condition that access upon a referral by a  
9 physician licensed under another chapter. Access to a  
10 specialist may be conditioned upon a referral by a  
11 primary care provider licensed under the same chapter.  
12 Any copayment, deductible, cost containment mechanism,  
13 or premium rate shall not discriminate directly or  
14 indirectly upon the basis of the license held by the  
15 physician. Access to a specialist may be subject to a  
16 different copayment or deductible than access to a  
17 primary care provider. Access to a nonparticipating  
18 physician may be restricted or may be subject to  
19 different copayments, deductibles, or premium rates,  
20 or may be excluded, provided that a plan shall not  
21 differentiate or exclude a physician directly or  
22 indirectly upon the basis of the license held by the  
23 physician.

24 Each plan must demonstrate that it is capable of  
25 serving appropriately the needs of the subscriber  
26 population in the service area of the plan with regard  
27 to patient access to each type of physician.

28 For purposes of this section, "managed care health  
29 plan or indemnity plan with a limited provider  
30 network" means a health maintenance organization,  
31 organized delivery system, accountable health plan,  
32 health care insurance plan which limits the number of  
33 licensed physicians who can provide services under the  
34 plan, preferred provider organization, exclusive  
35 provider organization, restricted access network, or  
36 similar health-care plan. For purposes of this  
37 section, "physician" means as defined in section 135.1  
38 and licensed under chapter 148, 150A, or 151.

39 Sec. 48. Section 533.4, subsections 1, 4, 5, and  
40 19, Code 1995, are amended to read as follows:

41 1. Receive the savings of ~~from~~ its members either,  
42 nonmembers as prescribed by rule where the credit  
43 union is serving predominantly low-income members,  
44 other credit unions, and federal, state, county, and  
45 city governments, as payment payments on shares or as  
46 deposits, including the right to conduct Christmas  
47 clubs, vacation clubs, and other such thrift  
48 organizations within the membership subject to the

49 terms, rates, and conditions established by the board  
50 of directors, subject to the limitations established

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1 by rule by the superintendent.

2 4. Deposit Make deposits in state and national  
3 banks, state and federal savings banks or savings and  
4 loan associations, and state and federal credit  
5 unions, the accounts of which are insured by the  
6 federal deposit insurance corporation or the national  
7 credit union share insurance fund.

8 5. Make investments in:

9 a. Time deposits in state and national banks and  
10 in state banks, state and federal savings banks or  
11 savings and loan associations, and state and federal  
12 credit unions, the deposits of which are insured by  
13 the federal deposit insurance corporation or the  
14 national credit union share insurance fund.

15 b. Obligations, participations, or other  
16 instruments of or issued by, or fully guaranteed as to  
17 principal and interest by the United States government  
18 or any agency thereof; or any trust or trusts  
19 established for investing directly or collectively in  
20 the same.

21 c. General obligations of the state of Iowa and  
22 any subdivision thereof of the state.

23 d. Paid-up deposits of savings and loan  
24 associations, the deposits of which are insured by the  
25 federal savings and loan insurance corporation.

26 e. d. Purchase of notes of liquidating credit  
27 unions with the approval of the superintendent.

28 f. e. Shares and deposits in other credit unions.

29 g. f. Shares, stocks, loans, and other obligations  
30 or a combination thereof of an organization,  
31 corporation, or association, provided the membership  
32 or ownership, as the case may be, of the organization,  
33 corporation, or association is primarily confined or  
34 restricted to credit unions or organizations of credit  
35 unions and provided that the purpose of the  
36 organization, corporation, or association is primarily  
37 designed to provide services to credit unions,  
38 organizations of credit unions, or credit union  
39 members. However, the aggregate amount invested  
40 pursuant to this subsection shall not exceed five  
41 percent of the assets of the credit union.

42 h. g. Obligations issued by federal land banks,  
43 federal intermediate credit banks, banks for  
44 cooperatives, or any or all of the federal farm credit  
45 banks.

46 i. h. Commercial paper issued by United States  
47 corporations as defined by rule.  
48 j. l. Corporate bonds as defined by and subject to  
49 terms and conditions imposed by the administrator,  
50 provided that the administrator shall not approve

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1 investment in corporate bonds unless the bonds are  
2 rated in the two highest grades of corporate bonds by  
3 a nationally accepted rating agency, including but not  
4 limited to a rating of AAA or AA from Standard and  
5 Poors.

6 19. Establish one or more offices other than its  
7 main office, subject to the approval and regulation of  
8 the superintendent, if such offices ~~shall be~~ are  
9 reasonably necessary to furnish service to its  
10 membership. A credit union office may furnish all  
11 credit union services ordinarily furnished to the  
12 membership at the principal place of business of the  
13 credit union which operates the office. All  
14 transactions of a credit union office shall be  
15 transmitted daily to the principal place of business  
16 of the credit union which operates the office, and ~~no~~  
17 current recordkeeping functions shall not be  
18 maintained at a credit union office except to the  
19 extent the credit union which operates the office  
20 deems it desirable to keep at the office duplicates of  
21 the records kept at the principal place of business of  
22 the credit union. The central executive and official  
23 business functions of a credit union shall be  
24 exercised only at the principal place of business.

25 A credit union office shall not be opened without  
26 the prior written approval of the superintendent.  
27 Upon application by a credit union in the form  
28 prescribed by the superintendent, the superintendent  
29 shall determine, after notice and hearing, if the  
30 establishment of the credit union office is reasonably  
31 necessary for service to, and is in the best interests  
32 of, the members of the credit union.

33 Notwithstanding the provisions of this section,  
34 data processing services and loan documentation  
35 recordkeeping functions may be performed or located at  
36 an authorized credit union office or at some other  
37 location, subject to the approval of the  
38 superintendent.

39 Sec. 49. Section 533.16, subsection 3, Code 1995,  
40 is amended to read as follows:

41 3. A director of a credit union may borrow from  
42 that credit union under the provisions of this

43 chapter, but the rates, terms, and conditions of a  
44 loan or line of credit either made to or endorsed or  
45 guaranteed by the director shall not be made on terms  
46 more favorable than those extended the rates, terms,  
47 or conditions of comparable loans or lines of credit  
48 provided to other members. A director of a credit  
49 union may borrow from that credit union to the extent  
50 and in the amount of such director's holdings in the

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1 credit union in shares and deposits. A director  
2 desiring to borrow from the credit union an amount in  
3 excess of the director's holdings in shares and  
4 deposits shall first submit application for approval  
5 by the board of directors at a regular or special  
6 meeting. The director making application for the loan  
7 shall not be in attendance at the time the board of  
8 directors considers the application and shall not take  
9 part in the consideration. Prior to consideration of  
10 such loan, the director must have submitted to the  
11 board a detailed current financial statement. The  
12 aggregate amount of all director loans and lines of  
13 credit shall not exceed twenty twenty-five percent of  
14 the assets of the credit union.

15 Sec. 50. Section 533.16, subsection 4, paragraph  
16 c, Code 1995, is amended by striking the paragraph and  
17 inserting in lieu thereof the following:

18 c. A credit union which obtains a report or  
19 opinion by an attorney or from another mortgage lender  
20 relating to defects in or liens or encumbrances on the  
21 title to real property, the unmarketability of the  
22 title to real property, or the invalidity or  
23 unenforceability of liens or encumbrances on real  
24 property, shall provide a copy of the report or  
25 opinion to the mortgagor and the mortgagor's attorney.

26 Sec. 51. Section 533.17, subsection 1, unnumbered  
27 paragraph 1, Code 1995, is amended to read as follows:

28 Immediately before the payment of a dividend At the  
29 end of each dividend period, but no less than  
30 quarterly, the gross income of the credit union shall  
31 determine its gross earnings be determined. A legal  
32 reserve for contingencies against losses on loans and  
33 against such other losses as may be specified by rule  
34 shall be set aside from the gross earnings income in  
35 accordance with the following schedule:

36 Sec. 52. Section 533.17, subsection 2, Code 1995,  
37 is amended to read as follows:

38 2. For the purpose of establishing legal reserves,  
39 the following shall not be considered risk assets:

- 40 a. Cash on hand.  
 41 b. Deposits and shares in ~~federal or state~~  
 42 federally insured banks, savings and loan  
 43 associations, and credit unions.  
 44 c. Assets which are insured by, fully guaranteed  
 45 as to principal and interest by, or due from the  
 46 United States government, its agencies, and  
 47 instrumentalities.  
 48 d. Loans to other credit unions.  
 49 e. Student loans insured under the provisions of  
 50 Title XX, United States Code, section 1071 to section

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- 1 1087 or similar state programs.  
 2 f. Loans insured by the federal housing  
 3 administration under Title XII, United States Code,  
 4 section 1703.  
 5 g. Loans fully insured or guaranteed by the  
 6 federal government, a state government, or any agency  
 7 of either.  
 8 g. h. Common trust investments which deal in  
 9 investments authorized in section 533.4.  
 10 h. i. Prepaid expenses.  
 11 i. j. Accrued interest on nonrisk investments.  
 12 j. k. Furniture and equipment.  
 13 k. l. Land and buildings.  
 14 m. Loans fully secured by a pledge of shares  
 15 within the credit union.  
 16 n. Deposits in the national credit union share  
 17 insurance fund.  
 18 o. Real estate loans in transit to the secondary  
 19 market as specified by rule.  
 20 Sec. 53. Section 533.18, Code 1995, is amended to  
 21 read as follows:  
 22 533.18 DIVIDENDS.  
 23 1. At such intervals and for such periods as the  
 24 board of directors may authorize, and after transfers  
 25 to the provision for required reserves pursuant to  
 26 section 533.17, the board of directors may declare  
 27 dividends at such rates and upon such classes of  
 28 shares as are determined by the board. Such dividends  
 29 shall be paid on all paid-up shares outstanding at the  
 30 close of the period for which the dividend is  
 31 declared.  
 32 2. Shares which become fully paid up during such  
 33 dividend period and are outstanding at the close of  
 34 period shall be entitled to a proportional share of  
 35 such dividend.  
 36 3. Dividend credit for a month may be accrued on

37 shares which are or become fully paid up during the  
38 first fifteen days of that month.  
39 Sec. 54. NEW SECTION. 533.49 AUTHORITY TO LEASE  
40 SAFE DEPOSIT BOXES.  
41 1. A credit union may lease safe deposit boxes for  
42 the storage of property on terms and conditions  
43 prescribed by it. Such terms and conditions shall not  
44 bind any person to whom the credit union does not give  
45 notice of the terms and conditions by delivery of a  
46 lease and agreement in writing containing the terms  
47 and conditions. A credit union may limit its  
48 liability provided such limitations are set forth in  
49 the lease and agreement in at least the same size and  
50 type as the other substantive provisions of the

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1 contract.  
2 2. The lease and agreement of a safe deposit box  
3 may provide that evidence tending to prove that  
4 property was left in a safe deposit box upon the last  
5 entry by the member or the member's authorized agent,  
6 and that the property or any part of the property was  
7 found missing upon subsequent entry, is not sufficient  
8 to raise a presumption that the property was lost by  
9 any negligence or wrongdoing for which the credit  
10 union is responsible, or put upon the credit union the  
11 burden of proof that the alleged loss was not the  
12 fault of the credit union.  
13 3. A credit union may lease a safe deposit box to  
14 a minor. A credit union may deal with a minor with  
15 respect to a safe deposit box lease and agreement  
16 without the consent of a parent, guardian, or  
17 conservator and with the same effect as though the  
18 minor were an adult. Any action of the minor with  
19 respect to such safe deposit box lease and agreement  
20 is binding on the minor with the same effect as though  
21 the minor were an adult.  
22 4. A credit union which has on file a power of  
23 attorney of a member covering a safe deposit box lease  
24 and agreement, which has not been revoked by the  
25 member, shall incur no liability as a result of  
26 continuing to honor the provisions of the power of  
27 attorney in the event of the death or incompetence of  
28 the donor of the power of attorney until the credit  
29 union receives written notice of the death, or written  
30 notice of adjudication by a court of the incompetence  
31 of the member and the appointment of a guardian or  
32 conservator.  
33 Sec. 55. NEW SECTION. 533.49A SEARCH PROCEDURE

## 34 ON DEATH.

35 A credit union shall permit the person named in a  
36 court order or, if no order has been served upon the  
37 credit union, the spouse, a parent, an adult  
38 descendant, or a person named as executor in a copy of  
39 a purported will produced by the person, to open and  
40 examine the contents of a safe deposit box leased by a  
41 decedent, or to examine any property delivered by a  
42 decedent for safekeeping, in the presence of an  
43 officer of the credit union. The credit union, if  
44 requested by such person, and upon the credit union's  
45 receipt of the request, shall deliver:

46 1. Any writing purported to be a will of the  
47 decedent to the court having jurisdiction of the  
48 decedent's estate.

49 2. Any writing purported to be a deed to a burial  
50 plot, or to give burial instructions, to the person

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1 making the request for a search.

2 3. Any document purported to be an insurance  
3 policy on the life of the decedent to the beneficiary  
4 named in the policy. A credit union shall prepare and  
5 keep a list of any contents delivered pursuant to this  
6 section describing the nature of the property and the  
7 individual to whom delivered, and place a copy of the  
8 list in the safe deposit box from which the contents  
9 were removed.

10 Sec. 56. **NEW SECTION. 533.49B ADVERSE CLAIMS TO**  
11 **PROPERTY IN SAFE DEPOSIT AND SAFEKEEPING.**

12 1. A credit union shall not be required, in the  
13 absence of a court order or indemnity required by this  
14 section, to recognize any claim to, or claim of  
15 authority to exercise control over, property held in  
16 safe deposit or property held for safekeeping pursuant  
17 to section 533.49D made by a person or persons other  
18 than the following:

19 a. The member in whose name the property is held  
20 by the credit union.

21 b. An individual or group of individuals who are  
22 authorized to have access to the safe deposit box, or  
23 to the property held for safekeeping, pursuant to a  
24 certified corporate resolution or other written  
25 arrangement with the member, currently on file with  
26 the credit union, which has not been revoked by valid  
27 corporate action in the case of a corporation, or by a  
28 valid agreement or other valid action appropriate for  
29 the form of legal organization of any other member, of  
30 which the credit union has received notice and which

31 is not the subject of a dispute known to the credit  
 32 union as to its original validity. The safe deposit  
 33 and safekeeping account records of a credit union  
 34 shall be presumptive evidence as to the identity of  
 35 the member on whose behalf the property is held.

36 2. To require a credit union to recognize an  
 37 adverse claim to, or adverse claim of authority to  
 38 control, property held in safe deposit or for  
 39 safekeeping, whoever makes the claim must do either of  
 40 the following:

41 a. Obtain and serve on the credit union an  
 42 appropriate court order or judicial process directed  
 43 to the credit union, restraining any action with  
 44 respect to the property until further order of the  
 45 court or instructing the credit union to deliver the  
 46 property, in whole or in part, as indicated in the  
 47 order or process.

48 b. Deliver to the credit union a bond, in form and  
 49 amount with sureties satisfactory to the credit union,  
 50 indemnifying the credit union against any liability,

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1 loss, or expense which the credit union might incur  
 2 because of its refusal to deliver the property to any  
 3 person described in subsection 1, paragraph "a" or  
 4 "b".

5 **Sec. 57. NEW SECTION. 533.49C REMEDIES AND**  
 6 **PROCEEDINGS FOR NONPAYMENT OF RENT ON SAFE DEPOSIT**  
 7 **BOX.**

8 1. A credit union has a lien upon the contents of  
 9 a safe deposit box for past due rentals and any  
 10 expense incurred in opening the safe deposit box,  
 11 replacement of the locks on the safe deposit box, and  
 12 of a sale made pursuant to this section. If the  
 13 rental of a safe deposit box is not paid within six  
 14 months from the day the rental is due, at any time  
 15 after the six months and while the rental remains  
 16 unpaid, the credit union shall mail a notice by  
 17 restricted certified mail to the member at the  
 18 member's last known address as shown upon the records  
 19 of the credit union, stating that if the amount due  
 20 for the rental is not paid on or before a specified  
 21 day, which shall be at least thirty days after the  
 22 date of mailing such notice, the credit union will  
 23 remove the contents of the safe deposit box and hold  
 24 the contents for the account of the member.

25 2. If the rental for the safe deposit box has not  
 26 been paid after the expiration of the period specified  
 27 in a notice mailed pursuant to subsection 1, the

28 credit union, in the presence of two of its officers,  
29 may cause the box to be opened and the contents  
30 removed. An inventory of the contents of the safe  
31 deposit box shall be made by the two officers present  
32 and the contents held by the credit union for the  
33 account of the member.

34 3. If the contents are not claimed within two  
35 years after their removal from the safe deposit box,  
36 the credit union may proceed to sell so much of the  
37 contents as is necessary to pay the past due rentals  
38 and expense incurred in opening the safe deposit box,  
39 replacement of the locks on the safe deposit box, and  
40 the sale of the contents. The sale shall be held at  
41 the time and place specified in a notice published  
42 prior to the sale once each week for two successive  
43 weeks in a newspaper of general circulation published  
44 in the city or unincorporated area in which the credit  
45 union has its principal place of business, or if there  
46 is none, a newspaper of general circulation published  
47 in the county, or in a county adjoining the county, in  
48 which the credit union has its principal place of  
49 business. A copy of the published notice shall be  
50 mailed to the member at the member's last known

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1 address as shown upon the records of the credit union.  
2 The notice shall contain the name of the member and  
3 need only describe the contents of the safe deposit  
4 box in general terms. The contents of any number of  
5 safe deposit boxes may be sold under one notice of  
6 sale and the cost of the sale apportioned ratably  
7 among the several safe deposit box members involved.  
8 At the time and place designated in the notice the  
9 contents taken from each respective safe deposit box  
10 shall be sold separately to the highest bidder for  
11 cash and the proceeds of each sale applied to the  
12 rentals and expenses due to the credit union and the  
13 residue from any such sale shall be held by the credit  
14 union for the account of the member or members. An  
15 amount held as proceeds from such sale shall be  
16 credited with interest at the customary annual rate  
17 for savings accounts at the credit union, or in lieu  
18 thereof, at the customary rate of interest in the  
19 community where such proceeds are held. The crediting  
20 of interest does not activate the account to avoid an  
21 abandonment as unclaimed property under chapter 556.  
22 4. Notwithstanding the provisions of this section,  
23 shares, bonds, or other securities which, at the time  
24 of a sale pursuant to subsection 3, are listed on an

25 established stock exchange in the United States, shall  
26 not be sold at public sale but may be sold through an  
27 established stock exchange. Upon making a sale of any  
28 such securities, an officer of the credit union shall  
29 execute and attach to the securities so sold an  
30 affidavit reciting facts showing that the securities  
31 were sold pursuant to this section and that the credit  
32 union has complied with the provisions of this  
33 section. The affidavit constitutes sufficient  
34 authority to any corporation whose shares are sold or  
35 to any registrar or transfer agent of such corporation  
36 to cancel the certificates representing the shares to  
37 the purchaser of the shares, and to any registrar,  
38 trustee, or transfer agent of registered bonds or  
39 other securities, to register any such bonds or other  
40 securities in the name of the purchaser of the bonds  
41 or other securities.

42 5. The proceeds of any sale made pursuant to this  
43 section, after the payment of any amounts with respect  
44 to which the credit union has a lien, any property  
45 which was not offered for sale and property which,  
46 although offered for sale, was not sold, shall be  
47 retained by the credit union until such time as the  
48 property is presumed abandoned according to section  
49 556.2, and shall be handled pursuant to chapter 556.

50 Sec. 58. NEW SECTION. 533.49D AUTHORITY TO

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#### 1 RECEIVE PROPERTY FOR SAFEKEEPING.

2 1. A credit union may accept property for  
3 safekeeping if, except in the case of night  
4 depositories, the credit union issues a receipt for  
5 the property. A credit union accepting property for  
6 safekeeping shall purchase and maintain reasonable  
7 insurance coverage to ensure against loss incurred in  
8 connection with the acceptance of property for  
9 safekeeping. Property held for safekeeping shall not  
10 be commingled with the property of the credit union or  
11 the property of others.

12 2. A credit union has a lien upon any property  
13 held for safekeeping and for expenses incurred in any  
14 sale made pursuant to this subsection. If the charge  
15 for safekeeping of property is not paid within six  
16 months from the day the charge is due, at any time  
17 after the six months and while the charge remains  
18 unpaid, the credit union may mail a notice to the  
19 member at the member's last known address as shown  
20 upon the records of the credit union, stating that if  
21 the amount due is not paid on or before a specified

22 day, which shall be at least thirty days after the  
23 date of mailing the notice, the credit union will  
24 remove the property from safekeeping and hold the  
25 property for the account of the member. After the  
26 expiration of the period specified in the notice, if  
27 the charge for safekeeping has not been paid, the  
28 credit union may remove the property from safekeeping,  
29 cause the property to be inventoried, and hold the  
30 property for the account of the member. If the  
31 property is not claimed within two years after its  
32 removal from safekeeping the credit union may proceed  
33 to sell so much of the property as is necessary to pay  
34 the charge which remains unpaid and the expense  
35 incurred in making the sale in the manner provided for  
36 in section 533.49C, subsections 3 and 4. The proceeds  
37 of any sale made pursuant to this section, after  
38 payment of any amounts with respect to which the  
39 credit union has a lien, any property which was not  
40 offered for sale, and property which, although offered  
41 for sale, was not sold, shall be retained by the  
42 credit union until such time as the property is  
43 presumed abandoned according to section 556.2, and  
44 shall be handled pursuant to chapter 556.  
45 Sec. 59. Section 533.62, subsection 4, Code 1995,  
46 is amended by striking the subsection and inserting in  
47 lieu thereof the following:

48 4. a. A loan of money or property shall not be  
49 made directly or indirectly by a state-chartered  
50 credit union, or by its officers, directors, or

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1 employees, to the superintendent, deputy, or employee  
2 of the credit union division. The superintendent,  
3 deputy, or employee of the credit union division shall  
4 not accept from a state-chartered credit union, or its  
5 officers, directors, or employees, a loan of money or  
6 property, either directly or indirectly.

7 b. The superintendent, deputy, or employee of the  
8 credit union division shall not perform any services  
9 for or be an officer, director, or employee of a  
10 state-chartered credit union.

11 c. A person who willfully undertakes to establish  
12 a business dealing contrary to this section commits a  
13 serious misdemeanor, and shall be permanently  
14 disqualified from acting as an officer, director, or  
15 employee of a state-chartered credit union and  
16 permanently disqualified from acting as  
17 superintendent, deputy, or employee of the credit  
18 union division.

19 d. The superintendent, deputy, or employee of the  
 20 credit union division who is convicted of theft,  
 21 burglary, robbery, larceny, or embezzlement as a  
 22 result of a violation of the laws of any state or of  
 23 the United States while holding such position shall be  
 24 immediately disqualified from employment and shall be  
 25 forever disqualified from holding any position in the  
 26 credit union division.

27 Sec. 60. Section 554.9401, subsection 6, Code  
 28 1995, is amended to read as follows:

29 6. Of each fee collected by the county recorder  
 30 under sections 570A.4, 554.9403, 554.9405, and  
 31 554.9406, the county recorder shall remit five  
 32 dollars, if filed on a standard form or six dollars  
 33 otherwise, to the office of the treasurer of state  
 34 department of revenue and finance for deposit in the  
 35 general fund of the state.

36 Sec. 61. Section 99D.5, subsection 1, Code 1995,  
 37 is amended to read as follows:

38 1. A state racing and gaming commission is created  
 39 within the department of inspections and appeals  
 40 consisting of five members who shall be appointed by  
 41 the governor subject to confirmation by the senate,  
 42 and who shall serve not to exceed a three-year term at  
 43 the pleasure of the governor. The term of each member  
 44 shall begin and end as provided in section 69.19.  
 45 Before a person is appointed to the commission, the  
 46 division of criminal investigation of the department  
 47 of public safety shall conduct a thorough background  
 48 investigation of the proposed appointee. The proposed  
 49 appointee shall provide information on a form as  
 50 required by the division of criminal investigation.

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1 The background investigation shall be the same as  
 2 conducted for an applicant for a license to conduct  
 3 pari-mutuel wagering. The information shall be made  
 4 available to the members of the senate standing  
 5 committee assigned to investigate and recommend  
 6 confirmation of an appointee.

7 Sec. 62. REPEAL. Sections 12.9, 12.12, and 12.13,  
 8 Code 1995, are repealed.

9 Sec. 63. EFFECTIVE DATE. This section and  
 10 sections 40, 41, 42, 43, 44, and 45, being deemed of  
 11 immediate importance, take effect upon enactment.

12 Sections 30 and 31 of this Act take effect on June 30,  
13 1995. The remainder of this Act takes effect on July  
14 1, 1995.”

PATTY JUDGE

S-3690

1 Amend the amendment, S-3689, to the House  
2 amendment, S-3684, to Senate File 484, as amended,  
3 passed, and reprinted by the Senate, as follows:

4 1. By striking page 1, line 1, through page 37,  
5 line 14, and inserting the following:

6 “Amend the House amendment, S-3684, to Senate File  
7 484, as amended, passed, and reprinted by the Senate,  
8 as follows:

9 “—. By striking page 1, line 1, through page  
10 19, line 2, and inserting the following:

11 “Amend Senate File 484, as amended, passed, and  
12 reprinted by the Senate, as follows:

13 “—. By striking everything after the enacting  
14 clause and inserting the following:

15 “Section 1. AUDITOR OF STATE. There is  
16 appropriated from the general fund of the state to the  
17 office of the auditor of state for the fiscal year  
18 beginning July 1, 1995, and ending June 30, 1996, the  
19 following amount, or so much thereof as is necessary,  
20 to be used for the purposes designated:

21 For salaries, support, maintenance, miscellaneous  
22 purposes, and for not more than the following full-  
23 time equivalent positions:

24 .....	\$	1,310,549
25 .....	FTEs	112.50

26 The auditor of state may retain additional full-  
27 time equivalent positions as is reasonable and  
28 necessary to perform governmental subdivision audits  
29 which are reimbursable pursuant to section 11.20 or  
30 11.21, to perform audits which are requested by and  
31 reimbursable from the federal government, and to  
32 perform work requested by and reimbursable from  
33 departments or agencies pursuant to section 11.5A or  
34 11.5B. The auditor of state shall notify the  
35 department of management, the legislative fiscal  
36 committee, and the legislative fiscal bureau of the  
37 additional full-time equivalent positions retained.

38 Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.

39 There is appropriated from the general fund of the  
40 state to the Iowa ethics and campaign disclosure board  
41 for the fiscal year beginning July 1, 1995, and ending  
42 June 30, 1996, the following amount, or so much

43 thereof as is necessary, for the purposes designated:

44 For salaries, support, maintenance, miscellaneous  
45 purposes, and for not more than the following full-  
46 time equivalent positions:

47 .....	\$	375,786
48 .....	FTEs	8.00

49 Sec. 3. DEPARTMENT OF COMMERCE. There is  
50 appropriated from the general fund of the state to the

Page 2

1 department of commerce for the fiscal year beginning  
2 July 1, 1995, and ending June 30, 1996, the following  
3 amounts, or so much thereof as is necessary, for the  
4 purposes designated:

5 1. PROFESSIONAL LICENSING AND REGULATION DIVISION

6 For salaries, support, maintenance, miscellaneous  
7 purposes, and for not more than the following full-  
8 time equivalent positions:

9 .....	\$	897,802
10 .....	FTEs	14.00

11 It is the intent of the general assembly that each  
12 examining and licensing board or commission created  
13 under chapters 542B, 542C, 543B, 543D, 544A, and 544B  
14 shall provide that the fees assessed for licensing do  
15 not exceed the operating costs of services provided by  
16 each board or commission.

17 2. ADMINISTRATIVE SERVICES DIVISION

18 For salaries, support, maintenance, miscellaneous  
19 purposes, and for not more than the following full-  
20 time equivalent positions:

21 .....	\$	211,586
22 .....	FTEs	2.00

23 It is the intent of the general assembly that the  
24 two positions authorized in this subsection for the  
25 division shall coordinate the administrative services  
26 to be provided to the divisions in the department.  
27 These two positions are under the direct supervision  
28 of, and shall report to, the director of the  
29 department.

30 The division of administrative services shall  
31 assess each division within the department of commerce  
32 and the office of consumer advocate within the  
33 department of justice a pro rata share of the  
34 operating expenses of the division of administrative  
35 services. The pro rata share shall be determined  
36 pursuant to a cost allocation plan established by the  
37 division of administrative services and agreed to by  
38 the administrators of the divisions and the consumer  
39 advocate. To the extent practicable, the cost

40 allocation plan shall be based on the proportion of  
 41 the administrative expenses incurred on behalf of each  
 42 division and the office of consumer advocate. Each  
 43 division and the office of consumer advocate shall  
 44 include in its charges assessed or revenues generated,  
 45 an amount sufficient to cover the amount stated in its  
 46 appropriation, any state assessed indirect costs  
 47 determined by the department of revenue and finance,  
 48 and the cost of services provided by the division of  
 49 administrative services.

50 3. ALCOHOLIC BEVERAGES DIVISION

Page 3

1 For salaries, support, maintenance, miscellaneous  
 2 purposes, and for not more than the following full-  
 3 time equivalent positions:  
 4 ..... \$ 1,861,105  
 5 ..... FTEs 33.50

6 4. BANKING DIVISION

7 For salaries, support, maintenance, miscellaneous  
 8 purposes, and for not more than the following full-  
 9 time equivalent positions:  
 10 ..... \$ 5,375,058  
 11 ..... FTEs 84.00

12 5. CREDIT UNION DIVISION

13 For salaries, support, maintenance, miscellaneous  
 14 purposes, and for not more than the following full-  
 15 time equivalent positions:  
 16 ..... \$ 1,047,066  
 17 ..... FTEs 20.00

18 6. INSURANCE DIVISION

19 For salaries, support, maintenance, miscellaneous  
 20 purposes, and for not more than the following full-  
 21 time equivalent positions:  
 22 ..... \$ 2,924,482  
 23 ..... FTEs 91.50

24 Of the amounts appropriated in this section to the  
 25 insurance division, not more than \$100,000 shall be  
 26 used for the regulation of health insurance purchasing  
 27 cooperatives.

28 The insurance division shall monitor public  
 29 utilization of the coverages identified in chapter  
 30 514C under managed care plans in this state.

31 The insurance division may reallocate authorized  
 32 full-time equivalent positions as necessary to respond  
 33 to accreditation recommendations or requirements. The  
 34 insurance division expenditures for examination  
 35 purposes may exceed the projected receipts, refunds  
 36 and reimbursements, estimated pursuant to section

37 505.7, subsection 7, including the expenditures for  
38 retention of additional personnel, if the expenditures  
39 are fully reimbursable and the division first does  
40 both of the following:

41 a. Notifies the department of management,  
42 legislative fiscal bureau, and the legislative fiscal  
43 committee of the need for the expenditures.

44 b. Files with each of the entities named in  
45 paragraph "a" the legislative and regulatory  
46 justification for the expenditures, along with an  
47 estimate of the expenditures.

48 c. (1) Of the amounts appropriated to the  
49 insurance division in this subsection not more than  
50 \$100,000 shall be used for continuing the division's

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1 senior health insurance information program and not  
2 more than \$100,000 shall be used for the purpose of  
3 establishing a pilot consumer health education and  
4 assistance program.

5 (2) The purpose of the consumer health education  
6 and assistance program is to educate and assist health  
7 care consumers to make more informed health insurance  
8 and care choices in the marketplace. Both oral and  
9 written educational assistance relating to health care  
10 insurance, delivery systems, provider services and  
11 coverage, billing procedures, and sources of  
12 information shall be provided by the division. The  
13 division of insurance may request, and other state  
14 agencies shall provide, assistance in implementing and  
15 administering the health care education and assistance  
16 program.

17 (3) The commissioner of insurance shall appoint an  
18 advisory committee consisting of knowledgeable and  
19 interested citizens and state and local public  
20 officials to provide advice and review the program. A  
21 majority of the members of the advisory committee  
22 shall be bona fide representatives of consumers.

23 (4) The commissioner of insurance shall prepare a  
24 progress report relating to the activities of the  
25 program, the report to be submitted to the governor  
26 and the members of the general assembly not later than  
27 March 1, 1996. The governor and the legislative  
28 council may request progress reports from the  
29 commissioner of insurance as deemed appropriate.

#### 30 7. UTILITIES DIVISION

31 For salaries, support, maintenance, miscellaneous  
32 purposes, and for not more than the following full-  
33 time equivalent positions:

34 ..... \$ 4,911,871  
 35 ..... FTEs 79.00

36 The utilities division may expend additional funds,  
 37 including funds for additional personnel, if those  
 38 additional expenditures are actual expenses which  
 39 exceed the funds budgeted for utility regulation.  
 40 Before the division expends or encumbers an amount in  
 41 excess of the funds budgeted for regulation, the  
 42 director of the department of management shall approve  
 43 the expenditure or encumbrance. Before approval is  
 44 given, the director of the department of management  
 45 shall determine that the regulation expenses exceed  
 46 the funds budgeted by the general assembly to the  
 47 division and that the division does not have other  
 48 funds from which regulation expenses can be paid.  
 49 Upon approval of the director of the department of  
 50 management the division may expend and encumber funds

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1 for excess regulation expenses. The amounts necessary  
 2 to fund the excess regulation expenses shall be  
 3 collected from those utility companies being regulated  
 4 which caused the excess expenditures, and the  
 5 collections shall be treated as repayment receipts as  
 6 defined in section 8.2.

7 Sec. 4. There is appropriated from the general  
 8 fund of the state to the following named agencies for  
 9 the fiscal year beginning July 1, 1995, and ending  
 10 June 30, 1996, the following amounts, or so much  
 11 thereof as is necessary, to be used for the purposes  
 12 designated:

13 1. COMMISSION ON UNIFORM STATE LAWS  
 14 For support of the commission and expenses of the  
 15 members:

16 ..... \$ 20,803

17 2. NATIONAL CONFERENCE OF STATE LEGISLATURES

18 For support of the membership assessment:

19 ..... \$ 87,719

20 Sec. 5. There is appropriated from the general  
 21 fund of the state to the department of general  
 22 services for the fiscal year beginning July 1, 1995,  
 23 and ending June 30, 1996, the following amounts, or so  
 24 much thereof as is necessary, to be used for the  
 25 purposes designated:

26 1. ADMINISTRATION DIVISION

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

30 ..... \$ 1,169,975

31	.....	FTEs	31.35
32	2. INFORMATION SERVICES DIVISION		
33	For salaries, support, maintenance, miscellaneous		
34	purposes, and for not more than the following full-		
35	time equivalent positions:		
36	.....	\$	5,497,002
37	.....	FTEs	141.60
38	3. PROPERTY MANAGEMENT DIVISION		
39	For salaries, support, maintenance, miscellaneous		
40	purposes, and for not more than the following full-		
41	time equivalent positions:		
42	.....	\$	3,903,103
43	.....	FTEs	112.00
44	The department of general services shall not change		
45	the appropriations for the purposes designated in		
46	subsections 1 through 3 from the amounts appropriated		
47	under those subsections unless notice of the revisions		
48	is given prior to their effective date to the		
49	legislative fiscal bureau. The notice shall include		
50	information on the department's rationale for making		

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1	the changes.		
2	Savings achieved in providing telephone services		
3	shall be used by the department of general services to		
4	increase efficiencies in the provision of those		
5	services. The department of general services shall		
6	report not later than August 31, 1996, on the projects		
7	undertaken to the chairpersons and the ranking members		
8	of the joint appropriations subcommittee on		
9	administration and regulation and to the legislative		
10	fiscal bureau. The report shall include a listing of		
11	the projects and efficiencies undertaken during the		
12	fiscal year, the cost of each project, and the		
13	benefits, including the projected savings on an annual		
14	basis and for the life of the efficiency improvement.		
15	4. CAPITOL PLANNING COMMISSION		
16	For expenses of the members in carrying out their		
17	duties under chapter 18A:		
18	.....	\$	2,000
19	5. RENTAL SPACE		
20	For payment of lease or rental costs of buildings		
21	and office space at the seat of government as provided		
22	in section 18.12, subsection 9, notwithstanding		
23	section 18.16:		
24	.....	\$	607,955
25	6. UTILITY COSTS		
26	For payment of utility costs and for not more than		
27	the following full-time equivalent positions:		

28 ..... \$ 2,059,178  
 29 ..... FTEs 1.00  
 30 The department of general services may use funds  
 31 appropriated in this subsection for utility costs to  
 32 fund energy conservation projects in the state capitol  
 33 complex which will have a 100 percent payback within a  
 34 24-month period. In addition, notwithstanding  
 35 sections 8.33 and 18.12, subsection 11, any excess  
 36 funds appropriated for utility costs in this  
 37 subsection shall not revert to the general fund of the  
 38 state on June 30, 1996, and these funds shall be used  
 39 for implementation of energy conservation projects  
 40 having a payback of 100 percent within a two-year to  
 41 six-year period. The department of general services  
 42 shall report not later than August 31, 1996, on the  
 43 projects having 100 percent payback within a six-year  
 44 period to the chairpersons and ranking members of the  
 45 joint appropriations subcommittee on administration  
 46 and regulation and to the legislative fiscal bureau.  
 47 The report shall include a listing of the projects  
 48 undertaken, the cost of each project, and the  
 49 projected savings on an annual basis and for the life  
 50 of the project.

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1 7. TERRACE HILL OPERATIONS

2 For salaries, support, maintenance, and  
 3 miscellaneous purposes necessary for the operation of  
 4 Terrace Hill and for not more than the following full-  
 5 time equivalent positions:

6 ..... \$ 164,637  
 7 ..... FTEs 4.00

8 Sec. 6. There is appropriated from the designated  
 9 revolving funds to the department of general services  
 10 for the fiscal year beginning July 1, 1995, and ending  
 11 June 30, 1996, the following amounts, or so much  
 12 thereof as is necessary, to be used for the purposes  
 13 designated:

14 1. From the centralized printing permanent  
 15 revolving fund established by section 18.57 for  
 16 salaries, support, maintenance, miscellaneous  
 17 purposes, and for not more than the following full-  
 18 time equivalent positions:

19 ..... \$ 912,217  
 20 ..... FTEs 26.05

21 2. The remainder of the centralized printing  
 22 permanent revolving fund is appropriated for the  
 23 expense incurred in supplying paper stock, offset  
 24 printing, copy preparation, binding, distribution

25 costs, original payment of printing and binding claims  
 26 and contingencies arising during the fiscal year  
 27 beginning July 1, 1995, and ending June 30, 1996,  
 28 which are legally payable from this fund.

29 3. From the centralized purchasing permanent  
 30 revolving fund established by section 18.9 for  
 31 salaries, support, maintenance, miscellaneous  
 32 purposes, and for not more than the following full-  
 33 time equivalent positions:

34 .....	\$	734,140
35 .....	FTEs	16.05

36 4. The remainder of the centralized purchasing  
 37 permanent revolving fund is appropriated for the  
 38 payment of expenses incurred through purchases by  
 39 various state departments and for contingencies  
 40 arising during the fiscal year beginning July 1, 1995,  
 41 and ending June 30, 1996, which are legally payable  
 42 from this fund.

43 5. From the vehicle dispatcher revolving fund  
 44 established by section 18.119 for salaries, support,  
 45 maintenance, miscellaneous purposes, and for not more  
 46 than the following full-time equivalent positions:

47 .....	\$	625,075
48 .....	FTEs	15.00

49 The vehicle dispatcher shall determine the  
 50 difference between the projected cost of motor vehicle

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1 fuel and the actual cost of the motor vehicle fuel  
 2 purchased for the use of each state agency for the  
 3 fiscal year beginning July 1, 1995, and ending June  
 4 30, 1996. If the actual cost of the fuel is less than  
 5 the projected cost, the vehicle dispatcher shall bill  
 6 the amount of the difference to each state agency at  
 7 the end of each calendar quarter. Upon receipt, the  
 8 director or head of each state agency shall pay the  
 9 amount of the claim submitted by the vehicle  
 10 dispatcher.

11 6. The remainder of the vehicle dispatcher  
 12 revolving fund is appropriated for the purchase of  
 13 gasoline, gasohol, oil, tires, repairs, and all other  
 14 maintenance expenses incurred in the operation of  
 15 state-owned motor vehicles and for contingencies  
 16 arising during the fiscal year beginning July 1, 1995,  
 17 and ending June 30, 1996, which are legally payable  
 18 from this fund.

19 The vehicle dispatcher shall report, not later than  
 20 February 15, 1996, to the chairpersons and the ranking  
 21 members of the joint appropriations subcommittee on

22 administration and regulation and to the legislative  
23 fiscal bureau regarding the efficiencies of the  
24 vehicle fleet and the changes in the efficiencies.  
25 The report shall include the cost per mile, fuel  
26 efficiencies, maintenance costs, useful life, the  
27 costs of extending the useful life, and other measures  
28 which the vehicle dispatcher or the legislative fiscal  
29 bureau finds appropriate. The information shall be  
30 reported for each general type of vehicle. The  
31 overhead costs shall also be reported with the total  
32 costs of the vehicle dispatcher operations.

33 The department of general services shall report to  
34 the chairpersons and ranking members of the joint  
35 appropriations subcommittee on administration and  
36 regulation and the legislative fiscal bureau not later  
37 than February 15, 1996, a comparison of the  
38 performance of vehicles burning an 85 percent ethanol  
39 mixture and those burning a 10 percent ethanol  
40 mixture. The report shall include, but is not limited  
41 to, average mileage, vehicle life, and problems  
42 encountered.

#### 43 Sec. 7. CHILD DAY CARE PROGRAM.

44 1. The general assembly considers child day care  
45 to be an important service for employers, employees,  
46 and their children. Employer-supported child care can  
47 have a positive impact upon employee morale and  
48 retention and can positively affect the children who  
49 are receiving child care services. High quality child  
50 care is of significant value to employers. It is

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1 believed that a quality, on-site child care program  
2 available to the children of state employees will  
3 provide a model for other employers in this state to  
4 emulate.

5 2. a. The director of general services shall  
6 develop a plan for establishing and operating a fee-  
7 based child day care program available to public  
8 employees officed at or near the capitol complex. The  
9 plan shall include all of the information contained in  
10 the steering committee description contained in this  
11 paragraph and shall be submitted to the general  
12 assembly on or before March 1, 1996. The legislative  
13 council is requested to appoint a capitol complex  
14 child day care program steering committee to provide  
15 direction to the department of general services in  
16 developing facility plans, establishing the  
17 facilities, developing operation policies, contracting  
18 with a vendor to operate the program, and other

19 decisions involving establishment and operation of the  
20 program. The steering committee shall utilize the  
21 March 1990 consultant report to the capitol complex ad  
22 hoc committee on child care, particularly the  
23 intermediate quality recommendations, in its decision  
24 making.

25 b. The steering committee membership shall include  
26 members of the general assembly; representatives of  
27 the departments of general services, personnel, human  
28 services, and education; employees officed at the  
29 capitol complex who purchase child day care services;  
30 a representative of the state board of regents center  
31 for early childhood education; a representative of the  
32 Iowa state university of science and technology early  
33 childhood education programs; and other persons  
34 knowledgeable concerning child day care programs.

35 3. In consultation with the steering committee,  
36 the director of the department of general services  
37 shall develop a child day care program plan giving  
38 consideration to the recommendations of the March 1990  
39 consultant report.

40 4. The program shall be designed to operate with a  
41 capacity of 150 children and to regularly serve  
42 infants, toddlers, preschool, school age, and mildly  
43 ill children.

44 Sec. 8. GOVERNOR AND LIEUTENANT GOVERNOR. There  
45 is appropriated from the general fund of the state to  
46 the offices of the governor and the lieutenant  
47 governor for the fiscal year beginning July 1, 1995,  
48 and ending June 30, 1996, the following amounts, or so  
49 much thereof as is necessary, to be used for the  
50 purposes designated:

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1	1. For salaries, support, maintenance, and		
2	miscellaneous purposes for the general office of the		
3	governor and the general office of the lieutenant		
4	governor, and for not more than the following full-		
5	time equivalent positions:		
6	.....	\$	1,088,936
7	..... FTEs		17.25
8	2. For the governor's expenses and the lieutenant		
9	governor's expenses connected with office:		
10	.....	\$	2,416
11	3. For salaries, support, maintenance, and		
12	miscellaneous purposes for the governor's quarters at		
13	Terrace Hill, and for not more than the following		
14	full-time equivalent positions:		
15	.....	\$	51,746

16	.....	FTEs	1.50
17	4. For the payment of expenses of ad hoc		
18	committees, councils, and task forces appointed by the		
19	governor to research and analyze a particular subject		
20	area relevant to the problems and responsibilities of		
21	state and local government, including the employment		
22	of professional, technical, and administrative staff		
23	and the payment of per diem and actual expenses of		
24	committee, council, or task force members as specified		
25	pursuant to section 7E.6:		
26	.....	\$	1,610
27	The ad hoc committees, councils, and task forces		
28	appointed by the governor are subject to chapters 21		
29	and 22 and the members and the staff shall be informed		
30	of these requirements. A member shall not receive a		
31	per diem if the member is receiving a salary as a		
32	full-time public employee, but members shall be		
33	reimbursed for actual and necessary expenses.		
34	5. For salaries, support, maintenance, and		
35	miscellaneous purposes for the office of		
36	administrative rules coordinator, and for not more		
37	than the following full-time equivalent positions:		
38	.....	\$	108,336
39	.....	FTEs	2.00
40	6. For payment of Iowa's membership in the		
41	national governors' conference:		
42	.....	\$	74,435
43	Sec. 9. DEPARTMENT OF INSPECTIONS AND APPEALS.		
44	There is appropriated from the general fund of the		
45	state to the department of inspections and appeals for		
46	the fiscal year beginning July 1, 1995, and ending		
47	June 30, 1996, the following amounts, or so much		
48	thereof as is necessary, for the purposes designated:		
49	1. FINANCE AND SERVICES DIVISION		
50	For salaries, support, maintenance, miscellaneous		

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1	purposes, and for not more than the following full-		
2	time equivalent positions:		
3	.....	\$	467,275
4	.....	FTEs	21.00
5	2. AUDITS DIVISION		
6	For salaries, support, maintenance, miscellaneous		
7	purposes, and for not more than the following full-		
8	time equivalent positions:		
9	.....	\$	352,092
10	.....	FTEs	11.00
11	3. APPEALS AND FAIR HEARINGS DIVISION		
12	For salaries, support, maintenance, miscellaneous		

13 purposes, and for not more than the following full-  
 14 time equivalent positions:

15 .....	\$	223,048
16 .....	FTEs	24.00

17 If Senate File 358 is enacted by the Seventy-sixth  
 18 General Assembly, 1995 Regular Session, there is  
 19 appropriated from the general fund of the state to the  
 20 appeals and fair hearings division for the fiscal year  
 21 beginning July 1, 1995, and ending December 31, 1995,  
 22 an additional sum of \$45,000, or so much thereof as is  
 23 necessary, and 1.50 FTEs to carry out the  
 24 responsibilities of the division as specified in  
 25 Senate File 358.

26 4. INVESTIGATIONS DIVISION

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

30 .....	\$	729,111
31 .....	FTEs	35.00

32 5. HEALTH FACILITIES DIVISION

33 For salaries, support, maintenance, miscellaneous  
 34 purposes, and for not more than the following full-  
 35 time equivalent positions:

36 .....	\$	1,663,070
37 .....	FTEs	99.00

38 6. INSPECTIONS DIVISION

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

42 .....	\$	577,869
43 .....	FTEs	13.00

44 7. EMPLOYMENT APPEAL BOARD

45 For salaries, support, maintenance, miscellaneous  
 46 purposes, and for not more than the following full-  
 47 time equivalent positions:

48 .....	\$	33,067
49 .....	FTEs	15.00

50 The employment appeal board shall be reimbursed by

1 the labor services division of the department of  
 2 employment services for all costs associated with  
 3 hearings conducted under chapter 91C, related to  
 4 contractor registration. The board may expend, in  
 5 addition to the amount appropriated under this  
 6 subsection, additional amounts as are directly  
 7 billable to the labor services division under this  
 8 subsection and to retain the additional full-time  
 9 equivalent positions as needed to conduct hearings

10 required pursuant to chapter 91C.

11 8. STATE FOSTER CARE REVIEW BOARD

12 For salaries, support, maintenance, miscellaneous  
13 purposes, and for not more than the following full-  
14 time equivalent positions:

15 .....	\$	527,041
16 .....	FTEs	10.00

17 The department of human services, in coordination  
18 with the state foster care review board and the  
19 department of inspections and appeals, shall submit an  
20 application for funding available pursuant to Title  
21 IV-E of the federal Social Security Act for claims for  
22 state foster care review board administrative review  
23 costs.

24 9. The department of inspections and appeals shall  
25 provide an accounting of all costs associated with  
26 negotiating agreements and compacts pursuant to  
27 section 10A.104, subsection 10, and all costs  
28 associated with monitoring such agreements and  
29 compacts. Information in the accounting shall include  
30 the dates and destinations of all travel related to  
31 the negotiations and monitoring, and all costs  
32 associated with the personnel involved, including  
33 salary, travel, and support costs.

34 Sec. 10. RACETRACK REGULATION. There is  
35 appropriated from the general fund of the state to the  
36 racing and gaming commission of the department of  
37 inspections and appeals for the fiscal year beginning  
38 July 1, 1995, and ending June 30, 1996, the following  
39 amount, or so much thereof as is necessary, to be used  
40 for the purposes designated:

41 For salaries, support, maintenance, miscellaneous  
42 purposes, for the regulation of pari-mutuel  
43 racetracks, and for not more than the following full-  
44 time equivalent positions:

45 .....	\$	1,760,378
46 .....	FTEs	23.85

47 Sec. 11. EXCURSION BOAT REGULATION. There is  
48 appropriated from the general fund of the state to the  
49 racing and gaming commission of the department of  
50 inspections and appeals for the fiscal year beginning

1 July 1, 1995, and ending June 30, 1996, the following  
2 amount, or so much thereof as is necessary, to be used  
3 for the purposes designated:

4 For salaries, support, maintenance, and  
5 miscellaneous purposes for administration and  
6 enforcement of the excursion boat gambling laws, and

7 for not more than the following full-time equivalent  
8 positions:

9 .....	\$	860,651
10 .....	FTEs	17.11

11 It is the intent of the general assembly that the  
 12 racing and gaming commission shall only employ  
 13 additional full-time equivalent positions for  
 14 riverboat gambling enforcement as authorized by the  
 15 department of management as needed for enforcement on  
 16 new riverboats. If more than six riverboats are  
 17 operating during the fiscal year beginning July 1,  
 18 1995, and ending June 30, 1996, the commission may  
 19 expend no more than \$84,917 for no more than 2.00 FTEs  
 20 for each additional riverboat in excess of six. The  
 21 additional expense associated with the positions shall  
 22 be paid from fees assessed by the commission as  
 23 provided in chapter 99F.

24 Notwithstanding section 8.39, funds shall not be  
 25 transferred to the department of inspections and  
 26 appeals which would be used for monitoring Indian  
 27 gaming.

28 Sec. 12. DEPARTMENT OF INSPECTIONS AND APPEALS --  
 29 SERVICE CHARGES. The department of inspections and  
 30 appeals may charge state departments, agencies, and  
 31 commissions for services rendered and the payment  
 32 received shall be considered repayment receipts as  
 33 defined in section 8.2.

34 Sec. 13. USE TAX APPROPRIATION. There is  
 35 appropriated from the use tax receipts collected  
 36 pursuant to section 423.7 prior to their deposit in  
 37 the road use tax fund pursuant to section 423.24,  
 38 subsection 1, to the appeals and fair hearings  
 39 division of the department of inspections and appeals  
 40 for the fiscal year beginning July 1, 1995, and ending  
 41 June 30, 1996, the following amount, or so much  
 42 thereof as is necessary, for the purposes designated:

43 For salaries, support, maintenance, and		
44 miscellaneous purposes:		
45 .....	\$	924,090

46 Sec. 14. DEPARTMENT OF MANAGEMENT. There is  
 47 appropriated from the general fund of the state to the  
 48 department of management for the fiscal year beginning  
 49 July 1, 1995, and ending June 30, 1996, the following  
 50 amounts, or so much thereof as is necessary, to be

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1 used for the purposes designated:

2 1. GENERAL OFFICE

3 For salaries, support, maintenance, miscellaneous

4 purposes, and for not more than the following full-  
 5 time equivalent positions:

6 ..... \$ 1,959,287  
 7 ..... FTEs 29.00

8 **2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS**

9 For reimbursement to local law enforcement agencies  
 10 for the training of officers who resign pursuant to  
 11 section 384.15, subsection 7:  
 12 ..... \$ 47,500

13 **3. COUNCIL OF STATE GOVERNMENTS**

14 For support of the membership assessment:  
 15 ..... \$ 75,500

16 The department of management shall conduct a study  
 17 of the positions of deputy director throughout the  
 18 executive branch of state government. The study shall  
 19 include the responsibilities of each deputy director,  
 20 the salaries of the deputy directors, the number of  
 21 deputy director positions, and the variation of  
 22 responsibilities among the deputy director positions.  
 23 The department shall report its findings to the  
 24 chairpersons and ranking members of the joint  
 25 subcommittees on oversight, audit and government  
 26 reform, and to the legislative fiscal bureau by  
 27 September 1, 1995.

28 Sec. 15. There is appropriated from the road use  
 29 tax fund to the department of management for the  
 30 fiscal year beginning July 1, 1995, and ending June  
 31 30, 1996, the following amount, or so much thereof as  
 32 is necessary, to be used for the purposes designated:  
 33 For salaries, support, maintenance, and  
 34 miscellaneous purposes:  
 35 ..... \$ 56,000

36 The department of management shall report to the  
 37 chairpersons and ranking members of the senate and  
 38 house committees on appropriations, the chairpersons  
 39 and ranking members of the joint appropriations  
 40 subcommittee on administration and regulation, and the  
 41 legislative fiscal bureau, the number of furloughs and  
 42 the number of layoffs that occur in each state agency,  
 43 the savings associated with those furloughs and  
 44 layoffs, the effect of the furloughs and layoffs on  
 45 services provided by the state agency, and other  
 46 relevant information. The department shall provide a  
 47 year-end report summarizing the information for the  
 48 fiscal year beginning July 1, 1995, which will be due  
 49 by September 1, 1996.

50 When addressing staffing targets for state

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1 agencies, the department of management shall state the  
2 number of staff authorized for a state agency in terms  
3 of full-time equivalent positions.

4 Sec. 16. There is appropriated from the general  
5 fund of the state to the department of personnel for  
6 the fiscal year beginning July 1, 1995, and ending  
7 June 30, 1996, the following amounts, or so much  
8 thereof as is necessary, to be used for the purposes  
9 designated including the filing of quarterly reports  
10 as required in this section:

11 1. OPERATIONS

12 For salaries, support, maintenance, and  
13 miscellaneous purposes for the director's staff,  
14 information services, data processing, and financial  
15 services, and for not more than the following full-  
16 time equivalent positions:

17 .....	\$	1,041,716
18 .....	FTEs	18.58

19 2. PROGRAM DELIVERY

20 For salaries for personnel services, employment law  
21 and labor relations and training for not more than the  
22 following full-time equivalent positions:

23 .....	\$	1,213,964
24 .....	FTEs	33.20

25 3. PROGRAM ADMINISTRATION AND DEVELOPMENT

26 For salaries for employment, compensation, and  
27 benefits and workers' compensation and for not more  
28 than the following full-time equivalent positions:

29 .....	\$	1,386,933
30 .....	FTEs	32.80

31 Any funds received by the department for workers'  
32 compensation purposes other than the funds  
33 appropriated in subsection 3 shall be used only for  
34 the payment of workers' compensation claims.

35 The funds for support, maintenance, and  
36 miscellaneous purposes for personnel assigned to  
37 program delivery under subsection 2 and program  
38 administration and development under subsection 3 are  
39 payable from the appropriation made in subsection 1.

40 The department of personnel shall report semi-  
41 annually to the chairpersons and ranking members of  
42 the joint appropriations subcommittee on  
43 administration and regulation concerning the number of  
44 vacancies in existing full-time equivalent positions  
45 and the average time taken to fill the vacancies. The  
46 reports shall include quarterly and annual averages  
47 organized according to state agency and general  
48 occupational category as established by the federal

49 equal employment opportunity commission. All  
50 departments and agencies of the state shall cooperate

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1 with the department in the preparation of the reports.

2 Sec. 17. IPERS. There is appropriated from the  
3 Iowa public employees' retirement system fund to the  
4 department of personnel for the fiscal year beginning  
5 July 1, 1995, and ending June 30, 1996, the following  
6 amount, or so much thereof as is necessary, to be used  
7 for the purposes designated:

8 1. For salaries, support, maintenance, and other  
9 operational purposes to pay the costs of the Iowa  
10 public employees' retirement system:  
11 ..... \$ 3,749,983

12 2. It is the intent of the general assembly that  
13 the Iowa public employees' retirement system employ  
14 sufficient staff within the appropriation provided in  
15 this section to meet the developing requirements of  
16 the investment program.

17 3. The department of personnel shall submit,  
18 annually, a report to the chairpersons and ranking  
19 members of the joint appropriations subcommittee on  
20 administration and regulation and to the legislative  
21 fiscal bureau regarding the results of the state's top  
22 achievement recognition program. The reports  
23 submitted shall include, but are not limited to,  
24 identification of the recipients, a description of the  
25 meritorious achievements, and the awards conferred.

26 Sec. 18. There is appropriated from the primary  
27 road fund to the department of personnel for the  
28 fiscal year beginning July 1, 1995, and ending June  
29 30, 1996, the following amount, or so much thereof as  
30 is necessary, to be used for the purposes designated:

31 For salaries, support, maintenance, and  
32 miscellaneous purposes to provide personnel services  
33 for the state department of transportation:  
34 ..... \$ 331,694

35 Sec. 19. There is appropriated from the road use  
36 tax fund to the department of personnel for the fiscal  
37 year beginning July 1, 1995, and ending June 30, 1996,  
38 the following amount, or so much thereof as is  
39 necessary, to be used for the purposes designated:

40 For salaries, support, maintenance, and  
41 miscellaneous purposes to provide personnel services  
42 for the state department of transportation:  
43 ..... \$ 53,996

44 Sec. 20. There is appropriated from the general  
45 fund of the state to the department of revenue and

46 finance for the fiscal year beginning July 1, 1995,  
 47 and ending June 30, 1996, the following amounts, or so  
 48 much thereof as is necessary, to be used for the  
 49 purposes designated, and for not more than the  
 50 following full-time equivalent positions used for the

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1	purposes designated in subsections 1 through 3:		
2	.....	FTEs	577.43
3	1. AUDIT AND COMPLIANCE		
4	For salaries, support, maintenance, and		
5	miscellaneous purposes:		
6	.....	\$	10,563,293
7	2. STATE FINANCIAL MANAGEMENT		
8	For salaries, support, maintenance, and		
9	miscellaneous purposes:		
10	.....	\$	9,376,548
11	3. INTERNAL RESOURCES MANAGEMENT		
12	For salaries, support, maintenance, and		
13	miscellaneous purposes:		
14	.....	\$	5,910,111
15	4. COLLECTION COSTS AND FEES		
16	For payment of collection costs and fees pursuant		
17	to section 422.26:		
18	.....	\$	45,000
19	5. a. The department of revenue and finance shall		
20	not change the appropriations for the purposes		
21	designated in subsections 1 through 3 from the amounts		
22	appropriated in those subsections unless notice of the		
23	revisions is given prior to their effective date to		
24	the legislative fiscal bureau. The notice shall		
25	include information on the department's rationale for		
26	making the changes.		
27	b. The department of revenue and finance shall		
28	report quarterly to the legislative fiscal bureau		
29	concerning progress in the implementation of generally		
30	accepted accounting principles, including		
31	determination of reporting entities, fund		
32	classifications, modification of the Iowa financial		
33	accounting system, progress on preparing a		
34	comprehensive annual financial report, and the most		
35	current estimate of the general fund balance based on		
36	current generally accepted accounting principles.		
37	c. The director of revenue and finance shall		
38	report annually to the chairpersons and ranking		
39	members of the joint appropriations subcommittee on		
40	administration and regulation and the legislative		
41	fiscal bureau on the implementation and financial		
42	status of the integrated revenue information system.		

43 The report shall include any changes from the  
 44 scheduled progress including expenditures or estimated  
 45 revenue.  
 46 d. The director of revenue and finance shall  
 47 prepare and issue a state appraisal manual and the  
 48 revisions to the state appraisal manual as provided in  
 49 section 421.17, subsection 18, without cost to a city  
 50 or county.

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1 Sec. 21. There is appropriated from the lottery  
 2 fund to the department of revenue and finance for the  
 3 fiscal year beginning July 1, 1995, and ending June  
 4 30, 1996, the following amount, or so much thereof as  
 5 is necessary, to be used for the purposes designated:  
 6 For salaries, support, maintenance, miscellaneous  
 7 purposes for the administration and operation of  
 8 lottery games, and for not more than the following  
 9 full-time equivalent positions:  
 10 ..... \$ 7,408,016  
 11 ..... FTEs 120.00

12 Sec. 22. There is appropriated from the motor  
 13 vehicle fuel tax fund created by section 452A.77 to  
 14 the department of revenue and finance for the fiscal  
 15 year beginning July 1, 1995, and ending June 30, 1996,  
 16 the following amount, or so much thereof as is  
 17 necessary, to be used for the purposes designated:  
 18 For salaries, support, maintenance, and  
 19 miscellaneous purposes for administration and  
 20 enforcement of the provisions of chapter 452A and the  
 21 motor vehicle use tax program:  
 22 ..... \$ 1,008,025

23 Sec. 23. There is appropriated from the general  
 24 fund of the state to the office of the secretary of  
 25 state for the fiscal year beginning July 1, 1995, and  
 26 ending June 30, 1996, the following amounts, or so  
 27 much thereof as is necessary, to be used for the  
 28 purposes designated:  
 29 1. ADMINISTRATION AND ELECTIONS  
 30 For salaries, support, maintenance, miscellaneous  
 31 purposes, and for not more than the following full-  
 32 time equivalent positions:  
 33 ..... \$ 520,514  
 34 ..... FTEs 9.00

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 ..... \$ 1,565,021

40 ..... FTEs 28.00

41 3. For costs incurred in the printing of the  
42 official register:

43 ..... \$ 60,000

44 Sec. 24. STATE-FEDERAL RELATIONS. There is  
45 appropriated from the general fund of the state to the  
46 office of state-federal relations for the fiscal year  
47 beginning July 1, 1995, and ending June 30, 1996, the  
48 following amount, or so much thereof as is necessary,  
49 to be used for the purposes designated:

50 For salaries, support, maintenance, miscellaneous

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1 purposes, and for not more than the following full-  
2 time equivalent positions:

3 ..... \$ 235,521

4 ..... FTEs 3.00

5 Sec. 25. TREASURER. There is appropriated from  
6 the general fund of the state to the office of  
7 treasurer of state for the fiscal year beginning July  
8 1, 1995, and ending June 30, 1996, the following  
9 amount, or so much thereof as is necessary, to be used  
10 for the purposes designated:

11 For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-  
13 time equivalent positions:

14 ..... \$ 855,694

15 ..... FTEs 27.80

16 The office of treasurer of state shall supply  
17 clerical and secretarial support for the executive  
18 council.

19 Sec. 26. SECOND INJURY FUND. The administrative  
20 costs and expenses incurred by the treasurer of state,  
21 the attorney general, the second injury fund, or the  
22 department of revenue and finance, in connection with  
23 the second injury fund, may be paid from the second  
24 injury fund. However, the payment of administrative  
25 costs and expenses incurred by the treasurer of state,  
26 the attorney general, the second injury fund, and the  
27 department of revenue and finance, as authorized in  
28 this section, shall only be permitted for  
29 administrative costs and expenses incurred in the  
30 fiscal year commencing July 1, 1995, and ending June  
31 30, 1996, shall not exceed \$170,000.

32 Sec. 27. STATE WORKERS' COMPENSATION CLAIMS.

33 There is appropriated from the general fund of the  
34 state to the department of personnel for the fiscal  
35 year beginning July 1, 1995, and ending June 30, 1996,  
36 the following amount, or so much thereof as is

37 necessary, to be used for the purpose designated:

38 For distribution, subject to approval of the  
 39 department of management, to various state departments  
 40 to fund the premiums for paying workers' compensation  
 41 claims which are assessed to and collected from the  
 42 state department by the department of personnel based  
 43 upon a rating formula established by the department of  
 44 personnel:

45 ..... \$ 5,884,740

46 The premiums collected by the department of  
 47 personnel shall be segregated into a separate workers'  
 48 compensation fund in the state treasury to be used for  
 49 payment of state employees' workers' compensation  
 50 claims. Notwithstanding section 8.33, unencumbered or

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1 unobligated moneys remaining in this workers'  
 2 compensation fund at the end of the fiscal year shall  
 3 not revert but shall be available for expenditure for  
 4 purposes of the fund for subsequent fiscal years.

5 Sec. 28. Notwithstanding section 509A.5, there is  
 6 appropriated from the employer share of the health  
 7 insurance premium reserve fund the following amount  
 8 for the purpose designated:

9 For the health data commission:

10 ..... \$ 100,000

11 Sec. 29. RURAL FIRE PROTECTION.

12 1. There is appropriated from the general fund of  
 13 the state to the fire marshal for the fiscal year  
 14 beginning July 1, 1995, and ending June 30, 1996, the  
 15 following amount, or so much thereof as is necessary,  
 16 to be used for the purpose designated:

17 For supporting a rural fire protection  
 18 demonstration project:

19 ..... \$ 6,000

20 2. The department shall award moneys to one or  
 21 more resource conservation and development councils  
 22 which apply for such moneys for the installation of  
 23 permanent dry fire hydrants. Moneys awarded under  
 24 this section shall not be used to pay for salaries or  
 25 support administration. The purpose of a project  
 26 shall be to demonstrate how dry hydrants may be used  
 27 to preserve life and protect property from dangers  
 28 associated with fire, and to support rural  
 29 infrastructure in order to encourage investment in  
 30 rural communities.

31 3. A resource conservation and development council  
 32 which receives an award under this section shall  
 33 appoint a dry hydrant project coordinator who shall be

34 responsible for administering the award as provided in  
35 this section. In applying for and administering an  
36 award, a council shall cooperate with relevant county  
37 boards of supervisors, county engineers, soil and  
38 water conservation districts, local fire departments,  
39 township trustees, rural water associations, and  
40 landowners. The council shall also seek cooperation  
41 from the natural resources and conservation service of  
42 the United States department of agriculture, and, if  
43 appropriate, the United States army corps of  
44 engineers.

45 4. Applications shall be judged based on criteria  
46 established by the department. The fire service  
47 institute advisory committee established pursuant to  
48 section 266.46 may assist the department in  
49 establishing criteria and judging applications.  
50 Applicants shall submit a plan that demonstrates the

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1 practical advantages of using a dry hydrant, which  
2 relies upon natural roadside water impoundments and  
3 man-made impoundments fed by rural water mains, to  
4 provide viable and economical sources of water  
5 required to extinguish fires in rural areas. The plan  
6 shall provide for instructing fire departments  
7 regarding the installation and operation of dry  
8 hydrants, including methods to utilize labor and  
9 equipment. In implementing the plan, the dry hydrant  
10 project coordinator shall cooperate with the Iowa fire  
11 service institute at Iowa state university as provided  
12 in section 266.41, the fire service institute advisory  
13 committee, and any association which provides for the  
14 training of fire fighters, including the Iowa  
15 firemen's association and the Iowa society of fire  
16 service instructors.

17 5. The fire marshal shall prepare a report which  
18 shall include findings submitted by each dry hydrant  
19 project coordinator who administers an award and  
20 recommendations submitted by the fire service  
21 institute advisory committee. The committee may  
22 provide a plan or model for the installation of dry  
23 hydrants throughout the state. The report shall be  
24 delivered to the general assembly by January 10, 1996.

25 Sec. 30. CENTRALIZED PURCHASING REVOLVING FUND  
26 TRANSFER. Notwithstanding section 18.9, there is  
27 transferred from the centralized purchasing revolving  
28 fund created under section 18.9 to the general fund of  
29 the state on June 30, 1995, the sum of \$250,000.

30 Sec. 31. SECRETARY OF STATE OPTICAL IMAGING

31 ACCOUNT TRANSFER. The secretary of state shall pay to  
32 the general fund of the state on June 30, 1995, the  
33 sum of \$75,000, or so much thereof as remains of funds  
34 appropriated for an optical imaging project. If  
35 insufficient unencumbered or unobligated funds remain  
36 in the optical imaging account as of June 30, 1995, to  
37 pay \$75,000 to the general fund of the state, the  
38 deficiency shall be paid from other moneys  
39 appropriated to the office of secretary of state  
40 pursuant to this Act.

41 Sec. 32. IMPLEMENTATION OF FUNDING REDUCTIONS --  
42 INTENT OF GENERAL ASSEMBLY. It is the intent of the  
43 general assembly that the departments, agencies, and  
44 offices of the executive department of state  
45 government shall implement funding reductions through  
46 organizational changes which reduce supervisory  
47 positions, vertically and horizontally, and increase  
48 the span of control of the remaining supervisors as  
49 recommended by the governor's committee on government  
50 spending reform.

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1 Sec. 33. ELIMINATION OF VACANT UNFUNDED JOBS. The  
2 state departments, agencies, or offices receiving  
3 appropriations under this Act shall eliminate, within  
4 thirty days after the beginning of a fiscal year, all  
5 vacant unfunded positions on the table of organization  
6 of the state department, agency, or office.

7 Sec. 34. STATE COMMUNICATIONS NETWORK -- REDUCTION  
8 OF TRAVEL AND RELATED EXPENSES. The offices of the  
9 governor and lieutenant governor, the office of  
10 secretary of state, the office of treasurer of state,  
11 the auditor of state, the department of commerce, the  
12 department of inspections and appeals, the Iowa ethics  
13 and campaign disclosure board, the department of  
14 general services, the department of management, the  
15 department of revenue and finance, and the department  
16 of personnel shall use the services of the state  
17 communications network as much as possible for  
18 interagency communication, meetings, and conferences  
19 to reduce travel and related expenses for the  
20 respective offices or departments.

21 Sec. 35. REPORT OF ADDITIONAL INCOME AND  
22 EXPENDITURES. The state departments, agencies, and  
23 offices receiving appropriations under this Act shall  
24 report all expenses in excess of the funds  
25 appropriated from any statutory revolving funds during  
26 the fiscal year beginning July 1, 1994, and ending  
27 June 30, 1995. The report shall also include the

28 beginning and ending balances of the revolving funds.

29 The report required pursuant to this section shall  
30 be submitted not later than September 30, 1995, for  
31 expenditures made during the fiscal year beginning  
32 July 1, 1994, and ending June 30, 1995, to the  
33 chairpersons and ranking members of the joint  
34 appropriations subcommittee on administration and  
35 regulations and the legislative fiscal bureau.

36 Sec. 36. FEDERAL GRANTS. All federal grants to  
37 and the federal receipts of agencies appropriated  
38 funds under this Act, not otherwise appropriated, are  
39 appropriated for the purposes set forth in the federal  
40 grants or receipts unless otherwise provided by the  
41 general assembly.

42 Sec. 37. Section 12.21, Code 1995, is amended to  
43 read as follows:

44 12.21 ACCEPTING CREDIT CARD PAYMENTS.

45 The treasurer of state may enter into an agreement  
46 with a financial institution to provide credit card  
47 receipt processing for state departments which are  
48 authorized by the treasurer of state to accept payment  
49 by credit card. A department which accepts credit  
50 card payments shall may adjust its fees to reflect the

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1 cost of processing as determined by the treasurer of  
2 state. A fee may be charged by a department for using  
3 the credit card payment method notwithstanding any  
4 other provision of the Code setting specific fees.  
5 The treasurer of state shall adopt rules to implement  
6 this section.

7 Sec. 38. Section 17A.8, subsection 9, Code 1995,  
8 is amended to read as follows:

9 9. Upon a vote of ~~two-thirds~~ six of its members,  
10 the administrative rules review committee may delay  
11 the effective date of a rule until the adjournment of  
12 the next regular session of the general assembly. The  
13 committee shall refer a rule whose effective date has  
14 been delayed to the speaker of the house of  
15 representatives and the president of the senate who  
16 shall refer the rule to the appropriate standing  
17 committees of the general assembly. If the general  
18 assembly has not disapproved of the rule by a joint  
19 resolution, the rule shall become effective. The  
20 speaker of the house of representatives and the  
21 president of the senate shall notify the  
22 administrative code editor of the final disposition of  
23 any rule delayed pursuant to this subsection. If a  
24 rule is disapproved, it shall not become effective and

25 the agency shall withdraw the rule. This section  
26 shall not apply to rules made effective under section  
27 17A.5, subsection 2, paragraph "b".

28 Sec. 39. Section 25.2, Code 1995, is amended to  
29 read as follows:

30 25.2 EXAMINATION OF REPORT -- APPROVAL OR  
31 REJECTION -- PAYMENT.

32 The state appeal board with the recommendation of  
33 the special assistant attorney general for claims may  
34 approve or reject claims against the state of less  
35 than ten years covering the following: Outdated  
36 warrants; outdated sales and use tax refunds; license  
37 refunds; additional agricultural land tax credits;  
38 outdated invoices; fuel and gas tax refunds; outdated  
39 homestead and veterans' exemptions; outdated funeral  
40 service claims; tractor fees; registration permits;  
41 outdated bills for merchandise; services furnished to  
42 the state; claims by any county or county official  
43 relating to the personal property tax credit; and  
44 refunds of fees collected by the state. Payments  
45 authorized by the state appeal board shall be paid  
46 from the appropriation or fund of original  
47 certification of the claim. However, if that  
48 appropriation or fund has since reverted under section  
49 8.33 then such payment authorized by the state appeal  
50 board shall be out of any money in the state treasury

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1 not otherwise appropriated. Notwithstanding the  
2 provisions of this section, the director of revenue  
3 and finance may reissue outdated warrants. On or  
4 before November 1 of each year, the director of  
5 revenue and finance shall provide the treasurer of  
6 state with a report of all unpaid warrants which have  
7 been outdated for two years or more. The treasurer  
8 shall include information regarding outdated warrants  
9 in the notice published pursuant to section 556.12.  
10 The provisions of section 556.11 regarding agreements  
11 to pay compensation for recovery or assistance in  
12 recovery of unclaimed property are applicable to  
13 agreements to pay compensation to recover or assist in  
14 the recovery of outdated warrants.

15 Sec. 40. NEW SECTION. 70A.1A SALARY LIMITATIONS  
16 -- CERTAIN DEPARTMENT HEADS AND SUBORDINATE OFFICERS  
17 AND EMPLOYEES.

18 1. The directors, principal assistants, and  
19 employees of the following departments, boards, and  
20 offices shall not receive an annual salary which  
21 exceeds eighty percent of the annual salary of the

22 governor:

- 23 a. Iowa ethics and campaign disclosure board.
- 24 b. Department of commerce.
- 25 c. Department of general services.
- 26 d. Office of the governor.
- 27 e. Department of inspections and appeals.
- 28 f. Department of management.
- 29 g. Department of personnel.
- 30 h. Department of revenue and finance.
- 31 i. Office of state-federal relations.

32 2. The annual salaries of the deputy officers and  
 33 employees of the following state agencies shall not  
 34 exceed eighty percent of annual salary of the state  
 35 agency's elected principal officer:

- 36 a. Office of auditor of state.
- 37 b. Office of secretary of state.
- 38 c. Office of treasurer of state.

39 Sec. 41. SALARIES EXCEEDING LIMITS -- TRANSITION.

40 On the effective date of this Act, if the salary of  
 41 an officer or employee of the state departments and  
 42 offices listed in section 43 of this Act exceeds the  
 43 80 percent limitation, the salary of the officer or  
 44 employee shall be frozen at that pay rate until the  
 45 officer's or employee's salary is less than 80 percent  
 46 of the applicable principal officer's salary. When  
 47 the officer's or employee's salary is less than an  
 48 amount which equals the 80 percent limitation, the  
 49 officer or employee may receive salary adjustments as  
 50 otherwise provided by law, but total annual salary

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1 shall not exceed the 80 percent limitation.

2 Sec. 42. Section 411.36, subsection 1, unnumbered  
 3 paragraph 1, Code 1995, as amended by 1995 Iowa Acts,  
 4 Senate File 45, section 5, is amended to read as  
 5 follows:

6 A board of trustees for the statewide fire and  
 7 police retirement system is created. The board shall  
 8 consist of ~~thirteen~~ fourteen members, including nine  
 9 voting members and ~~four~~ five nonvoting members.  
 10 Section 69.16A applies to the appointment of the  
 11 voting members of the board. The voting members of  
 12 the board shall be as follows:

13 Sec. 43. Section 411.36, subsection 1, unnumbered  
 14 paragraph 2, Code 1995, as amended by 1995 Iowa Acts,  
 15 Senate File 45, section 5, is amended to read as  
 16 follows:

17 The treasurer of state, or the treasurer's  
 18 designee, shall serve as an ex officio, nonvoting

19 member. The other nonvoting members of the board  
20 shall be two state representatives, one appointed by  
21 the speaker of the house of representatives and one by  
22 the minority leader of the house, and two state  
23 senators, one appointed by the majority leader of the  
24 senate and one by the minority leader of the senate.

25 Sec. 44. Section 411.36, subsection 2, Code 1995,  
26 is amended to read as follows:

27 2. ~~Except as otherwise provided for the initial~~  
28 ~~appointments, the~~ The voting members shall be  
29 appointed for four-year terms, and the nonvoting  
30 members who are members of the senate and the house of  
31 representatives shall be appointed for two-year terms.  
32 Terms begin on May 1 in the year of appointment and  
33 expire on April 30 in the year of expiration.

34 Sec. 45. Section 411.36, subsection 5, paragraph  
35 a, Code 1995, is amended to read as follows:

36 a. Members of the board, except the treasurer of  
37 state or the treasurer's designee, shall be paid their  
38 actual and necessary expenses incurred in the  
39 performance of their duties and shall receive a per  
40 diem as specified in section 7E.6 for each day of  
41 service. Per diem and expenses shall be paid to  
42 voting members from the fire and police retirement  
43 fund created in section 411.8.

44 Sec. 46. Section 462A.78, subsection 5, Code 1995,  
45 is amended to read as follows:

46 5. The funds collected under subsection 1,  
47 paragraph "a", shall be placed in the general fund of  
48 the county and used for the expenses of the county  
49 conservation board if one exists in that county. Of  
50 each surcharge collected as required under subsection

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1 1, paragraph "b", the county recorder shall remit five  
2 dollars to the office of treasurer of state department  
3 of revenue and finance for deposit in the general fund  
4 of the state.

5 Sec. 47. NEW SECTION. 514C.11 PATIENT ACCESS TO  
6 TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN OR  
7 INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.

8 Notwithstanding section 514C.6, a managed care  
9 health plan or indemnity plan with a limited provider  
10 network shall provide patients direct access to each  
11 type of physician, as defined in section 135.1 and  
12 licensed under chapter 148, 150A, or 151, and shall  
13 not condition that access upon a referral by a  
14 physician licensed under another chapter. Access to a  
15 specialist may be conditioned upon a referral by a

16 primary care provider licensed under the same chapter.  
 17 Any copayment, deductible, cost containment mechanism,  
 18 or premium rate shall not discriminate directly or  
 19 indirectly upon the basis of the license held by the  
 20 physician. Access to a specialist may be subject to a  
 21 different copayment or deductible than access to a  
 22 primary care provider. Access to a nonparticipating  
 23 physician may be restricted or may be subject to  
 24 different copayments, deductibles, or premium rates,  
 25 or may be excluded, provided that a plan shall not  
 26 differentiate or exclude a physician directly or  
 27 indirectly upon the basis of the license held by the  
 28 physician.

29 Each plan must demonstrate that it is capable of  
 30 serving appropriately the needs of the subscriber  
 31 population in the service area of the plan with regard  
 32 to patient access to each type of physician.

33 For purposes of this section, "managed care health  
 34 plan or indemnity plan with a limited provider  
 35 network" means a health maintenance organization,  
 36 organized delivery system, accountable health plan,  
 37 health care insurance plan which limits the number of  
 38 licensed physicians who can provide services under the  
 39 plan, preferred provider organization, exclusive  
 40 provider organization, restricted access network, or  
 41 similar health-care plan. For purposes of this  
 42 section, "physician" means as defined in section 135.1  
 43 and licensed under chapter 148, 150A, or 151.

44 Sec. 48. Section 533.4, subsections 1, 4, 5, and  
 45 19, Code 1995, are amended to read as follows:

46 1. Receive the ~~savings of from~~ its members either,  
 47 nonmembers as prescribed by rule where the credit  
 48 union is serving predominantly low-income members,  
 49 other credit unions, and federal, state, county, and  
 50 city governments, as payment payments on shares or as

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1 deposits, including the right to conduct Christmas  
 2 clubs, vacation clubs, and other such thrift  
 3 organizations within the membership subject to the  
 4 terms, rates, and conditions established by the board  
 5 of directors, subject to the limitations established  
 6 by rule by the superintendent.

7 4. Deposit Make deposits in state and national  
 8 banks, state and federal savings banks or savings and  
 9 loan associations, and state and federal credit  
 10 unions, the accounts of which are insured by the  
 11 federal deposit insurance corporation or the national  
 12 credit union share insurance fund.

13 5. Make investments in:

14 a. Time deposits in state and national banks and  
15 in state banks, state and federal savings banks or  
16 savings and loan associations, and state and federal  
17 credit unions, the deposits of which are insured by  
18 the federal deposit insurance corporation or the  
19 national credit union share insurance fund.

20 b. Obligations, participations, or other  
21 instruments of or issued by, or fully guaranteed as to  
22 principal and interest by the United States government  
23 or any agency thereof; or any trust or trusts  
24 established for investing directly or collectively in  
25 the same.

26 c. General obligations of the state of Iowa and  
27 any subdivision thereof of the state.

28 d. Paid-up deposits of savings and loan  
29 associations, the deposits of which are insured by the  
30 federal savings and loan insurance corporation.

31 e. d. Purchase of notes of liquidating credit  
32 unions with the approval of the superintendent.

33 f. e. Shares and deposits in other credit unions.

34 g. f. Shares, stocks, loans, and other obligations  
35 or a combination thereof of an organization,  
36 corporation, or association, provided the membership  
37 or ownership, as the case may be, of the organization,  
38 corporation, or association is primarily confined or  
39 restricted to credit unions or organizations of credit  
40 unions and provided that the purpose of the  
41 organization, corporation, or association is primarily  
42 designed to provide services to credit unions,  
43 organizations of credit unions, or credit union  
44 members. However, the aggregate amount invested  
45 pursuant to this subsection shall not exceed five  
46 percent of the assets of the credit union.

47 h. g. Obligations issued by federal land banks,  
48 federal intermediate credit banks, banks for  
49 cooperatives, or any or all of the federal farm credit  
50 banks.

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1 i. h. Commercial paper issued by United States  
2 corporations as defined by rule.

3 j. i. Corporate bonds as defined by and subject to  
4 terms and conditions imposed by the administrator,  
5 provided that the administrator shall not approve  
6 investment in corporate bonds unless the bonds are  
7 rated in the two highest grades of corporate bonds by  
8 a nationally accepted rating agency, including but not  
9 limited to a rating of AAA or AA from Standard and

10. Poors.

11 19. Establish one or more offices other than its  
 12 main office, subject to the approval and regulation of  
 13 the superintendent, if such offices ~~shall be~~ are  
 14 reasonably necessary to furnish service to its  
 15 membership. A credit union office may furnish all  
 16 credit union services ordinarily furnished to the  
 17 membership at the principal place of business of the  
 18 credit union which operates the office. All  
 19 transactions of a credit union office shall be  
 20 transmitted daily to the principal place of business  
 21 of the credit union which operates the office, and ~~no~~  
 22 current recordkeeping functions shall not be  
 23 maintained at a credit union office except to the  
 24 extent the credit union which operates the office  
 25 deems it desirable to keep at the office duplicates of  
 26 the records kept at the principal place of business of  
 27 the credit union. The central executive and official  
 28 business functions of a credit union shall be  
 29 exercised only at the principal place of business.

30 A credit union office shall not be opened without  
 31 the prior written approval of the superintendent.  
 32 Upon application by a credit union in the form  
 33 prescribed by the superintendent, the superintendent  
 34 shall determine, after notice and hearing, if the  
 35 establishment of the credit union office is reasonably  
 36 necessary for service to, and is in the best interests  
 37 of, the members of the credit union.

38 Notwithstanding the provisions of this section,  
 39 data processing services and loan documentation  
 40 recordkeeping functions may be performed or located at  
 41 an authorized credit union office or at some other  
 42 location, subject to the approval of the  
 43 superintendent.

44 Sec. 49. Section 533.16, subsection 3, Code 1995,  
 45 is amended to read as follows:

46 3. A director of a credit union may borrow from  
 47 that credit union under the provisions of this  
 48 chapter, but the rates, terms, and conditions of a  
 49 loan or line of credit either made to or endorsed or  
 50 guaranteed by the director shall not be ~~made on terms~~

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1 more favorable than those ~~extended~~ the rates, terms,  
 2 or conditions of comparable loans or lines of credit  
 3 provided to other members. A director of a credit  
 4 union may borrow from that credit union to the extent  
 5 and in the amount of such director's holdings in the  
 6 credit union in shares and deposits. A director

7 desiring to borrow from the credit union an amount in  
8 excess of the director's holdings in shares and  
9 deposits shall first submit application for approval  
10 by the board of directors at a regular or special  
11 meeting. The director making application for the loan  
12 shall not be in attendance at the time the board of  
13 directors considers the application and shall not take  
14 part in the consideration. Prior to consideration of  
15 such loan, the director must have submitted to the  
16 board a detailed current financial statement. The  
17 aggregate amount of all director loans and lines of  
18 credit shall not exceed twenty twenty-five percent of  
19 the assets of the credit union.

20 Sec. 50. Section 533.16, subsection 4, paragraph  
21 c, Code 1995, is amended by striking the paragraph and  
22 inserting in lieu thereof the following:

23 c. A credit union which obtains a report or  
24 opinion by an attorney or from another mortgage lender  
25 relating to defects in or liens or encumbrances on the  
26 title to real property, the unmarketability of the  
27 title to real property, or the invalidity or  
28 unenforceability of liens or encumbrances on real  
29 property, shall provide a copy of the report or  
30 opinion to the mortgagor and the mortgagor's attorney.

31 Sec. 51. Section 533.17, subsection 1, unnumbered  
32 paragraph 1, Code 1995, is amended to read as follows:

33 Immediately before the payment of a dividend At the  
34 end of each dividend period, but no less than  
35 quarterly, the gross income of the credit union shall  
36 determine its gross earnings be determined. A legal  
37 reserve for contingencies against losses on loans and  
38 against such other losses as may be specified by rule  
39 shall be set aside from the gross earnings income in  
40 accordance with the following schedule:

41 Sec. 52. Section 533.17, subsection 2, Code 1995,  
42 is amended to read as follows:

43 2. For the purpose of establishing legal reserves,  
44 the following shall not be considered risk assets:

45 a. Cash on hand.

46 b. Deposits and shares in federal or state  
47 federally insured banks, savings and loan  
48 associations, and credit unions.

49 c. Assets which are insured by, fully guaranteed  
50 as to principal and interest by, or due from the

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- 1 United States government, its agencies, and
- 2 instrumentalities.
- 3 d. Loans to other credit unions.

4 e. Student loans insured under the provisions of  
5 Title XX, United States Code, section 1071 to section  
6 1087 or similar state programs.

7 f. Loans insured by the federal housing  
8 administration under Title XII, United States Code,  
9 section 1703.

10 g. Loans fully insured or guaranteed by the  
11 federal government, a state government, or any agency  
12 of either.

13 g- h. Common trust investments which deal in  
14 investments authorized in section 533.4.

15 h- i. Prepaid expenses.

16 i- j. Accrued interest on nonrisk investments.

17 j- k. Furniture and equipment.

18 k- l. Land and buildings.

19 m. Loans fully secured by a pledge of shares  
20 within the credit union.

21 n. Deposits in the national credit union share  
22 insurance fund.

23 o. Real estate loans in transit to the secondary  
24 market as specified by rule.

25 Sec. 53. Section 533.18, Code 1995, is amended to  
26 read as follows:

27 533.18 DIVIDENDS.

28 1. At such intervals and for such periods as the  
29 board of directors may authorize, and after ~~transfers~~  
30 to the provision for required reserves pursuant to  
31 section 533.17, the board of directors may declare  
32 dividends at such rates and upon such classes of  
33 shares as are determined by the board. Such dividends  
34 shall be paid on all paid-up shares outstanding at the  
35 close of the period for which the dividend is  
36 declared.

37 2. Shares which become fully paid up during such  
38 dividend period and are outstanding at the close of  
39 period shall be entitled to a proportional share of  
40 such dividend.

41 3. Dividend credit for a month may be accrued on  
42 shares which are or become fully paid up during the  
43 first fifteen days of that month.

44 Sec. 54. NEW SECTION. 533.49 AUTHORITY TO LEASE  
45 SAFE DEPOSIT BOXES.

46 1. A credit union may lease safe deposit boxes for  
47 the storage of property on terms and conditions  
48 prescribed by it. Such terms and conditions shall not  
49 bind any person to whom the credit union does not give  
50 notice of the terms and conditions by delivery of a

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1 lease and agreement in writing containing the terms  
2 and conditions. A credit union may limit its  
3 liability provided such limitations are set forth in  
4 the lease and agreement in at least the same size and  
5 type as the other substantive provisions of the  
6 contract.

7 2. The lease and agreement of a safe deposit box  
8 may provide that evidence tending to prove that  
9 property was left in a safe deposit box upon the last  
10 entry by the member or the member's authorized agent,  
11 and that the property or any part of the property was  
12 found missing upon subsequent entry, is not sufficient  
13 to raise a presumption that the property was lost by  
14 any negligence or wrongdoing for which the credit  
15 union is responsible, or put upon the credit union the  
16 burden of proof that the alleged loss was not the  
17 fault of the credit union.

18 3. A credit union may lease a safe deposit box to  
19 a minor. A credit union may deal with a minor with  
20 respect to a safe deposit box lease and agreement  
21 without the consent of a parent, guardian, or  
22 conservator and with the same effect as though the  
23 minor were an adult. Any action of the minor with  
24 respect to such safe deposit box lease and agreement  
25 is binding on the minor with the same effect as though  
26 the minor were an adult.

27 4. A credit union which has on file a power of  
28 attorney of a member covering a safe deposit box lease  
29 and agreement, which has not been revoked by the  
30 member, shall incur no liability as a result of  
31 continuing to honor the provisions of the power of  
32 attorney in the event of the death or incompetence of  
33 the donor of the power of attorney until the credit  
34 union receives written notice of the death, or written  
35 notice of adjudication by a court of the incompetence  
36 of the member and the appointment of a guardian or  
37 conservator.

38 Sec. 55. NEW SECTION. 533.49A SEARCH PROCEDURE  
39 ON DEATH.

40 A credit union shall permit the person named in a  
41 court order or, if no order has been served upon the  
42 credit union, the spouse, a parent, an adult  
43 descendant, or a person named as executor in a copy of  
44 a purported will produced by the person, to open and  
45 examine the contents of a safe deposit box leased by a  
46 decedent, or to examine any property delivered by a  
47 decedent for safekeeping, in the presence of an  
48 officer of the credit union. The credit union, if

49 requested by such person, and upon the credit union's  
50 receipt of the request, shall deliver:

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- 1 1. Any writing purported to be a will of the  
2 decedent to the court having jurisdiction of the  
3 decedent's estate.
- 4 2. Any writing purported to be a deed to a burial  
5 plot, or to give burial instructions, to the person  
6 making the request for a search.
- 7 3. Any document purported to be an insurance  
8 policy on the life of the decedent to the beneficiary  
9 named in the policy. A credit union shall prepare and  
10 keep a list of any contents delivered pursuant to this  
11 section describing the nature of the property and the  
12 individual to whom delivered, and place a copy of the  
13 list in the safe deposit box from which the contents  
14 were removed.

15 Sec. 56. NEW SECTION. 533.49B ADVERSE CLAIMS TO  
16 PROPERTY IN SAFE DEPOSIT AND SAFEKEEPING.

- 17 1. A credit union shall not be required, in the  
18 absence of a court order or indemnity required by this  
19 section, to recognize any claim to, or claim of  
20 authority to exercise control over, property held in  
21 safe deposit or property held for safekeeping pursuant  
22 to section 533.49D made by a person or persons other  
23 than the following:
  - 24 a. The member in whose name the property is held  
25 by the credit union.
  - 26 b. An individual or group of individuals who are  
27 authorized to have access to the safe deposit box, or  
28 to the property held for safekeeping, pursuant to a  
29 certified corporate resolution or other written  
30 arrangement with the member, currently on file with  
31 the credit union, which has not been revoked by valid  
32 corporate action in the case of a corporation, or by a  
33 valid agreement or other valid action appropriate for  
34 the form of legal organization of any other member, of  
35 which the credit union has received notice and which  
36 is not the subject of a dispute known to the credit  
37 union as to its original validity. The safe deposit  
38 and safekeeping account records of a credit union  
39 shall be presumptive evidence as to the identity of  
40 the member on whose behalf the property is held.
- 41 2. To require a credit union to recognize an  
42 adverse claim to, or adverse claim of authority to  
43 control, property held in safe deposit or for  
44 safekeeping, whoever makes the claim must do either of  
45 the following:

46 a. Obtain and serve on the credit union an  
47 appropriate court order or judicial process directed  
48 to the credit union, restraining any action with  
49 respect to the property until further order of the  
50 court or instructing the credit union to deliver the

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1 property, in whole or in part, as indicated in the  
2 order or process.

3 b. Deliver to the credit union a bond, in form and  
4 amount with sureties satisfactory to the credit union,  
5 indemnifying the credit union against any liability,  
6 loss, or expense which the credit union might incur  
7 because of its refusal to deliver the property to any  
8 person described in subsection 1, paragraph "a" or  
9 "b".

10 Sec. 57. NEW SECTION. 533.49C REMEDIES AND  
11 PROCEEDINGS FOR NONPAYMENT OF RENT ON SAFE DEPOSIT  
12 BOX.

13 1. A credit union has a lien upon the contents of  
14 a safe deposit box for past due rentals and any  
15 expense incurred in opening the safe deposit box,  
16 replacement of the locks on the safe deposit box, and  
17 of a sale made pursuant to this section. If the  
18 rental of a safe deposit box is not paid within six  
19 months from the day the rental is due, at any time  
20 after the six months and while the rental remains  
21 unpaid, the credit union shall mail a notice by  
22 restricted certified mail to the member at the  
23 member's last known address as shown upon the records  
24 of the credit union, stating that if the amount due  
25 for the rental is not paid on or before a specified  
26 day, which shall be at least thirty days after the  
27 date of mailing such notice, the credit union will  
28 remove the contents of the safe deposit box and hold  
29 the contents for the account of the member.

30 2. If the rental for the safe deposit box has not  
31 been paid after the expiration of the period specified  
32 in a notice mailed pursuant to subsection 1, the  
33 credit union, in the presence of two of its officers,  
34 may cause the box to be opened and the contents  
35 removed. An inventory of the contents of the safe  
36 deposit box shall be made by the two officers present  
37 and the contents held by the credit union for the  
38 account of the member.

39 3. If the contents are not claimed within two  
40 years after their removal from the safe deposit box,  
41 the credit union may proceed to sell so much of the  
42 contents as is necessary to pay the past due rentals

43 and expense incurred in opening the safe deposit box,  
44 replacement of the locks on the safe deposit box, and  
45 the sale of the contents. The sale shall be held at  
46 the time and place specified in a notice published  
47 prior to the sale once each week for two successive  
48 weeks in a newspaper of general circulation published  
49 in the city or unincorporated area in which the credit  
50 union has its principal place of business, or if there

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1 is none, a newspaper of general circulation published  
2 in the county, or in a county adjoining the county, in  
3 which the credit union has its principal place of  
4 business. A copy of the published notice shall be  
5 mailed to the member at the member's last known  
6 address as shown upon the records of the credit union.  
7 The notice shall contain the name of the member and  
8 need only describe the contents of the safe deposit  
9 box in general terms. The contents of any number of  
10 safe deposit boxes may be sold under one notice of  
11 sale and the cost of the sale apportioned ratably  
12 among the several safe deposit box members involved.  
13 At the time and place designated in the notice the  
14 contents taken from each respective safe deposit box  
15 shall be sold separately to the highest bidder for  
16 cash and the proceeds of each sale applied to the  
17 rentals and expenses due to the credit union and the  
18 residue from any such sale shall be held by the credit  
19 union for the account of the member or members. An  
20 amount held as proceeds from such sale shall be  
21 credited with interest at the customary annual rate  
22 for savings accounts at the credit union, or in lieu  
23 thereof, at the customary rate of interest in the  
24 community where such proceeds are held. The crediting  
25 of interest does not activate the account to avoid an  
26 abandonment as unclaimed property under chapter 556.  
27 4. Notwithstanding the provisions of this section,  
28 shares, bonds, or other securities which, at the time  
29 of a sale pursuant to subsection 3, are listed on an  
30 established stock exchange in the United States, shall  
31 not be sold at public sale but may be sold through an  
32 established stock exchange. Upon making a sale of any  
33 such securities, an officer of the credit union shall  
34 execute and attach to the securities so sold an  
35 affidavit reciting facts showing that the securities  
36 were sold pursuant to this section and that the credit  
37 union has complied with the provisions of this  
38 section. The affidavit constitutes sufficient  
39 authority to any corporation whose shares are sold or

40 to any registrar or transfer agent of such corporation  
41 to cancel the certificates representing the shares to  
42 the purchaser of the shares, and to any registrar,  
43 trustee, or transfer agent of registered bonds or  
44 other securities, to register any such bonds or other  
45 securities in the name of the purchaser of the bonds  
46 or other securities.

47 5. The proceeds of any sale made pursuant to this  
48 section, after the payment of any amounts with respect  
49 to which the credit union has a lien, any property  
50 which was not offered for sale and property which,

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1 although offered for sale, was not sold, shall be  
2 retained by the credit union until such time as the  
3 property is presumed abandoned according to section  
4 556.2, and shall be handled pursuant to chapter 556.  
5 Sec. 58. NEW SECTION. 533.49D AUTHORITY TO  
6 RECEIVE PROPERTY FOR SAFEKEEPING.

7 1. A credit union may accept property for  
8 safekeeping if, except in the case of night  
9 depositories, the credit union issues a receipt for  
10 the property. A credit union accepting property for  
11 safekeeping shall purchase and maintain reasonable  
12 insurance coverage to ensure against loss incurred in  
13 connection with the acceptance of property for  
14 safekeeping. Property held for safekeeping shall not  
15 be commingled with the property of the credit union or  
16 the property of others.

17 2. A credit union has a lien upon any property  
18 held for safekeeping and for expenses incurred in any  
19 sale made pursuant to this subsection. If the charge  
20 for safekeeping of property is not paid within six  
21 months from the day the charge is due, at any time  
22 after the six months and while the charge remains  
23 unpaid, the credit union may mail a notice to the  
24 member at the member's last known address as shown  
25 upon the records of the credit union, stating that if  
26 the amount due is not paid on or before a specified  
27 day, which shall be at least thirty days after the  
28 date of mailing the notice, the credit union will  
29 remove the property from safekeeping and hold the  
30 property for the account of the member. After the  
31 expiration of the period specified in the notice, if  
32 the charge for safekeeping has not been paid, the  
33 credit union may remove the property from safekeeping,  
34 cause the property to be inventoried, and hold the  
35 property for the account of the member. If the  
36 property is not claimed within two years after its

37 removal from safekeeping the credit union may proceed  
38 to sell so much of the property as is necessary to pay  
39 the charge which remains unpaid and the expense  
40 incurred in making the sale in the manner provided for  
41 in section 533.49C, subsections 3 and 4. The proceeds  
42 of any sale made pursuant to this section, after  
43 payment of any amounts with respect to which the  
44 credit union has a lien, any property which was not  
45 offered for sale, and property which, although offered  
46 for sale, was not sold, shall be retained by the  
47 credit union until such time as the property is  
48 presumed abandoned according to section 556.2, and  
49 shall be handled pursuant to chapter 556.  
50 Sec. 59. Section 533.62, subsection 4, Code 1995,

**Page 36**

1 is amended by striking the subsection and inserting in  
2 lieu thereof the following:

3 4. a. A loan of money or property shall not be  
4 made directly or indirectly by a state-chartered  
5 credit union, or by its officers, directors, or  
6 employees, to the superintendent, deputy, or employee  
7 of the credit union division. The superintendent,  
8 deputy, or employee of the credit union division shall  
9 not accept from a state-chartered credit union, or its  
10 officers, directors, or employees, a loan of money or  
11 property, either directly or indirectly.

12 b. The superintendent, deputy, or employee of the  
13 credit union division shall not perform any services  
14 for or be an officer, director, or employee of a  
15 state-chartered credit union.

16 c. A person who willfully undertakes to establish  
17 a business dealing contrary to this section commits a  
18 serious misdemeanor, and shall be permanently  
19 disqualified from acting as an officer, director, or  
20 employee of a state-chartered credit union and  
21 permanently disqualified from acting as  
22 superintendent, deputy, or employee of the credit  
23 union division.

24 d. The superintendent, deputy, or employee of the  
25 credit union division who is convicted of theft,  
26 burglary, robbery, larceny, or embezzlement as a  
27 result of a violation of the laws of any state or of  
28 the United States while holding such position shall be  
29 immediately disqualified from employment and shall be  
30 forever disqualified from holding any position in the  
31 credit union division.

32 Sec. 60. Section 554.9401, subsection 6, Code  
33 1995, is amended to read as follows:

34 6. Of each fee collected by the county recorder  
35 under sections 570A.4, 554.9403, 554.9405, and  
36 554.9406, the county recorder shall remit five  
37 dollars, if filed on a standard form or six dollars  
38 otherwise, to the ~~office of the treasurer of state~~  
39 department of revenue and finance for deposit in the  
40 general fund of the state.

41 Sec. 61. Section 99D.5, subsection 1, Code 1995,  
42 is amended to read as follows:

43 1. A state racing and gaming commission is created  
44 within the department of inspections and appeals  
45 consisting of five members who shall be appointed by  
46 the governor subject to confirmation by the senate,  
47 and who shall serve not to exceed a three-year term at  
48 the pleasure of the governor. The term of each member  
49 shall begin and end as provided in section 69.19.  
50 Before a person is appointed to the commission, the

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1 division of criminal investigation of the department  
2 of public safety shall conduct a thorough background  
3 investigation of the proposed appointee. The proposed  
4 appointee shall provide information on a form as  
5 required by the division of criminal investigation.  
6 The background investigation shall be the same as  
7 conducted for an applicant for a license to conduct  
8 pari-mutuel wagering. The information shall be made  
9 available to the members of the senate standing  
10 committee assigned to investigate and recommend  
11 confirmation of an appointee.

12 Sec. 62. Section 515A.15, Code 1995, as amended by  
13 1995 Iowa Acts, House File 247, section 24, is amended  
14 to read as follows:

15 515A.15 ASSIGNED RISKS.

16 Agreements shall be made among insurers with  
17 respect to the equitable apportionment among them of  
18 insurance which may be afforded applicants who are in  
19 good faith entitled to but who are unable to procure  
20 such insurance through ordinary methods and such  
21 insurers may agree among themselves on the use of  
22 reasonable rate modifications for such insurance, the  
23 agreements and rate modifications to be subject to the  
24 approval of the commissioner.

25 For purposes of this section, "insurer" includes,  
26 in addition to insurers defined pursuant to section  
27 515A.2, an entity which has submitted a plan of self-  
28 insurance for approval pursuant to section 87.4 on or  
29 before May 1, 1995, and a self-insurance association  
30 formed on or after July 1, 1995, pursuant to section

31 87.4 except for an association comprised of cities or  
 32 counties, or both, or an association comprised of  
 33 community colleges as defined in section 260C.2, which  
 34 have entered into an agreement pursuant to chapter 28E  
 35 for the purpose of establishing a self-insured program  
 36 for the payment of workers' compensation benefits.  
 37 Sec. 63. REPEAL. Sections 12.9, 12.12, and 12.13,  
 38 Code 1995, are repealed.  
 39 Sec. 64. EFFECTIVE DATE. This section and  
 40 sections 40, 41, 42, 43, 44, and 45, being deemed of  
 41 immediate importance, take effect upon enactment.  
 42 Sections 30 and 31 of this Act take effect on June 30,  
 43 1995. The remainder of this Act takes effect on July  
 44 1, 1995."""

PATTY JUDGE

S-3691

1 Amend House File 575, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, by inserting after line 6 the  
 4 following:  
 5 "8. Loans awarded under this section are subject  
 6 to the limitations of any appropriations made by the  
 7 general assembly and of the moneys in the revolving  
 8 fund. The amount of a loan awarded to an eligible  
 9 student shall not be less than five hundred dollars  
 10 and shall not exceed one thousand dollars. However,  
 11 if full tuition is less than five hundred dollars, the  
 12 amount of the loan shall be for not more than an  
 13 amount equal to the full tuition."  
 14 2. By renumbering as necessary.

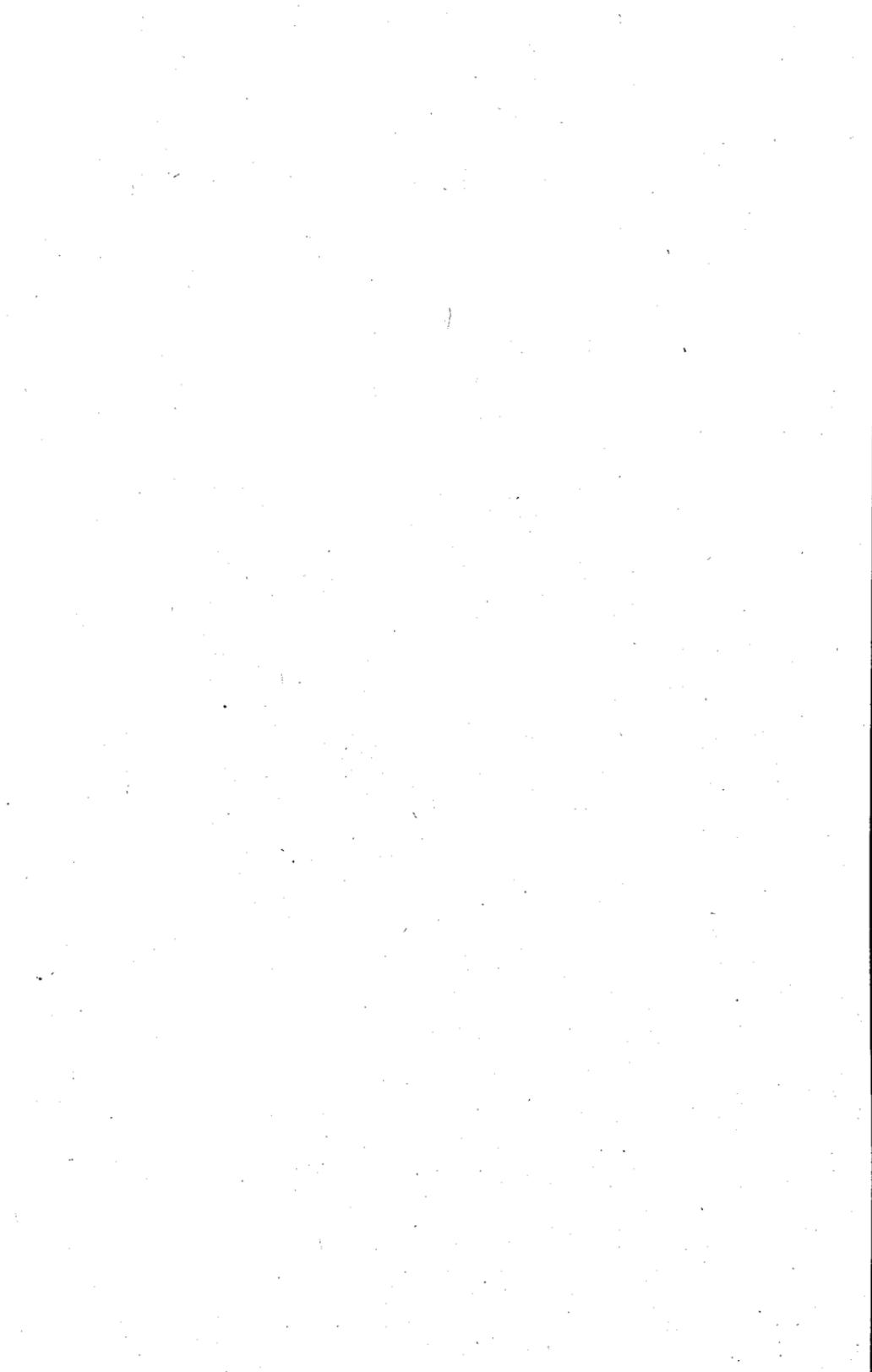
JOHNIE HAMMOND

S-3692

1 Amend House File 583, as passed by the House as  
 2 follows:  
 3 1. Page 1, by inserting after line 3 the  
 4 following:  
 5 "Sec. . . APPROPRIATION TO MERGED AREAS --  
 6 CONTINGENCY. Notwithstanding any Act enacted in 1995  
 7 during the Seventy-sixth General Assembly, all  
 8 unobligated or unencumbered moneys from appropriations  
 9 made pursuant to any Act enacted in 1995 by the  
 10 Seventy-sixth General Assembly to a merged area shall  
 11 be reduced by 100 percent, if the merged area enters  
 12 into an agreement under chapter 260E or 260F, for a

13 project which includes program services for employees  
14 of a confinement feeding operation as defined in  
15 section 455B.161.”

COMMITTEE ON APPROPRIATIONS  
LARRY MURPHY, Chairperson



**REPORTS OF CONFERENCE COMMITTEES  
(Senate Files)**

**Filed During The  
SEVENTY-SIXTH GENERAL ASSEMBLY  
1995 Regular Session**

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 17**

To the President of the Senate and the Speaker of the House of Representatives:  
We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 17, a bill for an Act establishing the state percent of growth for the school budget year beginning July 1, 1995, for purposes of the state school foundation program and providing effective and applicability date provisions, respectfully make the following report:

1. That the House recedes from its amendment, S-3026.
2. That Senate File 17, as passed by the Senate, is amended as follows:
  1. Page 1, line 4, by striking the word "four" and inserting the following: "three".
  2. Page 1, by inserting after line 5 the following:  
"Sec. \_\_\_\_ Notwithstanding the thirty-day deadline for the enactment of the state percent of growth provided in section 257.8, subsection 1, such deadline shall not apply to the Act enacted which establishes the state percent of growth during the 1995 Session of the Seventy-sixth General Assembly."

On the Part of the Senate:

MIKE CONNOLLY, Chair  
JOHN P. KIBBIE  
MARY E. KRAMER  
JIM LIND  
MARY NEUHAUSER

On the Part of the House:

STEVE GRUBBS, Chair  
CHUCK GIPP  
DON GRIES  
C. ARTHUR OLLIE  
PHILIP WISE

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 93**

To the President of the Senate and the Speaker of the House of Representatives:  
We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 93, a bill for An Act related to criminal offenses against minors and sexually violent offenses and offenders committing those offenses, by requiring registration by offenders, providing for the establishment of a sex offender registry, permitting the charging of fees, and providing penalties, respectfully make the following report:

1. That the House recedes from its amendment, S-3383.
2. That Senate File 93, as amended, passed, and reprinted, is amended as follows:
  - #1. Page 1, line 6, by striking the words "a public" and inserting the following: "an indictable".
  - #2. Page 1, line 7, by inserting after the words "to, a" the following: "juvenile who has been adjudicated delinquent, but whose juvenile court records have been sealed under section 232.150, and a".
  - #3. Page 1, by inserting after line 12 the following:  
" \_\_\_\_ . "Criminal justice agency" means an agency or department of any level of government or an entity wholly owned, financed, or controlled by one or more

such agencies or departments which performs as its principal function the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders."

#4. Page 1, line 13, by striking the letter "a."

#5. Page 1, by striking lines 15 and 16 and inserting the following:

"a. Kidnapping of a minor, except for kidnapping of a minor in the third degree which is committed by a parent."

#6. Page 1, line 17, by striking the figure "(2)" and inserting the following: "b."

#7. Page 1, line 19, by striking the figure and words "(3) Any public" and inserting the following: "c. Any indictable".

#8. Page 1, line 21, by striking the figure "(4)" and inserting the following: "d."

#9. Page 1, line 23, by striking the figure "(5)" and inserting the following: "e."

#10. Page 1, line 24, by striking the figure "(6)" and inserting the following: "f."

#11. Page 1, line 25, by striking the figure and words "(7) Any public" and inserting the following: "g. Any indictable".

#12. Page 1, line 27, by striking the figure "(8)" and inserting the following: "h."

#13. Page 1, line 29, by striking the figure "(9)" and inserting the following: "i."

#14. Page 1, line 31, by striking the figure "(10)" and inserting the following: "j."

#15. Page 1, line 33, by striking the figure and words "(11) A public" and inserting the following: "k. An indictable".

#16. Page 1, line 34, by striking the words "a public" and inserting the following: "an indictable".

#17. Page 1, lines 34 and 35, by striking the words and figures "subparagraphs (1) through (10)" and inserting the following: "paragraphs "a" through "j"".

#18. Page 2, by striking lines 1 through 4.

#19. Page 2, by striking lines 6 through 12.

#20. Page 2, line 17, by striking the word "public" and inserting the following: "indictable".

#21. Page 2, line 26, by striking the word "public" and inserting the following: "criminal".

#22. Page 2, line 27, by striking the words "a public" and inserting the following: "an indictable".

#23. Page 3, line 4, by inserting after the word "incarcerated." the following: "A person who is convicted, as defined in section 692A.1, of either a criminal offense against a minor or a sexually violent offense as a result of adjudication of delinquency in juvenile court shall not be required to register as required in this chapter if the juvenile court finds that the person should not be required to register under this chapter."

#24. Page 3, line 9, by inserting after the words "laws of" the following: "this state or of"

#25. Page 3, line 14, by striking the words "of the other state".

#26. Page 4, line 16, by striking the word "sheriff" and inserting the following: "court".

#27. Page 4, line 19, by striking the word "sheriff" and inserting the following: "court".

#28. Page 5, line 5, by inserting after the words "laws of" the following: "this state or of".

#29. Page 5, by striking lines 20 through 30 and inserting the following: "do the following prior to release or sentencing of the convicted person:"

#30. Page 5, line 31, by inserting after the word "fingerprints" the following: ", the social security number,".

#31. Page 5, line 32, by inserting after the word "photograph" the following: "and the social security number".

#32. Page 6, by striking line 24 and inserting the following: "incarcerated, the sheriff, warden, or superintendent, or in the case of conviction without incarceration, the court shall".

#33. Page 6, by striking lines 26 through 28 and inserting the following: "forms, and accept the forms on behalf of the sheriff of the county of registration. The sheriff, warden, superintendent, or".

#34. Page 6, line 29, by striking the words "superintendent shall send a copy of" and inserting the following: "the court shall send".

#35. Page 6, line 30, by striking the word "form" and inserting the following: "information".

#36. Page 6, line 35, by striking the words "warden or" and inserting the following: "sheriff, warden, or".

#37. Page 7, line 1, by striking the word "sheriff" and inserting the following: "court".

#38. Page 7, by striking lines 2 through 5 and inserting the following: "the registration information to the department and to the".

#39. Page 7, line 8, by inserting after the word "FEES" the following: "AND CIVIL PENALTY".

#40. Page 7, by striking lines 20 through 25 and inserting the following:

"2. In addition to any other penalty, at the time of conviction for a public offense committed on or after the effective date of this Act which requires a person to register under this chapter, the person shall be assessed a civil penalty of two hundred dollars, to be payable in the same manner as a fine. The clerk of the district court shall transmit money collected under this subsection each month to the treasurer of state, who shall deposit ten percent of the moneys transmitted by the clerk into the court technology and modernization fund, for use for the purposes established in section 602.8108, subsection 4, paragraph "a" and deposit the balance of the moneys transmitted by the clerk into the sex offender registry fund established under section 692A.11."

#41. Page 7, line 31, by striking the word "Failure" and inserting the following: "A willful failure".

#42. Page 7, line 34, by striking the words "who fails" and inserting the following: "who willfully fails".

#43. Page 8, line 5, by inserting after the word "The" the following: "willful".

#44. Page 9, line 3, by inserting after the word "name," the following: "the registrant's social security number,".

#45. Page 9, line 7, by inserting after the word "photographs" the following: "but shall not include information identifying the victim of the crime of which the registrant was convicted".

#46. Page 9, line 35, by striking the words "law enforcement" and inserting

the following: "criminal justice agencies".

#47. Page 10, line 7, by inserting after the word "officers." the following: "Rules adopted shall also include a procedure for removal of information from the registry upon the reversal or setting aside of a conviction of a person who is registered under this chapter."

#48. Page 10, line 32, by striking the words "law enforcement" and inserting the following: "criminal justice".

#49. Page 11, line 2, by striking the words "law enforcement" and inserting the following: "criminal justice".

#50. Page 11, line 4, by striking the words " , other than the identity of a victim of" and inserting the following: "from the registry regarding".

#51. Page 11, lines 15 and 16, by striking the words "law enforcement" and inserting the following: "criminal justice".

#52. Page 11, line 26, by inserting after the word "registry." the following: "The record of persons requesting information from the registry is a confidential record under section 22.7, subsection 9, unless the person requesting the information from the registry requests that the record of the information request be a public record."

#53. Page 12, by striking line 9 and inserting the following: "Criminal justice agencies, officials, and employees of criminal justice".

#54. Page 12, line 11, by striking the words "good faith conduct under" and inserting the following: "acts or omissions arising from a good faith effort to comply with".

#55. Page 12, by inserting after line 12, the following:

"Sec. \_\_\_\_ . STATE MANDATE. For purposes of section 25B.2, subsection 3, the moneys received from fees which are permitted to be charged under this Act shall constitute full funding of any state mandate which is not otherwise excluded from the requirements of that subsection and which is imposed upon a political subdivision under this Act.

Sec. \_\_\_\_ . APPLICABILITY OF ACT — TRANSITION PROVISIONS.

1. The registration requirements of this Act shall apply to persons convicted of the criminal offenses against a minor, sexual exploitation, or a sexually violent offense prior to the effective date of this Act but who are released on or after the effective date of this Act, are participating in a work release or institutional work release program on or after the effective date of this Act, or who are under parole or probation supervision by a judicial district department of correctional services on or after the effective date of this Act.

2. Persons required to register under subsection 1, shall register for a period of ten years commencing with the later of either the effective date of this Act, or the date of the person's release from confinement, release on work release or institutional work release, or release on parole or probation. For persons released from confinement, registration shall be initiated by the warden or superintendent in charge of the place of confinement in the same manner as provided in section 692A.5. For persons who are under parole or probation supervision, the person's parole or probation officer shall inform the person of the person's duty to register and shall obtain the registration information required under section 692A.5.

Sec. \_\_\_\_ . SEVERABILITY OF ACT. If any provision of this Act or the application of this Act to any person is held invalid, the invalidity shall not affect the provisions or application of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable."

#56. Title page, line 1, by inserting after the word "minors" the following: "sexual exploitation,".

#57. Title page, by striking line 5, and inserting the following: "charging of fees, providing penalties, and providing for transition, applicability, and severability provisions."

#58. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

TONY BISIGNANO, Chair  
 RANDAL J. GIANNETTO  
 O. GENE MADDOX  
 ANDY McKEAN  
 TOM VILSACK

On the Part of the House:

BRIAN COON, Chair  
 DWIGHT DINKLA  
 MINNETTE DODERER  
 JEFFREY LAMBERTI  
 MICHAEL MORELAND

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 150

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 150, a bill for An Act relating to child abuse involving termination of parental rights in certain abuse or neglect cases and access by other states to child abuse information, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4072.

2. That the House amendment, S-3543, to Senate File 150, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"Section 1. Section 232.2, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

"Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C. 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child's parent, guardian, or custodian. The plan shall specifically include all of the following:"

2. Page 1, by striking lines 8 through 11 and inserting the following:

"NEW PARAGRAPH. g. The".

3. Page 1, lines 17 and 18, by striking the words "upon completion of the agreement requirements".

4. Page 5, by striking lines 30 through 32 and inserting the following: "but not limited to permanency planning and placement review meetings, which shall include discussion of the child's rehabilitative treatment needs.""

5. Page 5, by inserting after line 42 the following:

""Sec. \_\_\_\_ . Section 237.15, subsection 1, unnumbered paragraph 1, Code 1995,

is amended to read as follows:

"Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., 671(a)(16), 627(a)(2)(B), and 675(1)(5), which is designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child's parent, guardian, or custodian. The plan shall specifically include all of the following:"

6. Page 5, by striking lines 46 through 49 and inserting the following:

"NEW PARAGRAPH. j. The actions".

7. Page 6, lines 4 and 5, by striking the words "upon completion of the agreement requirements".

8. Page 6, by inserting after line 21 the following:

"Sec. \_\_\_\_ . Section 598.8, Code 1995, is amended to read as follows:

598.8 HEARINGS.

Hearings for dissolution of marriage shall be held in open court upon the oral testimony of witnesses, or upon the depositions of such witnesses taken as in other equitable actions or taken by a commissioner appointed by the court. However, the court may in its discretion close the hearing. Hearings held for the purpose of determining child custody may be limited in attendance by the court. Upon request of either party, the court shall provide security in the courtroom during the custody hearing if a history of domestic abuse relating to either party exists."

9. Page 6, lines 39 and 40, by striking the words "credible evidence of a history of domestic abuse" and inserting the following: "that a history of domestic abuse exists".

10. Page 6, line 48, by striking the words "credible evidence" and inserting the following: "a history".

11. Page 6, line 50, by striking the words "credible evidence" and inserting the following: "a history".

12. Page 7, by striking lines 3 and 4 and inserting the following: "domestic abuse relocates or is absent from the home based upon the".

13. Page 7, line 9, by striking the words "to the absent parent".

14. Page 7, lines 25 and 26, by striking the words "of credible evidence of domestic abuse" and inserting the following: "that a history of domestic abuse exists".

15. Page 7, line 33, by striking the words "credible evidence exists of domestic abuse" and inserting the following: "a history of domestic abuse exists".

16. By striking page 7, line 49, through page 8, line 9, and inserting the following:

"NEW PARAGRAPH. j. Whether a history of domestic abuse, as defined in section 236.2, exists. In determining whether a history of domestic abuse exists, the court's consideration shall include but is not limited to,"

17. Page 8, line 27, by inserting after the word "order," the following: "unless the court determines that a history of domestic abuse exists as specified in subsection 3, paragraph "j" or unless the court determines that direct physical harm or significant emotional harm to the child, other children, or a parent is likely to result,".

18. Page 8, by striking line 31.

19. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

ROBERT DVORSKY, Chair  
 NANCY BOETTGER  
 JOHNNIE HAMMOND  
 MARY E. KRAMER  
 ELAINE SZYMONIAK

On the Part of the House:

BILL SALTON, Chair  
 DAN BODDICKER  
 CECELIA BURNETT  
 PAM JOCHUM  
 KEN VEENSTRA

REPORT OF THE CONFERENCE COMMITTEE  
 ON SENATE FILE 459

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 459, a bill for An Act relating to and making appropriations to the department of justice, office of consumer advocate, board of parole, department of corrections, judicial district departments of correctional services, judicial department, state public defender, Iowa law enforcement academy, department of public defense, and for the department of public safety's administration, division of criminal investigation and bureau of identification, division of narcotics enforcement, undercover purchases, and the state fire marshal's office, for the fiscal year beginning July 1, 1995, and providing effective dates and retroactive applicability, respectfully make the following report:

1. That the House recedes from its amendment, S-3410.  
 2. That Senate File 459, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, line 19, by striking the figure "175,000" and inserting the following: "122,415".

2. By striking page 4, line 22, through page 5, line 7.

3. Page 7, by inserting after line 25 the following:

"Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility."

4. By striking page 8, line 16, through page 9, line 35, and inserting the following:

"3. The department of corrections shall conduct a study to compare the costs and consider the feasibility of leasing an existing building or of constructing, remodeling, or renovating a building for use as a residential facility and office in Fort Dodge by the second judicial district department of corrections. The department of corrections shall submit a report on the study, including the findings and recommendations of the department, to the general assembly on or before January 30, 1996.

4. The department of corrections shall conduct a study to consider the establishment and location of a 50-bed infirmary unit to provide nursing, medical, and other health care-related services to inmates. The department shall submit a report on the study, including the findings and recommendations of the department, to the general assembly on or before January 8, 1996.

5. The department of corrections shall, in consultation with the board of parole, the criminal and juvenile justice planning division of the department of human

rights, and the office of the attorney general, conduct a study to consider whether to establish a super-maximum security facility for inmates. The study shall consider the number of beds needed at such a facility, the best location for the facility, whether existing facilities or new construction should be used to establish the facility, and whether constructing or establishing a new facility could result in removal of the court-ordered limit on the number of prison inmates allowed at Fort Madison. The department of corrections shall submit a report on the study, including the findings and recommendations of the department, to the general assembly on or before January 8, 1996."

5. Page 10, line 23, by striking the word "contract" and inserting the following: "new contract, unless the contract is a renewal of an existing contract,".

6. Page 10, by striking line 26 and inserting the following: "department using state employees as of July 1, 1995, or for the privatization of new services by the department, without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system."

7. Page 11, by inserting after line 18 the following:

"7. For educational programs for inmates at state penal institutions:

..... \$ 1,850,600

It is the intent of the general assembly that moneys appropriated in this subsection shall be used solely for the purpose indicated and that the moneys shall not be transferred for any other purpose.

Notwithstanding section 8.33, moneys appropriated in this subsection which remain unobligated or unexpended at the close of the fiscal year shall not revert to the general fund of the state but shall remain available only for the purposes designated in this subsection in the succeeding fiscal year."

8. Page 16, by inserting after line 12 the following:

"7. In addition to the requirements of section 8.39, the department of corrections shall not make an intradepartmental transfer of moneys appropriated to the department, unless notice of the intradepartmental transfer is given prior to its effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the transfer and details concerning the work load and performance measures upon which the transfers are based."

9. Page 22, line 34, by inserting after the word "surveillance" the following: "or safety".

10. Page 25, line 6, by striking the figure "15,000" and inserting the following: "30,000".

11. Page 26, line 28, by striking the figure "8,330,089" and inserting the following: "8,883,350".

12. Page 26, line 29, by striking the figure "166.00" and inserting the following: "182.00".

13. Page 27, by striking lines 26 through 35 and inserting the following: "6."

14. Page 29, by striking lines 1 and 2.

15. Page 29, line 8, by striking the words "full cost of auditing" and inserting the following: "cost of auditing salaries for no more than two special agents and no more than four gaming enforcement officers for each excursion gambling boat for".

16. Page 29, by striking lines 12 through 14 and inserting the following: "salary costs shall be limited to sixty-five percent of the salary costs for special agents".

and sixty-five percent of the salary costs for gaming enforcement for personnel assigned to excursion gambling boats who enforce laws and rules adopted by the".

17. Page 30, by striking lines 11 through 18 and inserting the following:

"b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, and the court technology fund pursuant to section 602.8108, and the remainder shall be the judicial collection estimate."

18. Page 30, line 19, by striking the word and figure "subsection 1."

19. Page 30, line 24, by inserting after the figure "602.8108A" the following: "and into the court technology fund pursuant to section 602.8108".

20. Page 30, line 31, by inserting after the word "fund," the following: "If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of revenue and finance shall recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of revenue and finance shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees."

21. By striking page 31, line 5, through page 32, line 1.

22. Page 32, by inserting before line 2 the following:

"Sec. 100. NEW SECTION. 904.311A PRISON RECYCLING FUND.

The Iowa prison recycling fund is created and established as a separate and distinct fund in the state treasury. All moneys remitted to the department for recycling operations in each fiscal year commencing with the fiscal year beginning July 1, 1994, shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund shall not revert to the general fund of the state at the close of a fiscal year but shall remain in the fund and be used as directed in this section in the succeeding fiscal year. The treasurer of state shall act as custodian of the fund and disburse moneys from the fund as directed by the department for the purpose of payment of operating expenses for recycling.

Sec. — . NEW SECTION. 904.508A INMATE TELEPHONE REBATE FUND.

The department is authorized to establish and maintain an inmate telephone rebate fund in each institution for the deposit of moneys received for inmate telephone rebates. All funds deposited in this fund shall be used for the benefit of inmates. The director shall adopt rules providing for the disbursement of moneys from the fund."

23. Page 32, by inserting after line 6 the following:

"Sec. \_\_\_\_ . INTERIM STUDY COMMITTEE. The legislative council is requested to authorize an interim study committee concerning the enforcement of activities on excursion gambling boats."

24. Page 32, by striking lines 16 through 19.

25. Page 32, by inserting after line 24 the following:

"6. Section 100 of this Act, dealing with the Iowa prison recycling fund, takes effect upon enactment and is retroactively applicable to July 1, 1994."

26. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

EUGENE FRAISE, Chair  
 TONY BISIGNANO  
 MICHAEL E. GRONSTAL  
 STEWART IVERSON, Jr.  
 DONALD B. REDFERN

On the Part of the House:

TERESA GARMAN, Chair  
 PAUL BELL  
 RICK LARKIN  
 LYNN SCHULTE  
 JERRY WELTER

REPORT OF THE CONFERENCE COMMITTEE  
 ON SENATE FILE 481

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 481, a bill for An Act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment H-4143.

2. That the House recedes from its amendment S-3597.

3. That Senate File 481, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. Page 2, line 7, by striking the figure "21,810,473" and inserting the following: "21,960,473".

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

"Of the moneys appropriated in this paragraph, a sufficient amount shall be allocated to provide effective and necessary oversight of the county treasurer's issuance of motor vehicle licenses in accordance with this Act."

3. Page 4, by striking lines 2 through 8.

4. Page 6, line 20, by striking the figure "3,000,000" and inserting the following: "2,000,000".

5. Page 6, line 23, by striking the figure "3,000,000" and inserting the following:

"2,000,000".

6. Page 6, by striking lines 24 through 26 and inserting the following:

"5. For the performing arts center and for fire and environmental safety, renovation, or for deferred maintenance at the university of northern Iowa:

..... \$ 3,000,000

Of the funds appropriated in this subsection, \$1,000,000 shall be directed towards critical deferred maintenance, renovation and building costs and the remainder shall be used for the performing arts center."

7. Page 7, line 3, by striking the word and figure "January 15, 1996" and inserting the following: "August 31, 1995".

8. Page 7, by striking line 4 and inserting the following: "expenditures of moneys appropriated for fire and environmental safety, renovation, or for deferred maintenance under subsections 3 through 5."

9. Page 7, line 9, by striking the word "amount" and inserting the following: "amounts".

10. Page 7, line 10, by striking the word "purpose" and inserting the following: "purposes".

11. Page 7, by striking lines 11 through 35 and inserting the following:

"1. For connection of the Fort Madison correctional facility with the Iowa communications network:

..... \$ 161,000

2. For remodeling of the visitation area at Mitchellville:

..... \$ 100,000"

12. Page 8, line 25, by striking the figure "300,000" and inserting the following: "250,000".

13. Page 8, by striking lines 33 through 35.

14. Page 9, line 9, by striking the figure "5,000,000" and inserting the following: "2,500,000".

15. By striking page 9, line 20, through page 10, line 3, and inserting the following:

2. Merged Area II .....	\$ 88,077
3. Merged Area III .....	\$ 87,580
4. Merged Area IV .....	\$ 44,001
5. Merged Area V .....	\$ 125,567
6. Merged Area VI .....	\$ 88,195
7. Merged Area VII .....	\$ 114,882
8. Merged Area IX .....	\$ 103,343
9. Merged Area X .....	\$ 180,109
10. Merged Area XI .....	\$ 175,140
11. Merged Area XII .....	\$ 107,696
12. Merged Area XIII .....	\$ 99,016
13. Merged Area XIV .....	\$ 56,311
14. Merged Area XV .....	\$ 156,556
15. Merged Area XVI .....	\$ 73,527"

16. Page 10, by inserting after line 7 the following:

"Sec. \_\_\_\_ . The appropriation to Merged Area I in section 8 of this Act is contingent upon the receipt of federal funds or private matching moneys. If the anticipated federal funding or private matching moneys are not received, the appropriation in section 8 shall be allocated by the department of education as follows:

1. Merged Area I ..... \$ 136,356

2. Merged Area II .....	\$	138,789
3. Merged Area III .....	\$	138,005
4. Merged Area IV .....	\$	69,334
5. Merged Area V .....	\$	197,864
6. Merged Area VI .....	\$	138,975
7. Merged Area VII .....	\$	181,028
8. Merged Area IX .....	\$	162,844
9. Merged Area X .....	\$	283,809
10. Merged Area XI .....	\$	275,979
11. Merged Area XII .....	\$	169,703
12. Merged Area XIII .....	\$	156,026
13. Merged Area XIV .....	\$	88,733
14. Merged Area XV .....	\$	246,694
15. Merged Area XVI .....	\$	115,861"

17. Page 10, by striking lines 15 through 22 and inserting the following:

"1. For exterior state capitol building restoration:

..... \$ 7,165,000

2. For interior state capitol building restoration:

..... \$ 2,100,000

3. For health, fire safety, and interior maintenance needs of the state capitol building:

..... \$ 1,600,000

4. For major maintenance needs including health, life and fire safety and for compliance with the federal Americans with disabilities Act for state-owned buildings and facilities:

..... \$ 4,000,000

5. For improvements at the state capital complex as follows:

a. For construction of a tunnel under Grand avenue north from the State Capitol building:

..... \$ 1,500,000

b. For renovation of the old historical building:

..... \$ 6,200,000

c. For site preparation for the proposed parking ramp north of Des Moines street:

..... \$ 2,300,000"

18. By striking page 12, line 14 through page 13, line 30 and inserting the following:

"DIVISION III  
LOTTERY TRANSFER

Sec. \_\_\_\_ . Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, notwithstanding the requirement under section 99E.20, subsection 2, for the commissioner to certify and transfer a portion of the lottery fund to the CLEAN fund, and notwithstanding the appropriations and allocations in section 99E.34, all lottery revenues received during the fiscal year beginning July 1, 1995, and ending June 30, 1996, after deductions as provided in section 99E.10, subsection 1, and as appropriated under any Act of the Seventy-sixth General Assembly, 1995 Session, shall not be transferred to and deposited into the CLEAN fund but shall be transferred and credited to the general fund of the state.

Sec. \_\_\_\_ . Notwithstanding 1994 Iowa Acts, chapter 1199, section 12, of the

lottery revenues remaining after \$34,400,000 is transferred and credited to the general fund of the state during the fiscal year beginning July 1, 1994, the following amounts shall be transferred in descending priority order as follows:

1. To the treasurer of state for the continued funding of Iowa's participation in the funding of the world food prize:

..... \$ 250,000

It is the intent of the general assembly that this appropriation of public funds will result in a commitment for additional funding for the world food prize from private sources.

The treasurer of state shall only provide the funds appropriated in this section to the world food prize foundation if sufficient private funds are raised to maintain the world food prize foundation in Iowa and the foundation is structured to include representation that reflects environmental concerns and sustainable agriculture.

2. To the treasurer of state for purposes of allocating moneys to assist each of the 103 county fairs which are members of the association of Iowa fairs, for purposes of supporting annual county fairs and improvements to the county fairgrounds:

..... \$ 1,000,000

The treasurer of state shall allocate an equal amount to each member fair. However, moneys shall only be expended by a county fair on a dollar-for-dollar matching basis with moneys received from donations contributed to the county fair from private sources or moneys contributed by a county to aid the county fair pursuant to section 174.14.

3. To the Iowa state fair foundation for capital projects and major maintenance improvements at the Iowa state fairgrounds:

..... \$ 3,000,000

4. To the Loess Hills development and conservation authority, for deposit in the Loess Hills development and conservation fund created in section 161D.2 for the purposes specified in section 161D.1:

..... \$ 400,000

5. To the department of agriculture and land stewardship to use in cooperation with the department of corrections for a project of repairs and improvements at the national heritage orientation center and public market. It is the intent of the general assembly that the project serve as a pilot community services program using prison labor for regional economic development initiatives supporting Iowa agriculture and food products:

..... \$ 300,000

6. To the department of economic development for a grant to the Wallace foundation for rural research and development located in Atlantic, Iowa, for costs to develop an educational and outreach center:

..... \$ 725,000

7. To the department of cultural affairs for maintenance and improvement at the gothic house visitors center:

..... \$ 225,000

8. To the department of natural resources for purposes of continuing natural lake preservation efforts:

..... \$ 100,000

The department shall award the amount transferred in this subsection to a city as defined in section 362.2. The department shall award the amount on a matching basis with the department contributing one dollar for each one dollar dedicated

by the city, or the city acting in conjunction with a county, regardless of the source from which the city or county obtains the money, for the continuation of natural lake preservation efforts, if the city or county has previously received state funding for such purposes. However, the city, or the city and county, must have dedicated at least \$100,000 of local funds in order to qualify for the award. The city must also be located in a county having a population of less than 12,000.

9. To the department of natural resources for capital improvements at Backbone lake, other improvements of that state park, and preparation work and other costs associated with the park's 75th anniversary:

..... \$ 500,000  
 Of the appropriation in this subsection, up to \$100,000 shall be used for bicycle trail improvements.

10. To the department of natural resources, to be combined with local match funding, for a study of dredging at Crystal lake in Winnebago county:

..... \$ 25,000

11. To the department of natural resources for purposes of creating, improving, or enhancing recreational opportunities directly related to the restoration and development of lake Ahquabi and related facilities, which shall include any necessary dredging operations, and which may also include swimming, boating, and fishing facilities:

..... \$ 184,000

The department shall return any amount of the transfer expended by the department under this subsection to the general fund of the state to the extent that the department receives moneys from the clean lakes program, administered by the United States environmental protection agency, for purposes described in this subsection.

12. To the department of economic development for operation and support of the Dows welcome center:

..... \$ 20,000

13. To the department of natural resources, to be combined with local match funding of two dollars for every one state dollar, for repair and replacement costs associated with the spillway at Hickory Grove lake:

..... \$ 250,000

14. To the department of agriculture and land stewardship for providing assistance in reconstructing and repairing flood-damaged dikes and levees on pasture and other agricultural land which is not used for crops:

..... \$ 75,000

15. To the department of education for a grant to Southeast Polk community school district to implement an interagency coalition strategy combining education, health, and social services in addressing the problems of children and families through school-linked services:

..... \$ 60,000

16. To the Iowa department of public health for a grant to establish a rural medical care center in Tama:

..... \$ 50,000

17. To the department of natural resources for a grant for costs associated with the Sauk rail trail and park improvements in Carroll:

..... \$ 30,000

18. To the department of natural resources for a grant for costs associated with renovation of the Boone walking trail:

- ..... \$ 5,000
- 19. To Iowa state university of science and technology for allocation to the Iowa institute for public leadership for operations costs:  
..... \$ 25,000
- 20. To the printing division of the department of general services for publication of the under the golden dome publication as specified by the authorizing agency:  
..... \$ 45,000
- 21. To the department of corrections for a grant to the amer-i-can program for training of inmates and correctional staff:  
..... \$ 25,000
- 22. To the department of education for contracting with the Iowa alliance for arts education to execute the local arts comprehensive educational strategies program:  
..... \$ 125,000
- 23. To the department of education for a grant to a community college to assist in a public-private partnership between the community college, a city, and a county in developing a center or program to provide child day care for nontraditional students:  
..... \$ 75,000
- 24. To the department of general services for planning, design, site acquisition and preparation, and other expenditures necessary to establish a fee-based child day care program available to public employees officed at or near the capitol complex:  
..... \$ 500,000
- a. The general assembly considers child day care to be an important service for employers, employees, and their children. Employer-supported child care can have a positive impact upon employee morale and retention and can positively affect the children who are receiving child care services. High quality child care is of significant value to employers. It is believed that a quality, on-site child care program available to the children of state employees will provide a model for other employers in this state to emulate.
- b. (1) The legislative council is requested to appoint a capitol complex child day care program steering committee to provide direction to the department of general services in developing facility plans, establishing the facilities, developing operation policies, contracting with a vendor to operate the program, and other decisions involving establishment and operation of the program. The steering committee shall utilize the March 1990 consultant report to the capitol complex ad hoc committee on child care, particularly the intermediate quality recommendations, in its decision making.
- (2) The steering committee membership shall include members of the general assembly; representatives of the departments of general services, personnel, human services, and education; employees officed at the capitol complex who purchase child day care services; a representative of the state board of regents center for early childhood education; a representative of the Iowa state university of science and technology early childhood education programs; and other persons knowledgeable concerning child day care programs.
- c. In consultation with the steering committee, the director of the department of general services shall retain a consultant to oversee the process of developing the program and shall contract with a vendor to manage the program.
- d. The program shall be designed to operate with a capacity of 150 children

and to regularly serve infants, toddlers, preschool, school age, and mildly ill children.

25. To the commission of veterans affairs, for donation to the women in military service for America memorial foundation for the purpose of constructing the women in military service memorial to be built at the gateway to Arlington national cemetery in Arlington, Virginia:

..... \$ 47,000

The executive director of the commission of veterans affairs shall forward this donation to the women in military service for America memorial foundation upon certification by the foundation that sufficient funding has been pledged to complete the construction of the memorial.

26. To the Iowa peace institute:

..... \$ 100,000

27. To the division of highway safety, uniformed force, and radio communications of the department of public safety for purchase and activation charges for cellular phones for force members:

..... \$ 50,000

28. To the department of economic development for expansion of the microbusiness rural enterprise demonstration project created pursuant to 1994 Iowa Acts, chapter 1119, section 34, to 30 additional counties in the fiscal year beginning July 1, 1995:

..... \$ 50,000

29. To the Iowa department of public health for a conference to develop a plan for provision of health insurance coverage to children of low-income families who are ineligible for medical assistance and have no health care coverage:

..... \$ 20,000

30. To the Iowa department of public health for a domestic violence conference:

..... \$ 20,000

31. To the department of corrections for a study of the development and use of a telecommunications network for worker training, inmate rehabilitation, and other related purposes in the sixth judicial district:

..... \$ 25,000

32. To Iowa state university of science and technology for a study of alternative project delivery systems for publicly funded infrastructure projects, provided the study is publicly distributed upon completion:

..... \$ 39,000

33. To the department of economic development for the Iowa members' cost share for the Lewis and Clark rural water system:

..... \$ 25,000

34. To the department of elder affairs for the 1995 older Iowans legislature:

..... \$ 20,000

35. To the judicial department for development and implementation of a long-range and strategic plan for the judicial branch of Iowa government:

..... \$ 50,000

36. To the department of education for allocation to the community college that experienced the highest percentage of increase, in full-time fall enrollment for the period beginning July 1, 1989, and ending June 30, 1995, for purposes of renovating a building for use as an urban center with classrooms to prepare students for the workplace or to pursue postsecondary education:

..... \$ 150,000

37. To the department of human services for application by the department for grants to establish pilot projects for placements of geriatric patients who have a mental illness:

..... \$ 25,000

Any grant received may be used by the department to fund a coordinator to work with hospitals and nursing homes concerning placements of geriatric patients who have a mental illness.

38. To the Iowa hope loan program:

..... \$ 100,000

39. To the state department of transportation for the city of Durant to construct a curb on highway 927:

..... \$ 100,000

40. The remaining revenues to the Iowa state fair foundation for capital projects and major maintenance improvements at the Iowa state fairgrounds. If the remaining lottery revenues do not equal \$5,500,000, then the remaining amount necessary to equal \$5,500,000 is appropriated from the rebuild Iowa infrastructure fund to the Iowa state fair foundation for the fiscal year beginning July 1, 1995, and ending June 30, 1996.

Notwithstanding section 8.33, moneys transferred and appropriated in accordance with this section shall not revert to the general fund of the state at the close of the fiscal year but shall remain available for expenditure for the purposes designated. Unless otherwise provided in this section, moneys transferred in this section which remain unobligated or unexpended for the purpose designated shall revert to the general fund of the state on August 31, 1997.

Sec. \_\_\_\_ . BLOOD RUN NATIONAL HISTORIC LANDMARK. The department of cultural affairs may use moneys appropriated to the department in 1994 Iowa Acts, chapter 1199, section 35, as necessary, to contract with the midwest region of the national park service to complete a study of blood run national historic landmark for the purpose of determining the feasibility of incorporating the landmark into the national park system. Notwithstanding section 8.33, moneys from the appropriation which remain unobligated or unexpended on June 30, 1995, shall not revert to the general fund of the state but shall remain available for use as provided in this section in the succeeding fiscal year.

Sec. \_\_\_\_ . EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV  
HIGHWAY PATROL

Sec. \_\_\_\_ . There is appropriated from the highway safety patrol fund to the division of highway safety, uniformed force, and radio communications of the department of public safety, for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 33,210,467  
..... FTEs 553.50

Sec. \_\_\_\_ . HIGHWAY SAFETY PATROL FUND. There is appropriated from

the general fund of the state to the highway safety patrol fund created in section 80.41, the following amounts for the fiscal years indicated:

1. For the fiscal year beginning July 1, 1996, and ending June 30, 1997, \$9,000,000.
2. For the fiscal year beginning July 1, 1997, and ending June 30, 1998, \$18,000,000.
3. For the fiscal year beginning July 1, 1998, and ending June 30, 1999, \$27,000,000.
4. For the fiscal year beginning July 1, 1999, and ending June 30, 2000, \$36,000,000, or such increased amounts as is necessary to fully fund those expenses for which an appropriation is made pursuant to section 80.41.

Sec. \_\_\_\_ . The division of highway safety, uniformed force, and radio communications may expend an amount proportional to the costs that are reimbursable from the highway safety patrol fund created in section 80.41, as enacted by this Act. Spending for these costs may occur from any unappropriated funds in the state treasury upon a finding by the department of management that all of the amounts requested and approved are reimbursable from the highway safety patrol fund. Upon payment to the highway safety patrol fund, the division of highway safety, uniformed force, and radio communications shall credit the payments necessary to reimburse the state treasury.

Sec. \_\_\_\_ . There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For payment to the department of personnel for expenses incurred in administering the merit system on behalf of the division of highway safety, uniformed force, and radio communications:

..... \$ 88,390

Sec. \_\_\_\_ . **NEW SECTION. 80.41 HIGHWAY SAFETY PATROL FUND.**

1. A highway safety patrol fund is created as a separate fund in the state treasury under the control of the department of revenue and finance. Interest and other moneys earned by the fund shall be deposited in the fund. The fund shall include moneys credited from the use tax as allocated under section 423.24, subsection 2.

2. Moneys credited to the fund shall be expended, pursuant to appropriations made from the fund by the general assembly, by the division of highway safety, uniformed force, and radio communications of the department of public safety for salaries, including salary adjustment moneys, support, maintenance, and miscellaneous purposes, including workers' compensation expenses and the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A.

3. Notwithstanding section 8.33, moneys credited to the fund which remain unobligated or unexpended at the close of a fiscal year shall not revert to the general fund of the state but shall be credited to the fund from which they were appropriated.

4. This section is repealed July 1, 2000.

Sec. \_\_\_\_ . Section 423.24, subsection 2, Code 1995, is amended to read as follows:

2. Twenty percent of all revenue derived from the use tax on motor vehicles, trailers, and motor vehicle accessories and equipment as collected pursuant to section 423.7 shall be deposited in the GAAP deficit reduction account established in the department of management pursuant to section 8.57, subsection 2, and shall

be used and credited one-half to the road use tax fund and one-half to the primary road fund to be used for the commercial and industrial highway network, except to the extent that the department directs that moneys are deposited in the highway safety patrol fund created in section 80.41 to fund the appropriations made from the highway safety patrol fund in accordance with the provisions of that section 80.41. The department shall determine the amount of moneys to be credited under this subsection to the highway safety patrol fund and shall deposit that amount into the highway safety patrol fund."

19. Page 13, by inserting before line 31 the following:

"DIVISION V"

20. By striking page 14, line 22, through page 15, line 4, and inserting the following:

"Sec. \_\_\_\_ . DRIVER'S LICENSE PILOT PROJECT.

1. The legislative council is requested to establish an interim study committee to evaluate expansion of the driver's license pilot program to include additional counties. The committee shall evaluate the benefits to the public from the issuance of driver's licenses by the counties and the cost effectiveness of doing so. The committee shall hear testimony from federal transportation officials regarding issuance of commercial driver's licenses and compliance with federal regulations. The committee shall provide recommendations regarding such expansion to the general assembly no later than December 15, 1995.

2. Notwithstanding any other provisions to the contrary, the county treasurers of Adams, Cass, Fremont, Mills, Montgomery, and Page counties may retain for deposit in the county general fund, up to five dollars for each motor vehicle license transaction, including, but not limited to, issuance or renewal of motor vehicle licenses, nonoperator's identification cards, or handicapped identification devices.

3. As a condition for retention of moneys under this subsection, a county treasurer shall document the actual quarterly expenditures associated with driver's license issuance including the amount of time spent during that quarter on driver's license-related activities, the proportionate share of salaries and benefits for county employees performing driver's license-related activities, the total numbers of transactions conducted, and other costs related to the administration of driver's license-related activities. Each county treasurer shall provide the documentation of expenditures to the state department of transportation and legislative fiscal bureau. If the county treasurer's total expenses are less than the moneys retained under this subsection, the county treasurer shall submit the difference to the treasurer of state on a quarterly basis. The treasurer of state shall deposit that amount in the road use tax fund.

Sec. \_\_\_\_ . NEW SECTION. 321.179 COUNTY TREASURERS —ISSUANCE OF MOTOR VEHICLE LICENSES.

1. Notwithstanding the provisions of this chapter or chapter 321L which grant sole authority to the department for the issuance of motor vehicle licenses, nonoperator's identification cards, and handicapped identification devices, the counties of Adams, Cass, Fremont, Mills, Montgomery, and Page shall be authorized to issue motor vehicle licenses, nonoperator's identification cards, and handicapped identification devices on a permanent basis. However, a county shall only be authorized to issue commercial driver's licenses if certified to do so by the department. If a county fails to meet the standards for certification under this section, the department itself shall provide for the issuance of commercial driver's licenses in that county. The department shall certify the county treasurers in the

permanent counties to issue commercial driver's licenses if all of the following conditions are met:

a. The driving skills test is the same as that which would otherwise be administered by the state.

b. The county examiner contractually agrees to comply with the requirements of 49 C.F.R. 383.75, adopted as of a specific date by rule by the department.

c. The department provides supervision over the issuance of commercial driver's licenses and the administration of written tests by the county treasurers.

2. The department shall retain all supervisory authority over the county treasurers who shall be subject to the supervision of the department and shall be considered agents of the department when performing motor vehicle licensing functions."

21. By striking page 15, line 32, through page 17, line 17.

22. Page 17, by inserting after line 26 the following:

"Sec. \_\_\_\_ . INFRASTRUCTURE APPROPRIATIONS. If section 8.57, subsection 5, Code 1995, is amended by the Seventy-sixth General Assembly, 1995 Session, to change the name of the rebuild Iowa infrastructure account to the rebuild Iowa infrastructure fund, the appropriations in this or any other Act from the rebuild Iowa infrastructure account shall be deemed to be made from the rebuild Iowa infrastructure fund.

Sec. \_\_\_\_ . Section 321.179, as enacted in 1995 Iowa Acts, is repealed July 1, 1997."

23. By renumbering, redesignating and correcting internal references as necessary.

On the Part of the Senate:

LARRY MURPHY, Chair  
 JOANN DOUGLAS  
 DON E. GETTINGS  
 RODNEY HALVORSON  
 JIM LIND

On the Part of the House:

DAVID MILLAGE,<sup>5</sup> Chair  
 CLYDE E. BRADLEY  
 BARRY BRAUNS  
 C. ARTHUR OLLIE  
 STEVEN WARNSTADT

CORRECTED REPORT OF THE CONFERENCE COMMITTEE  
 ON SENATE FILE 481

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 481, a bill for An Act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, and making appropriations to various state agencies for capital projects, to the primary road fund, to county fairs and to the Iowa state fair from the rebuild Iowa infrastructure account and the general fund, relating to the living roadway trust fund and the state roadside specialist, the primary road and state highway system, and other transportation-related statutory changes, requiring transportation-related studies, making technical changes, and providing an effective date, respectfully make the following

report:

1. That the Senate recedes from its amendment H-4143.

2. That the House recedes from its amendment S-3597.

3. That Senate File 481, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. Page 2, line 7, by striking the figure "21,810,473" and inserting the following: "21,960,473".

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

"Of the moneys appropriated in this paragraph, a sufficient amount shall be allocated to provide effective and necessary oversight of the county treasurer's issuance of motor vehicle licenses in accordance with this Act."

3. Page 4, by striking lines 2 through 8.

4. Page 6, line 20, by striking the figure "3,000,000" and inserting the following: "2,000,000".

5. Page 6, line 23, by striking the figure "3,000,000" and inserting the following: "2,000,000".

6. Page 6, by striking lines 24 through 26 and inserting the following:

"5. For the performing arts center and for fire and environmental safety, renovation, or for deferred maintenance at the university of northern Iowa:

..... \$ 3,000,000

Of the funds appropriated in this subsection, \$1,000,000 shall be directed towards critical deferred maintenance, renovation and building costs and the remainder shall be used for the performing arts center."

7. Page 7, line 3, by striking the word and figure "January 15, 1996" and inserting the following: "August 31, 1995".

8. Page 7, by striking line 4 and inserting the following: "expenditures of moneys appropriated for fire and environmental safety, renovation, or for deferred maintenance under subsections 3 through 5."

9. Page 7, line 9, by striking the word "amount" and inserting the following: "amounts".

10. Page 7, line 10, by striking the word "purpose" and inserting the following: "purposes".

11. Page 7, by striking lines 11 through 35 and inserting the following:

"1. For connection of the Fort Madison correctional facility with the Iowa communications network:

..... \$ 161,000

2. For remodeling of the visitation area at Mitchellville:

..... \$ 100,000"

12. Page 8, line 25, by striking the figure "300,000" and inserting the following: "250,000".

13. Page 8, by striking lines 33 through 35.

14. Page 9, line 9, by striking the figure "5,000,000" and inserting the following: "2,500,000".

15. By striking page 9, line 20, through page 10, line 3, and inserting the following:

"2. Merged Area II .....	\$	90,534
3. Merged Area III .....	\$	103,952
4. Merged Area IV .....	\$	38,156
5. Merged Area V .....	\$	142,389
6. Merged Area VI .....	\$	101,409
7. Merged Area VII .....	\$	95,339

8. Merged Area IX .....	\$	128,062
9. Merged Area X .....	\$	205,158
10. Merged Area XI .....	\$	192,269
11. Merged Area XII .....	\$	83,645
12. Merged Area XIII .....	\$	103,540
13. Merged Area XIV .....	\$	40,819
14. Merged Area XV .....	\$	104,318
15. Merged Area XVI .....	\$	70,410"

16. Page 10, by inserting after line 7 the following:

"Sec. \_\_\_\_ . The appropriation to Merged Area I in section 8 of this Act is contingent upon the receipt of federal funds or private matching moneys. If the anticipated federal funding or private matching moneys are not received, the appropriation in section 8 shall be allocated by the department of education as follows:

1. Merged Area I .....	\$	118,722
2. Merged Area II .....	\$	143,725
3. Merged Area III .....	\$	165,027
4. Merged Area IV .....	\$	60,573
5. Merged Area V .....	\$	226,046
6. Merged Area VI .....	\$	160,989
7. Merged Area VII .....	\$	151,352
8. Merged Area IX .....	\$	203,300
9. Merged Area X .....	\$	325,692
10. Merged Area XI .....	\$	305,230
11. Merged Area XII .....	\$	132,789
12. Merged Area XIII .....	\$	164,371
13. Merged Area XIV .....	\$	64,801
14. Merged Area XV .....	\$	165,606
15. Merged Area XVI .....	\$	111,777"

17. Page 10, by striking lines 15 through 22 and inserting the following:

"1. For exterior state capitol building restoration:

.....	\$	7,165,000
2. For interior state capitol building restoration:		
.....	\$	2,100,000
3. For health, fire safety, and interior maintenance needs of the state capitol building:		
.....	\$	1,600,000
4. For major maintenance needs including health, life and fire safety and for compliance with the federal Americans with disabilities Act for state-owned buildings and facilities:		
.....	\$	4,000,000
5. For improvements at the state capitol complex as follows:		
a. For construction of a tunnel under Grand avenue north from the State Capitol building:		
.....	\$	1,500,000
b. For renovation of the old historical building:		
.....	\$	6,200,000
c. For site preparation for the proposed parking ramp north of Des Moines street:		
.....	\$	2,300,000"

18. By striking page 12, line 14 through page 13, line 30 and inserting the following:

"DIVISION III  
LOTTERY TRANSFER

Sec. \_\_\_\_ . Notwithstanding the requirement in section 99E.10, subsection 1, to transfer lottery revenue remaining after expenses are deducted, notwithstanding the requirement under section 99E.20, subsection 2, for the commissioner to certify and transfer a portion of the lottery fund to the CLEAN fund, and notwithstanding the appropriations and allocations in section 99E.34, all lottery revenues received during the fiscal year beginning July 1, 1995, and ending June 30, 1996, after deductions as provided in section 99E.10, subsection 1, and as appropriated under any Act of the Seventy-sixth General Assembly, 1995 Session, shall not be transferred to and deposited into the CLEAN fund but shall be transferred and credited to the general fund of the state.

Sec. \_\_\_\_ . Notwithstanding 1994 Iowa Acts, chapter 1199, section 12, of the lottery revenues remaining after \$34,400,000 is transferred and credited to the general fund of the state during the fiscal year beginning July 1, 1994, the following amounts shall be transferred in descending priority order as follows:

1. To the treasurer of state for the continued funding of Iowa's participation in the funding of the world food prize:

..... \$ 250,000

It is the intent of the general assembly that this appropriation of public funds will result in a commitment for additional funding for the world food prize from private sources.

The treasurer of state shall only provide the funds appropriated in this section to the world food prize foundation if sufficient private funds are raised to maintain the world food prize foundation in Iowa and the foundation is structured to include representation that reflects environmental concerns and sustainable agriculture.

2. To the treasurer of state for purposes of allocating moneys to assist each of the 103 county fairs which are members of the association of Iowa fairs, for purposes of supporting annual county fairs and improvements to the county fairgrounds:

..... \$ 1,000,000

The treasurer of state shall allocate an equal amount to each member fair. However, moneys shall only be expended by a county fair on a dollar-for-dollar matching basis with moneys received from donations contributed to the county fair from private sources or moneys contributed by a county to aid the county fair pursuant to section 174.14.

3. To the Iowa state fair foundation for capital projects and major maintenance improvements at the Iowa state fairgrounds:

..... \$ 3,000,000

4. To the Loess Hills development and conservation authority, for deposit in the Loess Hills development and conservation fund created in section 161D.2 for the purposes specified in section 161D.1:

..... \$ 400,000

5. To the department of agriculture and land stewardship to use in cooperation with the department of corrections for a project of repairs and improvements at the national heritage orientation center and public market. It is the intent of the general assembly that the project serve as a pilot community services program using prison labor for regional economic development initiatives supporting Iowa

agriculture and food products:

..... \$ 300,000

6. To the department of economic development for a grant to the Wallace foundation for rural research and development located in Atlantic, Iowa, for costs to develop an educational and outreach center:

..... \$ 725,000

7. To the department of cultural affairs for maintenance and improvement at the gothic house visitors center:

..... \$ 225,000

8. To the department of natural resources for purposes of continuing natural lake preservation efforts:

..... \$ 100,000

The department shall award the amount transferred in this subsection to a city as defined in section 362.2. The department shall award the amount on a matching basis with the department contributing one dollar for each one dollar dedicated by the city, or the city acting in conjunction with a county, regardless of the source from which the city or county obtains the money, for the continuation of natural lake preservation efforts, if the city or county has previously received state funding for such purposes. However, the city, or the city and county, must have dedicated at least \$100,000 of local funds in order to qualify for the award. The city must also be located in a county having a population of less than 12,000.

9. To the department of natural resources for capital improvements at Backbone lake, other improvements of that state park, and preparation work and other costs associated with the park's 75th anniversary:

..... \$ 500,000

Of the appropriation in this subsection, up to \$100,000 shall be used for bicycle trail improvements.

10. To the department of natural resources, to be combined with local match funding, for a study of dredging at Crystal lake in Winnebago county:

..... \$ 25,000

11. To the department of natural resources for purposes of creating, improving, or enhancing recreational opportunities directly related to the restoration and development of lake Ahquabi and related facilities, which shall include any necessary dredging operations, and which may also include swimming, boating, and fishing facilities:

..... \$ 184,000

The department shall return any amount of the transfer expended by the department under this subsection to the general fund of the state to the extent that the department receives moneys from the clean lakes program, administered by the United States environmental protection agency, for purposes described in this subsection.

12. To the department of economic development for operation and support of the Dows welcome center:

..... \$ 20,000

13. To the department of natural resources, to be combined with local match funding of two dollars for every one state dollar, for repair and replacement costs associated with the spillway at Hickory Grove lake:

..... \$ 250,000

14. To the department of agriculture and land stewardship for providing assistance in reconstructing and repairing flood-damaged dikes and levees on

pasture and other agricultural land which is not used for crops:

..... \$ 75,000

15. To the department of education for a grant to Southeast Polk community school district to implement an interagency coalition strategy combining education, health, and social services in addressing the problems of children and families through school-linked services:

..... \$ 60,000

16. To the Iowa department of public health for a grant to establish a rural medical care center in Tama:

..... \$ 50,000

17. To the department of natural resources for a grant for costs associated with the Sauk rail trail and park improvements in Carroll:

..... \$ 30,000

18. To the department of natural resources for a grant for costs associated with renovation of the Boone walking trail:

..... \$ 5,000

19. To Iowa state university of science and technology for allocation to the Iowa institute for public leadership for operations costs:

..... \$ 25,000

20. To the printing division of the department of general services for publication of the under the golden dome publication as specified by the authoring agency:

..... \$ 45,000

21. To the department of corrections for a grant to the amer-i-can program for training of inmates and correctional staff:

..... \$ 25,000

22. To the department of education for contracting with the Iowa alliance for arts education to execute the local arts comprehensive educational strategies program:

..... \$ 125,000

23. To the department of education for a grant to a community college to assist in a public-private partnership between the community college, a city, and a county in developing a center or program to provide child day care for nontraditional students:

..... \$ 75,000

24. To the department of general services for planning, design, site acquisition and preparation, and other expenditures necessary to establish a fee-based child day care program available to public employees officed at or near the capitol complex:

..... \$ 500,000

a. The general assembly considers child day care to be an important service for employers, employees, and their children. Employer-supported child care can have a positive impact upon employee morale and retention and can positively affect the children who are receiving child care services. High quality child care is of significant value to employers. It is believed that a quality, on-site child care program available to the children of state employees will provide a model for other employers in this state to emulate.

b. (1) The legislative council is requested to appoint a capitol complex child day care program steering committee to provide direction to the department of general services in developing facility plans, establishing the facilities, developing operation policies, contracting with a vendor to operate the program, and other

decisions involving establishment and operation of the program. The steering committee shall utilize the March 1990 consultant report to the capitol complex ad hoc committee on child care, particularly the intermediate quality recommendations, in its decision making.

(2) The steering committee membership shall include members of the general assembly; representatives of the departments of general services, personnel, human services, and education; employees officed at the capitol complex who purchase child day care services; a representative of the state board of regents center for early childhood education; a representative of the Iowa state university of science and technology early childhood education programs; and other persons knowledgeable concerning child day care programs.

c. In consultation with the steering committee, the director of the department of general services shall retain a consultant to oversee the process of developing the program and shall contract with a vendor to manage the program.

d. The program shall be designed to operate with a capacity of 150 children and to regularly serve infants, toddlers, preschool, school age, and mildly ill children.

25. To the commission of veterans affairs, for donation to the women in military service for America memorial foundation for the purpose of constructing the women in military service memorial to be built at the gateway to Arlington national cemetery in Arlington, Virginia:

..... \$ 47,000  
 The executive director of the commission of veterans affairs shall forward this donation to the women in military service for America memorial foundation upon certification by the foundation that sufficient funding has been pledged to complete the construction of the memorial.

26. To the Iowa peace institute:

..... \$ 100,000

27. To the division of highway safety, uniformed force, and radio communications of the department of public safety for purchase and activation charges for cellular phones for force members:

..... \$ 50,000

28. To the department of economic development for expansion of the microbusiness rural enterprise demonstration project created pursuant to 1994 Iowa Acts, chapter 1119, section 34, to 30 additional counties in the fiscal year beginning July 1, 1995:

..... \$ 50,000

29. To the Iowa department of public health for a conference to develop a plan for provision of health insurance coverage to children of low-income families who are ineligible for medical assistance and have no health care coverage:

..... \$ 20,000

30. To the Iowa department of public health for a domestic violence conference:

..... \$ 20,000

31. To the department of corrections for a study of the development and use of a telecommunications network for worker training, inmate rehabilitation, and other related purposes in the sixth judicial district:

..... \$ 25,000

32. To Iowa state university of science and technology for a study of alternative project delivery systems for publicly funded infrastructure projects, provided the study is publicly distributed upon completion:

..... \$ 39,000  
 33. To the department of economic development for the Iowa members' cost share for the Lewis and Clark rural water system:

..... \$ 25,000  
 34. To the department of elder affairs for the 1995 older Iowans legislature:  
 ..... \$ 20,000

35. To the judicial department for development and implementation of a long-range and strategic plan for the judicial branch of Iowa government:  
 ..... \$ 50,000

36. To the department of education for allocation to the community college that experienced the highest percentage of increase in full-time fall enrollment for the period beginning July 1, 1989, and ending June 30, 1995, for purposes of renovating a building for use as an urban center with classrooms to prepare students for the workplace or to pursue postsecondary education:  
 ..... \$ 150,000

37. To the department of human services for application by the department for grants to establish pilot projects for placements of geriatric patients who have a mental illness:  
 ..... \$ 25,000

Any grant received may be used by the department to fund a coordinator to work with hospitals and nursing homes concerning placements of geriatric patients who have a mental illness.

38. To the college student aid commission for the Iowa hope loan program:  
 ..... \$ 100,000

39. To the state department of transportation for the city of Durant to construct a curb on highway 927:  
 ..... \$ 100,000

40. The remaining revenues to the Iowa state fair foundation for capital projects and major maintenance improvements at the Iowa state fairgrounds. If the remaining lottery revenues do not equal \$5,500,000, then the remaining amount necessary to equal \$5,500,000 is appropriated from the rebuild Iowa infrastructure fund to the Iowa state fair foundation for the fiscal year beginning July 1, 1995, and ending June 30, 1996.

Notwithstanding section 8.33, moneys transferred and appropriated in accordance with this section shall not revert to the general fund of the state at the close of the fiscal year but shall remain available for expenditure for the purposes designated. Unless otherwise provided in this section, moneys transferred in this section which remain unobligated or unexpended for the purpose designated shall revert to the general fund of the state on August 31, 1997.

Sec. \_\_\_\_ . BLOOD RUN NATIONAL HISTORIC LANDMARK. The department of cultural affairs may use moneys appropriated to the department in 1994 Iowa Acts, chapter 1199, section 35, as necessary, to contract with the midwest region of the national park service to complete a study of blood run national historic landmark for the purpose of determining the feasibility of incorporating the landmark into the national park system. Notwithstanding section 8.33, moneys from the appropriation which remain unobligated or unexpended on June 30, 1995, shall not revert to the general fund of the state but shall remain available for use as provided in this section in the succeeding fiscal year.

Sec. \_\_\_\_ . EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV  
HIGHWAY PATROL

Sec. \_\_\_\_ . There is appropriated from the highway safety patrol fund to the division of highway safety, uniformed force, and radio communications of the department of public safety, for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$ 33,210,467
..... FTEs	553.50

Sec. \_\_\_\_ . HIGHWAY SAFETY PATROL FUND. There is appropriated from the general fund of the state to the highway safety patrol fund created in section 80.41, the following amounts for the fiscal years indicated:

1. For the fiscal year beginning July 1, 1996, and ending June 30, 1997, \$9,000,000.
2. For the fiscal year beginning July 1, 1997, and ending June 30, 1998, \$18,000,000.
3. For the fiscal year beginning July 1, 1998, and ending June 30, 1999, \$27,000,000.
4. For the fiscal year beginning July 1, 1999, and ending June 30, 2000, \$36,000,000, or such increased amounts as are necessary to fully fund those expenses for which an appropriation is made pursuant to section 80.41.

Sec. \_\_\_\_ . The division of highway safety, uniformed force, and radio communications may expend an amount proportional to the costs that are reimbursable from the highway safety patrol fund created in section 80.41, as enacted by this Act. Spending for these costs may occur from any unappropriated funds in the state treasury upon a finding by the department of management that all of the amounts requested and approved are reimbursable from the highway safety patrol fund. Upon payment to the highway safety patrol fund, the division of highway safety, uniformed force, and radio communications shall credit the payments necessary to reimburse the state treasury.

Sec. \_\_\_\_ . There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For payment to the department of personnel for expenses incurred in administering the merit system on behalf of the division of highway safety, uniformed force, and radio communications:

.....	\$ 88,390
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Sec. \_\_\_\_ . NEW SECTION. 80.41 HIGHWAY SAFETY PATROL FUND.

1. A highway safety patrol fund is created as a separate fund in the state treasury under the control of the department of revenue and finance. Interest and other moneys earned by the fund shall be deposited in the fund. The fund shall include moneys credited from the use tax as allocated under section 423.24, subsection 2.
2. Moneys credited to the fund shall be expended, pursuant to appropriations made from the fund by the general assembly, by the division of highway safety,

uniformed force, and radio communications of the department of public safety for salaries, including salary adjustment moneys, support, maintenance, and miscellaneous purposes, including workers' compensation expenses and the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A.

3. Notwithstanding section 8.33, moneys credited to the fund which remain unobligated or unexpended at the close of a fiscal year shall not revert to the general fund of the state but shall be credited to the fund from which they were appropriated.

4. This section is repealed July 1, 2000.

Sec. \_\_\_\_ . Section 423.24, subsection 2, Code 1995, is amended to read as follows:

2. Twenty percent of all revenue derived from the use tax on motor vehicles, trailers, and motor vehicle accessories and equipment as collected pursuant to section 423.7 shall be deposited in the GAAP deficit reduction account established in the department of management pursuant to section 8.57, subsection 2; and shall be used and credited one-half to the road use tax fund and one-half to the primary road fund to be used for the commercial and industrial highway network, except to the extent that the department directs that moneys are deposited in the highway safety patrol fund created in section 80.41 to fund the appropriations made from the highway safety patrol fund in accordance with the provisions of ~~that~~ section 80.41. The department shall determine the amount of moneys to be credited under this subsection to the highway safety patrol fund and shall deposit that amount into the highway safety patrol fund."

19. Page 13, by inserting before line 31 the following:

"DIVISION V"

20. By striking page 14, line 22, through page 15, line 4, and inserting the following:

"Sec. \_\_\_\_ . DRIVER'S LICENSE PILOT PROJECT.

1. The legislative council is requested to establish an interim study committee to evaluate expansion of the driver's license pilot program to include additional counties. The committee shall evaluate the benefits to the public from the issuance of driver's licenses by the counties and the cost effectiveness of doing so. The committee shall hear testimony from federal transportation officials regarding issuance of commercial driver's licenses and compliance with federal regulations. The committee shall provide recommendations regarding such expansion to the general assembly no later than December 15, 1995.

2. Notwithstanding any other provisions to the contrary, the county treasurers of Adams, Cass, Fremont, Mills, Montgomery, and Page counties may retain for deposit in the county general fund, up to five dollars for each motor vehicle license transaction, including, but not limited to, issuance or renewal of motor vehicle licenses, nonoperator's identification cards, or handicapped identification devices.

3. As a condition for retention of moneys under this subsection, a county treasurer shall document the actual quarterly expenditures associated with driver's license issuance including the amount of time spent during that quarter on driver's license-related activities, the proportionate share of salaries and benefits for county employees performing driver's license-related activities, the total numbers of transactions conducted, and other costs related to the administration of driver's license-related activities. Each county treasurer shall provide the documentation of expenditures to the state department of transportation and legislative fiscal bureau. If the county treasurer's total expenses are less than the moneys retained

under this subsection, the county treasurer shall submit the difference to the treasurer of state on a quarterly basis. The treasurer of state shall deposit that amount in the road use tax fund.

Sec. \_\_\_\_ . **NEW SECTION. 321.179 COUNTY TREASURERS —ISSUANCE OF MOTOR VEHICLE LICENSES.**

1. Notwithstanding the provisions of this chapter or chapter 321L which grant sole authority to the department for the issuance of motor vehicle licenses, nonoperator's identification cards, and handicapped identification devices, the counties of Adams, Cass, Fremont, Mills, Montgomery, and Page shall be authorized to issue motor vehicle licenses, nonoperator's identification cards, and handicapped identification devices on a permanent basis. However, a county shall only be authorized to issue commercial driver's licenses if certified to do so by the department. If a county fails to meet the standards for certification under this section, the department itself shall provide for the issuance of commercial driver's licenses in that county. The department shall certify the county treasurers in the permanent counties to issue commercial driver's licenses if all of the following conditions are met:

a. The driving skills test is the same as that which would otherwise be administered by the state.

b. The county examiner contractually agrees to comply with the requirements of 49 C.F.R. 383.75, adopted as of a specific date by rule by the department.

c. The department provides supervision over the issuance of commercial driver's licenses and the administration of written tests by the county treasurers.

2. The department shall retain all supervisory authority over the county treasurers who shall be subject to the supervision of the department and shall be considered agents of the department when performing motor vehicle licensing functions."

21. By striking page 15, line 32, through page 17, line 17.

22. Page 17, by inserting after line 26 the following:

"Sec. \_\_\_\_ . **INFRASTRUCTURE APPROPRIATIONS.** If section 8.57, subsection 5, Code 1995, is amended by the Seventy-sixth General Assembly, 1995 Session, to change the name of the rebuild Iowa infrastructure account to the rebuild Iowa infrastructure fund, the appropriations in this or any other Act from the rebuild Iowa infrastructure account shall be deemed to be made from the rebuild Iowa infrastructure fund.

Sec. \_\_\_\_ . Section 321.179, as enacted in this Act, is repealed July 1, 1997."

23. By renumbering, redesignating and correcting internal references as necessary.

On the Part of the Senate:

LARRY MURPHY, Chair  
 JOANN DOUGLAS  
 DON E. GETTINGS  
 RODNEY HALVORSON  
 JIM LIND

On the Part of the House:

DAVID MILLAGE, Chair  
 CLYDE E. BRADLEY  
 BARRY BRAUNS  
 C. ARTHUR OLLIE  
 STEVEN WARNSTADT

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 484

To the President of the Senate and Speaker of the House of Representatives:  
We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 484, a bill for An Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, providing an effective date, and providing penalties, respectfully make the following report:

1. The the Senate recedes from its amendment, H-4225.

2. That the House amendment, S-3684, to Senate File 484, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking page 1, line 5, through page 19, line 2, and inserting the following:

““Section 1. AUDITOR OF STATE. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$ 1,310,549
.....	FTEs 112.50

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative fiscal bureau of the additional full-time equivalent positions retained.

Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, for the purposes designated:

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

.....	\$ 375,786
.....	FTEs 8.00

Sec. 3. DEPARTMENT OF COMMERCE. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. PROFESSIONAL LICENSING AND REGULATION DIVISION

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

.....	\$ 897,802
.....	FTEs 14.00

2. ADMINISTRATIVE SERVICES DIVISION

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

.....	\$ 211,586
.....	FTEs 2.00

It is the intent of the general assembly that the two positions authorized in this subsection for the division shall coordinate the administrative services to be provided to the divisions in the department. These two positions are under the direct supervision of, and shall report to, the director of the department.

The division of administrative services shall assess each division within the department of commerce and the office of consumer advocate within the department of justice a pro rata share of the operating expenses of the division of administrative services. The pro rata share shall be determined pursuant to a cost allocation plan established by the division of administrative services and agreed to by the administrators of the divisions and the consumer advocate. To the extent practicable, the cost allocation plan shall be based on the proportion of the administrative expenses incurred on behalf of each division and the office of consumer advocate. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated, an amount sufficient to cover the amount stated in its appropriation, any state assessed indirect costs determined by the department of revenue and finance, and the cost of services provided by the division of administrative services.

**3. ALCOHOLIC BEVERAGES DIVISION**

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

.....	\$ 1,861,105
.....	FTEs 33.50

**4. BANKING DIVISION**

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

.....	\$ 5,375,058
.....	FTEs 84.00

**5. CREDIT UNION DIVISION**

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

.....	\$ 1,047,066
.....	FTEs 20.00

**6. INSURANCE DIVISION**

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

.....	\$ 2,924,482
.....	FTEs 91.50

Of the amounts appropriated in this section to the insurance division, not more than \$100,000 shall be used for the regulation of health insurance purchasing cooperatives.

The insurance division shall monitor public utilization of the coverages identified in chapter 514C under managed care plans in this state.

The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds and reimbursements, estimated pursuant to section 505.7,

subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

a. Notifies the department of management, legislative fiscal bureau, and the legislative fiscal committee of the need for the expenditures.

b. Files with each of the entities named in paragraph "a" the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

c. (1) Of the amounts appropriated to the insurance division in this subsection not more than \$100,000 shall be used for continuing the division's senior health insurance information program and not more than \$100,000 shall be used for the purpose of establishing a pilot consumer health education and assistance program.

(2) The purpose of the consumer health education and assistance program is to educate and assist health care consumers to make more informed health insurance and care choices in the marketplace. Both oral and written educational assistance relating to health care insurance, delivery systems, provider services and coverage, billing procedures, and sources of information shall be provided by the division. The division of insurance may request, and other state agencies shall provide, assistance in implementing and administering the health care education and assistance program.

(3) The commissioner of insurance shall appoint an advisory committee consisting of knowledgeable and interested citizens and state and local public officials to provide advice and review the program. A majority of the members of the advisory committee shall be bona fide representatives of consumers.

(4) The commissioner of insurance shall prepare a progress report relating to the activities of the program, the report to be submitted to the governor and the members of the general assembly not later than March 1, 1996. The governor and the legislative council may request progress reports from the commissioner of insurance as deemed appropriate.

7. UTILITIES DIVISION

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

.....	\$ 4,911,871
.....	FTEs 79.00

The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the regulation expenses exceed the funds budgeted by the general assembly to the division and that the division does not have other funds from which regulation expenses can be paid. Upon approval of the director of the department of management the division may expend and encumber funds for excess regulation expenses. The amounts necessary to fund the excess regulation expenses shall be collected from those utility companies being regulated which caused the excess expenditures, and the collections shall be treated as repayment receipts as defined in section 8.2.

Sec. 4. There is appropriated from the general fund of the state to the following

named agencies for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

**1. COMMISSION ON UNIFORM STATE LAWS**

For support of the commission and expenses of the members:

..... \$ 20,803

**2. NATIONAL CONFERENCE OF STATE LEGISLATURES**

For support of the membership assessment:

..... \$ 87,719

Sec. 5. There is appropriated from the general fund of the state to the department of general services for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

**1. ADMINISTRATION DIVISION**

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

..... \$ 1,169,975

..... FTEs 31.35

**2. INFORMATION SERVICES DIVISION**

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

..... \$ 5,497,002

..... FTEs 141.60

**3. PROPERTY MANAGEMENT DIVISION**

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

..... \$ 3,935,381

..... FTEs 113.00

The department of general services shall not change the appropriations for the purposes designated in subsections 1 through 3 from the amounts appropriated under those subsections unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes.

Savings achieved in providing telephone services shall be used by the department of general services to increase efficiencies in the provision of those services. The department of general services shall report not later than August 31, 1996, on the projects undertaken to the chairpersons and the ranking members of the joint appropriations subcommittee on administration and regulation and to the legislative fiscal bureau. The report shall include a listing of the projects and efficiencies undertaken during the fiscal year, the cost of each project, and the benefits, including the projected savings on an annual basis and for the life of the efficiency improvement.

**4. CAPITOL PLANNING COMMISSION**

For expenses of the members in carrying out their duties under chapter 18A:

..... \$ 2,000

**5. RENTAL SPACE**

For payment of lease or rental costs of buildings and office space at the seat of government as provided in section 18.12, subsection 9, notwithstanding section 18.16:

..... \$ 607,955

6. UTILITY COSTS

For payment of utility costs and for not more than the following full-time equivalent positions:

.....	\$ 2,059,178
.....	FTEs 1.00

The department of general services may use funds appropriated in this subsection for utility costs to fund energy conservation projects in the state capitol complex which will have a 100 percent payback within a 24-month period. In addition, notwithstanding sections 8.33 and 18.12, subsection 11, any excess funds appropriated for utility costs in this subsection shall not revert to the general fund of the state on June 30, 1996, and these funds shall be used for implementation of energy conservation projects having a payback of 100 percent within a two-year to six-year period. The department of general services shall report not later than August 31, 1996, on the projects having 100 percent payback within a six-year period to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and to the legislative fiscal bureau. The report shall include a listing of the projects undertaken, the cost of each project, and the projected savings on an annual basis and for the life of the project.

7. TERRACE HILL OPERATIONS

For salaries, support, maintenance, and miscellaneous purposes necessary for the operation of Terrace Hill and for not more than the following full-time equivalent positions:

.....	\$ 164,637
.....	FTEs 4.00

Sec. 6. There is appropriated from the designated revolving funds to the department of general services for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. From the centralized printing permanent revolving fund established by section 18.57 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 912,217
.....	FTEs 26.05

2. The remainder of the centralized printing permanent revolving fund is appropriated for the expense incurred in supplying paper stock, offset printing, copy preparation, binding, distribution costs, original payment of printing and binding claims and contingencies arising during the fiscal year beginning July 1, 1995, and ending June 30, 1996, which are legally payable from this fund.

3. From the centralized purchasing permanent revolving fund established by section 18.9 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 734,140
.....	FTEs 16.05

4. The remainder of the centralized purchasing permanent revolving fund is appropriated for the payment of expenses incurred through purchases by various state departments and for contingencies arising during the fiscal year beginning July 1, 1995, and ending June 30, 1996, which are legally payable from this fund.

5. From the vehicle dispatcher revolving fund established by section 18.119 for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 625,075  
 ..... FTEs 15.00

6. The remainder of the vehicle dispatcher revolving fund is appropriated for the purchase of gasoline, gasohol, oil, tires, repairs, and all other maintenance expenses incurred in the operation of state-owned motor vehicles and for contingencies arising during the fiscal year beginning July 1, 1995, and ending June 30, 1996, which are legally payable from this fund.

The vehicle dispatcher shall report, not later than February 15, 1996, to the chairpersons and the ranking members of the joint appropriations subcommittee on administration and regulation and to the legislative fiscal bureau regarding the efficiencies of the vehicle fleet and the changes in the efficiencies. The report shall include the cost per mile, fuel efficiencies, maintenance costs, useful life, the costs of extending the useful life, and other measures which the vehicle dispatcher or the legislative fiscal bureau finds appropriate. The information shall be reported for each general type of vehicle. The overhead costs shall also be reported with the total costs of the vehicle dispatcher operations.

The department of general services shall report to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and the legislative fiscal bureau not later than February 15, 1996, a comparison of the performance of vehicles burning an 85 percent ethanol mixture and those burning a 10 percent ethanol mixture. The report shall include, but is not limited to, average mileage, vehicle life, and problems encountered.

Sec. 7. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor, and for not more than the following full-time equivalent positions:

..... \$ 1,088,936  
 ..... FTEs 17.25

2. For the governor's expenses and the lieutenant governor's expenses connected with office:

..... \$ 2,416

3. For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

..... \$ 64,648  
 ..... FTEs 2.00

4. For the payment of expenses of ad hoc committees, councils, and task forces appointed by the governor to research and analyze a particular subject area relevant to the problems and responsibilities of state and local government, including the employment of professional, technical, and administrative staff and the payment of per diem and actual expenses of committee, council, or task force members as specified pursuant to section 7E.6:

..... \$ 1,610

The ad hoc committees, councils, and task forces appointed by the governor are subject to chapters 21 and 22 and the members and the staff shall be informed of these requirements. A member shall not receive a per diem if the member

is receiving a salary as a full-time public employee, but members shall be reimbursed for actual and necessary expenses.

5. For salaries, support, maintenance, and miscellaneous purposes for the office of administrative rules coordinator, and for not more than the following full-time equivalent positions:

.....	\$	108,336
.....	FTEs	2.00

6. For payment of Iowa's membership in the national governors' conference:

.....	\$	74,435
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Sec. 8. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. FINANCE AND SERVICES DIVISION

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

.....	\$	467,275
.....	FTEs	21.00

2. AUDITS DIVISION

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

.....	\$	352,092
.....	FTEs	11.00

3. APPEALS AND FAIR HEARINGS DIVISION

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

.....	\$	223,048
.....	FTEs	24.00

If Senate File 358 is enacted by the Seventy-sixth General Assembly, 1995 Regular Session, there is appropriated from the general fund of the state to the appeals and fair hearings division for the fiscal period beginning July 1, 1995, and ending December 31, 1995, an additional sum of \$45,000, or so much thereof as is necessary, and 1.50 FTEs to carry out the responsibilities of the division as specified in Senate File 358.

4. INVESTIGATIONS DIVISION

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

.....	\$	729,111
.....	FTEs	35.00

5. HEALTH FACILITIES DIVISION

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

.....	\$	1,663,070
.....	FTEs	101.00

6. INSPECTIONS DIVISION

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

.....	\$	577,869
.....	FTEs	13.00

**7. EMPLOYMENT APPEAL BOARD**

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

.....	\$	33,067
.....	FTEs	15.00

The employment appeal board shall be reimbursed by the labor services division of the department of employment services for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

**8. STATE FOSTER CARE REVIEW BOARD**

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

.....	\$	527,041
.....	FTEs	10.00

The department of human services, in coordination with the state foster care review board and the department of inspections and appeals, shall submit an application for funding available pursuant to Title IV-E of the federal Social Security Act for claims for state foster care review board administrative review costs.

9. The department of inspections and appeals shall provide an accounting of all costs associated with negotiating agreements and compacts pursuant to section 10A.104, subsection 10, and all costs associated with monitoring such agreements and compacts. Information in the accounting shall include the dates and destinations of all travel related to the negotiations and monitoring, and all costs associated with the personnel involved, including salary, travel, and support costs.

Sec. 9. RACETRACK REGULATION. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, for the regulation of pari-mutuel racetracks, and for not more than the following full-time equivalent positions:

.....	\$	1,760,378
.....	FTEs	23.85

Sec. 10. EXCURSION BOAT REGULATION. There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling laws, and for not more than the following full-time equivalent positions:

.....	\$	860,651
.....	FTEs	17.11

It is the intent of the general assembly that the racing and gaming commission shall only employ additional full-time equivalent positions for riverboat gambling

enforcement as authorized by the department of management as needed for enforcement on new riverboats. If more than six riverboats are operating during the fiscal year beginning July 1, 1995, and ending June 30, 1996, the commission may expend no more than \$84,917 for no more than 2.00 FTEs for each additional riverboat in excess of six. The additional expense associated with the positions shall be paid from fees assessed by the commission as provided in chapter 99F.

Notwithstanding section 8.39, funds shall not be transferred to the department of inspections and appeals which would be used for monitoring Indian gaming.

Sec. 11. DEPARTMENT OF INSPECTIONS AND APPEALS — SERVICE CHARGES. The department of inspections and appeals may charge state departments, agencies, and commissions for services rendered and the payment received shall be considered repayment receipts as defined in section 8.2.

Sec. 12. USE TAX APPROPRIATION. There is appropriated from the use tax receipts collected pursuant to section 423.7 prior to their deposit in the road use tax fund pursuant to section 423.24, subsection 1, to the appeals and fair hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 924,090

Sec. 13. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

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

..... \$ 2,032,287  
..... FTEs 30.00

2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS

For reimbursement to local law enforcement agencies for the training of officers who resign pursuant to section 384.15, subsection 7:

..... \$ 47,500

3. COUNCIL OF STATE GOVERNMENTS

For support of the membership assessment:

..... \$ 75,500

The department of management shall conduct a study of the positions of deputy director throughout the executive branch of state government. The study shall include the responsibilities of each deputy director, the salaries of the deputy directors, the number of deputy director positions, and the variation of responsibilities among the deputy director positions. The department shall report its findings to the chairpersons and ranking members of the joint subcommittees on oversight, audit and government reform, and to the legislative fiscal bureau by January 1, 1996.

Sec. 14. There is appropriated from the road use tax fund to the department of management for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

..... \$ 56,000

The department of management shall report to the chairpersons and ranking members of the senate and house committees on appropriations, the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation, and the legislative fiscal bureau, the number of furloughs and the number of layoffs that occur in each state agency, the savings associated with those furloughs and layoffs, the effect of the furloughs and layoffs on services provided by the state agency, and other relevant information. The department shall provide a year-end report summarizing the information for the fiscal year beginning July 1, 1995, which will be due by September 1, 1996.

When addressing staffing targets for state agencies, the department of management shall state the number of staff authorized for a state agency in terms of full-time equivalent positions.

Sec. 15. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated including the filing of quarterly reports as required in this section:

1. OPERATIONS

For salaries, support, maintenance, and miscellaneous purposes for the director's staff, information services, data processing, and financial services, and for not more than the following full-time equivalent positions:

.....	\$ 1,041,716
.....	FTEs 18.58

2. PROGRAM DELIVERY

For salaries for personnel services, employment law and labor relations and training for not more than the following full-time equivalent positions:

.....	\$ 1,213,964
.....	FTEs 33.20

3. PROGRAM ADMINISTRATION AND DEVELOPMENT

For salaries for employment, compensation, and benefits and workers' compensation and for not more than the following full-time equivalent positions:

.....	\$ 1,386,933
.....	FTEs 32.80

Any funds received by the department for workers' compensation purposes other than the funds appropriated in subsection 3 shall be used only for the payment of workers' compensation claims.

The funds for support, maintenance, and miscellaneous purposes for personnel assigned to program delivery under subsection 2 and program administration and development under subsection 3 are payable from the appropriation made in subsection 1.

The department of personnel shall report semi-annually to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation concerning the number of vacancies in existing full-time equivalent positions and the average time taken to fill the vacancies. The reports shall include quarterly and annual averages organized according to state agency and general occupational category as established by the federal equal employment opportunity commission. All departments and agencies of the state shall cooperate with the department in the preparation of the reports.

Sec. 16. IPERS. There is appropriated from the Iowa public employees' retirement system fund to the department of personnel for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof

as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees' retirement system:

..... \$ 3,749,983  
2. It is the intent of the general assembly that the Iowa public employees' retirement system employ sufficient staff within the appropriation provided in this section to meet the developing requirements of the investment program.

3. The department of personnel shall submit, annually, a report to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and to the legislative fiscal bureau regarding the results of the state's top achievement recognition program. The reports submitted shall include, but are not limited to, identification of the recipients, a description of the meritorious achievements, and the awards conferred.

Sec. 17. There is appropriated from the primary road fund to the department of personnel for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:  
..... \$ 331,694

Sec. 18. There is appropriated from the road use tax fund to the department of personnel for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes to provide personnel services for the state department of transportation:  
..... \$ 53,996

Sec. 19. There is appropriated from the general fund of the state to the department of revenue and finance for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions used for the purposes designated in subsections 1 through 3: ..... FTEs 577.43

1. AUDIT AND COMPLIANCE

For salaries, support, maintenance, and miscellaneous purposes:  
..... \$ 10,563,293

2. STATE FINANCIAL MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes: ..... \$ 9,376,548

3. INTERNAL RESOURCES MANAGEMENT

For salaries, support, maintenance, and miscellaneous purposes: ..... \$ 5,910,111

4. COLLECTION COSTS AND FEES

For payment of collection costs and fees pursuant to section 422.26:  
..... \$ 45,000

5. a. The department of revenue and finance shall not change the appropriations for the purposes designated in subsections 1 through 3 from the amounts appropriated in those subsections unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes.

b. The department of revenue and finance shall report quarterly to the legislative fiscal bureau concerning progress in the implementation of generally accepted accounting principles, including determination of reporting entities, fund classifications, modification of the Iowa financial accounting system, progress on preparing a comprehensive annual financial report, and the most current estimate of the general fund balance based on current generally accepted accounting principles.

c. The director of revenue and finance shall report annually to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulation and the legislative fiscal bureau on the implementation and financial status of the integrated revenue information system. The report shall include any changes from the scheduled progress including expenditures or estimated revenue.

d. The director of revenue and finance shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 18, without cost to a city or county.

Sec. 20. There is appropriated from the lottery fund to the department of revenue and finance for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes for the administration and operation of lottery games, and for not more than the following full-time equivalent positions:

.....	\$ 7,408,016
.....	FTEs 120.00

Sec. 21. There is appropriated from the motor vehicle fuel tax fund created by section 452A.77 to the department of revenue and finance for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program: .....

.....	\$ 1,008,025
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Sec. 22. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

**1. ADMINISTRATION AND ELECTIONS**

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

.....	\$ 520,514
.....	FTEs 9.00

**2. BUSINESS SERVICES**

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

.....	\$ 1,565,021
.....	FTEs 28.00

**3. For costs incurred in the printing of the official register:**

.....	\$ 60,000
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Sec. 23. STATE-FEDERAL RELATIONS. There is appropriated from the general fund of the state to the office of state-federal relations for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so

much thereof as is necessary, to be used for the purposes designated:

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

.....	\$ 235,521
..... FTEs	3.00

Sec. 24. TREASURER. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$ 855,694
..... FTEs	27.80

The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 25. SECOND INJURY FUND. The administrative costs and expenses incurred by the treasurer of state, the attorney general, the second injury fund, or the department of revenue and finance, in connection with the second injury fund, may be paid from the second injury fund. However, the payment of administrative costs and expenses incurred by the treasurer of state, the attorney general, the second injury fund, and the department of revenue and finance, as authorized in this section, shall only be permitted for administrative costs and expenses incurred in the fiscal year commencing July 1, 1995, and ending June 30, 1996, shall not exceed \$170,000.

Sec. 26. STATE WORKERS' COMPENSATION CLAIMS. There is appropriated from the general fund of the state to the department of personnel for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution, subject to approval of the department of management, to various state departments to fund the premiums for paying workers' compensation claims which are assessed to and collected from the state department by the department of personnel based upon a rating formula established by the department of personnel:

.....	\$ 5,884,740
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The premiums collected by the department of personnel shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 27. Notwithstanding section 509A.5, there is appropriated from the employer share of the health insurance premium reserve fund the following amount for the purpose designated:

For the health data commission:

.....	\$ 100,000
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Sec. 28. RURAL FIRE PROTECTION.

1. There is appropriated from the general fund of the state to the fire marshal for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For supporting a rural fire protection demonstration project:

..... \$ 6,000

2. The department shall award moneys to one or more resource conservation and development councils which apply for such moneys for the installation of permanent dry fire hydrants. Moneys awarded under this section shall not be used to pay for salaries or support administration. The purpose of a project shall be to demonstrate how dry hydrants may be used to preserve life and protect property from dangers associated with fire, and to support rural infrastructure in order to encourage investment in rural communities.

3. A resource conservation and development council which receives an award under this section shall appoint a dry hydrant project coordinator who shall be responsible for administering the award as provided in this section. In applying for and administering an award, a council shall cooperate with relevant county boards of supervisors, county engineers, soil and water conservation districts, local fire departments, township trustees, rural water associations, and landowners. The council shall also seek cooperation from the natural resources and conservation service of the United States department of agriculture, and, if appropriate, the United States army corps of engineers.

4. Applications shall be judged based on criteria established by the department. The fire service institute advisory committee established pursuant to section 266.46 may assist the department in establishing criteria and judging applications. Applicants shall submit a plan that demonstrates the practical advantages of using a dry hydrant, which relies upon natural roadside water impoundments and man-made impoundments fed by rural water mains, to provide viable and economical sources of water required to extinguish fires in rural areas. The plan shall provide for instructing fire departments regarding the installation and operation of dry hydrants, including methods to utilize labor and equipment. In implementing the plan, the dry hydrant project coordinator shall cooperate with the Iowa fire service institute at Iowa state university as provided in section 266.41, the fire service institute advisory committee, and any association which provides for the training of fire fighters, including the Iowa firemen's association and the Iowa society of fire service instructors.

5. The fire marshal shall prepare a report which shall include findings submitted by each dry hydrant project coordinator who administers an award and recommendations submitted by the fire service institute advisory committee. The committee may provide a plan or model for the installation of dry hydrants throughout the state. The report shall be delivered to the general assembly by January 10, 1996.

Sec. 29. **CENTRALIZED PURCHASING REVOLVING FUND TRANSFER.** Notwithstanding section 18.9, there is transferred from the centralized purchasing revolving fund created under section 18.9 to the general fund of the state on June 30, 1995, the sum of \$200,000.

Sec. 30. **SECRETARY OF STATE OPTICAL IMAGING ACCOUNT TRANSFER.** The secretary of state shall pay to the general fund of the state on June 30, 1995, the sum of \$75,000, or so much thereof as remains of funds appropriated for an optical imaging project. If insufficient unencumbered or unobligated funds remain in the optical imaging account as of June 30, 1995, to pay \$75,000 to the general fund of the state, the deficiency shall be paid from other moneys appropriated to the office of secretary of state pursuant to this Act.

Sec. 31. **IMPLEMENTATION OF FUNDING REDUCTIONS — INTENT OF GENERAL ASSEMBLY.** It is the intent of the general assembly that the

departments, agencies, and offices of the executive department of state government shall implement funding reductions through organizational changes which reduce supervisory positions, vertically and horizontally, and increase the span of control of the remaining supervisors as recommended by the governor's committee on government spending reform.

**Sec. 32. ELIMINATION OF VACANT UNFUNDED JOBS.** The state departments, agencies, or offices receiving appropriations under this Act shall eliminate, within thirty days after the beginning of a fiscal year, all vacant unfunded positions on the table of organization of the state department, agency, or office.

**Sec. 33. STATE COMMUNICATIONS NETWORK — REDUCTION OF TRAVEL AND RELATED EXPENSES.** The offices of the governor and lieutenant governor, the office of secretary of state, the office of treasurer of state, the auditor of state, the department of commerce, the department of inspections and appeals, the Iowa ethics and campaign disclosure board, the department of general services, the department of management, the department of revenue and finance, and the department of personnel shall use the services of the state communications network as much as possible for interagency communication, meetings, and conferences to reduce travel and related expenses for the respective offices or departments.

**Sec. 34. REPORT OF ADDITIONAL INCOME AND EXPENDITURES.** The state departments, agencies, and offices receiving appropriations under this Act shall report all expenses in excess of the funds appropriated from any statutory revolving funds during the fiscal year beginning July 1, 1994, and ending June 30, 1995. The report shall also include the beginning and ending balances of the revolving funds.

The report required pursuant to this section shall be submitted not later than September 30, 1995, for expenditures made during the fiscal year beginning July 1, 1994, and ending June 30, 1995, to the chairpersons and ranking members of the joint appropriations subcommittee on administration and regulations and the legislative fiscal bureau.

**Sec. 35. FEDERAL GRANTS.** All federal grants to and the federal receipts of agencies appropriated funds under this Act, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided by the general assembly.

**Sec. 36.** Section 12.21, Code 1995, is amended to read as follows:

**12.21 ACCEPTING CREDIT CARD PAYMENTS.**

The treasurer of state may enter into an agreement with a financial institution to provide credit card receipt processing for state departments which are authorized by the treasurer of state to accept payment by credit card. A department which accepts credit card payments shall may adjust its fees to reflect the cost of processing as determined by the treasurer of state. A fee may be charged by a department for using the credit card payment method notwithstanding any other provision of the Code setting specific fees. The treasurer of state shall adopt rules to implement this section.

**Sec. 37.** Section 25.2, Code 1995, is amended to read as follows:

**25.2 EXAMINATION OF REPORT — APPROVAL OR REJECTION — PAYMENT.**

The state appeal board with the recommendation of the special assistant attorney general for claims may approve or reject claims against the state of less than ten years covering the following: Outdated warrants; outdated sales and use tax.

refunds; license refunds; additional agricultural land tax credits; outdated invoices; fuel and gas tax refunds; outdated homestead and veterans' exemptions; outdated funeral service claims; tractor fees; registration permits; outdated bills for merchandise; services furnished to the state; claims by any county or county official relating to the personal property tax credit; and refunds of fees collected by the state. Payments authorized by the state appeal board shall be paid from the appropriation or fund of original certification of the claim. However, if that appropriation or fund has since reverted under section 8.33 then such payment authorized by the state appeal board shall be out of any money in the state treasury not otherwise appropriated. Notwithstanding the provisions of this section, the director of revenue and finance may reissue outdated warrants. On or before November 1 of each year, the director of revenue and finance shall provide the treasurer of state with a report of all unpaid warrants which have been outdated for two years or more. The treasurer shall include information regarding outdated warrants in the notice published pursuant to section 556.12. The provisions of section 556.11 regarding agreements to pay compensation for recovery or assistance in recovery of unclaimed property are applicable to agreements to pay compensation to recover or assist in the recovery of outdated warrants.

Sec. 38. Section 411.36, subsection 1, unnumbered paragraph 1, Code 1995, as amended by 1995 Iowa Acts, Senate File 45, section 5, is amended to read as follows:

A board of trustees for the statewide fire and police retirement system is created. The board shall consist of ~~thirteen~~ fourteen members, including nine voting members and ~~four~~ five nonvoting members. Section 69.16A applies to the appointment of the voting members of the board. The voting members of the board shall be as follows:

Sec. 39. Section 411.36, subsection 1, unnumbered paragraph 2, Code 1995, as amended by 1995 Iowa Acts, Senate File 45, section 5, is amended to read as follows:

The treasurer of state, or the treasurer's designee, shall serve as an ex officio, nonvoting member. The other nonvoting members of the board shall be two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

Sec. 40. Section 411.36, subsection 2, Code 1995, is amended to read as follows:

2. Except as otherwise provided for the initial appointments, the The voting members shall be appointed for four-year terms, and the nonvoting members who are members of the senate and the house of representatives shall be appointed for two-year terms. Terms begin on May 1 in the year of appointment and expire on April 30 in the year of expiration.

Sec. 41. Section 411.36, subsection 5, paragraph a, Code 1995, is amended to read as follows:

a. Members of the board, except the treasurer of state or the treasurer's designee, shall be paid their actual and necessary expenses incurred in the performance of their duties and shall receive a per diem as specified in section 7E.6 for each day of service. Per diem and expenses shall be paid to voting members from the fire and police retirement fund created in section 411.8.

Sec. 42. Section 462A.78, subsection 5, Code 1995, is amended to read as follows:

5. The funds collected under subsection 1, paragraph "a", shall be placed in the general fund of the county and used for the expenses of the county conservation

board if one exists in that county. Of each surcharge collected as required under subsection 1, paragraph "b" the county recorder shall remit five dollars to the office of treasurer of state department of revenue and finance for deposit in the general fund of the state.

Sec. 43. Section 554.9401, subsection 6, Code 1995, is amended to read as follows:

6. Of each fee collected by the county recorder under sections 570A.4, 554.9403, 554.9405, and 554.9406, the county recorder shall remit five dollars, if filed on a standard form or six dollars otherwise, to the office of the treasurer of state department of revenue and finance for deposit in the general fund of the state.

Sec. 44. Section 99D.5, subsection 1, Code 1995, is amended to read as follows:

1. A state racing and gaming commission is created within the department of inspections and appeals consisting of five members who shall be appointed by the governor subject to confirmation by the senate, and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19. Before a person is appointed to the commission, the division of criminal investigation of the department of public safety shall conduct a thorough background investigation of the proposed appointee. The proposed appointee shall provide information on a form as required by the division of criminal investigation. The background investigation shall be the same as conducted for an applicant for a license to conduct pari-mutuel wagering. The information shall be made available to the members of the senate standing committee assigned to investigate and recommend confirmation of an appointee.

Sec. 45. Section 515A.15, Code 1995, as amended by 1995 Iowa Acts, House File 247, section 24, is amended to read as follows:

#### 515A.15 ASSIGNED RISKS.

Agreements shall be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, the agreements and rate modifications to be subject to the approval of the commissioner.

For purposes of this section, "insurer" includes, in addition to insurers defined pursuant to section 515A.2, an entity which has submitted a plan of self-insurance for approval pursuant to section 87.4 on or before May 1, 1995, and a self-insurance association formed on or after July 1, 1995, pursuant to section 87.4 except for an association comprised of cities or counties, or both, or an association comprised of community colleges as defined in section 260C.2, which have entered into an agreement pursuant to chapter 28E for the purpose of establishing a self-insured program for the payment of workers' compensation benefits.

Sec. 46. REPEAL. Sections 12.9, 12.12, and 12.13, Code 1995, are repealed.

Sec. 47. EFFECTIVE DATE. This section and sections 38, 39, 40, and 41, being deemed of immediate importance, take effect upon enactment. Sections 29 and 30 of this Act take effect on June 30, 1995. The remainder of this Act takes effect on July 1, 1995."

\_\_\_\_. Title page, line 4, by striking the words " , and providing penalties"."

On the Part of the Senate:

PATTY JUDGE, Chair  
MERLIN E. BARTZ  
LARRY MURPHY

On the Part of the House:

DONALD E. HANSON, Chair  
MICHAEL CATALDO  
CHUCK GIPP  
DAVID MILLAGE  
PAT MURPHY



**SENATE RESOLUTIONS AND  
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not  
Previously Printed During the**

**SEVENTY-SIXTH GENERAL ASSEMBLY**

**1995 Regular Session**

1                   **SENATE RESOLUTION 2**

2                   By: committee on Commerce

3                   (SUCCESSOR TO SSB 32)

4 A Senate Resolution paying tribute to the memory of  
5 Dennis J. Nagel.6       WHEREAS, Dennis J. Nagel was born in Edgewood,  
7 Iowa, received his bachelor's degree from the  
8 University of Iowa, his master's degree from Rutgers  
9 University, and his juris doctorate from the  
10 University of Iowa College of Law; and11       WHEREAS, Dennis J. Nagel served the state of Iowa  
12 and the public for many years in several different  
13 capacities including, among others, his service as  
14 Chairperson of the Iowa Utilities Board for seven  
15 years, President of the National Association of  
16 Regulatory Utility Commissioners for one year, First  
17 Vice-president of the National Association of  
18 Regulatory Utility Commissioners for one year, member  
19 of the Governor's Task Force on Uniform Administrative  
20 Rules for ten years, and as Administrative Assistant  
21 to Governor Robert D. Ray for eight years; and22       WHEREAS, he will be remembered for his  
23 professionalism and his straightforward approach to  
24 addressing issues and to problem solving; and25       WHEREAS, the Senate Committee on Commerce greatly  
26 valued his advice and counsel on many issues which  
27 came before the Committee; NOW THEREFORE,28       BE IT RESOLVED BY THE SENATE, That tribute be paid  
29 to the memory of Dennis J. Nagel, and that he be  
30 recognized for his many contributions to the citizens**Page 2**

1 of the State of Iowa; and

2       BE IT FURTHER RESOLVED, That the Secretary of the  
3 Senate send copies of this Resolution to Dennis J.  
4 Nagel's parents, Donald and Joyce Nagel, and family of  
5 Edgewood.1                   **SENATE RESOLUTION 3**2 By: committee on Natural Resources, Environment and  
3 Energy

4                   (SUCCESSOR TO SSB 37)

5 A Senate Resolution providing special recognition and  
6 support to the seventy-fifth anniversary of Iowa's  
7 state parks system.8       WHEREAS, members of the Iowa Senate, including  
9 members serving on the Committee on Natural Resources,  
10 Environment and Energy, appreciate the great  
11 contribution state parks have made to the development

12 and well-being of Iowa, and appreciate the great value  
13 state parks provide for citizens and visitors as  
14 places of quiet beauty; and

15 WHEREAS, Backbone State Park, the first to be set  
16 aside as a state park, was dedicated in 1920, making  
17 1995 a special seventy-fifth anniversary year for  
18 state parks and an appropriate time to reflect on the  
19 fact that Iowa state parks have passed the test of  
20 time and have been developed and supported to the  
21 point where there are now over eighty state parks and  
22 recreation areas within the system; and

23 WHEREAS, state parks represent an opportunity for  
24 people to camp, fish, swim, hike, bike, picnic and, in  
25 general, enjoy pleasant family outings and peaceful  
26 repose in scenic surroundings; and

27 WHEREAS, state parks include unique natural areas  
28 for Iowa's wildlife, places to assure perpetuation of  
29 animal and plant diversity, and important sites for  
30 scientific study of natural, archaeological, and

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1 geological features; and

2 WHEREAS, nearly every Iowa citizen has been  
3 affected in a positive manner at some point in their  
4 lives by the presence and availability of state parks;

5 NOW THEREFORE,

6 BE IT RESOLVED BY THE SENATE, That the Senate,  
7 including members serving on the Committee on Natural  
8 Resources, Environment and Energy, lend recognition  
9 and support to the seventy-fifth anniversary of Iowa's

10 state parks system by inviting Iowa citizens and  
11 leaders to visit state parks, participate in  
12 celebrating seventy-five successful years of public  
13 service and enjoyment, and use this special year to  
14 acknowledge and reaffirm the importance of state parks  
15 to Iowa's continued well-being and improvement.

16 BE IT FURTHER RESOLVED, That the Senate, including  
17 members serving on the Committee on Natural Resources,  
18 Environment and Energy, recognize this anniversary  
19 year as an ideal time wherein appropriate actions may  
20 be taken to assure that Iowa's state parks continue  
21 accommodating Iowa citizens for another seventy-five  
22 years.

23 BE IT FURTHER RESOLVED, That a copy of this  
24 resolution be transmitted to the Governor of Iowa and  
25 that all branches and offices of government statewide  
26 be encouraged to join in the celebration of the  
27 seventy-fifth anniversary of the state parks system  
28 that has served citizens and visitors for three-

29 quarters of a century and will continue to serve  
30 citizens and visitors into the next century.

1 SENATE RESOLUTION NO. 4

2 By: committee on Ethics

3 (SUCCESSOR TO SSB 46)

4 A Resolution to provide the senate rules governing  
5 lobbyists.

6 BE IT RESOLVED BY THE SENATE, That the senate rules  
7 governing lobbyists for the ~~seventy-fifth~~ seventy-  
8 sixth general assembly shall be as follows:

9 SENATE RULES GOVERNING LOBBYISTS

10 1. DEFINITIONS. As used in these rules "gift",  
11 "honoraria" or "honorarium", "lobbyist", "client", and  
12 "immediate family member" have the meaning provided in  
13 chapter 68B. As used in these rules the term  
14 "political action committee" means a committee, but  
15 not a candidate's committee, which accepts  
16 contributions, makes expenditures, or incurs  
17 indebtedness in the aggregate of more than two hundred  
18 fifty dollars in any one calendar year for the purpose  
19 of supporting or opposing a candidate for public  
20 office or ballot issue or influencing legislative  
21 action, or an association, lodge, society,  
22 cooperative, union, fraternity, sorority, educational  
23 institution, civic organization, labor organization,  
24 religious organization, or professional or other  
25 organization which makes contributions in the  
26 aggregate of more than two hundred fifty dollars in  
27 any one calendar year for the purpose of supporting or  
28 opposing a candidate for public office or ballot issue  
29 or influencing legislative action.

30 2. APPLICABILITY. These rules are only applicable

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1 to lobbying activities involving the Iowa general  
2 assembly.

3 3. REGISTRATION REQUIRED. All lobbyists shall, on  
4 or before the day their lobbying activity begins,  
5 register with the secretary of the senate by filing a  
6 lobbyist's registration statement listing the items  
7 required under section 68B.36. In addition, the  
8 lobbyist shall file with the secretary of the senate a  
9 statement of the general subjects of legislation in  
10 which the lobbyist is or may be interested, the  
11 numbers of the bills and resolutions (if known) which  
12 will be lobbied, and whether the lobbyist intends to  
13 lobby for or against each bill (if known).

14 Any change in or addition to the foregoing

15 information shall be registered with the secretary of  
16 the senate within ten days after the change or  
17 addition is known to the lobbyist.  
18 Registration expires upon the commencement of the  
19 next regular session of the general assembly, except  
20 that the secretary of the senate may adopt and  
21 implement a reasonable pre-registration procedure in  
22 advance of each regular session during which persons  
23 may register for that session and the following  
24 legislative interim.

25 4. CANCELLATION OF REGISTRATION. If a lobbyist's  
26 service on behalf of a particular employer, client, or  
27 cause is concluded prior to the end of the calendar  
28 year, the lobbyist may cancel the registration on  
29 appropriate forms supplied by the secretary of the  
30 senate. Upon cancellation of registration, a lobbyist

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1 is prohibited from engaging in any lobbying activity  
2 on behalf of that particular employer, client, or  
3 cause until reregistering and complying with these  
4 rules. A lobbyist's registration is valid for only  
5 one session of a general assembly.

6 5. LOBBYIST AND CLIENT REPORTING. Each lobbyist  
7 registered with the senate and each lobbyist's client  
8 shall file the reports required under sections 68B.37  
9 and 68B.38 with the secretary of the senate.

10 For purposes of this rule, and the reports required  
11 under sections 68B.37 and 68B.38, "services enumerated  
12 under section 68B.2, subsection 13, paragraph "a" and  
13 "lobbying purposes" include, but are not limited to,  
14 the following:

15 a. Time spent by the lobbyist at the state capitol  
16 building commencing with the first day of a  
17 legislative session and ending with the day of final  
18 adjournment of each legislative session as indicated  
19 by the journals of the house and senate.

20 b. Time spent by the lobbyist attending meetings  
21 or hearings which results in the lobbyist  
22 communicating with members of the general assembly or  
23 legislative employees about current or proposed  
24 legislation.

25 c. Time spent by the lobbyist researching and  
26 drafting proposed legislation with the intent to  
27 submit the legislation to a member of the general  
28 assembly or a legislative employee.

29 d. Time spent by the lobbyist actually  
30 communicating with members of the general assembly and

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1 legislative employees about current or proposed  
2 legislation.

3 6. GOVERNMENT OFFICIALS. All federal, state, and  
4 local officials or employees representing their  
5 departments, commissions, boards, or agencies shall  
6 present to the secretary of the senate a letter of  
7 authorization from their department or agency heads  
8 prior to the commencement of their lobbying. The  
9 lobbyist registration statement of these officials and  
10 employees shall not be deemed complete until the  
11 letter of authorization is attached. Federal, state,  
12 and local officials who wish to lobby in opposition to  
13 their departments, commissions, boards, or agencies  
14 must indicate such on their lobbyist registration  
15 statements.

16 7. CHARGE ACCOUNTS AND LOANS. Lobbyists and the  
17 organizations they represent shall not allow any  
18 senators to charge any amounts or items to any charge  
19 account to be paid for by those lobbyists or by the  
20 organizations they represent. A lobbyist shall not  
21 make a loan to a senator unless the loan is made in  
22 the ordinary course of business, the lobbyist is in  
23 the business of making loans, and the terms and  
24 conditions of the loan are the same or substantially  
25 similar to the finance charges and loan terms that are  
26 available to members of the general public.

27 8. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist, an  
28 employer of a lobbyist, or a political action  
29 committee shall not offer economic or investment  
30 opportunity or promise of employment to any senator

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1 with intent to influence the senator's conduct in the  
2 performance of official duties.

3 A lobbyist shall not take action intended to  
4 negatively affect the economic interests of a senator.

5 For purposes of this rule, supporting or opposing a  
6 candidate for office or supporting or opposing a bill,  
7 amendment, or resolution shall not be considered to be  
8 action intended to negatively affect the economic  
9 interests of a senator.

10 9. MEMBERSHIP CONTRIBUTIONS. A lobbyist, or  
11 employer of a lobbyist, shall not pay for membership  
12 in or contributions to clubs or organizations on  
13 behalf of a senator.

14 10. ACCESS TO SENATE FLOOR. Lobbyists shall not  
15 be permitted on the floor of the senate while the

16 senate is in session. Elected state officials, except  
 17 the governor, lieutenant governor, and the members of  
 18 the house of representatives, shall not be permitted  
 19 on the floor of the senate while the senate is in  
 20 session to encourage the passage, defeat, or  
 21 modification of legislation.

22 11. EFFECTIVE PERIOD. These rules governing  
 23 lobbyists shall be in effect throughout the calendar  
 24 year, whether or not the general assembly is in  
 25 session.

26 12. GIFTS. A lobbyist or the client of a lobbyist  
 27 shall not, directly or indirectly, offer or make a  
 28 gift or a series of gifts to a senator, except as  
 29 otherwise provided in section 68B.22.

30 13. HONORARIA. A lobbyist or client of a lobbyist

Page 6

1 shall not give an honorarium to a member or employee  
 2 of the senate, except as otherwise provided in section  
 3 68B.23.

4 14. COMPLAINTS. Rules 15 through ~~21~~ 23 of the  
 5 senate code of ethics apply to complaints and  
 6 procedures regarding violations of these rules.

1 SENATE RESOLUTION 5

2 By: committee on Ethics

3 (SUCCESSOR TO SSB 47)

4 A Resolution to provide for the Senate Code of Ethics.

5 BE IT RESOLVED BY THE SENATE, That the Senate Code  
 6 of Ethics for the ~~Seventy-fifth~~ Seventy-sixth General  
 7 Assembly shall be as follows:

8 SENATE CODE OF ETHICS

9 PREAMBLE. Every legislator owes a duty to uphold  
 10 the integrity and honor of the general assembly, to  
 11 encourage respect for the law and for the general  
 12 assembly and the members thereof, and to observe the  
 13 legislative code of ethics.

14 In doing so, ~~each member~~ members of the senate ~~has~~  
 15 have a duty to conduct ~~oneself~~ themselves so as to  
 16 reflect credit on the general assembly, and to inspire  
 17 the confidence, respect, and trust of the public, and  
 18 to strive to avoid both unethical and illegal conduct  
 19 and the appearance of unethical and illegal conduct.

20 Recognizing that service in the Iowa general  
 21 assembly is a part-time endeavor and that members of  
 22 the general assembly are honorable individuals who are  
 23 active in the affairs of their localities and  
 24 elsewhere and that it is necessary that they maintain  
 25 a livelihood and source of income apart from their

26 legislative compensation, the following rules are  
27 adopted pursuant to section 68B.31, to assist the  
28 members in the conduct of their legislative affairs.  
29 1. ECONOMIC INTEREST OF SENATOR. Taking into  
30 account that legislative service is part-time, a

**Page 2**

1 senator shall not accept economic or investment  
2 opportunity, under circumstances where the senator  
3 knows, or should know, that there is a reasonable  
4 possibility that the opportunity is being afforded the  
5 senator with intent to influence the senator's conduct  
6 in the performance of official duties.

7 2. DIVESTITURE. Where a senator learns that an  
8 economic or investment opportunity previously accepted  
9 was offered with the intent of influencing the  
10 senator's conduct in the performance of official  
11 duties, the senator shall take steps to divest that  
12 senator of that investment or economic opportunity,  
13 and shall report the facts of the situation to the  
14 senate ethics committee.

15 3. CHARGES FOR SERVICES. A senator shall not  
16 charge to or accept from a person, corporation,  
17 partnership, or association known to have a  
18 legislative interest a price, fee, compensation, or  
19 other consideration for the sale or lease of any  
20 property or the furnishing of services which is in  
21 excess of that which the senator would charge another.

22 4. USE OF CONFIDENTIAL INFORMATION. A senator in  
23 order to further the senator's own economic or other  
24 interests, or those of any other person, shall not  
25 disclose or use confidential information acquired in  
26 the course of official duties.

27 5. HONORARIA. A senator shall not accept an  
28 honorarium from a restricted donor for a speech,  
29 writing for publication, or other similar activity,  
30 except as otherwise provided in section 68B.23.

**Page 3**

1 6. EMPLOYMENT. A senator shall not accept  
2 employment, either directly or indirectly, from a  
3 political action committee. A senator may accept  
4 employment from a political party, but shall disclose  
5 the employment relationship in writing to the  
6 secretary of the senate within ten days after the  
7 beginning of each legislative session. If a senator  
8 accepts employment from a political party during a  
9 legislative session, the senator shall disclose the

10 employment relationship within ten days after  
11 acceptance of the employment.  
12 For the purpose of this rule, a political action  
13 committee means a committee, but not a candidate's  
14 committee, which accepts contributions, makes  
15 expenditures, or incurs indebtedness in the aggregate  
16 of more than two hundred fifty dollars in any one  
17 calendar year for the purpose of supporting or  
18 opposing a candidate for public office or ballot issue  
19 or influencing legislative action, or an association,  
20 lodge, society, cooperative, union, fraternity,  
21 sorority, educational institution, civic organization,  
22 labor organization, religious organization, or  
23 professional organization which makes contributions in  
24 the aggregate of more than two hundred fifty dollars  
25 in any one calendar year for the purpose of supporting  
26 or opposing a candidate for public office or ballot  
27 issue or influencing legislative action.  
28 7. ECONOMIC INTERESTS OF LOBBYIST. With the  
29 exception of exercising unfettered discretion in  
30 supporting or refusing to support proposed

Page 4

1 legislation, a senator shall not take action intended  
2 to affect the economic interests of a lobbyist or  
3 citizen supporting or opposing proposed legislation.  
4 8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A  
5 senator may appear before a governmental agency or  
6 board in any representation case, except that the  
7 senator shall not act as a lobbyist. Whenever a  
8 senator appears before a governmental agency or board,  
9 the senator shall carefully avoid all conduct which  
10 might in any way lead members of the general public to  
11 conclude that the senator is using the senator's  
12 official position to further the senator's  
13 professional success or personal financial interest.  
14 9. CONFLICTS OF INTERESTS. In order to permit the  
15 general assembly to function effectively, a senator  
16 will sometimes be required to vote on bills and  
17 participate in committee work which will affect the  
18 senator's employment and other monetary interests. In  
19 making a decision relative to the senator's activity  
20 on given bills or committee work which are subject to  
21 the code, the following factors shall be considered:  
22 a. Whether a substantial threat to the senator's  
23 independence of judgment has been created by the  
24 conflict situation.  
25 b. The effect of the senator's participation on  
26 public confidence in the integrity of the legislature.

27 c. The need for the senator's particular  
28 contribution, such as special knowledge of the subject  
29 matter, to the effective functioning of the  
30 legislature.

Page 5

1 A senator with a conflict of interest may  
2 participate in floor debate if prior to debate the  
3 senator indicates the conflict of interest.  
4 10. GIFTS. Except as otherwise provided in  
5 section 68B.22, a senator, or that person's immediate  
6 family member, shall not, directly or indirectly,  
7 accept or receive any gift or series of gifts from a  
8 restricted donor.  
9 11. DISCLOSURE REQUIRED. Each senator shall file  
10 with the secretary of the senate within ten days after  
11 the adoption of the code of ethics by the senate, and  
12 within ten days after the convening of the second  
13 session of the general assembly, a statement under  
14 section 68B.35 on forms provided by the secretary of  
15 the senate setting forth the following information:  
16 The nature of each business in which the senator is  
17 engaged and the nature of the business of each company  
18 in which the senator has a financial interest. A  
19 senator shall not be required to file a report or be  
20 assumed to have a financial interest if the annual  
21 income derived from the investment in stocks, bonds,  
22 bills, notes, mortgages, or other securities offered  
23 for sale through recognized financial brokers is less  
24 than one thousand dollars.  
25 Disclosures required under this rule shall be as of  
26 the date filed unless provided to the contrary, and  
27 shall be amended to include interests and changes  
28 encompassed by this rule that occur while the general  
29 assembly is in session. All filings under this rule  
30 shall be open to public inspection in the office of

Page 6

1 the secretary of the senate at all reasonable times.  
2 The secretary of the senate shall inform the ethics  
3 committee of the statements which are filed and shall  
4 report to the ethics committee the names of any  
5 senators who appear not to have filed complete  
6 statements. The chairperson of the ethics committee  
7 shall request in writing that a senator who has failed  
8 to complete the report or appears to have filed an  
9 incomplete report do so within five days, and, upon  
10 the failure of the senator to comply, the ethics

11 committee shall require the senator to appear before  
12 the committee.

13 12. STATUTORY VIOLATIONS. Members of the general  
14 assembly are urged to familiarize themselves with  
15 chapters 68B, 721, and 722.

16 13. CHARGE ACCOUNTS. Senators shall not charge  
17 any amount or item to any charge account to be paid  
18 for by any lobbyist or any client the lobbyist  
19 represents.

20 14. TRAVEL EXPENSES. A senator shall not charge  
21 to the state of Iowa amounts for travel and expenses  
22 unless the senator actually has incurred those mileage  
23 and expense costs. Senators shall not file the  
24 vouchers for weekly mileage reimbursement required by  
25 section 2.10, subsection 1, unless the travel was  
26 actually incurred at commensurate expense to the  
27 senator.

28 15. COMPLAINTS. Complaints or charges against any  
29 senator or any lobbyist shall be in writing, made  
30 under oath, and filed with the secretary of the senate

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1 or the chairperson of the ethics committee. If filed  
2 with the secretary of the senate, the secretary shall  
3 immediately advise the chairperson of the ethics  
4 committee of the receipt of the complaint.

5 Complaint forms shall be available from the  
6 secretary of the senate, or the chairperson of the  
7 ethics committee, but a complaint shall not be  
8 rejected for failure to use an approved form if the  
9 complaint substantially complies with senate  
10 requirements.

11 A complainant may submit exhibits and affidavits  
12 attached to the complaint.

#### 13 16. FILING OF COMPLAINTS.

14 a. Persons entitled. Complaints may be filed by  
15 any person believing that a senator or lobbyist has  
16 violated the senate ethics code, the senate rules  
17 governing lobbyists, or chapter 68B of the Iowa Code.  
18 A violation of the criminal law may be considered to  
19 be a violation of this code of ethics if the violation  
20 constitutes a serious misdemeanor or greater, or a  
21 repetitive and flagrant violation of the law.

22 b. Committee complaint. The ethics committee may,  
23 upon its own motion, initiate a complaint,  
24 investigation, or disciplinary action.

25 c. Timeliness of filing. A complaint will be  
26 considered to be timely filed if it is filed within  
27 three years of the occurrence of the alleged violation

28 of the ethics code.

29 17. PERMANENT RECORD. The secretary of the senate  
30 shall maintain a permanent record of all complaints

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1 filed, evidence received by the committee, and any  
2 transcripts or other recordings made of committee  
3 proceedings, including a separate card file containing  
4 the date filed, name and address of the complainant,  
5 name and address of the respondent, a brief statement  
6 of the charges made, and ultimate disposition of the  
7 complaint. The secretary shall keep each such  
8 complaint confidential until public disclosure is made  
9 by the ethics committee.

10 18. PREHEARING PROCEDURE.

11 a. Defective complaint. Upon receipt of a  
12 complaint, the chairperson and ranking member of the  
13 ethics committee shall determine whether the complaint  
14 substantially complies with the requirements of this  
15 code of ethics and section 68B.31, subsection 6. If  
16 the complaint does not substantially comply with the  
17 requirements for formal sufficiency under the code of  
18 ethics, the complaint may be returned to the  
19 complainant with a statement that the complaint is not  
20 in compliance with the code and a copy of the code.  
21 If the complainant fails to amend the complaint to  
22 comply with the code within a reasonable time, the  
23 chair and ranking member may dismiss the complaint  
24 with prejudice for failure to prosecute.

25 b. Service of complaint on respondent. Upon  
26 receipt of any complaint substantially complying with  
27 the requirements of this code of ethics, the  
28 chairperson of the ethics committee shall cause a copy  
29 of the complaint and any supporting information to be  
30 delivered promptly to the respondent, requesting a

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1 written response to be filed within ten days. The  
2 response may do any of the following:

3 (1) Admit or deny the allegation or allegations.

4 (2) Object that the allegation fails to allege a  
5 violation of chapter 68B or the code of ethics.

6 (3) Object to the jurisdiction of the committee.

7 (4) Request a more specific statement of the  
8 allegation or allegations.

9 c. Objection to member. In addition to the items  
10 which may be included in a response pursuant to  
11 paragraph "b", the response may also include an

12 objection to the participation of any member of the  
13 committee in the consideration of the allegation or  
14 allegations on the grounds that the member cannot  
15 render an impartial and unbiased decision.  
16 d. Extension of time. At the request of the  
17 respondent and upon a showing of good cause, the  
18 committee, or the chairperson and ranking member, may  
19 extend the time for response, not to exceed ten  
20 additional days.  
21 e. Confidentiality. If a complaint is not  
22 otherwise made public, the members of the committee  
23 shall treat the complaint and all supporting  
24 information as confidential until the written response  
25 is received from the respondent.  
26 f. Scheduling hearing. Upon receipt of the  
27 response, the committee shall schedule a public  
28 meeting to review the complaint and available  
29 information, and shall:  
30 (1) Notify the complainant that no further action

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1 will be taken, unless further substantiating  
2 information is produced, or  
3 (2) Dismiss the complaint for failure to meet the  
4 statutory and code of ethics requirements for valid  
5 complaints, or  
6 (3) Request that the chief justice of the supreme  
7 court appoint an independent special counsel to  
8 conduct an investigation of the complaint and  
9 supporting information, to make a determination of  
10 probable cause, and to report the findings to the  
11 committee, which shall be received within a reasonable  
12 time, or  
13 (4) Cause the complaint to be scheduled for a  
14 public hearing upon receipt of the report of the  
15 independent special counsel; or  
16 (5) Dismiss the complaint upon receipt of a report  
17 by independent special counsel that insufficient  
18 evidence exists to support a finding of probable  
19 cause.  
20 g. Public hearing. If independent special counsel  
21 is appointed, upon receipt of the report of  
22 independent special counsel's findings, the committee  
23 shall schedule a public meeting to review the report  
24 and shall either:  
25 (1) Cause the complaint to be scheduled for a  
26 public hearing.  
27 (2) Dismiss the complaint based upon a  
28 determination by independent special counsel and the

29 committee that insufficient evidence exists to support  
30 a finding of probable cause.

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1 19. HEARING PROCEDURE.

2 a. Notice of hearing. If the committee causes a  
3 complaint to be scheduled for a public hearing, notice  
4 of the hearing date and time shall be given to the  
5 complainant and respondent in writing, and of the  
6 respondent's right to appear in person, be represented  
7 by legal counsel, present statements and evidence, and  
8 examine and cross-examine witnesses. The committee  
9 shall not be bound by formal rules of evidence, but  
10 shall receive relevant evidence, subject to  
11 limitations on repetitiveness. Any evidence taken  
12 shall be under oath.

13 b. Subpoena power. The committee may require, by  
14 subpoena or otherwise, the attendance and testimony of  
15 witnesses and the production of such books, records,  
16 correspondence, memoranda, papers, documents, and any  
17 other things it deems necessary to the conduct of the  
18 inquiry.

19 c. Ex post facto. An investigation shall not be  
20 undertaken by the committee of a violation of a law,  
21 rule, or standard of conduct that is not in effect at  
22 the time of violation.

23 d. Disqualification of member. Members of the  
24 committee may disqualify themselves from participating  
25 in any investigation of the conduct of another person  
26 upon submission of a written statement that the member  
27 cannot render an impartial and unbiased decision in a  
28 case. A member may also be disqualified by a  
29 unanimous vote of the remaining eligible members of  
30 the committee.

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1 A member of the committee is ineligible to  
2 participate in committee meetings, as a member of the  
3 committee, in any proceeding relating to the member's  
4 own official conduct.

5 If a member of the committee is disqualified or  
6 ineligible to act, the majority or minority leader who  
7 appointed the member shall appoint a replacement  
8 member to serve as a member of the committee during  
9 the period of disqualification or ineligibility.

10 e. Hearing. At the hearing, the chairperson shall  
11 open the hearing by stating the charges, the purpose  
12 of the hearing, and its scope. The burden of proof

13 rests upon the complainant to establish the facts as  
14 alleged, by clear and convincing evidence. However,  
15 questioning of witnesses shall be conducted by the  
16 members of the committee, by independent special  
17 counsel appointed by the committee, or by a senator.  
18 The chairperson shall also permit questioning by legal  
19 counsel representing the complainant or respondent.  
20 The chairperson or other member of the committee  
21 presiding at a hearing shall rule upon procedural  
22 questions or any question of admissibility of evidence  
23 presented to the committee. Rulings may be reversed  
24 by a majority vote of the committee members present.  
25 The committee may continue the hearing to a future  
26 date if necessary for appropriate reasons or purposes.  
27 f. Committee action. Upon receipt of all relevant  
28 evidence and arguments, the committee shall consider  
29 the same and recommend to the senate:  
30 (1) That the complaint be dismissed, or

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1 (2) That the senator or lobbyist be censured or  
2 reprimanded, and recommend the appropriate form of  
3 censure or reprimand, or

4 (3) Any other appropriate sanction, including  
5 suspension or expulsion from membership in the senate,  
6 or suspension of lobbying privileges.

7 g. Disposition resolution. By appropriate  
8 resolution, the senate may amend, adopt, or reject the  
9 report of the ethics committee, including the  
10 committee's recommendations regarding disciplinary  
11 action.

12 20. COMMITTEE AUTHORIZED TO MEET. The senate  
13 ethics committee is authorized to meet at the  
14 discretion of the chairperson to conduct hearings and  
15 other business that properly may come before it. If  
16 the committee submits a report seeking senate action  
17 against a senator or lobbyist after the second regular  
18 session of a general assembly has adjourned sine die,  
19 the report shall be submitted to and considered by the  
20 subsequent general assembly. However, the report may  
21 be submitted to and considered during any special  
22 session which may take place after the second regular  
23 session of a general assembly has adjourned sine die,  
24 but before the convening of the next general assembly.

25 21. COMPLAINT FILING FORM. The following form  
26 shall be used to file a complaint under these rules:

27 THE SENATE  
28 Ethics Complaint Form

29 Re: \_\_\_\_\_ (Senator/Lobbyist),  
30 of \_\_\_\_\_, Iowa.

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1 I, \_\_\_\_\_ (Complainant), residing  
2 at \_\_\_\_\_, in the City of \_\_\_\_\_,  
3 State of \_\_\_\_\_, hereby complain that  
4 \_\_\_\_\_ (Senator/Lobbyist), whose  
5 address is \_\_\_\_\_  
6 has violated the Senate Rule Code of Ethics or Senate  
7 Rules Governing Lobbyists in that:  
8 (Explain the basis for the complaint here. Use addi-  
9 tional pages, if necessary).

10 Under penalty of perjury, I certify that the above  
11 complaint is true and correct as I verily believe.

12 \_\_\_\_\_  
13 Signature of Complainant  
14 SUBSCRIBED AND AFFIRMED to before me this \_\_\_\_\_  
15 day of \_\_\_\_\_, 19\_\_\_\_

16 \_\_\_\_\_  
17 Notary Public in and for the  
18 State of \_\_\_\_\_

19 22. COMPLAINT NOTICE FORM. The following form  
20 shall be used for notice of a complaint under these  
21 rules:

22 STATE OF IOWA  
23 THE SENATE  
24 COMMITTEE ON ETHICS)  
25 IOWA STATE SENATE )  
26 )  
27 On The Complaint Of ) NOTICE OF COMPLAINT  
28 )  
29 \_\_\_\_\_ )  
30 \_\_\_\_\_ )

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1 And Involving )  
2 )  
3 \_\_\_\_\_ )  
4 \_\_\_\_\_ )  
5 TO \_\_\_\_\_

6 Senator or Lobbyist named above:  
7 You are hereby notified that there is now on file  
8 with the Secretary of the Senate, State Capitol, Des  
9 Moines, Iowa, a complaint which alleges that you have  
10 committed a violation of the Senate's Ethics Code of  
11 Ethics or Senate Rules Governing Lobbyists.  
12 A copy of the complaint and the Senate rules for

13 processing the same are attached hereto and made a  
14 part of this notice.

15 You are further notified and requested to file your  
16 written answer to the complaint within ten days of the  
17 date upon which the notice was caused to be delivered  
18 to you, \_\_\_\_\_, 19\_\_\_\_ Your answer is  
19 to be filed with the Secretary of the Senate, State  
20 Capitol, Des Moines, Iowa.

21 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

22 \_\_\_\_\_  
23 Chair, Senate Ethics Committee,  
24 or Secretary of the Senate

25 23. HEARING NOTICE FORM. The following form  
26 shall be used for notice of a hearing under these  
27 rules:

28 STATE OF IOWA  
29 THE SENATE  
30 COMMITTEE ON ETHICS)

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1 IOWA STATE SENATE )  
2 )  
3 On The Complaint Of ) NOTICE OF HEARING  
4 )  
5 \_\_\_\_\_ )  
6 )  
7 And Involving )  
8 )  
9 \_\_\_\_\_ )  
10 )

11 TO \_\_\_\_\_

12 Senator or Lobbyist named above:

13 You are hereby notified that there is now on file  
14 with the Secretary of the Senate, State Capitol, Des  
15 Moines, Iowa, a complaint which alleges that you have  
16 committed a violation of the Senate's Ethics Code of  
17 Ethics or Senate Rules Governing Lobbyists.

18 A copy of the complaint and the Senate rules for  
19 processing the same are attached hereto and made a  
20 part of this notice.

21 You are further notified that, after preliminary  
22 review, the committee has caused a public hearing to  
23 be scheduled on

24 (date) \_\_\_\_\_, 19\_\_\_\_, at (hour) \_\_\_\_\_

25 (a.m.) (p.m.), in Room \_\_\_\_\_, State Capitol, Des Moines,  
26 Iowa.

27 At the hearing, you will have the right to appear  
28 in person, be represented by legal counsel at your own  
29 expense, present statements and evidence, and examine  
30 and cross-examine witnesses. The committee shall not

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1 be bound by formal rules of evidence, but shall  
 2 receive relevant evidence, subject to limitations on  
 3 repetitiveness. Any evidence taken shall be under  
 4 oath.

5 The committee may continue the hearing to a future  
 6 date if necessary for appropriate reasons or purposes.

7 You are further notified that the committee will  
 8 receive such evidence and take such action as  
 9 warranted by the evidence.

10 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_  
 13 Chair, Senate Ethics Committee,  
 or Secretary of the Senate

14 24. PERSONAL FINANCIAL DISCLOSURE FORM. The following form  
 15 shall be used for disclosure of economic interests  
 16 under these rules and section 68B.35:

17 STATEMENT OF ECONOMIC INTERESTS

18 Name: \_\_\_\_\_

19 (Last) (First) (Middle Initial)

20 Address: \_\_\_\_\_

21 (Street Address, Apt.# - P.O. Box)

22 \_\_\_\_\_

23 (City) (State) (Zip)

24 Phone:(Home) \_\_\_\_\_ (Business) \_\_\_\_\_

25 \*\*\*\*\*

26 a. Please list each business, occupation, or  
 27 profession in which you are engaged. In listing the  
 28 business, occupation, or profession, it is not  
 29 necessary that your employer or the name of the  
 30 business be listed, although all businesses,

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1 occupations, or professions must be listed, regardless  
 2 of the amount of income derived or time spent  
 3 participating in the activity. (Examples of types of  
 4 businesses, occupations, or professions that may be  
 5 listed: teacher, lawyer, legislator, real estate  
 6 agent, insurance adjuster, salesperson . . . )

7 (1) \_\_\_\_\_

8 (2) \_\_\_\_\_

9 (3) \_\_\_\_\_

10 (4) \_\_\_\_\_

11 (5) \_\_\_\_\_

12 ~~2~~ b. Please list the nature of each of the  
 13 businesses, occupations, or professions which you  
 14 listed in paragraph "a", above, unless the nature of  
 15 the business, occupation, or profession is already

16 apparent from the information indicated above. The  
 17 descriptions in this paragraph should correspond by  
 18 letter number to the letters numbers for each of the  
 19 businesses, occupations, or professions listed in  
 20 paragraph "a". (Examples: If you indicated, for  
 21 example, that you were a salesperson in subparagraph  
 22 (1) of paragraph "a", you should list in subparagraph  
 23 (1) of this paragraph the types of goods or services  
 24 sold in this item. If you indicated that you were a  
 25 teacher in subparagraph (2) of paragraph "a", you  
 26 should indicate in subparagraph (2) of this paragraph  
 27 the type of school or institution in which you provide  
 28 instruction or whether the instruction is provided on  
 29 a private basis. If you indicated that you were a  
 30 lawyer in subparagraph (3) of paragraph "a", you

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1 should indicate your areas of practice and whether you  
 2 are in private, corporate, or government practice in  
 3 subparagraph (3) of this paragraph. If you indicated  
 4 in subparagraph (4) of paragraph "a" that you were a  
 5 consultant, in subparagraph (4) of this paragraph you  
 6 should indicate the kind of services provided and  
 7 types of clients served.)

- 8 (1) \_\_\_\_\_  
 9 (2) \_\_\_\_\_  
 10 (3) \_\_\_\_\_  
 11 (4) \_\_\_\_\_  
 12 (5) \_\_\_\_\_

13 c. Please list each source, by general  
 14 description, from which you receive, or which  
 15 generates, more than one thousand dollars in gross  
 16 annual income in the categories listed below. For  
 17 purposes of this item, a source produces gross annual  
 18 income if the revenue produced by the source is  
 19 subject to federal or state income taxes. In  
 20 completing this item, it is not necessary to list the  
 21 name of the company, business, financial institution,  
 22 corporation, partnership, or other entity which  
 23 constitutes the source of the income and the amount or  
 24 value of the holding should not be listed.  
 25 (1) Securities (Here for example, you need not  
 26 state that you own X number of shares of any specific  
 27 company by brand or corporate name, or that the stock  
 28 is of a certain value, but may instead state that you  
 29 possess stock in a company and indicate the nature of  
 30 the company's business.):

Page 20

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_

6 (2) Instruments of Financial Institutions (You  
 7 need not indicate, for example, in which institutions  
 8 you hold certificates of deposit that produce annual  
 9 income over the one thousand dollar threshold, but  
 10 simply listing the nature of the institution will  
 11 suffice, e.g., bank, credit union, or savings and loan  
 12 association.):

13 \_\_\_\_\_  
 14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 \_\_\_\_\_  
 17 \_\_\_\_\_

18 (3) Trusts (The name of the particular trust need  
 19 not be listed. However, if the income is received  
 20 from a charitable trust/foundation, such as the Pugh  
 21 Charitable Trust, in the form of a grant, the fact  
 22 that the trust is a charitable trust should be noted  
 23 here.):

24 \_\_\_\_\_  
 25 \_\_\_\_\_  
 26 \_\_\_\_\_  
 27 \_\_\_\_\_  
 28 \_\_\_\_\_

29 (4) Real Estate (When listing real estate, it is  
 30 not necessary to list the location of the property,

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1 but the general nature of the real estate interest  
 2 should be indicated, e.g. residential leasehold  
 3 interest or farm leasehold interest.):

4 \_\_\_\_\_  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
 8 \_\_\_\_\_

9 (5) Retirement Systems (When listing retirement  
 10 benefits, it is not necessary to list the name of the  
 11 particular pension system or company, but rather the  
 12 type of benefit should be listed, e.g., health  
 13 benefits, life insurance benefits, private pension, or  
 14 government pension.):

15 \_\_\_\_\_

16 \_\_\_\_\_  
 17 \_\_\_\_\_  
 18 \_\_\_\_\_  
 19 \_\_\_\_\_  
 20 (6) Other Income Categories Specified in State or  
 21 Federal Income Tax Regulations (List description of  
 22 other sources of income producing over one thousand  
 23 dollars in annual income not previously reported  
 24 above, but which must be reported for income tax  
 25 purposes.):  
 26 \_\_\_\_\_  
 27 \_\_\_\_\_  
 28 \_\_\_\_\_  
 29 \_\_\_\_\_  
 30 \_\_\_\_\_

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1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 (Signature of filer) (Date)

1 SENATE RESOLUTION NO. 7  
 2 By: committee on Rules and Administration  
 3 A Resolution relating to gubernatorial appointments requiring  
 4 senate confirmation.  
 5 WHEREAS, section 2.32, subsection 7, requires the  
 6 governor to provide the secretary of the senate with a  
 7 list of all gubernatorial appointments requiring  
 8 senate confirmation during this session by February 1;  
 9 and  
 10 WHEREAS, this information has been submitted and is  
 11 on file in the office of the secretary of the senate;  
 12 and  
 13 WHEREAS, that subsection also requires that the  
 14 senate by resolution approve the list or request  
 15 corrections by February 15; NOW THEREFORE,  
 16 BE IT RESOLVED BY THE SENATE, That the following  
 17 list of appointment positions submitted by the  
 18 governor pursuant to section 2.32, subsection 7, and  
 19 on file with the secretary of the senate is approved:  
 20 Accountancy Examining Board  
 21 3 terms commencing 5-1-95 and ending 4-30-98  
 22 Adjutant General, State of Iowa  
 23 1 term served at the pleasure of the Governor  
 24 African-Americans, Commission on the Status of  
 25 1 term commencing 11-29-94 and ending 4-30-96  
 26 1 term commencing 12-20-94 and ending 4-30-98  
 27 Alcoholic Beverages Commission  
 28 1 term commencing 5-1-95 and ending 4-30-2000

- 29 Architectural Examining Board
- 30 2 terms commencing 5-1-95 and ending 4-30-98

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- 1 Athletic Trainer Advisory Board
- 2 1 vacancy for a term ending 4-30-97
- 3 3 terms commencing 7-1-94 and ending 4-30-95
- 4 3 terms commencing 7-1-94 and ending 4-30-96
- 5 3 terms commencing 5-1-95 and ending 4-30-98
- 6 Barber Examiners, State Board of
- 7 1 term commencing 5-1-95 and ending 4-30-98
- 8 Behavioral Science Examiners, State Board of
- 9 3 terms commencing 5-1-95 and ending 4-30-98
- 10 Blind, Commission for the
- 11 1 term commencing 5-1-95 and ending 4-30-98
- 12 Chiropractic Examiners, State Board of
- 13 1 term commencing 5-1-95 and ending 4-30-98
- 14 Civil Rights Commission, Iowa State
- 15 3 terms commencing 5-1-95 and ending 4-30-99
- 16 Community Action Agencies, Administrator of the Division of
- 17 1 term served at the pleasure of the Governor
- 18 Community Action Agencies, Commission on
- 19 3 terms commencing 5-1-95 and ending 4-30-98
- 20 Community Health Management Information System Governing Board
- 21 1 vacancy for a term ending 4-30-95
- 22 3 terms commencing 7-1-94 and ending 4-30-95
- 23 4 terms commencing 7-1-94 and ending 4-30-96
- 24 4 terms commencing 7-1-94 and ending 4-30-97
- 25 4 terms commencing 5-1-95 and ending 4-30-98
- 26 Consumer Advocate
- 27 1 term commencing 5-1-95 and ending 4-30-99
- 28 Corrections, Board of
- 29 4 terms commencing 5-1-95 and ending 4-30-99
- 30 Cosmetology Arts and Sciences Examiners, State Board of

**Page 3**

- 1 1 term commencing 5-1-95 and ending 4-30-98
- 2 County Finance Committee
- 3 4 terms commencing 5-1-95 and ending 4-30-99
- 4 Credit Union Review Board
- 5 2 terms commencing 5-1-95 and ending 4-30-98
- 6 Cultural Affairs, Director of the Department of
- 7 1 term served at the pleasure of the Governor
- 8 Deaf, Commission on the
- 9 2 terms commencing 5-1-95 and ending 4-30-98
- 10 Dental Examiners, State Board of
- 11 3 terms commencing 5-1-95 and ending 4-30-98
- 12 Dietetic Examiners, State Board of

- 13 1 term commencing 5-1-95 and ending 4-30-98
- 14 Disabilities, Persons with, Administrator of the Division of
- 15 1 term served at the pleasure of the Governor
- 16 Drug Abuse Prevention and Education Advisory Council
- 17 1 term commencing 5-1-95 and ending 4-30-99
- 18 Economic Development, Director of the Department of
- 19 1 term served at the pleasure of the Governor
- 20 Economic Development Board, Iowa
- 21 2 terms commencing 5-1-95 and ending 4-30-99
- 22 Educational Examiners, Board of
- 23 4 terms commencing 5-1-95 and ending 4-30-99
- 24 Elder Affairs, Director of the Department of
- 25 1 term served at the pleasure of the Governor
- 26 Elder Affairs, Commission of
- 27 2 terms commencing 5-1-95 and ending 4-30-99
- 28 Emergency Response Commission, Iowa
- 29 1 term commencing 5-1-95 and ending 4-30-98
- 30 Employment Appeal Board

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- 1 1 term commencing 9-8-94 and ending 4-30-98
- 2 Engineering & Land Surveying Examining Board
- 3 2 terms commencing 5-1-95 and ending 4-30-98
- 4 Environmental Protection Commission
- 5 1 term commencing 8-11-94 and ending 4-30-97
- 6 4 terms commencing 5-1-95 and ending 4-30-99
- 7 Ethics and Campaign Disclosure Board, Iowa
- 8 2 terms commencing 5-1-95 and ending 4-30-2001
- 9 First in the Nation in Education Foundation Governing Board
- 10 1 term commencing 5-1-95 and ending 4-30-2001
- 11 Foster Care Review Board, State Citizen
- 12 1 term commencing 5-1-95 and ending 4-30-99
- 13 General Services, Director of the Department of
- 14 1 term served at the pleasure of the Governor
- 15 Grain Indemnity Fund Board, Iowa
- 16 2 terms commencing 5-1-95 and ending 4-30-98
- 17 Health Facilities Council
- 18 2 terms commencing 5-1-95 and ending 4-30-2001
- 19 Hearing Aid Dealers, Board of Examiners for the Licensing &
- 20 Regulation of
- 21 2 terms commencing 5-1-95 and ending 4-30-98
- 22 Human Investment, Iowa Council on
- 23 3 terms commencing 5-1-95 and ending 4-30-98
- 24 Human Services, Council on
- 25 2 terms commencing 5-1-95 and ending 4-30-2001
- 26 Indigent Defense Advisory Commission
- 27 3 terms commencing 5-1-95 and ending 4-30-98
- 28 Insurance, Commissioner of
- 29 1 term commencing 8-1-94 and ending 4-30-95

30 1 term commencing 5-1-95 and ending 4-30-99

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1 Iowa Finance Authority, Executive Director of  
 2 1 term served at the pleasure of the Governor  
 3 Iowa Finance Authority  
 4 3 terms commencing 5-1-95 and ending 4-30-2001  
 5 IPERS, Investment Board of the  
 6 2 terms commencing 5-1-95 and ending 4-30-2001  
 7 Job Service Advisory Council  
 8 1 term commencing 11-23-94 and ending 4-30-99  
 9 3 terms commencing 5-1-95 and ending 4-30-2001  
 10 Judicial Nominating Commission, State  
 11 1 vacancy for a term ending 4-30-99  
 12 3 terms commencing 5-1-95 and ending 4-30-2001  
 13 Judicial Qualifications, Commission on  
 14 1 term commencing 5-1-95 and ending 4-30-2001  
 15 Landscape Architectural Examining Board  
 16 2 terms commencing 5-1-95 and ending 4-30-98  
 17 Law Enforcement Academy Council, Iowa  
 18 1 term commencing 5-1-95 and ending 4-30-99  
 19 Lottery, Commissioner of the  
 20 1 term served at the pleasure of the Governor  
 21 Lottery Board  
 22 2 terms served at the pleasure of the Governor  
 23 Medical Examiners, State Board of  
 24 1 term commencing 5-26-94 and ending 4-30-95  
 25 4 terms commencing 5-1-95 and ending 4-30-98  
 26 Mental Health & Developmental Disabilities Commission  
 27 1 vacancy for a term ending 4-30-95  
 28 1 vacancy for a term ending 4-30-96  
 29 4 terms commencing 7-1-94 and ending 4-30-95  
 30 3 terms commencing 7-1-94 and ending 4-30-96

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1 6 terms commencing 7-1-94 and ending 4-30-97  
 2 5 terms commencing 5-1-95 and ending 4-30-98  
 3 Mortuary Science Examiners, State Board of  
 4 1 term commencing 5-1-95 and ending 4-30-98  
 5 Narcotics Enforcement Advisory Council  
 6 3 terms commencing 5-1-95 and ending 4-30-99  
 7 Natural Resources, Director of the Department of  
 8 1 term served at the pleasure of the Governor  
 9 Natural Resource Commission  
 10 1 term commencing 7-1-94 and ending 4-30-95  
 11 2 terms commencing 5-1-95 and ending 4-30-2001  
 12 Nursing Examiners, State Board of  
 13 2 terms commencing 5-1-95 and ending 4-30-98

- 14 Nursing Home Administrators, State Board of Examiners for
- 15 2 terms commencing 5-1-95 and ending 4-30-98
- 16 Optometry Examiners, State Board of
- 17 2 terms commencing 5-1-95 and ending 4-30-98
- 18 Parole, Board of
- 19 1 term commencing 11-9-94 and ending 4-30-96
- 20 1 term commencing 5-1-95 and ending 4-30-99
- 21 Personnel Commission
- 22 1 vacancy for a term ending 4-30-99
- 23 1 term commencing 5-1-95 and ending 4-30-2001
- 24 Petroleum Underground Storage Tank Fund Board, Iowa Comprehensive
- 25 1 term commencing 5-1-95 and ending 4-30-99
- 26 Pharmacy Examiners, State Board of
- 27 2 terms commencing 5-1-95 and ending 4-30-98
- 28 Physical & Occupational Therapy Examiners, State Board of
- 29 2 terms commencing 5-1-95 and ending 4-30-98
- 30 Physician Assistant Examiners, State Board of

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- 1 2 terms commencing 5-1-95 and ending 4-30-98
- 2 Podiatry Examiners, State Board of
- 3 1 term commencing 5-1-95 and ending 4-30-98
- 4 Prevention of Disabilities Policy Council
- 5 3 terms commencing 5-1-95 and ending 4-30-98
- 6 Psychology Examiners, State Board of
- 7 2 terms commencing 5-1-95 and ending 4-30-98
- 8 Public Health, Director of
- 9 1 term served at the pleasure of the Governor
- 10 Racing and Gaming Commission, State
- 11 1 term commencing 5-1-95 and ending 4-30-98
- 12 Real Estate Appraiser Examining Board
- 13 3 terms commencing 5-1-95 and ending 4-30-98
- 14 Real Estate Commission
- 15 1 term commencing 5-1-95 and ending 4-30-98
- 16 Regents, State Board of
- 17 3 terms commencing 5-1-95 and ending 4-30-2001
- 18 Renewable Fuels and Coproducts Advisory Committee
- 19 1 term commencing 7-1-94 and ending 4-30-97
- 20 1 term commencing 5-1-95 and ending 4-30-98
- 21 Respiratory Care Advisory Committee
- 22 1 term commencing 5-1-95 and ending 4-30-98
- 23 Revenue and Finance, Director of
- 24 1 term served at the pleasure of the Governor
- 25 School Budget Review Committee
- 26 1 term commencing 5-4-94 and ending 4-30-97
- 27 1 term commencing 5-1-95 and ending 4-30-98
- 28 Seed Capital Corporation, Iowa
- 29 3 terms commencing 7-1-94 and ending 4-30-96
- 30 3 terms commencing 7-1-94 and ending 4-30-97

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- 1 1 term commencing 7-1-94 and ending 4-30-98
- 2 Small Business Advisory Council
- 3 2 terms commencing 5-1-95 and ending 4-30-99
- 4 Social Work Examiners, State Board of
- 5 2 terms commencing 5-1-95 and ending 4-30-98
- 6 Soil Conservation Committee, State
- 7 1 term commencing 9-14-94 and ending 4-30-97
- 8 2 terms commencing 5-1-95 and ending 4-30-2001
- 9 Speech Pathology & Audiology Examiners, State Board of
- 10 2 terms commencing 5-1-95 and ending 4-30-98
- 11 Tax Review, State Board of
- 12 1 term commencing 5-1-95 and ending 4-30-2001
- 13 Telecommunications and Technology Commission, Iowa
- 14 1 term commencing 7-1-94 and ending 4-30-96
- 15 1 term commencing 7-1-94 and ending 4-30-98
- 16 1 term commencing 7-1-94 and ending 4-30-2000
- 17 Title Guaranty Division Board
- 18 2 terms commencing 5-1-95 and ending 4-30-2001
- 19 Transportation Commission, State
- 20 1 term commencing 5-1-95 and ending 4-30-99
- 21 Utilities Board
- 22 1 term commencing 5-1-95 and ending 4-30-2001
- 23 Utilities Board, Chair of
- 24 1 term commencing 5-1-95 and ending 4-30-97
- 25 Veterans Affairs, Executive Director of the Commission of
- 26 1 term served at the pleasure of the Governor
- 27 Veterans Affairs, Commission of
- 28 3 terms commencing 7-1-94 and ending 4-30-98
- 29 Veterinary Medicine, Iowa Board of
- 30 1 term commencing 6-1-94 and ending 4-30-97

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- 1 1 term commencing 5-1-95 and ending 4-30-98
- 2 Wallace Technology Transfer Foundation of Iowa
- 3 3 terms commencing 5-1-95 and ending 4-30-98
- 4 Well Contractors' Council
- 5 4 terms commencing 5-1-95 and ending 4-30-97
- 6 Women, Administrator of the Division on the Status of
- 7 1 term served at the pleasure of the Governor
- 8 Women, Commission on the Status of
- 9 1 term commencing 9-1-94 and ending 4-30-96

- 1 SENATE RESOLUTION NO. 8
- 2 By: Gronstal and Murphy
- 3 A Senate Resolution urging the Congress of the United
- 4 States to continue its progress in reducing the
- 5 federal deficit and to provide to the state of Iowa

6 information on the impact that achieving a balanced  
7 federal budget will have on the State.  
8 WHEREAS, the 50 states, including the State of  
9 Iowa, have long been required by their state  
10 constitutions to balance their state operating  
11 budgets; and  
12 WHEREAS, the states have balanced their state  
13 operating budgets by making difficult choices each  
14 budget session to ensure that their expenditures do  
15 not exceed their revenues; and  
16 WHEREAS, without a balanced federal budget, the  
17 federal deficit may continue to grow and continue to  
18 have a serious negative impact on interest rates,  
19 available credit for consumers, and taxpayer  
20 obligations; and  
21 WHEREAS, the Congress of the United States, in the  
22 last two years, has begun to reduce the annual federal  
23 deficit by making substantial reductions in federal  
24 spending; and  
25 WHEREAS, achieving a balanced federal budget by the  
26 year 2002 will require continued reductions in the  
27 annual deficit, averaging almost 15 percent per year  
28 over the next seven years; and  
29 WHEREAS, it now appears that Congress, by passing a  
30 balanced budget amendment to the United States

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1 Constitution, is willing to impose on itself the same  
2 budgetary discipline exhibited by the states; and  
3 WHEREAS, Congress, in working to balance the  
4 federal budget, may impose on the states unfunded  
5 mandates that shift to the states responsibility for  
6 carrying out programs that Congress can no longer  
7 afford; and  
8 WHEREAS, the states will better be able to revise  
9 their state budgets if Congress gives them fair  
10 warning of the revisions Congress will be making in  
11 the federal budget; and  
12 WHEREAS, if the federal budget is to be brought  
13 into balance by the year 2002, major reductions in the  
14 annual federal deficit must continue unabated; and  
15 WHEREAS, these major reductions will be more  
16 acceptable to the states and to the people of the  
17 United States if they are shown to be part of a  
18 realistic long-term plan to balance the federal  
19 budget; NOW THEREFORE,  
20 BE IT RESOLVED BY THE SENATE, That it urges the  
21 Congress of the United States to continue its progress  
22 in reducing the annual federal deficit and, when

23 Congress proposes to the states a balanced budget  
 24 amendment, to accompany it with financial information  
 25 on its impact on the budget of the State of Iowa for  
 26 state budget planning purposes.  
 27 BE IT FURTHER RESOLVED, That the Secretary of the  
 28 Senate send copies of this Resolution to the Clerk of  
 29 the United States House of Representatives and the  
 30 Secretary of the United States Senate, to all members

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1 of Iowa's congressional delegation, and to the  
 2 presiding officers of both houses of the legislature  
 3 of each of the other states.

1 SENATE RESOLUTION NO. 9

2 By: Tinsman, Rife, Rittmer, Drake,  
 3 and Deluhery

4 (COMPANION TO LSB 2040HH BY VAN FOSSEN)

5 A Senate Resolution recognizing the 100th anniversary of  
 6 the founding of the chiropractic profession.

7 WHEREAS, the chiropractic profession was founded on  
 8 September 18, 1895, by Daniel David Palmer in  
 9 Davenport, Iowa, and will therefore celebrate its  
 10 centennial on September 18, 1995; and

11 WHEREAS, the profession of chiropractic is now  
 12 practiced by doctors of chiropractic throughout the  
 13 world, including 50,000 doctors of chiropractic  
 14 currently practicing in the United States of America  
 15 alone; and

16 WHEREAS, contemporary standards of chiropractic  
 17 education, research, and practice have led to ever-  
 18 broadening acceptance of the benefits of chiropractic  
 19 health care by the public and the health care  
 20 community; and

21 WHEREAS, each year millions of Americans now choose  
 22 chiropractic health care for the restoration and  
 23 maintenance of their health by natural methods and

24 without the use of drugs or surgery; NOW THEREFORE,  
 25 BE IT RESOLVED BY THE SENATE, That the Senate  
 26 acknowledges the chiropractic profession on the  
 27 occasion of its 100th anniversary and commends the  
 28 significant contribution that chiropractic has made to  
 29 the health and welfare of Americans.

30 BE IT FURTHER RESOLVED, That the Secretary of the

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1 Senate send a copy of this Resolution to the  
2 Chiropractic Centennial Foundation in the City of  
3 Davenport, Iowa.

## 1 SENATE RESOLUTION NO. 11

2 By: Kibbie, Gettings, and Hansen

3 A Resolution urging John Morrell and Company to honor  
4 its commitment to provide health care coverage to its  
5 retirees and their families.

6 WHEREAS, John Morrell and Company currently owns  
7 and operates a meat-packing plant in Sioux Falls,  
8 South Dakota, and has operated meat-packing plants in  
9 Estherville, Iowa, and Ottumwa, Iowa; and

10 WHEREAS, through several collective bargaining  
11 agreements with its employees, John Morrell and  
12 Company consistently agreed to provide free guaranteed  
13 health care coverage to workers and their families  
14 upon the workers' retirement from John Morrell and  
15 Company; and

16 WHEREAS, in September 1979, John Morrell and  
17 Company entered into a collective bargaining agreement  
18 with its employees, covering all retirees between  
19 September 1, 1979, and September 1, 1985, and  
20 providing these retirees with free guaranteed health  
21 care coverage for the retirees and their families and  
22 survivors in return for receiving smaller pensions;  
23 and

24 WHEREAS, over 3,000 workers at John Morrell and  
25 Company retired during this period, with many of these  
26 retirees agreeing to take a smaller pension in return  
27 for free guaranteed health care coverage for the  
28 retirees and their families and survivors; and

29 WHEREAS, John Morrell and Company, in blatant  
30 disregard to its promises to its retirees, informed

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1 many of these retirees by letter dated January 23,  
2 1995, that it had decided to unilaterally discontinue  
3 free guaranteed health care coverage to many of its  
4 retirees effective January 31, 1995; and

5 WHEREAS, employers have ethical responsibilities,  
6 even apart from their legal obligations, to provide  
7 for loyal employees and retirees who have dedicated  
8 their working lives to their employers; and

9 WHEREAS, John Morrell and Company, in canceling  
10 health care coverage for certain of its retirees, has  
11 apparently decided to repay the efforts of its retired

12 workers by abandoning the retirees and their families;  
13 and

14 WHEREAS, Iowans have a strong sense of fair play  
15 and justice and believe that promises and personal  
16 commitments are binding upon the parties to such  
17 promises and commitments, regardless of the alleged  
18 ability of a party to negate such promises through  
19 legal maneuvering; NOW THEREFORE,

20 BE IT RESOLVED BY THE SENATE, That the Iowa Senate  
21 express its outrage and alarm at the actions taken by  
22 John Morrell and Company in revoking health care  
23 coverage for Morrell retirees and their families.

24 BE IT FURTHER RESOLVED, That John Morrell and  
25 Company is urged to reconsider its ethical obligations  
26 to its former workers and decide to continue to comply  
27 with its promises to these workers by providing health  
28 care coverage to its retirees and their families.

1 SENATE RESOLUTION NO. 13

2 By: committee on Rules and Administration  
3 A Senate Resolution deferring action on the  
4 confirmation of appointments submitted by the  
5 Governor.

6 BE IT RESOLVED BY THE SENATE, That the Senate  
7 defers consideration of the following appointments  
8 submitted by the Governor under the provisions of  
9 section 2.32, subsection 3:

10 Commission of

- 11 Veterans Affairs Muriel E. Allan
- 12 Dorothy E. Andrews
- 13 Gail K. Danilson
- 14 (Terms beginning July 1, 1994 and ending April 30, 1998)
- 15 Mildred R. Dawson
- 16 (Term beginning May 1, 1995 and ending April 30, 1999)

1 SENATE RESOLUTION NO. 14

2 By: committee on Rules and Administration  
3 A Senate Resolution deferring action on the  
4 confirmation of an appointment submitted by the  
5 Governor.

6 BE IT RESOLVED BY THE SENATE, That the Senate  
7 defers consideration of the following appointment  
8 submitted by the Governor under the provisions of  
9 section 2.32, subsection 3:

- 10 Chair of Utilities Board . . . . . Allan T. Thoms
- 11 (Term beginning May 1, 1995 and ending April 30, 1997)

1 SENATE RESOLUTION NO. 15

2 By: committee on Rules and Administration  
3 A Resolution deferring action on the confirmation of an

4 appointment submitted by the Governor.  
5 BE IT RESOLVED BY THE SENATE, That the Senate  
6 defers consideration of the following appointment  
7 submitted by the Governor under the provisions of  
8 section 2.32, subsection 3:  
9 Executive Director of the Iowa  
10 Finance Authority Ted R. Chapler  
11 (Term beginning May 1, 1995, and ending at the  
12 pleasure of Governor)

1 SENATE RESOLUTION NO. 19

2 By: Vilsack and Tinsman

3 A Senate Resolution relating to the well-being of Iowa's  
4 children.

5 WHEREAS, the citizens of Iowa have become  
6 increasingly concerned for the safety and well-being  
7 of their children; and

8 WHEREAS, Iowans as part of a long-standing  
9 tradition are committed to a quality education for all  
10 children; and

11 WHEREAS, Iowans are willing to commit their time,  
12 their energy, and their resources to making a better  
13 Iowa for children; NOW THEREFORE,

14 BE IT RESOLVED BY THE SENATE, That parents spend  
15 time transporting their children to school, that  
16 parents meet and talk with their children's teacher  
17 about the children's performance in school, that  
18 parents read to their children or encourage their  
19 children to read and that the television be turned off  
20 at least three hours a night, that the community,  
21 particularly the clergy, become more active in  
22 nurturing children by recognizing that it takes a  
23 whole village to raise a child; and

24 BE IT FURTHER RESOLVED, That the community,  
25 particularly the clergy and judges, establish lines of  
26 communication about children in need in order to avoid  
27 future problems with the legal system.

1 SENATE RESOLUTION NO. 20

2 By: committee on Rules and Administration

3 A Senate Resolution relating to daily operations of  
4 the Senate.

5 WHEREAS, the legislative authority of this state is  
6 vested in the General Assembly consisting of the  
7 Senate and the House of Representatives; and

8 WHEREAS, the Senate necessarily incurs substantial  
9 expenses for its daily operations; and

10 WHEREAS, the Senate is authorized to expend funds  
11 from the state treasury necessary to pay for its  
12 expenses and for expenses incurred jointly by the

13 Senate and House of Representatives; and

14 WHEREAS, it is deemed advisable and proper for the  
15 Senate to make expenditures in accordance with a  
16 budgetary plan; NOW THEREFORE,

17 BE IT RESOLVED BY THE SENATE:

18 Section 1. Expenditures of the Senate payable  
19 pursuant to Iowa Code sections 2.10 through 2.14  
20 inclusive for the regular legislative session and the  
21 interim period during the fiscal year beginning July  
22 1, 1995 and ending June 30, 1996, are budgeted to be  
23 as follows:

- 24 1. Session expenses including members' and  
25 temporary staff compensation and other current  
26 expenses in an amount not to exceed \$2,594,600.
- 27 2. Interim expenses including members' and staff  
28 compensation and other current expenses in an amount  
29 not to exceed \$291,500.
- 30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed  
2 \$1,657,103.

3 4. A special fund for renovation, restoration, and  
4 equipment improvements in the Senate chamber and  
5 adjacent areas to be used with the authorization of  
6 the Committee on Rules and Administration, in an  
7 amount not to exceed \$150,000.

8 5. A special fund for technology and  
9 computerization improvements to be used with the  
10 authorization of the Committee on Rules and  
11 Administration, in an amount not to exceed \$300,000.

12 6. A special Senator Dale L. Tieden scholarship  
13 fund for a Senate page to be used with the  
14 authorization of the Committee on Rules and  
15 Administration, in an amount not to exceed \$1,000.

16 Sec. 2. The Secretary of the Senate shall  
17 immediately provide written notice to the majority and  
18 minority leaders of the Senate and to the Chair and  
19 Ranking Member of the Senate Appropriations Committee  
20 if actual expenditures payable pursuant to Iowa Code  
21 sections 2.10 through 2.14 inclusive exceed the  
22 maximum amount allocated to any category of the budget  
23 provided by section 1 of this resolution. The written  
24 notice shall specify the amount of and reasons for any  
25 excess expenditure.

26 Sec. 3. The expenditures referred to in section 2  
27 of this resolution shall consist only of those sums  
28 required for payment of the various expenses of the

29 General Assembly including such items as legislative  
30 printing expenses, unpaid expenses incurred during the

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1 interim between sessions of the General Assembly,  
2 expenditures incurred pursuant to resolutions, and  
3 expenses for purchases of legislative equipment and  
4 supplies necessary to carry out the functions of the  
5 General Assembly. Joint expenditures or special  
6 expenditures approved by the Committee on Rules and  
7 Administration or the Legislative Council are not  
8 included in the budget set forth in this resolution.  
9 Sec. 4. If a special session of the General  
10 Assembly is held, the Committee on Rules and  
11 Administration shall provide for consideration of a  
12 budget for the special session. -

1 SENATE RESOLUTION NO. 21

2 By: committee on Agriculture

3 (SUCCESSOR TO SSB 366)

4 A Resolution posthumously honoring Mr. Robert Pim, and  
5 recognizing his many contributions to agriculture.

6 WHEREAS, Mr. Robert Pim, during his distinguished  
7 lifetime, contributed to agriculture and to the  
8 quality of life enjoyed by Iowans, by serving the  
9 interests of agriculture and agricultural producers in  
10 this state and the nation, as a private citizen, and  
11 in public service as an official of the Farmers Home  
12 Administration, United States Department of  
13 Agriculture; and

14 WHEREAS, Mr. Pim began his career in 1955 as  
15 assistant county supervisor in Lucas County, where his  
16 great-grandfather founded Mr. Pim's family farm in  
17 1858; and

18 WHEREAS, Mr. Pim followed his father's commitment  
19 to public service, who served in the Iowa General  
20 Assembly during the 1950s; and

21 WHEREAS, Mr. Pim served as an official in the  
22 Farmers Home Administration (FmHA) for 30 years, and  
23 served as state director for 20 years, heading the  
24 state office from 1969 to 1977 and from 1981 until his  
25 retirement in 1993; and

26 WHEREAS, during Iowa's farm crisis, Mr. Pim worked  
27 tirelessly as the head of Iowa's lender of last resort  
28 during which Iowa administered the largest FmHA  
29 guaranteed loan program in the nation; and

30 WHEREAS, Mr. Pim's vigorous commitment to

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1 agricultural producers and his deep sense of  
2 compassion combined with his practical counsel and  
3 efficient administration helped ensure the survival of  
4 many farming operations, including through debt  
5 restructuring, and in many cases ensuring the least  
6 painful transition possible for those who could no  
7 longer stay on the farm, during a period of  
8 agricultural depression when the office's farm loan  
9 portfolio climbed to \$750 million in 1986 and when  
10 more than one-third of its borrowers were considered  
11 to be in extremely serious financial trouble; and  
12 WHEREAS, Mr. Pim worked with agricultural  
13 producers, agricultural organizations, agribusinesses,  
14 and business organizations, in creating a network of  
15 cooperation and understanding among various segments  
16 of agriculture and business, including by fostering  
17 the development and prominence of the National Forum  
18 for Agriculture which provides a continuing  
19 opportunity for farm leaders to discuss major issues  
20 affecting agriculture; and  
21 WHEREAS, Mr. Pim's devotion to the best interests  
22 of agriculture was reflected in the commitment and  
23 hard work that he demonstrated all his life in  
24 laboring on and managing his family farm, and in his  
25 long association with the Iowa Cattlemen's Association  
26 and the Iowa State Fair; and  
27 WHEREAS, Mr. Pim has been praised by numerous  
28 persons, and has received tributes and honors from  
29 many organizations respecting his commitment to  
30 agriculture and his advocacy of farmers, including

## Page 3

1 beginning farmers, and economic prosperity for rural  
2 Iowa; and  
3 WHEREAS, the tragic death of Mr. Robert Pim,  
4 occurring shortly before noon on Monday, April 17,  
5 1995, while traveling back to his Lucas County farm,  
6 has saddened this state, and constitutes a loss for  
7 agriculture in this state and in the nation; NOW  
8 THEREFORE,  
9 BE IT RESOLVED BY THE SENATE, That the Senate  
10 posthumously honors Mr. Robert Pim, and recognizes his  
11 life's many accomplishments, his deep commitment to  
12 agriculture, to the state of Iowa, and to the welfare  
13 of its people; and  
14 BE IT FURTHER RESOLVED, That the Secretary of the  
15 Senate send copies of this Resolution to his surviving

16 wife Mrs. Judith Pim; to his sons, Mr. Robert Pim II,  
 17 Mr. Stuart Pim, and Mr. Clifford Pim; and to his  
 18 sister Mrs. Ruth Van Echaute; and  
 19 BE IT FURTHER RESOLVED, That the Secretary of the  
 20 Senate send copies of this Resolution to the President  
 21 of the United States; the Secretary of Agriculture,  
 22 United States Department of Agriculture; and the State  
 23 Director of the Rural Economic and Community  
 24 Development, United States Department of Agriculture.

1 SENATE RESOLUTION NO. 23

2 By: committee on Appropriations

3 (SUCCESSOR TO SSB 370)

4 A Resolution honoring the service of Dr. Constantine  
 5 W. Curris as President of the University of  
 6 Northern Iowa.  
 7 WHEREAS, Dr. Constantine W. Curris is leaving the  
 8 University of Northern Iowa after having served as its  
 9 President since August 1983, to serve as President of  
 10 Clemson University; and  
 11 WHEREAS, Dr. Constantine "Deno" Curris has provided  
 12 valuable service to the University of Northern Iowa  
 13 and all Iowans as President of the University; and  
 14 WHEREAS, President Curris has provided national  
 15 leadership in the reform of teacher education; and  
 16 WHEREAS, President Curris has emphasized the  
 17 development of the college of business administration  
 18 and other resources of the University as part of a  
 19 dynamic partnership to boost the economic resurgence  
 20 of Iowa by providing needed services to Iowa  
 21 communities and small businesses; and  
 22 WHEREAS, President Curris has placed renewed  
 23 emphasis upon undergraduate education and teaching  
 24 excellence at the University; and  
 25 WHEREAS, President Curris has expanded the  
 26 international studies experiences at the University to  
 27 prepare students for life in the twenty-first century;  
 28 and  
 29 WHEREAS, President Curris has fostered a student-  
 30 centered philosophy at the University and has

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1 consistently sought to make the university experience  
 2 as accessible and affordable for as many students as  
 3 possible; and  
 4 WHEREAS, President Curris has taken an active role  
 5 in public policy issues while maintaining both  
 6 institutional and personal credibility; and  
 7 WHEREAS, President Curris, and his wife, Jo, have

8 provided valuable service to all Iowans, and  
 9 especially to the University of Northern Iowa  
 10 community, during his tenure as President of the  
 11 University of Northern Iowa; NOW THEREFORE,  
 12 BE IT RESOLVED BY THE SENATE, That the Iowa Senate  
 13 expresses the appreciation of all Iowans for the  
 14 valued service of Dr. Constantine Curris as he  
 15 completes his tenure as President of the University of  
 16 Northern Iowa.  
 17 BE IT FURTHER RESOLVED, That the Secretary of the  
 18 Senate prepare a copy of this Resolution for  
 19 presentation to Dr. Constantine Curris and his wife,  
 20 Jo.

1 SENATE RESOLUTION NO. 24

2 By: committee on Appropriations

3 (SUCCESSOR TO SSB 369)

4 A Resolution expressing appreciation to Hunter R.  
 5 Rawlings for his service as President of the  
 6 University of Iowa.  
 7 WHEREAS, Hunter R. Rawlings came to Iowa as  
 8 President of the University of Iowa on August 1, 1988,  
 9 and will soon commence his new responsibilities as  
 10 President of Cornell University; and  
 11 WHEREAS, President Rawlings identified the  
 12 importance of undergraduate education as a top  
 13 legislative priority and consistently sought the  
 14 resources to achieve this priority; and  
 15 WHEREAS, President Rawlings spearheaded efforts to  
 16 make the University of Iowa more student-friendly and  
 17 annually met individually with hundreds of students;  
 18 and  
 19 WHEREAS, President Rawlings worked to ensure a  
 20 comprehensive strategic planning process for the  
 21 University of Iowa, in part to achieve the goal of  
 22 making the University one of the top ten public  
 23 universities in the country; and  
 24 WHEREAS, President Rawlings' leadership has  
 25 contributed to the state's economy through the  
 26 development of the Oakdale Research Park and through  
 27 substantial increases in the receipt of research  
 28 grants and contracts; and  
 29 WHEREAS, President Rawlings worked hard to strike  
 30 the appropriate balance between academics and

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1 athletics at the University; and  
 2 WHEREAS, President Rawlings reorganized the  
 3 structure of the University's health sciences center

4 in order to make the University competitive as dynamic  
 5 changes occur in health care; and  
 6 WHEREAS, President Rawlings consistently emphasized  
 7 the need to communicate with and reach out to the  
 8 constituents of the University and to the General  
 9 Assembly; and  
 10 WHEREAS, President Rawlings and his wife Elizabeth  
 11 brought respect and distinction to the University of  
 12 Iowa and to the State of Iowa through their dedicated  
 13 leadership and commitment to Iowa and the University  
 14 of Iowa; NOW THEREFORE,  
 15 BE IT RESOLVED BY THE SENATE, That the Senate  
 16 expresses its appreciation to Hunter R. Rawlings for  
 17 his service to the state as President of the  
 18 University of Iowa.  
 19 BE IT FURTHER RESOLVED, That the Secretary of the  
 20 Senate prepare a copy of this Resolution for  
 21 presentation to Hunter R. Rawlings and his wife,  
 22 Elizabeth.

1 SENATE CONCURRENT RESOLUTION 3  
 2 BY COMMITTEE ON RULES AND ADMINISTRATION

3 A Concurrent Resolution relating to the compensation  
 4 of chaplains, officers and employees of the  
 5 seventy-sixth general assembly.

6 WHEREAS, section 2.11 of the Code provides that  
 7 "The compensation of the chaplains, officers, and  
 8 employees of the general assembly shall be fixed by  
 9 joint action of the house and senate by resolution at  
 10 the opening of each session, or as soon thereafter as  
 11 conveniently can be done.", NOW THEREFORE,

12 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

13 That the compensation for the following officers for  
 14 the period commencing January ~~11, 1993~~ 9, 1995 and  
 15 ending January ~~9, 1996~~ 13, 1997, shall be within the  
 16 following ranges:

17 Secretary of the Senate and Chief	
18 Clerk of the House .....	\$42,000 to \$72,956
19	<u>\$44,373 to \$76,580</u>

20 Within the indicated ranges the exact compensation  
 21 shall be set or adjusted for the senate officers by  
 22 the senate rules and administration committee and for  
 23 the house officers by the house administration and  
 24 rules committee. The committees shall report the  
 25 exact compensation assigned to each position on the  
 26 next legislative day, or, if such action is during the  
 27 interim, on the first day the senate or house shall  
 28 convene. Any action by the senate or house to  
 29 disapprove or amend the report shall be effective the  
 30 day after the action.

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1 BE IT FURTHER RESOLVED, That the compensation of  
 2 the employees of the ~~seventy-fifth~~ seventy-sixth  
 3 general assembly is set, effective from January 11,  
 4 1993 9, 1995, until January 9, 1995 13, 1997, in  
 5 accordance with the following salary schedule:

6 #8	#9	#10	#11	#12
7 \$11,564.80	\$12,126.40	\$12,750.40	\$13,395.20	\$14,060.80
8 5.56	5.82	6.13	6.44	6.76
9				
10 #13	#14	#15	#16	#17
11 \$14,768.00	\$15,537.60	\$16,348.80	\$17,160.00	\$17,950.40
12 7.10	7.47	7.86	8.25	8.63
13				
14 #18	#19	#20	#21	#22
15 \$18,824.00	\$19,697.60	\$20,696.00	\$21,652.80	\$22,718.60
16 9.05	9.47	9.95	10.41	10.92
17				
18 #23	#24	#25	#26	#27
19 \$23,816.00	\$24,918.40	\$26,145.60	\$27,372.80	\$28,688.20
20 11.45	11.98	12.57	13.16	13.79
21				
22 #28	#29	#30	#31	#32
23 \$30,076.80	\$31,532.80	\$33,030.40	\$34,652.80	\$36,254.40
24 14.46	15.16	15.88	16.66	17.43
25				
26 #33	#34	#35	#36	#37
27 \$38,064.00	\$39,852.80	\$41,745.60	\$43,762.20	\$45,884.80
28 18.30	19.16	20.07	21.04	22.06
29				
30 #38	#39	#40	#41	#42

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1 \$48,068.80	\$50,398.40	\$52,832.00	\$55,369.60	\$58,032.00
2 23.11	24.23	25.40	26.62	27.90
3 #8	#9	#10	#11	#12
4 \$12,022.40	\$12,625.60	\$13,270.40	\$13,936.00	\$14,643.20
5 5.78	6.07	6.38	6.70	7.04
6				
7 #13	#14	#15	#16	#17
8 \$15,350.40	\$16,161.60	\$17,014.40	\$17,867.20	\$18,678.40
9 7.38	7.77	8.18	8.59	8.98
10				
11 #18	#19	#20	#21	#22
12 \$19,572.80	\$20,488.00	\$21,528.00	\$22,526.40	\$23,628.80
13 9.41	9.85	10.35	10.83	11.36
14				
15 #23	#24	#25	#26	#27

SENATE RESOLUTIONS

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16	<u>\$24,772.80</u>	<u>\$25,916.80</u>	<u>\$27,206.40</u>	<u>\$28,475.20</u>	<u>\$29,848.00</u>
17	<u>11.91</u>	<u>12.46</u>	<u>13.08</u>	<u>13.69</u>	<u>14.35</u>
18					
19	<u>#28</u>	<u>#29</u>	<u>#30</u>	<u>#31</u>	<u>#32</u>
20	<u>\$31,304.00</u>	<u>\$32,801.60</u>	<u>\$34,361.60</u>	<u>\$36,046.40</u>	<u>\$37,731.20</u>
21	<u>15.05</u>	<u>15.77</u>	<u>16.52</u>	<u>17.33</u>	<u>18.14</u>
22					
23	<u>#33</u>	<u>#34</u>	<u>#35</u>	<u>#36</u>	<u>#37</u>
24	<u>\$39,603.20</u>	<u>\$41,454.40</u>	<u>\$43,430.40</u>	<u>\$45,531.20</u>	<u>\$47,736.00</u>
25	<u>19.04</u>	<u>19.93</u>	<u>20.88</u>	<u>21.89</u>	<u>22.95</u>
26					
27	<u>#38</u>	<u>#39</u>	<u>#40</u>	<u>#41</u>	<u>#42</u>
28	<u>\$50,003.20</u>	<u>\$52,416.00</u>	<u>\$54,974.40</u>	<u>\$57,595.20</u>	<u>\$60,382.40</u>
29	<u>24.04</u>	<u>25.20</u>	<u>26.43</u>	<u>27.69</u>	<u>29.03</u>
30	In this schedule, each numbered block shall be the				

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1 yearly and hourly compensation for the pay grade of  
 2 the number heading the block. Within each grade there  
 3 shall be six steps numbered "1" through "6". In the  
 4 above schedule the steps for all grades are determined  
 5 in the following manner. Each numbered block is  
 6 counted as the "1" step for that grade. The next  
 7 higher block is counted as the "2" step; the next  
 8 higher block is the "3" step; the next higher block is  
 9 the "4" step; the next higher block is the "5" step;  
 10 the next higher block is the "6" step.

11 All employees shall be available to work daily  
 12 until completion of the senate's and house of  
 13 representatives' business. The employee's division  
 14 supervisor shall schedule all employees' working hours  
 15 to, as far as possible, maintain regular working  
 16 hours.

17 All employees, other than those designated "part-  
 18 time" shall be compensated for 40 hours of work in a  
 19 one-week pay period. Secretaries to senators and  
 20 representatives are presumed to have 40 hours of work  
 21 each week the legislature is in session and shall be  
 22 paid only on that basis. Except for the personnel  
 23 designated to the contrary in this resolution,  
 24 employees who are required to work in excess of 40  
 25 hours in a one-week pay period shall either be  
 26 compensated at a rate of pay equal to one and one-half  
 27 times the hourly pay provided in this resolution or  
 28 allowed compensatory time off at a rate of one and  
 29 one-half hours for each hour of overtime.

30 The following personnel shall not be paid an

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- 1 overtime premium:
- 2 Secretary of the Senate
- 3 Chief Clerk of the House
- 4 Assistant Secretary of the Senate
- 5 Assistant Chief Clerk of the House
- 6 Senate Legal Counsel
- 7 House Legal Counsel
- 8 Finance Officer
- 9 Senior Finance Officer
- 10 Senior Journal Editor
- 11 All Administrative Assistants
- 12 All Research Analysts
- 13 All Research Assistants
- 14 All Secretaries to Senators and Representatives
- 15 All Caucus Staff Directors
- 16 All Senior Caucus Secretaries
- 17 Administrative, Executive, and Confidential
- 18 Secretaries to President, Speaker, Leader or
- 19 Secretary of Senate or Chief Clerk of House
- 20 This list may be modified pursuant to the annual
- 21 review authorized in this resolution.
- 22 Beginning with the convening of the Seventy-seventh
- 23 General Assembly, all caucus secretaries shall not be
- 24 paid an overtime premium.
- 25 BE IT FURTHER RESOLVED, That part-time employees
- 26 shall be compensated at the scheduled hourly rate for
- 27 their pay grade and step.
- 28 BE IT FURTHER RESOLVED, That compensatory time off
- 29 shall be granted to employees not eligible for the
- 30 overtime pay premium in a uniform manner for all

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- 1 legislative employees as determined by the legislative
- 2 council.
- 3 BE IT FURTHER RESOLVED, That in the event the
- 4 salary schedule for employees of the State of Iowa as
- 5 promulgated by the personnel commission pursuant to
- 6 section 19A.9, subsection 2, Code ~~1993~~ 1995, is
- 7 revised upward at any time during the ~~seventy-fifth~~
- 8 seventy-sixth general assembly, such revised schedule
- 9 shall simultaneously be adopted for the compensation
- 10 of the employees of the ~~seventy-fifth~~ seventy-sixth
- 11 general assembly assigned a grade by this resolution.
- 12 The pay ranges of those positions specifically listed
- 13 on page one of this resolution shall be automatically
- 14 adjusted to reflect any cost of living increases
- 15 granted to those employees not included in the

16 collective bargaining ~~agreement agreements~~ made final  
 17 under chapter 20 of the Code and increases provided by  
 18 the legislative council for agency directors.  
 19 BE IT FURTHER RESOLVED, That adjustments in the  
 20 positions and compensation listed in this resolution  
 21 may be made through an annual interim review of all  
 22 legislative employees for internal equity and to  
 23 assure compliance with appropriate legal standards for  
 24 granting of overtime and compensatory time off. Such  
 25 review shall be conducted by a legislative committee  
 26 made up of members of the service committee of  
 27 legislative council and the appropriate salary  
 28 subcommittees of the senate and house. Only one such  
 29 review may be done in any fiscal year and adjustments  
 30 suggested must be approved by the appropriate hiring

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1 body.

2 BE IT FURTHER RESOLVED, That the employees of the  
 3 ~~seventy-fifth~~ seventy-sixth general assembly be placed  
 4 in the following pay grades:

5 EMPLOYEES OF THE HOUSE

6 Sr. Assistant Chief Clerk of the House . . . . .	Grade 41
7 Assistant Chief Clerk of the House III . . . . .	Grade 38
8 Assistant Chief Clerk of the House II . . . . .	Grade 35
9 Assistant Chief Clerk of the House I . . . . .	Grade 32
10 Legal Counsel II . . . . .	Grade 35
11 Legal Counsel I . . . . .	Grade 32
12 Legal Counsel . . . . .	Grade 30
13 Sr. Caucus Staff Director . . . . .	Grade 41
14 Caucus Staff Director . . . . .	Grade 38
15 Administrative Assistant to Leader	
16 or Speaker . . . . .	Grade 27
17 Administrative Assistant I to Leader	
18 or Speaker . . . . .	Grade 29
19 Administrative Assistant II to Leader	
20 or Speaker . . . . .	Grade 32
21 Administrative Assistant III to Leader,	
22 or Speaker, or <u>Speaker Pro Tempore</u> . . . . .	Grade 35
23 Sr. Administrative Assistant to	
24 Leader or Speaker . . . . .	Grade 38
25 Research Assistant . . . . .	Grade 24
26 Legislative Research Analyst . . . . .	Grade 27
27 Legislative Research Analyst I . . . . .	Grade 29
28 Legislative Research Analyst II . . . . .	Grade 32
29 Legislative Research Analyst III . . . . .	Grade 35
30 Sr. Legislative Research Analyst . . . . .	Grade 38

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1	Secretary to Leader or Speaker	Grade 19
2	Caucus Secretary	Grade 21
3	Senior Caucus Secretary	Grade 24
4	Administrative Secretary to Leader,	
5	Speaker, or Chief Clerk	Grade 21
6	Executive Secretary to Leader,	
7	Speaker or Chief Clerk	Grade 24
8	Confidential Secretary to Leader,	
9	Speaker, or Chief Clerk	Grade 27
10	Clerk to Chief Clerk	Grade 16
11	Supervisor of Secretaries	Grade 21
12	Supervisor of Secretaries I	Grade 24
13	Supervisor of Secretaries II	Grade 27
14	Senior Editor	Grade 30
15	Editor II	Grade 25
16	Editor I	Grade 22
17	Assistant Editor	Grade 19
18	Compositor/ <u>Desk Top Specialist</u>	Grade 17
19	Sr. Text Processor	Grade 25
20	Text Processor II	Grade 22
21	Text Processor I	Grade 19
22	Senior Finance Officer	Grade 31
23	Finance Officer II	Grade 27
24	Finance Officer I	Grade 24
25	Assistant Finance Officer	Grade 21
26	Recording Clerk II	Grade 24
27	Recording Clerk I	Grade 21
28	Assistant Legal Counsel	Grade 27
29	Engrossing & Enrolling Processor	Grade 27
30	Assistant to the Legal Counsel	Grade 19

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1	Indexer II	Grade 25
2	Indexer I	Grade 22
3	Indexing Assistant	Grade 19
4	Supply Clerk	Grade 16
5	Switchboard Operator	Grade 14
6	Legislative Secretary	Grade 15
7	Legislative Committee Secretary	Grade 17
8	Bill Clerk	Grade 14
9	Assistant Bill Clerk	Grade 12
10	Postmaster	Grade 12
11	Sergeant-at-Arms	Grade 17
12	Assistant Sergeant-at-Arms	Grade 14
13	Chief Doorkeeper	Grade 12
14	Doorkeepers	Grade 11
15	Pages	Minimum Wage

16 BE IT FURTHER RESOLVED, That authorization for the  
 17 position of Administrative Assistant III to Speaker  
 18 Pro Tempore ends July 1, 1996.

19 EMPLOYEES OF THE SENATE

20 Sr. Assistant Secretary of the Senate .....	Grade 41
21 Assistant Secretary of the Senate III .....	Grade 38
22 Assistant Secretary of the Senate II .....	Grade 35
23 Assistant Secretary of the Senate I .....	Grade 32
24 Legal Counsel II .....	Grade 35
25 Legal Counsel I .....	Grade 32
26 Legal Counsel .....	Grade 30
27 Sr. Caucus Staff Director .....	Grade 41
28 Caucus Staff Director .....	Grade 38
29 Administrative Assistant to Leader	
30 or President .....	Grade 27

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1 Administrative Assistant I to Leader	
2 or President .....	Grade 29
3 Administrative Assistant II to Leader	
4 or President .....	Grade 32
5 Administrative Assistant III to Leader	
6 or President .....	Grade 35
7 Sr. Administrative Assistant to	
8 Leader or President .....	Grade 38
9 Research Assistant .....	Grade 24
10 Legislative Research Analyst .....	Grade 27
11 Legislative Research Analyst I .....	Grade 29
12 Legislative Research Analyst II .....	Grade 32
13 Legislative Research Analyst III .....	Grade 35
14 Sr. Legislative Research Analyst .....	Grade 38
15 Caucus Secretary .....	Grade 21
16 Senior Caucus Secretary .....	Grade 24
17 Secretary to Leader or President .....	Grade 19
18 Administrative Secretary to Leader, President,	
19 <u>President Pro Tempore, or</u>	
20 Secretary of the Senate .....	Grade 21
21 Executive Secretary to Leader, President,	
22 or Secretary of the Senate .....	Grade 24
23 Confidential Secretary to Leader, President,	
24 or Secretary of the Senate .....	Grade 27
25 Supervisor of Secretaries .....	Grade 21
26 Supervisor of Secretaries I .....	Grade 24
27 Supervisor of Secretaries II .....	Grade 27
28 Senior Editor .....	Grade 30
29 Editor II .....	Grade 25
30 Editor I .....	Grade 22

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1 Assistant Editor . . . . .	Grade 19
2 Compositor/ <u>Desk Top Specialist</u> . . . . .	Grade 17
3 Assistant Legal Counsel . . . . .	Grade 27
4 Assistant to the Legal Counsel . . . . .	Grade 19
5 Proofreader . . . . .	Grade 16
6 Senior Finance Officer . . . . .	Grade 31
7 Finance Officer II . . . . .	Grade 27
8 Finance Officer I . . . . .	Grade 24
9 Assistant Finance Officer . . . . .	Grade 21
10 Recording Clerk II . . . . .	Grade 24
11 Recording Clerk I . . . . .	Grade 21
12 Indexer II . . . . .	Grade 25
13 Indexer I . . . . .	Grade 22
14 Indexing Assistant . . . . .	Grade 19
15 Records and Supply Clerk . . . . .	Grade 18
16 Switchboard Operator . . . . .	Grade 14
17 Legislative Secretary . . . . .	Grade 15
18 Legislative Committee Secretary . . . . .	Grade 17
19 Bill Clerk . . . . .	Grade 14
20 Assistant Bill Clerk . . . . .	Grade 12
21 Postmaster . . . . .	Grade 12
22 Sergeant-at-Arms . . . . .	Grade 17
23 Assistant Sergeant-at-Arms . . . . .	Grade 14
24 Chief Doorkeeper . . . . .	Grade 12
25 Doorkeepers . . . . .	Grade 11
26 Pages . . . . .	Minimum Wage
27 <u>BE IT FURTHER RESOLVED, That authorization for the</u>	
28 <u>position of Administrative Secretary to President Pro</u>	
29 <u>Tempore ends July 1, 1996.</u>	
30 BE IT FURTHER RESOLVED, That there shall be four	

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- 1 classes of appointments as employees of the general
- 2 assembly:
- 3 A "permanent full-time" or "permanent part-time"
- 4 employee is one who is employed the year around and
- 5 eligible to receive state benefits.
- 6 An "exempt full-time" employee is one who is
- 7 employed for the period of the sessions with
- 8 extensions post-session and pre-session as scheduled.
- 9 This class is eligible to receive state benefits with
- 10 the cost of benefits to the state to be paid by the
- 11 employee when not on the payroll.
- 12 A "session-only" employee is one who is employed
- 13 for only a portion of the year, usually the
- 14 legislative session. This class is not eligible for
- 15 state benefits, except IPERS, and insurance as

16 provided in section 2.40.

17 A "part-time" employee is one who is employed to  
18 work less than 40 hours per week. This class is not  
19 eligible for state benefits, except IPERS if eligible.

20 BE IT FURTHER RESOLVED, That the exact  
21 classification for individuals in a job series created  
22 by this resolution shall be set or changed for senate  
23 employees by the senate rules and administration  
24 committee and for the house employees by the house  
25 administration and rules committee. The committees  
26 shall base the classification upon the following  
27 factors:

28 1. The extent of formal education required of the  
29 position; and,

30 2. The extent of the responsibilities to be

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1 assigned to the position; and,

2 3. The amount of supervision placed over the  
3 position; and,

4 4. The number of persons the position is assigned  
5 to supervise and skill and responsibilities of those  
6 positions supervised.

7 The committees shall report the exact  
8 classifications assigned to each individual on the  
9 next legislative day, or, if such action is during the  
10 interim, on the first day the senate or house shall  
11 convene. Any action by the senate or house to  
12 disapprove a report or a portion of a report shall be  
13 effective the day after the action.

14 Recommendations for a pay grade for a new position  
15 shall be developed in accordance with the factor  
16 scores in the comparable worth report. Beginning in  
17 ~~1995~~ 1997, every four years the senate rules and  
18 administration committee, the house administration and  
19 rules committee, and the legislative council shall  
20 review all positions in the legislative branch to  
21 assure conformity to comparable worth.

22 BE IT FURTHER RESOLVED, That a senator or  
23 representative may employ a secretary who in the  
24 judgment of the senator or representative employing  
25 such person, possesses the necessary skills to perform  
26 the duties such senator or representative shall  
27 designate, under the administrative direction, as  
28 appropriate, of the secretary of the senate or the  
29 chief clerk of the house.

30 Each standing committee chairperson, ethics

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1 committee chairperson, and each appropriations  
2 subcommittee chairperson shall designate a secretary  
3 who is competent to perform the following duties:  
4 prepare committee minutes, committee reports, type  
5 committee correspondence, maintain committee records,  
6 and otherwise assist the committee. Such duties shall  
7 be performed in accordance with standards which shall  
8 be provided by the secretary of the senate and chief  
9 clerk of the house. In making the designation,  
10 chairpersons shall consider persons for possible  
11 designation as the secretary to the committee in the  
12 following order:

13 First: The secretary to the chairperson.

14 Second: The secretary to the committee's vice-  
15 chairperson.

16 Third: The secretary to any other member of the  
17 committee.

18 Fourth: The secretary to any other member in the  
19 same house as the committee.

20 BE IT FURTHER RESOLVED, That a Legal Counsel II  
21 shall be a person who has graduated from an accredited  
22 school of law and is admitted to practice in Iowa as  
23 an Attorney and Counselor at Law and possesses either  
24 a Masters of Law degree or has at least two years of  
25 legal experience after admission to practice.

26 A Legal Counsel I shall be a person who has  
27 graduated from an accredited school of law and is  
28 admitted to practice in Iowa as an Attorney and  
29 Counselor at Law.

30 BE IT FURTHER RESOLVED, That employees of the

## Page 15

1 general assembly may be eligible for either:  
2 a) increases in salary grade or step based on  
3 evaluation of their job performance and  
4 recommendations of their administrative officers,  
5 subject to approval of the senate committee on rules  
6 and administration or the house committee on  
7 administration and rules, as appropriate, provided,  
8 however, that for promotions between classes with a  
9 three or more pay grade difference, the employee shall  
10 be given a two-step increase in pay or the employee's  
11 salary shall be adjusted to the entry level in the  
12 grade of the new position, whichever is greater; or  
13 b) mobility within a pay steps grade at the  
14 discretion of the chief clerk of the house upon  
15 recommendation by the employee's division supervisor

16 on the part of the house, and the discretion of the  
 17 employee's division supervisor on the part of the  
 18 senate, subject to the approval of the house committee  
 19 on administration and rules or the senate committee on  
 20 rules and administration, as appropriate -- in accord  
 21 with the following schedule:

22 (1) Progression from step "1" to "2" for a newly  
 23 hired employee -- six months of actual employment.

24 (2) Progression from step "1" to "2" following  
 25 promotion within a job series -- twelve months of  
 26 actual employment in that position.

27 (3) Progression from step "2" to "3", and step "3"  
 28 to "4", and step "4" to "5", and step "5" to "6" --  
 29 twelve months of actual employment.

30 BE IT FURTHER RESOLVED, that in addition to the

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1 steps provided in the preceding paragraph, that  
 2 secretaries to senators and representatives who were  
 3 employees of the senate or house of representatives  
 4 during any general assembly prior to January 9, 1989,  
 5 and who have received certification for passing a  
 6 typing and shorthand performance examination shall be  
 7 eligible for two additional steps.

8 BE IT FURTHER RESOLVED, That in addition to the  
 9 steps provided in the preceding paragraph, that  
 10 secretaries to senators and representatives shall be  
 11 eligible for a maximum of three additional grades  
 12 beyond grade 15, in any combination, as provided in  
 13 this paragraph:

14 1. One additional grade for a secretary to a  
 15 standing committee chair, ethics committee chair or  
 16 appropriations subcommittee chair who is not the  
 17 designated committee secretary.

18 2. One additional grade for a secretary to a vice-  
 19 chairperson or ranking member of a standing committee,  
 20 ethics committee or appropriations subcommittee.

21 3. One additional grade for a secretary to the  
 22 chairperson of the chaplain's committee.

23 4. Two additional grades for a secretary to an  
 24 assistant floor leader or speaker pro tempore or  
 25 president pro tempore.

26 5. One additional grade for a designated committee  
 27 secretary who is also the designated committee  
 28 secretary for an additional standing committee, ethics  
 29 committee, or appropriations subcommittee.

30 BE IT FURTHER RESOLVED, That in the event the

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1 secretary to the chairperson of the chaplain's  
 2 committee is the secretary to the president, speaker,  
 3 or the majority or minority leader, such secretary  
 4 shall receive one additional step.

5 BE IT FURTHER RESOLVED, That the entrance salary  
 6 for employees of the general assembly shall be at step  
 7 1 in the grade of the position held. Such employee  
 8 may be hired above the entrance step if possessing  
 9 outstanding and unusual experience for the position,  
 10 provided that the entrance is not beyond step 3. Such  
 11 employee who is hired above the entrance step shall be  
 12 mobile above that step in the same period of time as  
 13 other employees in that same step. An officer or  
 14 employee who is moved to another position may be  
 15 considered for partial or full credit for their  
 16 experience in the former position in determining the  
 17 step in the new grade.

18 The entry level for the position of research  
 19 analyst shall be Legislative Research Analyst, unless  
 20 extraordinary conditions justify increasing that entry  
 21 level; however, that entry level may not be increased  
 22 beyond Legislative Research Analyst I. A research  
 23 analyst must have shown knowledge of legislative rules  
 24 and procedures as well as the Code of Iowa to be  
 25 considered at any level above a Legislative Research  
 26 Analyst.

27 BE IT FURTHER RESOLVED, That a pay increase for  
 28 employees of one step within the pay grade for the  
 29 position may be made for exceptionally meritorious  
 30 service in addition to step increases provided for in

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1 this resolution, at the discretion of the chief clerk  
 2 upon recommendation by the employee's division  
 3 supervisor on the part of the house, and upon  
 4 recommendation by the employee's division supervisor  
 5 on the part of the senate, and the approval of the  
 6 senate committee on rules and administration or the  
 7 house committee on administration and rules.

8 Exceptionally meritorious service pay increases shall  
 9 be governed by the following:

10 a. The employee must have served in the position  
 11 for at least twelve months;

12 b. Written justification, setting forth in detail  
 13 the nature of the exceptionally meritorious service  
 14 rendered, must be submitted to the senate rules and  
 15 administration committee or house administration and

16 rules committee and approved in advance of granting  
17 the pay increase;

18 c. No more than one exceptionally meritorious  
19 service pay increase may be granted in any twelve-  
20 month period.

21 d. Such meritorious service pay increase shall not  
22 be granted beyond the six-step maximum for that  
23 position.

24 BE IT FURTHER RESOLVED, That the senate rules and  
25 administration committee and the house administration  
26 and rules committee shall both hire officers and  
27 employees for their respective bodies and fill any  
28 vacancies which may occur, to be effective at such  
29 time as they shall set. The committee shall report  
30 the names of those it has hired for the positions

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1 specified in this resolution or the filling of any  
2 vacancies on the next legislative day or, if such  
3 action is during the interim, on the first day the  
4 senate or house shall convene. Any action by the  
5 senate or house to amend or disapprove a report or a  
6 portion of a report shall be effective the day after  
7 the action.

8 The chief clerk of the house shall submit to the  
9 house committee on administration and rules and the  
10 secretary of the senate shall submit to the senate  
11 committee on rules and administration the list of  
12 names, or amendments thereto, of employee  
13 classifications and recommended pay step for each  
14 officer and employee. Such list shall include  
15 recommendations for the pay step for all employees.  
16 Each respective committee shall approve or amend the  
17 list of recommended classifications and pay steps and  
18 publish said list in the journal.

19 BE IT FURTHER RESOLVED, That permanent employees of  
20 the general assembly shall receive vacation  
21 allowances, sick leave, health and accident insurance,  
22 life insurance, and disability income insurance as are  
23 provided for full-time permanent state employees. The  
24 computations shall be maintained by the finance  
25 officers in each house and coordinated with the  
26 department of management revenue and finance.

27 BE IT FURTHER RESOLVED, That should any employee  
28 have a grievance, the grievance shall be resolved as  
29 provided by procedures determined by the senate rules  
30 and administration committee for senate employees or

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1 the house administration and rules committee for house  
 2 employees.  
 3 BE IT FURTHER RESOLVED, That it is the intent of  
 4 the general assembly that the legislative council  
 5 adopt a resolution similar to this resolution which  
 6 provides for the compensation and benefits of all  
 7 legislative central staff agency employees for the  
 8 ~~seventy-fifth~~ seventy-sixth general assembly. The  
 9 resolution shall be adopted as soon as practicable  
 10 after the first meeting of the legislative council  
 11 during the 1998 session convening of the seventy-sixth  
 12 general assembly, and published in the journals of the  
 13 senate and house.  
 14 BE IT FURTHER RESOLVED, That the compensation of  
 15 chaplains officiating at the opening of the daily  
 16 sessions of the house of representatives and the  
 17 senate of the ~~seventy-fifth~~ seventy-sixth general  
 18 assembly be fixed at ten dollars for each house of the  
 19 general assembly, and that mileage for chaplains be  
 20 fixed at the rate of twenty-one cents per mile to and  
 21 from the State Capitol.

## SENATE CONCURRENT RESOLUTION 4

2 By: committee on Rules and Administration  
 3 A Resolution relating to the compensation of employees  
 4 of the central legislative staff agencies for the  
 5 Seventy-sixth General Assembly.  
 6 WHEREAS, ~~past Senate Concurrent Resolutions~~ of the  
 7 General Assembly have provided that it is the  
 8 intent of the General Assembly that the Legislative  
 9 Council to adopt a resolution to provide for the  
 10 compensation and benefits of all central legislative  
 11 staff agency employees, and that the resolution be  
 12 adopted as soon as practicable after the convening of  
 13 each new General Assembly, NOW THEREFORE,  
 14 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
 15 That the compensation of the central legislative staff  
 16 agency employees of the ~~Seventy-fifth~~ Seventy-sixth  
 17 General Assembly shall be set, effective from January  
 18 ~~11, 1993~~ 9, 1995, until January ~~9, 1995~~ 13, 1997, in  
 19 accordance with the following salary schedule:

20 #8	#9	#10	#11	#12
21 \$11,564.80	\$12,126.40	\$12,750.40	\$13,395.20	\$14,060.80
22 5.56	6.83	6.13	6.44	6.76
23				
24 #13	#14	#15	#16	#17
25 \$14,768.00	\$15,537.60	\$16,348.80	\$17,160.00	\$17,950.40
26 7.10	7.47	7.86	8.25	8.63

SENATE RESOLUTIONS

2901

27					
28	#18	#19	#20	#21	#22
29	\$18,824.00	\$19,697.60	\$20,696.00	\$21,652.80	\$22,713.60
30	9.05	9.47	9.95	10.41	10.92

Page 2

1					
2	#23	#24	#25	#26	#27
3	\$23,816.00	\$24,918.40	\$26,145.60	\$27,372.80	\$28,683.20
4	11.45	11.98	12.57	13.16	13.79
5					
6	#28	#29	#30	#31	#32
7	\$30,076.80	\$31,532.80	\$33,030.40	\$34,652.80	\$36,254.40
8	14.46	15.16	15.88	16.66	17.43
9					
10	#33	#34	#35	#36	#37
11	\$38,064.00	\$39,852.80	\$41,745.60	\$43,763.20	\$45,884.80
12	18.30	19.16	20.07	21.04	22.06
13					
14	#38	#39	#40	#41	#42
15	\$48,068.80	\$50,398.40	\$52,832.00	\$55,369.60	\$58,032.00
16	23.11	24.23	25.40	26.62	27.90
17	#8	#9	#10	#11	#12
18	\$12,022.40	\$12,625.60	\$13,270.40	\$13,936.00	\$14,643.20
19	5.78	6.07	6.38	6.70	7.04
20					
21	#13	#14	#15	#16	#17
22	\$15,350.40	\$16,161.60	\$17,014.40	\$17,867.20	\$18,678.40
23	7.38	7.77	8.18	8.59	8.98
24					
25	#18	#19	#20	#21	#22
26	\$19,572.80	\$20,488.00	\$21,528.00	\$22,526.40	\$23,628.80
27	9.41	9.85	10.35	10.83	11.36
28					
29	#23	#24	#25	#26	#27
30	\$24,772.80	\$25,916.80	\$27,206.40	\$28,475.20	\$29,848.00

Page 3

1	11.91	12.46	13.08	13.69	14.35
2					
3	#28	#29	#30	#31	#32
4	\$31,304.00	\$32,801.60	\$34,361.60	\$36,046.40	\$37,731.20
5	15.05	15.77	16.52	17.33	18.14
6					
7	#33	#34	#35	#36	#37
8	\$39,603.20	\$41,454.40	\$43,430.40	\$45,531.20	\$47,736.00
9	19.04	19.93	20.88	21.89	22.95
10					

11	<u>#38</u>	<u>#39</u>	<u>#40</u>	<u>#41</u>	<u>#42</u>
12	<u>\$50,003.20</u>	<u>\$52,416.00</u>	<u>\$54,974.40</u>	<u>\$57,595.20</u>	<u>\$60,382.40</u>
13	<u>24.04</u>	<u>25.20</u>	<u>26.43</u>	<u>27.69</u>	<u>29.03</u>

14 In this schedule, each numbered block shall be the  
 15 yearly and hourly compensation for the pay grade of  
 16 the number heading the block. Within each grade there  
 17 shall be six steps numbered "1" through "6". In the  
 18 above schedule the steps for all grades are determined  
 19 in the following manner. Each numbered block is  
 20 counted as the "1" step for that grade. The next  
 21 higher block is counted as the "2" step; the next  
 22 higher block is the "3" step; the next higher block is  
 23 the "4" step; the next higher block is the "5" step;  
 24 and the next higher block is the "6" step.  
 25 All employees shall be available to work daily  
 26 until completion of the needed work of the central  
 27 legislative staff agencies. The directors of the  
 28 central legislative staff agencies shall schedule all  
 29 employees' working hours to, as far as possible,  
 30 maintain regular working hours.

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1 All employees, other than those designated "part-  
 2 time" and those on leave without pay, shall generally  
 3 be compensated for 40 hours of work in a one-week pay  
 4 period. Except for the personnel designated to the  
 5 contrary in this resolution, employees who are  
 6 required to work in excess of 40 hours in a one-week  
 7 pay period shall either be compensated at a rate of  
 8 pay equal to one and one-half times the hourly pay  
 9 provided in this resolution or be allowed compensatory  
 10 time off at a rate of one and one-half hours for each  
 11 hour of overtime as provided in the personnel  
 12 guidelines for central legislative staff agencies  
 13 adopted by the Legislative Council.

14 BE IT FURTHER RESOLVED, That, notwithstanding the  
 15 above salary schedule, the compensation for the  
 16 following agency directors for the period commencing  
 17 January 1, ~~1993~~ 9, 1995, and ending January 10, ~~1995~~  
 18 13, 1997, shall be within the following ranges:

19	Computer Support Bureau Director . . . . .	\$45,890 to \$62,400	<del>65,607</del>
20	Legislative Fiscal Bureau Director . . . . .	\$52,832 to \$72,966	<u>76,580</u>
21	Legislative Service Bureau Director . . . . .	\$52,832 to \$72,966	<u>76,580</u>
22	Citizens' Aide/Ombudsman . . . . .	\$43,758 to \$61,503	<u>64,664</u>

23 Within the indicated ranges, the exact compensation  
 24 shall be set or adjusted by the Service Committee and  
 25 the Legislative Council. The exact compensation  
 26 assigned to each agency director shall be reported to  
 27 the senate and house on the next legislative day, or

- 28 if such action is during the interim, on the first day  
 29 the senate or house shall convene.  
 30 The following personnel shall not be paid an

## Page 5

- 1 overtime premium:  
 2 CITIZENS' AIDE/OMBUDSMAN  
 3 Citizens' Aide/Ombudsman  
 4 Deputy Citizens' Aide/Ombudsman  
 5 Legal Counsel  
 6 All Assistants  
 7 Finance Officer  
 8 Administrative, Executive and Confidential Secretaries  
 9 COMPUTER SUPPORT BUREAU  
 10 Director  
 11 All Division Administrators  
 12 All Computer Systems Analysts  
 13 All Computer Systems Engineers  
 14 Administrative, Executive and Confidential Secretaries  
 15 LEGISLATIVE FISCAL BUREAU  
 16 Director  
 17 Deputy Director  
 18 All Division Administrators  
 19 All Legislative Analysts  
 20 All Computer Systems Analysts  
 21 Administrative, Executive and Confidential Secretaries  
 22 LEGISLATIVE SERVICE BUREAU  
 23 Director  
 24 Deputy Director  
 25 Iowa Code Editor  
 26 Deputy Iowa Code Editor  
 27 Administrative Code Editor  
 28 Assistant Editor 3  
 29 Legal Services Administrator  
 30 Committee Services Administrator

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- 1 Legislative Information Office Director  
 2 Finance Officer  
 3 Senior Finance Officer  
 4 All Legal Counsels  
 5 All Research Analysts  
 6 All Computer Systems Analysts  
 7 All Legislative Information Officers  
 8 Administrative, Executive and Confidential Secretaries  
 9 The lists of positions This list may be modified  
 10 pursuant to the annual review authorized in this  
 11 resolution.

12 BE IT FURTHER RESOLVED, That all session-only and  
 13 part-time employees shall be compensated at the  
 14 scheduled hourly rate for their pay grade and step.  
 15 BE IT FURTHER RESOLVED, That compensatory time off  
 16 shall be granted to employees not eligible for the  
 17 overtime premium in a uniform manner for all  
 18 legislative employees as determined by the Legislative  
 19 Council.  
 20 BE IT FURTHER RESOLVED, That in the event the  
 21 salary schedule for employees of the State of Iowa as  
 22 promulgated by the Personnel Commission pursuant to  
 23 section 19A.9, subsection 2, Code ~~1993~~ 1995, is  
 24 revised upward at any time during the ~~Seventy-fifth~~  
 25 Seventy-sixth General Assembly, such revised schedule  
 26 shall simultaneously be adopted for the compensation  
 27 of the central legislative staff agency employees of  
 28 the ~~Seventy-fifth~~ Seventy-sixth General Assembly  
 29 assigned a grade by this resolution. The pay ranges  
 30 of those positions specifically listed on page 3 of

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1 this resolution shall be automatically adjusted to  
 2 reflect any cost of living increases granted to those  
 3 employees not included in the collective bargaining  
 4 agreements made final under Iowa Code chapter 20 or to  
 5 reflect any increases for agency directors provided by  
 6 the Legislative Council.  
 7 BE IT FURTHER RESOLVED, That ~~changes in pay grades~~  
 8 ~~authorized for positions listed in this resolution and~~  
 9 ~~authorizations for new central legislative staff~~  
 10 ~~agency positions adjustments in the positions and~~  
 11 ~~compensation listed in this resolution~~ may be made  
 12 through an annual interim review of all legislative  
 13 employees for internal equity and to assure compliance  
 14 with appropriate legal standards for granting of  
 15 overtime and compensatory time off. Such review shall  
 16 be conducted by a legislative committee made up of  
 17 members of the Service Committee of the Legislative  
 18 Council and the appropriate salary subcommittees of  
 19 the Senate and House. Only one such review may be  
 20 conducted in any fiscal year and ~~changes or~~  
 21 ~~authorizations proposed by such a review for central~~  
 22 ~~legislative staff agency positions adjustments~~  
 23 ~~suggested~~ must be approved by the Service Committee  
 24 and Legislative Council.  
 25 BE IT FURTHER RESOLVED, That the central  
 26 legislative staff agency employees of the ~~Seventy-~~  
 27 ~~fifth~~ Seventy-sixth General Assembly be placed in the  
 28 following pay grades:

29 CITIZENS' AIDE/OMBUDSMAN OFFICE

30 Position Classification Pay Grade

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1 Senior Deputy Citizens' Aide/Ombudsman .....	41
2 Deputy Citizens' Aide/Ombudsman .....	38
3 Senior Legal Counsel .....	38
4 Senior Assistant .....	38
5 Assistant 3 .....	35
6 Legal Counsel 2 .....	35
7 Assistant 2 .....	32
8 Legal Counsel 1 .....	32
9 Legal Counsel .....	30
10 Assistant I .....	29
11 Assistant .....	27
12 Finance Officer 1 .....	24
13 Executive Secretary .....	24
14 Assistant Finance Officer .....	21
15 Administrative Secretary .....	21
16 Citizens' Aide/Ombudsman Secretary .....	19

COMPUTER SUPPORT BUREAU

17 <u>Position Classification</u> <u>Pay Grade</u>	
19 Division Administrator 2 .....	38
20 Division Administrator 1 .....	35
21 Senior Computer Systems Analyst .....	35
22 Senior Computer Systems Engineer .....	35
23 Computer Systems Analyst 3 .....	32
24 Computer Systems Engineer 2 .....	32
25 Computer Systems Analyst 2 .....	29
26 Computer Systems Engineer 1 .....	29
27 Computer Systems Analyst 1 .....	27
28 Computer Systems Analyst Trainee .....	24
29 Computer Operator 2 .....	24
30 Executive Secretary .....	24

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1 Computer Operator 1 .....	21
2 Administrative Secretary .....	21
3 LEGISLATIVE FISCAL BUREAU	
4 <u>Position Classification</u> <u>Pay Grade</u>	
5 Deputy Director .....	41
6 Division Administrator 2 .....	41
7 Division Administrator 1 .....	38
8 Senior Legislative Analyst .....	38
9 Legislative Analyst 3 .....	35
10 Senior Computer Systems Analyst .....	35
11 Legislative Analyst 2 .....	32
12 Computer Systems Analyst 3 .....	32

13	Legislative Analyst 1 .....	29
14	Computer Systems Analyst 2 .....	29
15	Legislative Analyst .....	27
16	Computer Systems Analyst 1 .....	27
17	Executive Secretary .....	24
18	Administrative Secretary .....	21
19	Page .....	Minimum Wage
20	<b>LEGISLATIVE SERVICE BUREAU</b>	
21	<u>Position Classification</u> .....	<u>Pay Grade</u>
22	Deputy Director .....	41
23	Division Administrator 2 .....	41
24	Division Administrator 1 .....	38
25	Iowa Code Editor .....	38
26	Administrative Code Editor .....	38
27	Senior Legal Counsel .....	38
28	Senior Research Analyst .....	38
29	Legal Counsel 2 .....	35
30	Research Analyst 3 .....	35

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1	Senior Computer Systems Analyst .....	35
2	Deputy Iowa Code Editor .....	35
3	Deputy Administrative Code Editor .....	35
4	Legal Counsel 1 .....	32
5	Research Analyst 2 .....	32
6	Computer Systems Analyst 3 .....	32
7	Senior Finance Officer .....	31
8	Legal Counsel .....	30
9	Legislative Information Office Director .....	30
10	Assistant Editor 3 .....	30
11	Research Analyst 1 .....	29
12	Computer Systems Analyst 2 .....	29
13	Index Supervisor .....	28
14	Text Processor Supervisor .....	28
15	Research Analyst .....	27
16	Computer Systems Analyst 1 .....	27
17	Senior Librarian .....	27
18	Assistant Editor 2 .....	27
19	Confidential Secretary .....	27
20	Finance Officer 2 .....	27
21	Indexer 2 .....	25
22	Senior Text Processor .....	25
23	Document Processor Supervisor .....	25
24	Computer Systems Analyst Trainee .....	24
25	Legislative Information Officer .....	24
26	Assistant Editor 1 .....	24
27	Librarian .....	24
28	Executive Secretary .....	24

29 Finance Officer 1 ..... 24  
 30 Assistant Librarian ..... 22

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1 Indexer 1 ..... 22  
 2 Text Processor 2 ..... 22  
 3 Senior Document Processor ..... 22  
 4 Proofreader Supervisor ..... 22  
 5 Publications Assistant ..... 21  
 6 Administrative Secretary ..... 21  
 7 Assistant Finance Officer ..... 21  
 8 Legislative Information Office Assistant ..... 19  
 9 Assistant Indexer ..... 19  
 10 Text Processor 1 ..... 19  
 11 Document Processor 2 ..... 19  
 12 Proofreader 2 ..... 19  
 13 Document Processor 1 ..... 16  
 14 Proofreader 1 ..... 16  
 15 Capitol Tour Guide Supervisor ..... 14  
 16 Assistant Document Processor ..... 13  
 17 Capitol Tour Guide ..... 12  
 18 Legislative Service Bureau Page ..... Minimum Wage

19 BE IT FURTHER RESOLVED, That there shall be four  
 20 classes of appointments as employees of the central  
 21 legislative staff agencies:

22 A "permanent full-time" or "permanent part-time"  
 23 employee is one who is employed year round and  
 24 eligible to receive state benefits.

25 An "exempt full-time" employee is one who is  
 26 employed for the period of the session with extensions  
 27 post-session and pre-session as scheduled. This class  
 28 is eligible to receive state benefits as provided in

29 section 2.40 with the cost of benefits to the state to  
 30 be paid by the employee when not on the payroll.

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1 A "session-only" employee is one who is employed  
 2 for only a portion of the year, usually the  
 3 legislative session. This class is not eligible for  
 4 state benefits, except IPERS, and insurance as  
 5 provided in section 2.40.

6 A temporary "part-time" employee is one who is  
 7 employed to work less than 40 hours per week and is  
 8 not employed year round. This class is not eligible  
 9 for state benefits, except IPERS if eligible.

10 BE IT FURTHER RESOLVED, That the exact  
 11 classification for individuals in a job series created  
 12 by this resolution shall be set or changed by the

13 agency directors subject to the review of the Service  
14 Committee and approved by the Legislative Council.  
15 The agency directors shall base the classification  
16 upon all of the following factors:  
17 1. The extent of formal education required of the  
18 position.  
19 2. The extent of the responsibilities to be  
20 assigned to the position.  
21 3. The amount of supervision placed over the  
22 position.  
23 4. The number of persons the position is assigned  
24 to supervise and skill and responsibilities of those  
25 positions supervised.  
26 The agency directors shall report the exact  
27 classifications assigned to each individual to the  
28 senate and house on the next legislative day, or, if  
29 such action is during the interim, on the first day  
30 the senate or house shall convene, and to the Service

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1 Committee of the Legislative Council.  
2 Recommendations for a pay grade for a new position  
3 shall be developed in accordance with the factor  
4 scores in the comparable worth report. Beginning in  
5 ~~1995~~ 1997, every four years the Senate Rules and  
6 Administration Committee, the House Administration  
7 Committee, and the Legislative Council shall review  
8 all positions in the legislative branch to assure  
9 conformity to comparable worth.  
10 BE IT FURTHER RESOLVED, That employees of the  
11 central legislative staff agencies of the General  
12 Assembly may be eligible for ~~promotion within a job~~  
13 ~~series and increases within a pay grade as provided in~~  
14 ~~the personnel guidelines for central legislative staff~~  
15 ~~agencies adopted by the Legislative Council:~~  
16 For promotions between classes with a three or more  
17 pay grade difference, the employee shall be given a  
18 two-step increase in pay or the employee's salary  
19 shall be adjusted to the entry level in the grade of  
20 the new position, whichever is greater: either:  
21 a) increases in salary grade or step based on  
22 evaluation of their job performance and  
23 recommendations of their agency directors, subject to  
24 approval of the service committee and the legislative  
25 council, provided, however, that for promotions  
26 between classes with a three or more pay grade  
27 difference, the employee shall be given a two-step  
28 increase in pay or the employee's salary shall be

29 adjusted to the entry level in the grade of the new  
 30 position, whichever is greater; or

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1 Increases within a pay grade shall be in accord  
 2 with the following schedule:

3 b) mobility within pay steps at the discretion of  
 4 the agency director subject to the approval of the  
 5 service committee and the legislative council -- in  
 6 accord with the following schedule:

7 1. Progression from step "1" to "2" for a newly  
 8 hired employee -- six months of actual employment.

9 2. Progression from step "1" to "2" following  
 10 promotion within a job series -- twelve months of  
 11 actual employment in that position.

12 3. Progression from step "2" to "3", and step "3"  
 13 to "4", and step "4" to "5", and step "5" to "6"  
 14 --twelve months of actual employment.

15 BE IT FURTHER RESOLVED, That the entrance salary  
 16 for central legislative staff employees of the General  
 17 Assembly shall be at step 1 in the grade of the  
 18 position held. Such employee may be hired above the  
 19 entrance step if possessing outstanding and unusual  
 20 experience for the position, provided that the  
 21 entrance is not beyond step 3. Such employee who is  
 22 hired above the entrance step shall be mobile above  
 23 that step in the same period of time as other  
 24 employees in that same step. An employee who is moved  
 25 to another position may be considered for partial or  
 26 full credit for their experience in the former  
 27 position in determining the step in the new grade.

28 The entry level for the position of Analyst shall  
 29 be Legislative Analyst, or Research Analyst, unless  
 30 extraordinary conditions justify increasing that entry

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1 level; however, that entry level shall not be  
 2 increased beyond Legislative Analyst 1 or Research  
 3 Analyst 1. An Analyst must have shown knowledge of  
 4 legislative rules and procedures as well as the Code  
 5 of Iowa to be considered at any level above a  
 6 Legislative Analyst or Research Analyst. The entry  
 7 level for the position of Legal Counsel shall be Legal  
 8 Counsel unless extraordinary conditions justify  
 9 increasing that entry level; however, that entry level  
 10 shall not be increased beyond Legal Counsel 1. A  
 11 Legal Counsel shall be a person who at a minimum has  
 12 graduated from an accredited school of law. A Legal

13 Counsel must have shown knowledge of legislative rules  
14 and procedures as well as the Code of Iowa to be  
15 considered at any level above a Legal Counsel.  
16 **BE IT FURTHER RESOLVED**, That a pay increase for  
17 exceptionally meritorious service may be made in  
18 accordance with the personnel guidelines for central  
19 legislative staff agencies adopted by the Legislative  
20 Council.  
21 **BE IT FURTHER RESOLVED**, That a pay increase for  
22 employees of one step within the pay grade for the  
23 position may be made for exceptionally meritorious  
24 service in addition to step increases provided for in  
25 this resolution, at the discretion of the employee's  
26 agency director, and the approval of the service  
27 committee and the legislative council. Exceptionally  
28 meritorious service pay increases shall be governed by  
29 the following:  
30 a. The employee must have served in the position

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1 for at least twelve months;  
2 b. Written justification, setting forth in detail  
3 the nature of the exceptionally meritorious service  
4 rendered, must be submitted to the service committee  
5 and the legislative council and approved in advance of  
6 granting the pay increase;  
7 c. No more than one exceptionally meritorious  
8 service pay increase may be granted in any twelve-  
9 month period.  
10 d. Such meritorious service pay increase shall not  
11 be granted beyond the six-step maximum for that  
12 position.  
13 **BE IT FURTHER RESOLVED**, That each agency director  
14 shall receive applications for employment, arrange for  
15 any necessary examinations and contacting of  
16 references, and make hirings. The agency director  
17 shall report the names of those hired for the filling  
18 of any vacancies.  
19 On the legislative day following the adoption of  
20 this resolution, the director of each central  
21 legislative staff agency shall submit to the senate  
22 and house, and the Service Committee of the  
23 Legislative Council, and the Legislative Council the  
24 list of names, titles, classifications, and pay grade  
25 and step for each employee. The Legislative Council  
26 shall publish the lists shall be published in the  
27 journals of both houses.  
28 **BE IT FURTHER RESOLVED**, That permanent central

29 legislative staff employees of the General Assembly  
 30 shall receive those vacation allowances, sick leave,

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1 health and accident insurance, life insurance, and  
 2 disability income insurance as are provided for full-  
 3 time, permanent state employees, and as provided in  
 4 the personnel guidelines for central legislative staff  
 5 agencies adopted by the Legislative Council. The  
 6 computations shall be maintained by each central  
 7 legislative staff agency and coordinated with the  
 8 department of revenue and finance.  
 9 BE IT FURTHER RESOLVED, That should any central  
 10 legislative staff employee have a grievance concerning  
 11 their compensation, hours ~~or~~ of work, performance of  
 12 work, or other matter, the grievance shall be resolved  
 13 as provided by procedures determined by the  
 14 Legislative Council pursuant to section 2.42,  
 15 subsection 14, Code ~~1991~~ 1995, and the personnel  
 16 guidelines for central legislative staff agencies  
 17 adopted by the Legislative Council.

1 SENATE CONCURRENT RESOLUTION NO. 5

2 By: committee on Judiciary

3 (SUCCESSOR TO SCR 1)

4 (COMPANION TO LSB 1342HH BY GARMAN)

5 A Concurrent Resolution to request that Congress  
 6 propose a Constitutional amendment, for ratifi-  
 7 cation by the states, which would specify that  
 8 the Congress and the states have the power to  
 9 prohibit the physical desecration of the American  
 10 flag.

11 WHEREAS, although the right of free expression is  
 12 part of the foundation of the United States  
 13 Constitution, very carefully drawn limits on  
 14 expression in specific instances have long been  
 15 recognized as legitimate means of maintaining public  
 16 safety and defining other societal standards; and

17 WHEREAS, certain actions, although arguably related  
 18 to one person's free expression, nevertheless raise  
 19 issues concerning public decency, public peace, and  
 20 the rights of other citizens; and

21 WHEREAS, there are symbols of our national soul,  
 22 such as the Washington Monument, the United States  
 23 Capitol Building, and memorials to our greatest  
 24 leaders, which are the property of every American and  
 25 are worthy of protection from desecration and  
 26 dishonor; and

27 WHEREAS, the American flag is a most honorable and

28 worthy banner that is a symbol of a nation which is  
29 thankful for its strengths and is committed to curing  
30 its faults, a nation that remains the destination of

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1 millions of immigrants attracted by the universal  
2 power of the American ideal; and  
3 WHEREAS, the Constitution, as interpreted by the  
4 United States Supreme Court, no longer accords the  
5 Stars and Stripes the reverence, respect, and dignity  
6 befitting the banner of this most noble experiment of  
7 a nation-state; and  
8 WHEREAS, it is only fitting that people everywhere  
9 should lend their voices to a forceful call for  
10 restoration of the Stars and Stripes to a proper  
11 station under law and decency; NOW THEREFORE,  
12 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
13 REPRESENTATIVES CONCURRING, That the General Assembly  
14 of the State of Iowa respectfully requests that the  
15 Congress of the United States propose an amendment to  
16 the United States Constitution, to be ratified by the  
17 states, that specifies that Congress and the states  
18 have the power to prohibit the physical desecration of  
19 the flag of the United States; and  
20 BE IT FURTHER RESOLVED, That copies of this  
21 Resolution be transmitted to the Speaker of the United  
22 States House of Representatives, the President of the  
23 United States Senate, and all of the members of Iowa's  
24 congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 6

2 By: committee on Agriculture

3 A Concurrent Resolution objecting to a plan proposed by  
4 the United States Corps of Engineers to dramatically  
5 alter the operation of the Missouri River, and to request  
6 that the current operation of the river be maintained or  
7 that an alternative plan be considered that does not  
8 negatively impact upon the effective operation of the river.  
9 WHEREAS, the Missouri River is a major waterway of  
10 the United States, bordering the entire western side  
11 of the state of Iowa for more than 200 miles; and  
12 WHEREAS, the average volume of water that flows  
13 past the cities of Omaha, Nebraska, and Council  
14 Bluffs, Iowa, equals 32,120 cubic feet per second  
15 which is equivalent to approximately 23 million acre-  
16 feet per year; and  
17 WHEREAS, the drainage area above Omaha, Nebraska,  
18 and Council Bluffs, Iowa, equals 232,000 square miles;  
19 and

20 WHEREAS, Iowa is one of the nation's preeminent  
21 agricultural states, and consistently one of the  
22 leading states in both corn and soybean production;  
23 and  
24 WHEREAS, Iowa and other upper midwestern states  
25 bordering the Missouri River represent a major grain-  
26 producing region of the United States; and  
27 WHEREAS, the Missouri River is used to transport a  
28 significant proportion of the region's grain bound for  
29 export markets; and  
30 WHEREAS, the United States Army Corps of Engineers

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1 has completed a draft environmental impact statement,  
2 containing findings embodied in a United States Army  
3 Corps of Engineers study referred to as the Missouri  
4 River Master Water Control Manual Review and Update;  
5 and  
6 WHEREAS, the draft version of the environmental  
7 impact statement analyzes a new method of operation  
8 for the Missouri River system which will result in an  
9 additional flow of water in the spring, shorter  
10 navigation seasons, and further reductions in service  
11 to navigation; and  
12 WHEREAS, the rising river level in the spring as  
13 contemplated in the plan proposed by the United States  
14 Army Corps of Engineers will increase risks to land  
15 along the river by causing additional flooding,  
16 increasing groundwater tables, and reducing the  
17 effectiveness of drainage systems, including the  
18 effectiveness of gate valves along the river designed  
19 to facilitate drainage; and  
20 WHEREAS, the Missouri River contributes between 40  
21 and 50 percent of the water flow to the Mississippi  
22 River south of the rivers' confluence, between St.  
23 Louis, Missouri, and Cairo, Illinois; and  
24 WHEREAS, the loss of water flow could reduce levels  
25 at the Port of St. Louis by two to five feet, creating  
26 significant increases in the cost of transporting  
27 grain exports throughout the middle Mississippi during  
28 peak shipping seasons; and  
29 WHEREAS, the barge share of grain movements to  
30 export ports increased from 43 percent in 1974 to 54

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1 percent in 1991 and most of this barge grain traffic  
2 is on the Mississippi River system; and  
3 WHEREAS, reductions in support to navigation and

4 the lack of water flowing into the river during dry or  
 5 drought periods will reduce the commercial value of  
 6 the Missouri River to an extent that the continued  
 7 existence of vital barge traffic on the river will be  
 8 jeopardized; NOW THEREFORE,  
 9 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 10 REPRESENTATIVES CONCURRING, That the plan proposed by  
 11 the United States Corps of Engineers to dramatically  
 12 alter the operation of the Missouri River threatens  
 13 land neighboring the river and the vitality of  
 14 navigation on the river which is essential to  
 15 commerce; and  
 16 BE IT FURTHER RESOLVED, That the United States Army  
 17 Corps of Engineers is urged to reevaluate its proposal  
 18 and maintain the current operation of the river or  
 19 consider an alternative plan that does not negatively  
 20 impact upon Iowa and other states bordering the  
 21 Missouri River; and  
 22 BE IT FURTHER RESOLVED, That if the plan proposed  
 23 by the United States Army Corps of Engineers is  
 24 adopted administratively, that the Iowa congressional  
 25 delegation cooperate to take all actions necessary to  
 26 ensure that moneys are not made available for the  
 27 proposal's implementation; and  
 28 BE IT FURTHER RESOLVED, That copies of this  
 29 resolution be sent to the President of the United  
 30 States; the Chief of Engineers, United States Army

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1 Corps of Engineers; the Missouri River Division  
 2 Commander, United States Army Corps of Engineers; the  
 3 President of the United States Senate; the Speaker of  
 4 the United States House of Representatives; and  
 5 members of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 8  
 2 By: Bisignano, Palmer, Judge, Dearden, Szymoniak,  
 3 Fink, Dvorsky, Vilsack, Giannetto, Kibbie, Gettings,  
 4 Connolly, Flynn, Halvorson, Sorensen, Neuhauser,  
 5 Fraise, Husak, Horn, Boswell, Hansen, Gronstal,  
 6 Priebe, Murphy, Hammond, and Lundby  
 7 (COMPANION TO HCR 6 BY FALLON)  
 8 A Concurrent Resolution urging support of the striking  
 9 workers at Bridgestone/Firestone in Des Moines  
 10 through legislation and other means.  
 11 WHEREAS, some 1,300 Iowa workers are engaging in  
 12 their legal right to strike over a contract dispute  
 13 with the owners of Bridgestone/Firestone; and  
 14 WHEREAS, these same 1,300 are now in jeopardy of

15 losing their jobs for engaging in this lawful strike;  
16 and  
17 WHEREAS, the loss of their livelihood will have a  
18 devastating effect on these 1,300 workers, their  
19 families, and their communities; and  
20 WHEREAS, the right to strike is a hollow and mean-  
21 ingless right if permanent replacement workers can be  
22 hired to replace striking workers; and  
23 WHEREAS, Bridgestone/Firestone has received over  
24 \$1.2 million in public funding including over \$500,000  
25 from the state of Iowa and \$500,000 to train some of  
26 these same employees; and  
27 WHEREAS, the permanent hiring of striker  
28 replacement workers is extremely uncommon in every  
29 industrial country, including Japan, the home of  
30 Bridgestone/Firestone, except in the United States and

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1 South Africa; NOW THEREFORE,  
2 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
3 REPRESENTATIVES CONCURRING, That the Iowa  
4 congressional delegation is urged to consider  
5 legislation concerning the hiring of striker  
6 replacement workers.  
7 BE IT FURTHER RESOLVED, That the Iowa congressional  
8 delegation ask for a congressional hearing on unfair  
9 labor practices by foreign-owned companies.  
10 BE IT FURTHER RESOLVED, That the Iowa congressional  
11 delegation join the Iowa Senate and the Iowa House of  
12 Representatives in urging both sides in the  
13 Bridgestone/Firestone labor dispute to return to the  
14 bargaining table in an attempt to resolve this  
15 dispute.  
16 BE IT FURTHER RESOLVED, That the Iowa Senate and  
17 the Iowa House of Representatives call on Governor  
18 Terry Branstad to use his good offices to intercede in  
19 this contract dispute in an attempt to resolve it and  
20 save the jobs of 1,300 Iowans.  
21 BE IT FURTHER RESOLVED, That copies of this  
22 resolution be sent to the Governor, the President of  
23 the United States, the President of the United States  
24 Senate, the Speaker of the United States House of  
25 Representatives, and members of Iowa's congressional  
26 delegation.

1 SENATE CONCURRENT RESOLUTION NO. 10

2 By: Banks and Hansen  
3 A Concurrent Resolution relating to border city truck-  
4 ing agreements.

5 WHEREAS, in the early 1970s the states of Iowa,  
6 Nebraska, and South Dakota developed border city  
7 agreements which allowed for the free flow of trade  
8 among the states; and  
9 WHEREAS, these compacts allowed farmers, truckers,  
10 and other business people to cross state boundaries;  
11 and  
12 WHEREAS, federal regulations have required states  
13 to prohibit divisible loads with a gross weight in  
14 excess of 80,000 pounds on interstate highways; and  
15 WHEREAS, states were allowed grandfather rights if  
16 the state had authorized heavier loads or had issued  
17 overweight permits for divisible loads in effect on  
18 July 1, 1956; and  
19 WHEREAS, Iowa did not allow heavier loads or issue  
20 overweight permits as of July 1, 1956, and therefore  
21 is not eligible for grandfather rights; and  
22 WHEREAS, the federal Highway Administration will  
23 not allow Iowa to change its laws without imposition  
24 of sanctions; and  
25 WHEREAS, the states of Nebraska and South Dakota  
26 have grandfather provisions which allow the use of  
27 divisible loads in excess of 80,000 pounds; and  
28 WHEREAS, one example of the problem is the movement  
29 of livestock into the Sioux City stockyards from  
30 Nebraska and South Dakota in trailers which exceed

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1 Iowa's legal gross weight of 80,000 pounds, although  
2 the vehicles are otherwise within legal requirements  
3 per axle; and  
4 WHEREAS, because such vehicles are not legal in  
5 Iowa, farmers are forced to lighten their loads or  
6 truck their livestock to terminals farther away; and  
7 WHEREAS, this increases costs, reduces profits, and  
8 adversely affects border city stockyards; and  
9 WHEREAS, the Secretary of the United States  
10 Department of Transportation, Federico Pena, has  
11 stated that he does not have the authority to grant  
12 Iowa a waiver from the federal regulations; NOW  
13 THEREFORE,  
14 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
15 REPRESENTATIVES CONCURRING, That the Iowa General  
16 Assembly requests that a federal waiver be authorized  
17 to allow the state of Iowa to update the border city  
18 agreement so that trucks may enter Iowa's western  
19 boundaries to load and unload without violating Iowa's  
20 weight restrictions; and  
21 BE IT FURTHER RESOLVED, That copies of this

22 resolution be sent to the President of the United  
23 States Senate, the Speaker of the United States House  
24 of Representatives, and to members of Iowa's  
25 congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 11

2 By: committee on Transportation

3 (SUCCESSOR TO SSB 57)

4 A Concurrent Resolution declaring support for Amtrak.

5 WHEREAS, Amtrak, the national railroad passenger  
6 corporation providing national railroad passenger  
7 service, is energy efficient and environmentally  
8 beneficial, consuming about half as much energy per  
9 passenger mile as an airline and causing less air  
10 pollution; and

11 WHEREAS, Amtrak provides mobility to citizens of  
12 many smaller communities poorly served by air and bus  
13 services and to those persons with medical conditions  
14 which prevent them from flying; and

15 WHEREAS, Amtrak is nine times safer than driving a  
16 motor vehicle on a passenger mile basis, and operates  
17 even in severe weather conditions; and

18 WHEREAS, Amtrak travel rose forty-eight percent  
19 from 1982 to 1993 and Amtrak dramatically improved  
20 coverage of its operating costs from revenues; and

21 WHEREAS, expansion of Amtrak service by using  
22 existing rail rights-of-way would cost less and use  
23 less land than new highways and airports and would  
24 further increase Amtrak's energy efficiency advantage;  
25 and

26 WHEREAS, federal investment in Amtrak has fallen in  
27 the last decade while it has risen for airports and  
28 highways; and

29 WHEREAS, Amtrak pays a fuel tax that airlines do  
30 not pay; and

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1 WHEREAS, Amtrak workers and vendors pay more in  
2 taxes than the federal government invests in Amtrak;

3 NOW THEREFORE,

4 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
5 REPRESENTATIVES CONCURRING, That the President of the  
6 United States and the Congress are urged to do the  
7 following:

8 1. Maintain the current level of Amtrak funding.

9 2. Exempt Amtrak from paying fuel taxes that  
10 airlines do not pay.

11 3. Include a strong Amtrak system in any plans for  
12 a national transportation system;

13 BE IT FURTHER RESOLVED, That copies of this  
 14 Resolution be sent to the President of the United  
 15 States, the President of the United States Senate, the  
 16 Speaker of the United States House of Representatives,  
 17 and members of Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 13

2 By: Hammond, Lundby, Neuhauser, Boettger, Freeman,  
 3 Szymoniak, Judge, Douglas, Tinsman, and Kramer  
 4 A Concurrent Resolution recognizing the seventy-fifth  
 5 anniversary of the founding of the League of Women  
 6 Voters of Iowa.

7 WHEREAS, Iowan Carrie Chapman Catt founded the  
 8 League of Women Voters on February 14, 1920, to help  
 9 20 million newly enfranchised women carry out their  
 10 long due voting responsibilities, and the organization  
 11 has for 75 years worked to be a voice for citizens and  
 12 a force for change; and

13 WHEREAS, the League of Women Voters has provided  
 14 nonpartisan information on candidates and issues for  
 15 elections, encouraged voter registration and informed  
 16 voting, helped generations of voters understand the  
 17 structure and function of government, provided  
 18 balanced information on public policy issues to the  
 19 citizens, and worked to achieve government policies  
 20 that promote the public interest; and

21 WHEREAS, the vigorous history of the League of  
 22 Women Voters of Iowa includes successfully causing the  
 23 removal of the word "male" from the Iowa Constitution  
 24 as a qualification for candidacy to the Iowa  
 25 Legislature in 1925; working for passage of the Iowa  
 26 legislation on aid to dependent children in 1943;  
 27 assisting in the establishment of the Iowa Legislative  
 28 Council, the Legislative Service Bureau, the Ethics  
 29 and Campaign Disclosure Board, and the legislative  
 30 Public Information Office, which is now known as the

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1 Legislative Information Office; assisting in achieving  
 2 home rule for Iowa's cities and counties; assisting in  
 3 the establishment of the area education agencies; and  
 4 engendering the passage of many other landmark pieces  
 5 of legislation; and

6 WHEREAS, the League of Women Voters of Iowa, which  
 7 was officially organized in October 1919, remains a  
 8 unique political, educational, multi-issue, activist,  
 9 grassroots citizen action organization; NOW THEREFORE,  
 10 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 11 REPRESENTATIVES CONCURRING, That the Iowa General

12 Assembly recognize and commend the League of Women  
13 Voters of Iowa for its many accomplishments and years  
14 of service to the citizens of Iowa, commemorate its  
15 seventy-fifth anniversary, and offer best wishes for  
16 continued growth and success in the future.

17 BE IT FURTHER RESOLVED, That copies of this  
18 Resolution be forwarded to Abigail P. Swanson,  
19 President of the League of Women Voters of Iowa.

1 SENATE CONCURRENT RESOLUTION 14

2 By: committee on Rules and Administration

3 A Senate Concurrent Resolution relating to a  
4 Biennial Memorial Session.

5 WHEREAS, it has been the custom to hold a biennial  
6 memorial session in recognition of the public service  
7 of deceased members of the general assembly; and

8 WHEREAS, both houses desire to participate in such  
9 an observance; NOW THEREFORE,

10 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
11 REPRESENTATIVES CONCURRING, That an evening session of  
12 the seventy-sixth general assembly be held in the  
13 senate chamber Tuesday, March 28, 1995, at 7:00 p.m.

14 BE IT FURTHER RESOLVED, That a joint committee of  
15 eight members be appointed, four from the senate to be  
16 appointed by the majority leader of the senate, and  
17 four from the house to be appointed by the speaker of  
18 the house, to make suitable arrangements for a joint  
19 memorial session.

1 SENATE CONCURRENT RESOLUTION NO. 15

2 BY: committee on Communications and  
3 Information Policy

4 (SUCCESSOR TO SSB 86)

5 A Concurrent Resolution requesting that the Congress  
6 of the United States direct the Health Care Financ-  
7 ing Administration to establish a national policy  
8 no later than July 1, 1995, for Medicare reimburse-  
9 ment of telemedicine services.

10 WHEREAS, telemedicine services can attract  
11 physicians to rural areas, eliminating provider  
12 isolation through readily available opportunities for  
13 geographically convenient, continuing education and  
14 access to medical information sources and specialists  
15 across the state and throughout the nation, thereby  
16 positively impacting the problem of medical provider  
17 shortage areas; and

18 WHEREAS, telemedicine services enable patients to  
19 remain in their home communities and hospitals for  
20 medical care, eliminating the costs of duplicative  
21 testing and personnel as well as potential threats to

22 patient stability due to multiple transfers; and  
23 WHEREAS, the projected cost savings for patients  
24 and medical care providers would ultimately result in  
25 lower costs to state and federal governments and  
26 taxpayers; and  
27 WHEREAS, implementation of telemedicine is  
28 dependent upon economics involving high initial  
29 capital expenditures that many Iowa hospitals,  
30 especially in rural communities, are unable to afford;

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1 and  
2 WHEREAS, the Congress of the United States has  
3 expressly prohibited the Health Care Financing  
4 Administration from providing reimbursement for  
5 procedures or services not yet proven safe or  
6 clinically effective, and telemedicine is currently  
7 considered to be experimental; and  
8 WHEREAS, all Iowans will benefit from increased  
9 access to health care services and the lower costs  
10 resulting from the widespread use of telemedicine; NOW  
11 THEREFORE,  
12 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
13 REPRESENTATIVES CONCURRING, That the General Assembly  
14 of the State of Iowa respectfully requests that the  
15 Congress of the United States direct the Health Care  
16 Financing Administration to establish a national  
17 policy that will promote Medicare reimbursement of  
18 telemedicine services by no later than July 1, 1995;  
19 and  
20 BE IT FURTHER RESOLVED, That copies of this  
21 resolution be transmitted to the Speaker of the United  
22 States House of Representatives, the President of the  
23 United States Senate, and all members of the Iowa  
24 congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 19

2 By: Szymoniak and Redfern

3 A Concurrent Resolution designating March 1995 as Iowa  
4 Women's History Month.

5 WHEREAS, Iowa women of every race, class, and  
6 ethnic background have made historic contributions to  
7 the growth and strength of our nation in countless  
8 recorded and unrecorded ways; and

9 WHEREAS, Iowa women have played and continue to  
10 play a critical economic, cultural, and social role in  
11 every sphere of the nation by constituting a  
12 significant portion of the labor force working inside  
13 and outside of the home; and

14 WHEREAS, Iowa women were particularly important in  
 15 the establishment of early charitable, philanthropic,  
 16 and cultural institutions in our nation; and

17 WHEREAS, Iowa women have been leaders in the  
 18 abolitionist movement, the emancipation movement, the  
 19 industrial labor movement, the civil rights movement,  
 20 and other movements, especially the peace movement,  
 21 which have assisted in creating a more fair and just  
 22 society for all; and

23 WHEREAS, many Iowa women, including Carrie Chapman  
 24 Catt, spent their lives fighting for the right to  
 25 vote, which was finally secured in 1920, making 1995  
 26 the year in which the 75th anniversary of woman  
 27 suffrage is celebrated; and

28 WHEREAS, despite these contributions, and those of  
 29 women throughout the world, the role of women has been  
 30 consistently overlooked and undervalued, in

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1 literature, teaching, and study of history; NOW  
 2 THEREFORE,  
 3 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 4 REPRESENTATIVES CONCURRING, That the General Assembly  
 5 designates the month of March 1995 as Iowa Women's  
 6 History Month and invites the citizens of Iowa to  
 7 discover a new world of people and events in history  
 8 by visiting the Iowa Women's Hall of Fame, established  
 9 in 1975 by the Iowa Commission on the Status of Women.  
 10 BE IT FURTHER RESOLVED, That the General Assembly  
 11 requests that the Governor issue a proclamation  
 12 calling upon the people of Iowa to observe the month  
 13 of March with appropriate programs, ceremonies, and  
 14 activities.

1 SENATE CONCURRENT RESOLUTION NO. 20  
 2 By: committee on Agriculture  
 3 A Concurrent Resolution in support of improvement in  
 4 the wetland delineation process and a moratorium  
 5 on wetlands determination until the 1995 farm bill  
 6 has been passed and signed into the law by the  
 7 Congress and the President.  
 8 WHEREAS, it has been historically consistent policy  
 9 of Iowa to improve the productivity of our soil to the  
 10 ultimate economic benefit of all Iowans; and  
 11 WHEREAS, federal agencies have too much latitude  
 12 for interpretation to consistently apply wetland  
 13 policies, including a determination of which years  
 14 employed in the evaluation process are "wet", "dry",  
 15 or "normal" years; and

16 WHEREAS, the definition of wetland is too complex  
 17 for people to understand; and  
 18 WHEREAS, wetland delineation issues will be debated  
 19 and modified in the 1995 farm bill requiring current  
 20 wetland delineations to be revised; and  
 21 WHEREAS, the Fish and Wildlife Service, the  
 22 Environmental Protection Agency, the United States  
 23 Department of Agriculture, and the Army Corps of  
 24 Engineers all have federal jurisdiction over wetlands;  
 25 NOW THEREFORE,  
 26 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
 27 REPRESENTATIVES CONCURRING, That there be a moratorium  
 28 on wetland delineation until passage of the 1995 farm  
 29 bill; and  
 30 BE IT FURTHER RESOLVED, That Congress should

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1 encourage the voluntary preservation of wetlands,  
 2 including the offering of incentives, but should not  
 3 impose mandatory practices on owners of private  
 4 property; and  
 5 BE IT FURTHER RESOLVED, That Congress support the  
 6 right of farmers to repair, maintain, or improve  
 7 private drainage systems; and  
 8 BE IT FURTHER RESOLVED, That Congress require lands  
 9 designated as a wetland be an area not less than ten  
 10 acres in size; and  
 11 BE IT FURTHER RESOLVED, That Congress recognize the  
 12 need to reduce the financial burdens placed on our  
 13 children's future due to its unsound budget practices  
 14 which means fewer federal dollars can be dedicated to  
 15 wetland issues making it essential to focus efforts on  
 16 protecting true wetland areas, such as clearly  
 17 identifiable swamps and marshes; and  
 18 BE IT FURTHER RESOLVED, That copies of this  
 19 resolution be sent to the President of the United  
 20 States; the Chief of Engineers, United States Army  
 21 Corps of Engineers; the Missouri River Division  
 22 Commander, United States Army Corps of Engineers; the  
 23 United States Secretary of Agriculture; the  
 24 administrator of the Environmental Protection Agency;  
 25 the Secretary of the Interior; the Speaker of the  
 26 United States House of Representatives; the Majority  
 27 Leader of the United States Senate; and the members of  
 28 Iowa's congressional delegation.

1 SENATE CONCURRENT RESOLUTION NO. 23

2 By: Lind

3 A Concurrent Resolution urging support of public

4 broadcasting in Iowa.

5 WHEREAS, Iowans have long appreciated the value  
6 provided by our public television stations and public  
7 radio stations; and

8 WHEREAS, public radio and television in this state  
9 perform an important educational function for Iowa  
10 citizens, including students; and

11 WHEREAS, public radio and television provide  
12 distinguished programs of journalism at both the  
13 national and state levels; and

14 WHEREAS, public radio and television bring Iowans  
15 closer to their government by providing coverage of  
16 legislative debates and the Governor's condition of  
17 the state address; and

18 WHEREAS, public radio and television provide a rich  
19 alternative to commercial broadcasting stations by  
20 providing a variety of cultural, musical, and  
21 historical programs to Iowans; and

22 WHEREAS, adequate funding for public radio and  
23 television in this state is essential to continue the  
24 quality programming provided to Iowans; and

25 WHEREAS, the Congress of the United States is  
26 considering reducing the level of federal funding for  
27 the Corporation for Public Broadcasting; and

28 WHEREAS, federal funding provides a significant  
29 level of support for public television and radio in  
30 this state; and

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1 WHEREAS, Iowans have long cooperated with one  
2 another to protect programs deemed important to the  
3 quality of life in this state; NOW THEREFORE,

4 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
5 REPRESENTATIVES CONCURRING, That the Iowa General  
6 Assembly expresses its support and appreciation for  
7 the importance and quality of public broadcasting in  
8 Iowa through the eight public television stations and  
9 12 public radio stations that serve Iowans.

10 BE IT FURTHER RESOLVED, That the Iowa General  
11 Assembly calls on all Iowans who watch, listen to, and  
12 support public broadcasting and its programs in this  
13 state to support the state's public broadcasting  
14 stations through financial gifts and other means.

15 BE IT FURTHER RESOLVED, That copies of this  
16 resolution be sent to the executive director of Iowa  
17 Public Television, the station managers of the public  
18 television and public radio stations in this state,  
19 and members of Iowa's congressional delegation.



18 Bill of Rights; and

19 WHEREAS, the ICLU takes this mandate seriously and

20 has, for 60 years, opposed, through litigation,

21 legislation, and public education, encroachments on

22 the civil liberties of Iowans, regardless of how

23 unpopular their cause or their political affiliation;

24 NOW THEREFORE,

25 BE IT RESOLVED BY THE SENATE, THE HOUSE OF

26 REPRESENTATIVES CONCURRING, That the Iowa General

27 Assembly recognizes and congratulates the American

28 Civil Liberties Union for 75 continuous years, and the

29 Iowa Civil Liberties Union for 60 continuous years of

30 commitment to protecting the basic civil liberties of

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1 all Americans, specifically those of Iowans, and  
2 guaranteeing legal representation to groups that have  
3 been denied those rights.

1 SENATE CONCURRENT RESOLUTION NO. 26

2 By: committee on State Government

3 (SUCCESSOR TO SCR 22)

4 (COMPANION TO LSB 2441HH BY VAN MAANEN)

5 A Concurrent Resolution urging the Congress of the

6 United States to allow retired members of the

7 United States Armed Forces who have a service-

8 connected disability to concurrently receive

9 retired pay and disability compensation.

10 WHEREAS, persons retired from military service are

11 required by law to waive from their longevity

12 retirement pay an amount equal to the compensation for

13 service-connected disability paid by the United States

14 Department of Veterans Affairs; and

15 WHEREAS, retired military personnel are the only

16 federal personnel required to waive the compensation;

17 and

18 WHEREAS, the waiver is discriminatory and unjust;

19 and

20 WHEREAS, the military retirement system is unique

21 because it is the top incentive for high quality

22 people to consider making a career in the United

23 States Armed Forces and is a central issue in

24 sustaining active duty retention and readiness; and

25 WHEREAS, military retired pay is purely earned

26 compensation; and

27 WHEREAS, large financial sacrifices already have

28 been imposed on career military members; and

29 WHEREAS, the long-term retired pay, plus service-

30 connected disability compensation, will trail

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1 inflation as the military population declines and  
2 lower cost-of-living adjustment rules take effect for  
3 those persons who came on active duty after 1986; and  
4 WHEREAS, currently only about 17 percent of those  
5 who enter military service are thinking of making the  
6 military service a career, citing unwillingness to  
7 endure the sacrifices of hazardous duty, family  
8 separation, frequent moves, forfeiture of personal  
9 freedoms, and a forced midlife career change after 20  
10 years of service; and  
11 WHEREAS, military members are compelled by law and  
12 policy to retire in their forties, which is the point  
13 of their maximum financial need because of college-age  
14 children, home mortgages, and the need for family  
15 health care insurance, and their own retraining needs,  
16 as most retirees served in the combat arms  
17 skills--infantry, artillery, and armor--and have no  
18 immediate transferable civilian career field job  
19 opportunities; NOW THEREFORE,  
20 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
21 REPRESENTATIVES CONCURRING, That the Congress of the  
22 United States be urged to adopt H. 65 which will allow  
23 retired members of the United States Armed Forces who  
24 have service-connected disabilities to concurrently  
25 receive retired pay without reduction of the amount of  
26 their United States Department of Veterans Affairs  
27 disability compensation.  
28 BE IT FURTHER RESOLVED, That copies of this  
29 resolution be sent to the Governor of Iowa, the  
30 President of the United States, the President of the

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1 United States Senate, the Speaker of the United States  
2 House of Representatives, and the members of Iowa's  
3 congressional delegation.

1 SENATE CONCURRENT RESOLUTION 28  
2 By: committee on Rules and Administration  
3 A resolution to call a joint session for the purpose  
4 of hearing an address by the President of the United  
5 States.  
6 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
7 REPRESENTATIVES CONCURRING, That a joint session of  
8 the two houses of the 1995 session of the seventy-  
9 sixth general assembly be held on Tuesday, April 25,  
10 1995, at 7:30 p.m., in the Senate chamber; and  
11 BE IT FURTHER RESOLVED, That the President of the

12 United States, William J. Clinton, be invited to  
13 address the joint session.

1 SENATE CONCURRENT RESOLUTION NO. 31

2 By: committee on Appropriations

3 (SUCCESSOR TO SSB 368)

4 A Concurrent Resolution requesting that Congress  
5 introduce legislation providing for state  
6 sovereignty through the low-cost financing of  
7 debt and needed capital projects by state and  
8 local governments.

9 WHEREAS, the State of Iowa has consistently  
10 supported legislation that has been in harmony with  
11 the needs of the federal government as well as the  
12 state and local governments; and

13 WHEREAS, the demands for infrastructure, including  
14 sewers, roads, public buildings, and other capital  
15 assets, which are provided through federal, state, and  
16 local governments are not being met due to the lack of  
17 money; and

18 WHEREAS, American taxpayers are already heavily  
19 burdened with various taxes; and

20 WHEREAS, governmental entities must from time to  
21 time issue bonds to finance capital projects that are  
22 necessary to ensure the health and welfare of the  
23 citizens of the State of Iowa; and

24 WHEREAS, the sovereignty proposal currently under  
25 discussion would make interest-free loans available to  
26 states and local governments from federal government  
27 funds, which must be used for building and repairing  
28 capital assets and for paying off existing debt; and

29 WHEREAS, if federal legislation is properly written  
30 and implemented, the sovereignty proposal has the

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1 potential of saving citizens an enormous amount of  
2 taxes, building needed infrastructure, increasing  
3 employment, and reducing federal, state, and local  
4 government deficits and debts; NOW THEREFORE,

5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
6 REPRESENTATIVES CONCURRING, That the General Assembly  
7 of the State of Iowa supports the concept of the  
8 sovereignty proposal and joins with other states in  
9 requesting that the Congress of the United States  
10 introduce the formal legislation necessary to generate  
11 national debate on the proposal; and

12 BE IT FURTHER RESOLVED, That following public  
13 discussion of the proposal, the General Assembly of  
14 the State of Iowa will be better able to determine the

15 full merits of the proposal and will advise the  
16 members of Iowa's congressional delegation  
17 accordingly; and  
18 BE IT FURTHER RESOLVED, That copies of this  
19 Resolution be transmitted to the Speaker of the United  
20 States House of Representatives, the President of the  
21 United States Senate, and all of the members of Iowa's  
22 congressional delegation.

1 SENATE CONCURRENT RESOLUTION 34

2 By: Committee on Rules and Administration

3 A Senate Concurrent Resolution to provide for  
4 adjournment sine die.

5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

6 That when adjournment is had on Thursday, May 4, 1995,

7 it be the final adjournment of the 1995 Regular

8 Session of the Seventy-sixth General Assembly.

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 Lipps, Barbara J.—705, 777, 805, 1045-1046, 1088-1089  
 Oxley, Jean E.—260, 291, 333, 406  
 Oxley, Jean E.—705, 731-732, 777, 805, 920, 951-952  
 Petersen, Robert E.—260, 291, 333, 406, 731-732  
 Reuter, Steven—705, 777, 805, 920, 1011-1012  
 Rouse, Linda W.—260, 291, 333, 406, 520-521  
 Sanderson, Beverly A.—260, 291, 333, 406, 445-446  
 Zieman, Beverly—705, 777, 805, 920, 951-952
- Mortuary Science Examiners, Board of:  
 Barr, James W.—699, 779, 808, 961, 1023-1024

- Narcotics Enforcement Advisory Council:  
Jarvis, Yale H.—705, 777, 806, 921, 951-952  
Lewis, Lori—705, 777, 806, 921, 1045-1046  
Underwood, Lt. Russell C.—705, 777, 806, 921, 951-952
- Natural Resource Commission:  
Wilson, Larry J. (Director)—702, 778, 806, 943, 1140  
Kieffer, Marian L.—705, 778, 806, 943, 1011-1012  
Schneider, Joan C.—260, 292, 334, 426, 731-732  
Schneider, Joan C.—705, 778, 806, 943, 1011-1012
- Nursing Examiners, Board of:  
Bell, Rodmon C.—699, 779, 808, 961, 1010, 1012  
Osborne, Regene L.—699, 779, 808, 961, 1087-1089  
Petersen, Richard A.—699, 779, 808, 961, 1087-1089  
Richardson, Guy W.—699, 779, 808, 961, 1010, 1012
- Nursing Home Administrators, Board of:  
Rippey, Warren D.—707, 780, 810, 962, 1012  
Tiarks, Patricia E.—707, 780, 810, 962, 1210
- Optometry Examiners, Board of:  
Ecklund, Jane F.—700, 779, 809, 961, 1011-1012  
Neville, Brenda S.—700, 779, 809, 961, 1115-1116  
Sharp, Dr. Robert H.—700, 779, 809, 961, 1011-1012
- Parole, Iowa Board of:  
Binnie, Barbara—700, 777, 805, 921, 951-952  
Walker, Elizabeth R.—258, 292, 334, 344, 445-446
- Personnel Commission:  
Carpenter, Dorothy F.—706, 780, 810, 962, 1046  
Hulse, Merlin D.—706, 780, 810, 962, 1011-1012  
Winebrenner, Hubert W.—706, 780, 810, 962, 1011-1012
- Pharmacy Examiners, Board of:  
Cayner, Jay J.—700, 779, 809, 961, 1087-1089  
Miller, Phyllis A.—700, 779, 809, 961, 1045-1046
- Physical and Occupational Therapy Examiners, Board of:  
Brower, Diana R.—700, 779, 809, 961, 1087-1089  
Jacobs, Eric G.—700, 779, 809, 961, 1011-1012
- Physician Assistant Examiners, Board of:  
Banwart, Dr. Patricia A.—700, 776, 803, 1087-1089  
Davis, Mark G.—700, 776, 804, 920, 1045-1046
- Podiatry Examining Board:  
Gronen, Dr. William W.—700, 779, 809, 961, 1087-1089
- Prevention of Disabilities Policy Council:  
Kurtz, Monica H.—706, 777, 805, 920, 1023-1024  
Stilwell, Jerry D.—706, 777, 805, 920, 1116  
Watson, Carol A.—706, 777, 805, 920, 951-952
- Psychology Examiners, Board of:  
Rogers, Dr. Dan L.—700, 779, 809, 961, 1011-1012  
Schmett, Connie L.—700, 779, 809, 961, 1045-1046
- Racing and Gaming Commission:  
Canella, Richard—707, 780, 810, 963, 1178  
Peyton, Bradley R.—707, 780, 810, 963, 1179
- Real Estate Appraiser Examining Board:  
Culver, Terrence D.—706, 780, 810, 962, 1011-1012

- Hicks, David R.—706, 780, 810, 962, 1011-1012  
 Jones, Cathy G.—706, 780, 810, 962, 1011-1012
- Real Estate Commission:  
 Rogers, Terry W.—706, 780, 810, 962, 1011-1012
- Regents, Board of:  
 Fisher, David J.—707, 776, 836, 1055, 1197-1198 refused to confirm, 1219 motion to reconsider, 1220 deferred, 1222-1223 refused to confirm  
 Kennedy, Ellengray C.—707, 776, 836, 960, 1088-1089  
 Smith, Beverly A.—707, 776, 836, 960, 1116
- Renewable Fuel and Coproducts Advisory Committee:  
 Carlson, Myron D.—706, 778, 807, 943, 1012  
 Holmes, David L.—706, 778, 807, 943, 1012  
 Seuren, Eric C.—706, 778, 807, 943, 1046  
 Wente, Yvonne M.—260, 292, 334, 426, 520-521
- Respiratory Care Advisory Committee:  
 Howard, Earl L.—706, 780, 810, 962, 1088-1089
- Revenue and Finance:  
 Bair, Gerald D. (Director)—702, 780, 811, 1040, 1087-1089
- School Budget Review Committee:  
 Drexler, Wayne F.—260, 291, 332, 406
- Seed Capital Corporation:  
 Garrett, Carol A.—261, 292, 334, 426, 875  
 Hansen, Doris A.—261, 292, 334, 426, 875  
 Kunz, Thomas G.—261, 292, 334, 426, 731-732  
 Parks, John B.—261, 292, 334, 426, 875  
 Partlow, L. Jeanne—261, 292, 334, 426, 445-446, 520-521  
 Steig, Randolph P.—261, 292, 334, 426, 875  
 Tamisiea, Bruce—261, 292, 334, 406, 875
- Small Business Advisory Council:  
 Falb, Sarah A.—706, 778, 807, 1019, 1046  
 Fleck, Frances S.—706, 778, 807, 1019, 1046  
 Westphal, Leona E.—706, 778, 807, 1019, 1116
- Social Work Examiners, Board of:  
 Matland, Richard—700, 779, 809, 961, 1210  
 Morgan, Kathleen M.—700, 779, 809, 961, 1156
- Soil Conservation Committee:  
 Boote, Mary J.—708, 775, 835, 943, 1012  
 Drish, Mary Ann B.—708, 775, 835, 943, 1088-1089  
 McNichols, Kenneth W.—261, 291, 332, 472, 875
- Speech Pathology and Audiology Examining Board:  
 Heidecker, Alan K.—701, 779, 809, 962, 1087-1089  
 McKee, Dorothy L.—701, 779, 809, 962, 1115-1116
- Status of African-Americans, Commission on:  
 Slaughter, Romelle H. (Administrator)—697, 778, 807, 961, 1086-1089  
 Clayton, Dr. Scharron A.—259, 292, 334, 407, 1210  
 Levin, Myrtila—259, 292, 334, 407, 445-446
- Status of Women, Commission on:  
 Brown, Judge, Jr.—259, 291, 333, 406, 520-521  
 Nelson, Charlotte B.—697, 776, 803, 920, 1010, 1012

## Tax Review, Board of:

Vogel, Gayle N.—707, 780, 811, 921, 1088-1089

## Telecommunications and Technology Commission:

Thompson, Harold M. (Executive Director)—709, 775, 803, 976,  
1199 deferred, 1206, 1206-1207 refused to confirm

Axel, Joan V.—260, 291, 332, 426, 1141

Baur, Robert F.—260, 291, 332, 426, 1198-1199 refused to  
confirm

Westcott, Richard A.—260, 291, 332, 426, 1142

## Transportation Commission:

Aller, Thomas L.—708, 780, 811, 1020, 1023-1024

## Utilities Board:

Thoms, Allan T. (Chairperson)—701, 775, 803, 995, 1207-1208  
deferred

Thoms, Allan T. (member)—708, 775, 803, 995, 1180-1181, 1189

## Veterans Affairs:

Brown, Randy G. (Executive Director)—259, 292, 335, 407, 1143

Allan, Muriel E.—258, 292, 334, 407

Andrews, Dorothy E.—258, 292, 334, 407

Danilson, Gail K.—258, 292, 334, 407

Dawson, Mildred R.—701, 779, 809, 962

Jatho, Larry J.—701, 779, 809, 962, 1179, 1180 refused to confirm

## Veterinary Medicine Examiners, Board of:

Jacobi, Dr. Donald R.—703, 780, 810, 962, 1156

Van Zee, Dr. Bruce W.—260, 292, 335, 407, 445-446

## Wallace Technology Transfer Foundation of Iowa:

Berger, Steven S.—708, 778, 807, 1019, 1116

Drennan, Nadine S.—708, 778, 807, 1019, 1191-1192

Johnson, Marlys D.—708, 778, 807, 1019, 1191-1192

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Appointees listed called up—445, 520, 731-732, 874-875, 951-952, 1010-  
1012, 1023-1024, 1044-1046, 1086-1089, 1156, 1191, 1209-1210

Confirmation—445-446, 520-521, 731-732, 874-875, 951-952, 1010-1012,  
1023-1024, 1044-1046, 1086-1089, 1156, 1191-1192, 1209-1210

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995, 1019-1020, 1040

Removal from—445, 677, 963

Reports recommending appointments be confirmed—344, 406, 426,  
463, 472, 919-921, 942-943, 960-962, 995, 1019-1020, 1040

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Appointees listed called up—1134, 1135, 1137, 1138, 1139, 1140, 1141,  
1142, 1143, 1177, 1178, 1179, 1180, 1193, 1194, 1195, 1196, 1197,  
1198, 1199

Confirmation—1134-1135, 1135-1136, 1137, 1138, 1140, 1141, 1142,  
1143, 1178, 1179, 1180-1181, 1193, 1195

Deferred—1199

Placement on—407, 414, 426, 677, 921, 962, 963, 995

Placement on automatically, without recommendation—921, 943, 962-  
963, 976, 1055

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- Bruening, Dr. Beth K., Senator Hansen—677
- Draeger, Kathryn, Senator Judge—963
- Phipps, Janet, Senator Sorensen—445
- Refused to confirm—1139, 1177, 1194, 1196, 1197-1198, 1198-1199, 1206-1207
- Reports recommending appointments be confirmed—407, 414, 426, 677, 921, 962-963, 995
- Reports without recommendation—1055

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## Appointments:

- Administrative Rules Review Committee, Statutory appointments: Senators Priebe, Kibbie, Palmer, Rittmer and Hedge—1656
- Agriculture Energy Management Advisory Council, Senators Fink and Hedge—34
- Capital Planning Commission, Senator Palmer—137
- Child Support Advisory Board, Senators Neuhauser and Boettger—151
- Commission on Children, Youth and Families, Senators Bartz and Hammond—151
- Commission on the Status of Women, Senator Redfern—34
- Communications Review Committee, Senator Hansen—137
- Communications Review Committee, Senators Dvorsky & McLaren—151
- Criminal and Juvenile Advisory Board, Senator Giannetto—34
- Economic Development Board, Senator Boswell—34
- Education Commission of the States, Senator Kramer—151
- Educational Technology Consortium, Senator Dvorsky—138
- Energy Fund Disbursement, Senators Gronstal and Freeman—151
- Family Foster Care Advisory Committee, Senator Dvorsky—407
- Functional Classification Board, Senator Fraise—137
- Health Data Commission, Senator Giannetto—34
- International Relations, Senators Szymoniak, Fink, Neuhauser, McLaren and Rife—223
- Interstate Cooperation Commission, Statutory Appointments: Senators Hansen, Flynn, Dearden, Borlaug and Lundby—249
- Interstate Grain Commission, Senator Judge—34
- Iowa Comprehensive Health Insurance, Statutory Appointment, Senator Flynn—1656
- Iowa Criminal & Juvenile Advisory Council, Senator Maddox—34
- Ipers Advisory Board, Senator Kibbie—137
- Legislative Council, Senators Horn, Boswell, Bisignano, Murphy, Husak, Fraise, Gronstal, Rife, Lind, McLaren, Jensen and Tinsman—207
- Legislative Council Statutory Committees
  - Administration: Senators Bisignano, Fraise and Tinsman—207
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Library Planning Team, Senator Rittmer—151

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Renewable Fuel Advisory Committee, Senator Sorensen—137

Renewable Fuel Advisory Committee, Senator Douglas—151

Rural Development Council, Senator Fraise—138

Rural Development Council, Senator Bennett—151

Rural Health Advisory Board, Senator Judge—137

Rural Health Advisory Board, Senator Rensink—150

Terrace Hill Society, Senator Black—152

Trustee of Police and Fire Retirement System, Senator Lundby—151

Wallace Technology Transfer Foundation, Senator Banks—150

#### APPROPRIATIONS, COMMITTEE ON—

Bills introduced—186, 548, 834, 858, 869, 1062, 1167, 1181, 1187, 1247, 1351,  
1509

Amendments filed—922, 1184, 1247, 1444, 1492, 1612, 1626

Referred to—189, 311, 443, 569

Resolutions offered—1483, 1507

Standing committees appointed to—23

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Administration and Regulation

Appointments to—25

Agriculture/Natural Resources

Appointments to—25

Economic Development

Appointments to—25

Education

Appointments to—25

Health and Human Rights

Appointments to—25

Human Services

Appointments to—26

Judiciary

Appointments to—26

Oversight, Audit and Government Reform

Appointments to—26

Transportation Infrastructure and Capitals

Appointments to—26

#### ASSISTANT MAJORITY FLOOR LEADERS—

Husak, Emil J.—Senator Thirtieth District

Judge, Patty—Senator Forty-sixth District

Fraise, Eugene—Senator Fiftieth District

## ASSISTANT MINORITY FLOOR LEADERS—

Hedge, H. Kay—Senator Forty-eighth District  
 Kramer, Mary E.—Senator Thirty-seventh District  
 Lind, Jim—Senator Thirteenth District  
 Tinsman, Maggie—Senator Twenty-first District

## ATTORNEY GENERAL, TOM MILLER

Communications from—708-709

## BANKS, BRAD—Senator Second District

Bills introduced—112, 134, 140, 162, 213, 235, 257, 326, 459, 482, 495, 509,  
 571, 595, 646  
 Amendments filed—86, 87, 88, 294, 510, 530, 790, 855, 885, 954, 1037, 1042,  
 1047, 1214, 1247, 1319, 1340, 1342, 1375, 1456, 1457, 1506, 1514, 1527,  
 1528  
 Amendments offered—87, 88, 859, 861, 934, 1342, 1428, 1442, 1514  
 Amendments withdrawn—86, 87  
 Appointed to—150  
 Committee appointments—26, 444  
 Conference committee appointments—1279  
 Conference committee reports—1607  
 Petitions presented—461  
 Reports—490, 526  
 Resolutions offered—235, 1215  
 Standing committees appointed to—23, 24

## BARTZ, MERLIN—Senator Tenth District

Bills introduced—46, 73, 134, 140, 162, 163, 184, 211, 213, 244, 298, 310,  
 326, 433, 482, 512, 531, 556, 571, 595, 655  
 Amendments filed—86, 190, 320, 370, 382, 397, 403, 493, 530, 579, 594, 602,  
 608, 720, 753, 761, 767, 790, 947, 1117, 1248, 1284, 1341, 1368, 1373,  
 1376, 1386, 1451, 1457, 1551, 1552, 1583, 1611  
 Amendments offered—190, 304, 320, 382, 397, 446, 447, 551, 579, 594, 720,  
 761, 767, 947, 982, 1117, 1284, 1341, 1368, 1423, 1552, 1579, 1583, 1596  
 Amendments withdrawn—761, 860  
 Appointed to—61, 151  
 Committee appointments—26  
 Conference committee appointments—1571, 1617  
 Conference committee reports—1624  
 Petitions presented—891, 1267, 1557, 1568  
 Resolutions offered—170, 1565  
 Standing committees appointed to—23, 24, 25

## BENNETT, WAYNE D.—Senator Sixth District

Bills introduced—244, 383, 455, 508, 595  
 Amendments filed—142, 194, 952, 1037, 1056, 1063, 1202, 1289, 1320, 1451,  
 1457, 1493, 1545, 1583  
 Amendments offered—142, 193, 1451, 1516  
 Amendments withdrawn—1321, 1545  
 Appointed to—151

Appointed to legislative inaugural committee—101  
 Committee appointments—26  
 Petitions presented—526, 527  
 Standing committees appointed to—24  
 Statutory appointments—207

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Approved after session—1644-1645

Companion bills received and attached—353, 497, 599, 750, 866, 901, 975, 1007, 1069, 1246

Similar bills received and attached—802, 852, 1055, 1127, 1147, 1224, 1246, 1288

Item Veto messages—1490-1491, 1568-1569

Item Veto messages after session—1645-1656

Motion to override Governor's Item Veto—1606-1607

Placed on Calendar—71, 90, 154, 171, 184, 223, 227, 237, 252, 279, 280, 295, 296, 310, 326, 351, 353, 362, 366-367, 416, 424, 427, 442, 443, 452-453, 484, 486, 494, 495, 499-500, 500, 501, 517, 532, 547, 548, 557, 567, 569, 573, 574, 576-577, 595, 596, 598, 605, 606, 638, 639, 640-641, 645-646, 646, 655, 656, 657, 658, 659, 670, 680-681, 681, 683-684, 684, 685, 711, 712, 713, 714, 729-731, 733-735, 752, 753, 754, 787-789, 1065, 1149

Assigned to committee—858, 1465, 1470

Placed on Appropriations Calendar—22, 186, 548-549, 834, 858, 869, 1062-1063, 1167, 1181, 1187, 1247, 1351, 1509

Placed on Unfinished Business Calendar—1078, 1217

Placed on Ways and Means Calendar—187, 387, 443, 714, 812, 965, 979, 1031, 1085, 1104, 1149, 1162, 1181, 1186, 1187, 1487

Proof of Publication—343, 1292

Reassigned to committee—354-355, 1494

Referred to committee—174, 189, 227, 240, 311, 378, 399, 443, 459, 569, 625, 696, 708, 714, 769, 793, 800, 871, 872, 904-905, 908, 986, 1007, 1039, 1085-1086, 1086, 1096, 1218, 1239, 1287, 1331, 1539, 1598, 1636-1637

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## BISIGNANO, TONY—Senator Thirty-fourth District

- Bills introduced—112, 117, 163, 184, 211, 270, 284, 285, 326, 383, 508, 556, 595, 606, 671, 858
- Amendments filed—235, 253, 306, 403, 579, 758, 790, 821, 823, 855, 869, 880, 888, 948, 1269, 1319, 1328, 1451, 1458, 1503, 1510, 1511, 1516, 1520, 1524, 1536, 1537, 1582, 1583
- Amendments offered—300, 510, 758, 821, 823, 880, 911, 948, 1125, 1503, 1510, 1516, 1544, 1582
- Amendments withdrawn—911, 948, 1451, 1583
- Called up appointees on Individual Confirmation Calendar—1180
- Committee appointments—10, 26, 1408
- Conference committee appointments—1316, 1334
- Conference committee reports—1399, 1402
- Elected President pro tempore—9
- Escorted the President of the United States to the President's station—1408
- Presented Chief Justice McGiverin who delivered the State of Judiciary Message—62
- Presided at joint convention—61
- Presided at sessions of the Senate—61, 113, 141, 156, 321, 382, 404, 435, 459, 604, 607, 608, 625, 638, 759, 818, 913, 971, 993, 1013, 1100, 1149, 1260, 1291, 1296, 1425, 1433, 1517, 1526, 1549
- Resolutions offered—20, 162, 1461
- Rulings—608
- Standing committee and subcommittees appointed to—23, 24, 25, 58
- Statutory appointments—207
- Special tribute to Ray J. Prosperi, Chief Doorkeeper of the Senate, who is retiring after twenty-one years of service—1603

## BLACK, DENNIS H.—Senator Twenty-Ninth District—

- Bills introduced—142, 171, 279, 280, 330, 425, 467, 519, 568, 595, 641, 657, 858
- Amendments filed—430, 529, 572, 726, 790, 923, 954, 1213, 1214, 1451, 1458, 1510, 1511
- Amendments offered—468, 553, 726, 757, 934, 954, 1213
- Committee appointments—27
- Conference committee appointments—1279
- Conference committee reports—1607
- Introduced Roy Y. Y. Wu, Director General, Taipei Economic and Cultural Office in Chicago—607
- Petitions presented—266
- Presented Dr. Peter Sabluk, Ukraine First Deputy Prime Minister for Agriculture—1197
- Presented visitors from Zheleznovodsk in the Stavropol Krai of Russia, who were studying the Iowa school system—1431
- Resolutions offered—89, 1226
- Standing committees and subcommittees appointed to—23, 24, 25

## BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—

(See Appointees and/or Appointments and/or Communications, sub-heading Reports and/or individual headings)

## BOETTGER, NANCY—Senator Forty-first District—

Bills introduced—383, 495, 508, 571, 595, 605, 638  
 Amendments filed—157, 306, 1451, 1457, 1525, 1530  
 Amendments offered—157, 306  
 Appointed to—151  
 Committee appointments—9, 27, 444  
 Conference committee appointments—1462, 1496  
 Conference committee reports—1485-1486, 1576-1577  
 Petitions presented—1266  
 Reports—490, 526  
 Resolutions offered—270, 1592  
 Standing committees and subcommittees appointed to—24

## BORLAUG, ALLEN—Senator Fifteenth District

Bills introduced—184, 243, 298, 310, 326, 372, 495, 508, 531, 571, 595, 638, 639, 646, 858  
 Amendments filed—86, 87, 190, 577, 578, 608, 611, 1020, 1033, 1038, 1174, 1176, 1214, 1361, 1451, 1457, 1552  
 Amendments offered—577, 578, 611, 1033, 1174, 1361, 1552  
 Appointed to—47  
 Called up appointees on Individual Confirmation Calendar—1195  
 Committee appointments—27  
 Escorted Justice McGiverin and the Justices of the Supreme Court and Chief Judge Donielson and the Judges of the Court of Appeals in the House chamber—47  
 Escorted Mrs. Chris Branstad, wife of the Governor; Edward and Enoli Branstad, Governor Branstad's father and his wife; and Dick and Clara Johnson, parents of Mrs. Branstad into the House chamber—47  
 Escorted the following guests into the House chamber: Lieutenant Governor Joy Corning; Secretary of State Paul Pate; Treasurer of State Michael Fitzgerald; Secretary of Agriculture Dale Cochran; State Auditor Richard Johnson and Attorney General Tom Miller—47  
 Escorted Governor Branstad to the Speaker's station—47  
 Escorted Governor Branstad from the House chamber—54  
 Committee appointments—27  
 Petitions presented—890, 1383  
 Standing committees and subcommittees appointed to—23, 24  
 Statutory appointments—249

## BOSWELL, LEONARD L.—Senator Forty-fourth District, President of the Senate

Bills introduced—21, 22, 140, 205, 270, 298, 341, 383, 548, 595  
 Amendments filed—1451, 1458  
 Announced appointments—34, 137-138, 150-152, 407  
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 Announcement by—1190

- Assignment of bills—41, 46, 70, 78, 95, 118, 139, 153, 163, 172, 173, 182, 204, 212, 223, 249-250, 274-275, 286, 296, 325-326, 328, 335, 341, 352, 355, 366, 387, 402-403, 414, 425, 449, 466, 467, 472, 483, 497, 516-517, 529, 543, 570, 599, 622-623, 625, 640, 669, 672, 673, 750, 786, 837, 867-868, 894-895, 919, 934, 963, 996-997, 1040, 1058, 1069, 1110, 1224, 1288, 1352, 1396, 1455, 1465, 1480, 1494, 1562, 1570, 1606, 1621
- Committee appointments—27
- Elected President of the Senate—8-9
- Petitions presented—267
- Presented Honorable Harold Van Maanen, speaker pro tempore of the House of Representatives, who welcomed the Pioneer Lawmakers—903
- Presented the Honorable Minnette Doderer who responded to the welcome—904
- Presented Governor Branstad, who delivered the Condition of the State and Budget address—47
- Presented the Honorable Tony Bisignano, President pro tempore, who welcomed the Pioneer Lawmakers—903
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Petitions presented—748, 890

Resolutions offered—162

Standing committees and subcommittees appointed to—23, 24

Statutory appointments—249, 1656

**FRAISE, EUGENE**—Senator Fiftieth District, Assistant Majority Leader

Bills introduced—173, 184, 509, 858

Amendments filed—204, 510, 766, 840, 855, 869, 878, 879, 895, 950, 972, 1001, 1201, 1202, 1211, 1225, 1375, 1448, 1451, 1456, 1459

Amendments offered—717, 756, 766, 878, 879, 972, 1001, 1261, 1595

Amendments withdrawn—880

Called up appointees on Individual Confirmation Calendar—1177

Committee appointments—5, 28, 1640

Conference committee appointments—1334

Conference committee reports—1399

Petitions presented—891

Presided at sessions of the Senate—510, 1358

Reports—6

Resolutions offered—20, 162

Standing committees appointed to—23, 24, 25

Statutory appointments—207

**FREEMAN, MARY LOU**—Senator Fifth District

Bills introduced—171, 184, 298, 337, 482, 508, 531, 595, 858

Amendments filed—190, 608, 611, 1037, 1451, 1457

Amendments offered—1037

Appointed to—151

Committee appointments—16, 29

Petitions presented—400, 461, 526, 890

Resolutions offered—270

Standing committees and subcommittees appointed to—23, 24, 25

**GENERAL ASSEMBLY (See Resolutions relating to)—**

Senate Concurrent Resolution 3 - Compensation of chaplains, officers and employees of the seventy-sixth general assembly - S.J. 42, 43, 45 adopted msgd. - H.J. 46, 57, 129, 138, 139, 183 - 195 as amended, adopted - S.J. 216 msgd. with amendment 226, 235, 1450, 1451 deferred, 1549, 1550 Senate concurred in House amendment, as amended adopted, 1550 msgd. - H.J. 2152, 2170 as amended, adopted & msgd. - S.J. 1575.

- Senate Concurrent Resolution 4 - Compensation of employees of the central Legislative staff agencies of the seventy-sixth general assembly - S.J. 42, 43, 45 adopted - H.J. 46, 58.
- Senate Concurrent Resolution 28 - Call a joint session for President of the United States - S.J. 1330, 1334 adopted, 1344 msgd. - H.J. 1814, 1844, 1860 adopted & msgd. - 1404.
- Senate Concurrent Resolution 34 - Final adjournment, Thursday, May 4, 1995, First Session of the Seventy-sixth General Assembly - S.J. 1621, 1628-1629 adopted & msgd. - H.J. 2382, 2389 adopted. S.J. 1636, 1641.
- Senate Resolution 1 - Permanent rules of the senate - S.J. 41-42, 42, 43, 71, 118, 140, 204, 1637.
- Senate Resolution 4 - Senate rules governing lobbyists - S.J. 187, 203, 282, 305 as amended adopted, 336.
- Senate Resolution 5 - Senate Code of Ethics - S.J. 187, 203, 282, 294, 307, 308, 309 as amended adopted.
- Senate Resolution 6 - Provide laptop computers for each senator's desk - S.J. 319, 325, 359.
- Senate Resolution 20 - Daily operation of the Senate - S.J. 1365, 1371, 1372 adopted.
- Senate Resolution 22 - Honor the pages of the Senate and award additional compensation as a bonus for extraordinary service - S.J. 1461, 1493, 1563, 1564 adopted.
- House Concurrent Resolution 1 - Joint convention, Monday, January 9, 1995, 1:30 p.m.; canvas of votes for Governor and Lieutenant Governor; Tuesday, January 10, 1995, 10:00 a.m.; Governor Terry E. Branstad deliver his condition of the state and budget message - H.J. 13, 14 adopted, 15, 27 - S.J. 16, 17, adopted, 22.
- House Concurrent Resolution 2 - Joint convention, Tuesday, January 10, 1995, 1:30 p.m.; Chief Justice McGiverin present his message of the condition of the judicial department - H.J. 14 adopted, 15, 27, - S.J. 17, 17-18 adopted, 22.
- House Concurrent Resolution 3 - Appointment of joint inaugural committee - H.J. 14 adopted, 15, 28 - S.J. 18 adopted, 22.
- House Concurrent Resolution 7 - Joint rules - H.J. 81-95 adopted & msgd. - S.J. 91, 95, 111.
- House Concurrent Resolution 20 - Pioneer Lawmakers - H.J. 424, 447-448 as amended, adopted & msgd. - S.J. 383, 403, 412, 430, 434 adopted, 435 msgd. - H.J. 545.
- House Concurrent Resolution 21 - Ms. Sugar Macaulay upon her retirement as the Capitol Tour Guide Supervisor - H.J. 445, 448 adopted & msgd. - S.J. 383, 412, 430, 434 adopted, 435 msgd. - H.J. 545.

**GETTINGS, DONALD E.—Senator Forty-seventh District**

Bills introduced—73, 184, 435, 595, 858

Amendments filed—282, 294, 753, 762, 840, 1129, 1224, 1328, 1451, 1458, 1481

Amendments offered—761, 796, 1102, 1393, 1481

Amendments withdrawn—1394

Appointed to—62

Committee appointments—16, 29  
 Conference committee appointments—1499  
 Conference committee reports—1589  
 Petitions presented—890, 891  
 Resolutions offered—162, 567  
 Standing committees and subcommittees appointed to—23, 24, 25, 58  
 Statutory appointments—24

**GIANNETTO, RANDAL JOHN**—Senator Thirty-Second District

Bills introduced—184, 235, 298, 310, 326, 350, 427, 442, 459, 484, 512, 550,  
 556, 595, 858  
 Amendments filed—282, 294, 300, 306, 453, 790, 823, 824, 829, 840, 848,  
 965, 978, 996, 1041, 1129, 1134, 1211, 1225, 1289, 1319, 1328, 1348,  
 1349, 1374, 1442, 1451, 1458, 1511, 1524, 1526, 1527, 1530, 1545  
 Amendments offered—300, 457, 823, 824, 829, 845, 883, 1134, 1158, 1159,  
 1211, 1356, 1359, 1360, 1374, 1442, 1511, 1524, 1545  
 Amendments withdrawn—1375, 1545  
 Appointed to—62  
 Called up appointees on Individual Confirmation Calendar—1179  
 Committee appointments—10, 29  
 Conference committee appointments—1316, 1496, 1550  
 Conference committee reports—1402, 1576-1577  
 Petitions presented—207, 1382  
 Resolutions offered—162, 319, 508, 594  
 Standing committees and subcommittees appointed to—23

**GOVERNOR BRANSTAD, TERRY E.**—

Addressed joint convention—47-54  
 Bills signed by—400, 513-514, 623, 748, 892, 919, 1317-1318, 1347-1348, 1385,  
 1430, 1453-1454, 1488-1489, 1559-1560, 1567, 1618, 1638  
 Bills signed after session—1644-1645  
 Condition of the State and Budget Message—47-54  
 Committees to notify and/or report—9, 13, 1640  
 Committees to escort—47, 54, 61  
 Communications from—258-261, 400, 463, 513-514, 623, 696, 697-708, 709-  
 711, 748, 892, 919, 1109, 1317-1318, 1347-1348, 1385, 1430, 1453-1454,  
 1488-1489, 1559-1560, 1567, 1618, 1638  
 Inaugural—101-107  
 Item veto messages—1490-1491, 1568-1569, 1645-1656  
 Resolution relating to Condition of the State & Budget Message, HCR 1  
 - H.J. 13, 14 adopted, 15, 27 - S.J. 16, 17 adopted, 22.  
 Closing message—1641-1642

**GRONSTAL, MICHAEL E.**—Senator Forty-second District

Bills introduced—211, 257, 372, 432, 482, 548, 556, 595, 858  
 Amendments filed—505, 571, 753, 762, 790, 797, 840, 869, 877, 879, 886,  
 888, 895, 896, 978, 1041, 1166, 1201, 1269, 1320, 1339, 1373, 1374, 1375,  
 1386, 1407, 1424, 1441, 1442, 1450, 1451, 1458, 1477, 1506, 1519, 1523,  
 1536, 1537, 1560, 1579, 1580, 1590

Amendments offered—238, 505, 575, 762, 797, 877, 879, 886, 969, 971, 1100, 1373, 1374, 1375, 1392, 1427, 1428, 1441, 1442, 1450, 1477, 1503, 1519, 1523, 1532, 1579, 1580, 1594, 1596

Amendments withdrawn—797, 1442, 1516, 1519, 1522, 1523

Appointed to—151

Called up appointees on Individual Confirmation Calendar—1137

Committee appointments—29

Conference committee appointments—1334, 1617

Conference committee reports—1399

Escorted Senator Bisignano to the rostrum—9

Resolutions offered—162, 423, 604, 1592

Standing committees appointed to—23, 24, 25, 58

Statutory appointments—207

#### HALVORSON, ROD—Senator Seventh District—

Bills introduced—89, 135, 154, 162, 184, 205, 281, 285, 326, 466, 858

Amendments filed—71, 294, 318, 500, 669, 840, 869, 880, 888, 996, 1166, 1201, 1202, 1224, 1225, 1248, 1342, 1359, 1448, 1451, 1458, 1477

Amendments offered—300, 307, 502, 717, 760, 832, 871, 872, 880, 888, 1025, 1259, 1260, 1261, 1272, 1359, 1448, 1470, 1477

Amendments withdrawn—309, 1263

Appointed to—100

Committee appointments—16, 29

Conference committee appointments—1499

Conference committee reports—1589

Resolutions offered—162, 252, 1621

Standing committees appointed to—23, 24, 25

#### HAMMOND, JOHNNIE—Senator Thirty-first District—

Bills introduced—280, 350, 383, 389, 433, 482, 519, 567, 858

Amendments filed—86, 140, 282, 294, 370, 493, 571, 753, 790, 823, 840, 855, 895, 937, 948, 1003, 1171, 1262, 1281, 1311, 1329, 1348, 1373, 1451, 1458, 1536, 1613

Amendments offered—86, 319, 378, 799, 820, 823, 828, 846, 873, 937, 948, 1003, 1171, 1311, 1357, 1373, 1613

Amendments withdrawn—319, 950, 1262, 1371

Appointed to—151

Committee appointments—29

Conference committee appointments—1462, 1496

Conference committee reports—1485-1486, 1576-1577

Introduced Lia Pierson, Iowa State student, one of 32 Americans selected to be a Rhodes Scholar—187

Resolutions offered—162, 270, 604

Standing committees appointed to—23, 24

#### HANSEN, STEVEN D.—Senator First District—

Bills introduced—44, 162, 244, 257, 284, 285, 310, 330, 424, 509, 512, 568, 595, 614, 858

Amendments filed—328, 397, 493, 549, 855, 965, 1055, 1166, 1319, 1451, 1456, 1458

Amendments offered—397, 627, 715, 1014, 1276, 1298  
 Amendments withdrawn—1359  
 Called up appointees on Individual Confirmation Calendar—1134, 1135, 1142  
 Committee appointments—30  
 Conference committee appointments—1550  
 Resolutions offered—162, 235, 567  
 Standing committees appointed to—23, 24  
 Statutory appointments—249

**HEDGE, H. KAY**—Senator Forty-eighth District, Assistant Minority Leader  
 Bills introduced—134, 140, 162, 243, 310, 508, 529, 595  
 Amendments filed—86, 87, 239, 241, 282, 597, 611, 1037, 1201, 1341, 1343,  
 1447, 1451, 1457  
 Amendments offered—305, 597, 1312  
 Amendments withdrawn—1343  
 Committee appointments—5, 30, 1640  
 Petitions presented—890  
 Presented Shanon Gutierreg, Queen of the Sixtieth Annual Tulip Time  
 Festival—1022  
 Reports—6, 1640  
 Standing committees appointed to—23, 24, 25  
 Statutory appointments—24, 1656

**HORN, WALLY E.**—Senator Twenty-seventh District, Majority Leader  
 Bills introduced—68, 350, 858, 1227, 1555  
 Amendments filed—118, 204, 1451, 1458  
 Announced appointments—23, 84, 207, 223, 249  
 Announced statutory appointments—1656  
 Called up appointees on En Bloc Confirmation Calendar—445, 520, 731,  
 874, 951, 1010-1012, 1023-1024, 1044-1046, 1086-1088, 1115-1116, 1191,  
 1209-1210  
 Committee appointments—30, 1408  
 Escorted the President of the United States, Bill Clinton, to the President's  
 station—1408  
 Introduced Lisa Switzer, one of the American Heart Associations 1995 Heart  
 Ambassadors from Cedar Rapids, Iowa—299  
 Non-statutory appointments—207  
 Presented President Clinton with a gift of the Iowa Capitol etched in crystal  
 in a walnut stand on behalf of the Iowa General Assembly—1420  
 Resolutions offered—162  
 Standing committees and subcommittees appointed to—24, 58  
 Statutory appointments—207

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- Senate File 87, S-3419—1204
- Senate File 93, S-3383—1114
- Senate File 94, S-3378—1104
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- Senate File 118, S-3379—1104
- Senate File 120, S-3637—1517
- Senate File 141, S-3390—1131
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- Senate File 179, S-3585—1437
- Senate File 189, S-3428—1204
- Senate File 201, S-3478—1285
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- Senate File 226, S-3427—1204
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- Senate File 256, S-3522—1345
- Senate File 266, S-3679—1592
- Senate File 278, S-3380—1104
- Senate File 290, S-3391—1131
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- Senate File 358, S-3489—1315
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- Senate File 394, S-3507—1324
- Senate File 398, S-3479—1286
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Appointees, investigation of—291, 776-777  
 Appointees, subcommittees—333, 803-805  
 Bills introduced—223, 295, 296, 351, 353, 416, 424, 443, 453, 484, 486, 548,  
 598, 655, 656, 730, 731, 733, 734, 788  
 Amendments filed—70, 964, 1059, 1456  
 Investigating committee reports—344, 406, 463, 920, 921, 960  
 Referred to—87  
 Standing committees appointed to—24

#### HUSAK, EMIL J.—Senator Thirtieth District, Assistant Majority Leader

Bills introduced—112, 442, 595, 629, 638, 656, 858  
 Amendments filed—239, 282, 923, 996, 1339, 1340, 1341, 1349, 1374, 1375,  
 1456, 1457, 1458, 1506, 1519, 1526, 1529, 1530, 1536, 1583  
 Amendments offered—309, 1339, 1529, 1531  
 Committee appointments—30  
 Called up appointees on En Bloc Confirmation Calendar—1156  
 Conference committee appointed—1279  
 Conference committee reports—1607  
 Escorted Senator Bisignano to rostrum—9  
 Non-statutory committees—207  
 Petitions presented—1108  
 Presided at Joint Session—100  
 Resolutions offered—20, 162  
 Standing committees and subcommittees appointed to—23, 24, 25, 58  
 Statutory appointments—24, 207

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 Committee appointed—100  
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 27 - S.J. 16, 17 adopted, 22.  
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 Corning inaugurated—102  
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- Oath of office administered to Governor Terry E. Branstad by Chief Justice McGiverin with Mrs. Chris Branstad assisting—103
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(See Addressed the Senate and/or Presentations)

**INVESTIGATING COMMITTEES—Governor's Appointments—**  
(See Appointments - Governor's)

- IVERSON, JR., STEWART—Senator Ninth District—**
- Bills introduced—72, 73, 135, 142, 268, 337, 501, 509, 595, 638, 671
- Amendments filed—79, 142, 190, 297, 348, 416, 518, 593, 753, 790, 799, 855, 873, 885, 895, 946, 996, 1020, 1037, 1224, 1225, 1340, 1341, 1344, 1348, 1407, 1457, 1589
- Amendments offered—113, 142, 381, 593, 799, 873, 878, 1234, 1235, 1301, 1340, 1341, 1427
- Amendments withdrawn—799, 873, 1234, 1235, 1344
- Appointed to—62
- Committee appointments—30
- Conference committee appointments—1334
- Conference committee reports—1399
- Petitions presented—748, 890
- Standing committees and subcommittees appointed to—23, 24, 25
- Resolutions offered—20

- JENSEN, JOHN W.—Senator Eleventh District**
- Bills introduced—69, 171, 173, 184, 270, 310, 350, 508, 595, 646, 656, 858
- Amendments filed—790, 923, 1295, 1349, 1373, 1375, 1424, 1451, 1456, 1457, 1525
- Amendments offered—950, 1325, 1373, 1375, 1525
- Committee appointments—9, 30
- Standing committees appointed to—23, 25
- Statutory appointments—207

**JOINT CONVENTIONS—**  
President of the United States—1408-1419

Condition of the State and Budget Message of Governor Terry E. Branstad—47-54

Resolution relating to:

House Concurrent Resolution 1 - H.J. 13 adopted, 15, 27 - S.J. 16, 17 adopted, 22.

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Resolution relating to:

House Concurrent Resolution 2 - H.J. 14 adopted, 15, 27 - S.J. 17, 17-18 adopted, 22.

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Resolutions relating to:

House Concurrent Resolution 20 - Pioneer Lawmakers - H.J. 424, 447-448 as amended, adopted & msgd. - S.J. 383, 403, 412, 430, 434 adopted, 435 msgd. H.J. 545.

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(See also Rules)

Resolutions relating to:

House Concurrent Resolution 7 - H.J. 81-95 adopted & msgd. - S.J. 91, 95, 111.

JUDGE, PATTY—Senator Forty-Sixth District, Assistant Majority Leader

Bills introduced—211, 298, 442, 501, 556, 568, 595, 639, 671, 858

Amendments filed—790, 869, 1213, 1214, 1373, 1376, 1451, 1458, 1614

Amendments offered—1213, 1214, 1373, 1376, 1614

Amendments withdrawn—935

Committee appointments—9, 30

Conference committee appointments—1617

Conference committee reports—1624

Introduced Miss Teen of Iowa, Rachel Walker—354

Presided at sessions of the Senate—764, 820, 911, 1255, 1270, 1296, 1510, 1511, 1514

Resolutions offered—20, 162, 270

Rulings—1511

Standing committees and subcommittees appointed to—23, 24

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Appointees, investigation of—292, 777

Appointees, subcommittee—333-334, 805-806

Bills introduced—184, 237, 252, 310, 326, 427, 442, 547, 576, 595, 655, 656, 657, 658, 659, 680, 684, 685, 711, 712, 713, 730, 731, 734, 752, 753, 788, 789, 1065

Amendments filed—253, 428, 662, 1080, 1319

Investigating committee reports—344, 920-921

Referred to—174, 908, 1007, 1039, 1085

Resolution offered—89, 366

Standing committees appointed to—24

**KIBBIE, JOHN P.—Senator Fourth District**

- Bills introduced—21, 44, 184, 185, 211, 243, 280, 310, 355, 424, 482, 508, 595, 605, 656, 858
- Amendments filed—86, 87, 239, 241, 353, 571, 612, 724, 790, 840, 922, 923, 948, 1034, 1202, 1295, 1349, 1447, 1451, 1458, 1610, 1611
- Amendments offered—612, 724, 876, 938, 970, 1027, 1034, 1424, 1445, 1601, 1610, 1611, 1627
- Amendments withdrawn—764
- Called up appointees on Individual Confirmation Calendar—1143, 1193
- Committee appointments—5, 31, 309
- Petitions presented—890
- Presented Senate Page Christine Ingraham, who will compete in the National Forensic League Tournament for her dramatic abilities—485
- Presented Tracy Nelson from Emmetsburg, Miss Shamrock of 1995—671
- Introduced the Honorable Ned O'Keefe, T.D., member of the Fianna Fail Party of Ireland, also the Irish dancers—671-672
- Reports—6, 609
- Resolutions offered—20, 162, 567, 922
- Standing committees and subcommittees appointed to—23, 24, 25
- Statutory appointments—1656

**KRAMER, MARY E.—Senator Thirty-seventh District, Assistant Minority Leader**

- Bills introduced—46, 326, 350, 508, 595, 605
- Amendments filed—86, 608, 878, 923, 1076, 1211, 1225, 1301, 1302, 1373, 1386, 1451, 1457, 1525, 1536, 1551, 1583
- Amendments offered—608, 1027, 1301, 1302, 1525
- Appointed to—151
- Committee appointments—31, 309
- Conference committee appointments—1462, 1571
- Conference committee reports—1485-1486
- Presented a group of journalists from seven counties of the former Soviet Union—1109
- Reports—609
- Resolutions offered—270, 1480
- Standing committees and subcommittees appointed to—23, 24, 58

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(See also Study Committees)

Senators appointed to—207

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Senators appointed to—207

**LEGISLATIVE COUNCIL NON-STATUTORY COMMITTEE**

Senators appointed to—207, 223

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**LEGISLATIVE FISCAL COMMITTEE**

Senators appointed to—207

**LIND, JIM—Senator Thirteenth District, Assistant Minority Leader**

- Bills introduced—21, 73, 74, 89, 162, 184, 211, 235, 284, 285, 295, 298, 310, 350, 383, 425, 495, 513, 556, 595, 596, 646
- Amendments filed—192, 306, 320, 608, 611, 624, 753, 840, 855, 869, 878, 879, 896, 911, 947, 972, 978, 980, 996, 1037, 1038, 1042, 1092, 1225, 1260, 1263, 1269, 1328, 1374, 1451, 1456, 1458, 1481, 1528, 1506, 1537
- Amendments offered—192, 306, 611, 718, 761, 879, 911, 972, 980, 1092, 1260, 1354, 1452, 1528
- Amendments withdrawn—762, 888, 911, 1374, 1573, 1595
- Called up appointees on Individual Confirmation Calendar—1138, 1178, 1179
- Committee appointments—31, 309, 1640
- Conference committee appointments—1499, 1617
- Conference committee reports—1589
- Non-statutory appointments—207
- Reports—609, 1640
- Resolutions offered—604
- Standing committees appointed to—23, 24, 25, 58
- Statutory appointments—207

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- Appointees, investigation of—778
- Appointees, subcommittees—806
- Bills introduced—154, 424, 494, 495, 568, 646, 655, 657, 658, 680, 683, 684, 714, 789
- Amendments filed—183, 353
- Investigating committee reports—995
- Referred to—1085
- Standing committees appointed to—24

**LUNDBY, MARY A.—Senator Twenty-sixth District**

- Bills introduced—184, 403, 508, 548, 595, 659, 671, 858
- Amendments filed—608, 753, 840, 855, 923, 946, 966, 1038, 1042, 1155, 1176, 1225, 1289, 1328, 1342, 1374, 1375, 1451, 1457, 1493, 1519, 1537
- Amendments offered—984, 1155, 1176, 1451, 1531
- Amendments withdrawn—1151, 1321
- Appointed to—151
- Committee appointments—31
- Petitions presented—890
- Resolutions offered—162, 270
- Standing committees and subcommittees appointed to—23, 24, 25
- Statutory appointments—249

**MADDOX, O. GENE—Senator Thirty-eighth District**

- Bills introduced—194, 235, 280, 296, 298, 326, 330, 351, 425, 508, 573, 595
- Amendments filed—502, 727, 790, 840, 848, 855, 869, 923, 1055, 1201, 1305, 1320, 1451, 1457, 1525, 1583
- Amendments offered—502, 727, 848, 874, 915, 1000, 1305, 1583
- Amendments withdrawn—873
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 Claims approved—See House Journal Pages 312-346  
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McKEAN, ANDREW J., (ANDY)—Senator Twenty-eighth District

Bills introduced—184, 235, 281, 298, 310, 330, 353, 362, 442, 508, 531, 571,  
 595, 614  
 Amendments filed—86, 87, 157, 282, 306, 502, 530, 761, 762, 790, 825, 855,  
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Senate File 466—1041  
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Senate File 478, S-3660 to S-3537—1546  
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House File 485—1127  
House File 485—1128  
House File 486, S-3376—1305  
House File 505, S-3577—1491  
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## Failed:

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## Lost:

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House File 185—1464

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House File 258—1628

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**MURPHY, LARRY—Senator Fourteenth District**

- Bills introduced—22, 46, 184, 459, 595, 858
- Amendments filed—86, 879, 886, 896, 947, 950, 1211, 1214, 1380, 1451, 1481, 1501, 1506, 1511, 1551, 1560, 1561
- Amendments offered—879, 950, 1211, 1214, 1481, 1501, 1511
- Amendments withdrawn—947
- Committee appointments—32, 309, 1640
- Conference committee appointments—1499, 1571, 1617
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- Bills introduced—367, 499, 500, 517, 574, 680, 685, 712, 713, 753
- Amendments filed—745, 1073, 1331
- Investigating committee reports—426, 943
- Referred to—986, 1086, 1287
- Resolutions offered—183
- Standing committees appointed to—24

**NEUHAUSER, MARY—Senator Twenty-third District**

- Bills introduced—298, 362, 383, 858
- Amendments filed—282, 306, 500, 594, 855, 885, 1214, 1274, 1284, 1303, 1348, 1380, 1451, 1458, 1500, 1511, 1536
- Amendments offered—306, 594, 911, 1274, 1278, 1284, 1303, 1364, 1380
- Amendments withdrawn—502, 1500
- Appointed to—151
- Committee appointments—32
- Non-statutory appointments—223
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- Presented former U.S. Senator Paul Tsongas—413
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- Bills introduced—243, 270, 310, 350, 508, 595, 858
- Amendments filed—946, 1225, 1269, 1319, 1340, 1451, 1458, 1516, 1520, 1537, 1600
- Amendments offered—880, 1003, 1004, 1600
- Amendments withdrawn—1545
- Committee appointments—9, 32, 444
- Petitions presented—748, 890, 1108
- Reports—490, 526
- Resolutions offered—20, 162, 1461, 1480
- Standing committees and subcommittees appointed to—23, 24, 25
- Statutory appointments—207, 1656

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- Resigned—5

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- Program by Michael G. Gartner, Editor and co-owner of Ames Daily Tribune—904
- Resolution relating to House Concurrent Resolution 20 - H.J. 424, 447-448 as amended adopted & msgd. - S.J. 383, 403, 412, 430, 434 adopted, 435 msgd. - H.J. 545

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- Senate File 251, S-3123 - Senator Halvorson—982
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Senator Neuhauser presented Sumitra Gandhi Kulkarni, granddaughter  
 & biographer of Mahatma Gandhi—164

- Senator Hammond introduced Lia Pierson, an Iowa State University student & one of 32 Americans selected to be a Rhodes Scholar—187
- Senator Tinsman presented the Honorable Eugene Kuznetsov, governor of Stravropol Krai, and senator in the Russian Parliament—237
- Senator Boswell welcomed the Honorable Ray Taylor, former member of the House and Senate—286
- Senator Horn introduced Lisa Switzer, one of the American Heart Association's 1995 Heart Ambassadors from Cedar Rapids, Iowa—299
- Senator Boswell welcomed the Honorable Lee W. Holt, former member of the House and Senate—318
- Senator Szymoniak introduced members of Boy Scout Troop 48, who led the Senate in the Pledge of Allegiance in honor of Boy Scout month—337
- Senator Judge introduced Miss Teen of Iowa, Rachel Walker—354
- Senator Boswell welcomed the Honorable Richard J. Norpel, Jr., former House and Senate member—402
- Senator Neuhauser presented former U.S. Senator Paul Tsongas from Massachusetts—413
- Senator Sorensen presented Chandra Herrstrom from Boone, 1995 Iowa Pork Queen—433
- Senator Kibbie presented Senate Page Christine Ingraham who will compete in National Forensic League Tournament of Champions for her dramatic abilities—485
- Senator Priebe presented farmers and agriculture businessmen from Russia and Kazakkstan—527-528
- Senator Tinsman introduced a group of students from Costa Rica, Ghana, Russia, Slovakia, Vietnam and Zimbabwe—528
- Senator Black introduced Roy Y.Y. Wu, Director General, Taipei Economic and Cultural Office in Chicago—607
- Senator Kibbie introduced Tracy Nelson, from Emmetsburg, Miss Shamrock of 1995—671
- Senator Kibbie introduced the Honorable Ned O'Keefe, T.D., member of the Fianna Fail Party from Ireland—672
- Senator Kibbie introduced the Irish Dancers—672
- Senator Hedge presented Shanon Gutierreg, Queen of the Sixtieth Annual Tulip Time Festival, who in turn introduced the members of her court—1022
- Senator Dearden presented Dr. Li Xiaotas and Nurse Yan Ying from Hebei People Hospital, Shijiazhung, Hebei, China. They will be working at Mercy Medical Center until July, 1995—1109
- Senator Kramer presented a group of journalists from seven countries of the former Soviet Union—1109
- Senator Szymoniak presented Svetlana Lazarova, a journalist and writer from Bulgaria—1127
- Senator McLaren presented Alexander Muravsky, Vice Chairman of Economic Industry and Privatization Commission, Parliament of Muldova, Kishiner, Muldova—1164
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Senator Tinsman presented Mrs. Diarra Fatoumata Dembelle, Advisor at the Appeals Court and President of the Malian Women Lawyer's Association, Bamako, Mali, West Africa—1294

Senator McLaren presented K.R. Sinha, Consul General of India—1348

Senator Szymoniak presented participants visiting the United States under the Freedom Support Grant Program for Russia to study legislative process—1383

Senator Black presented visitors from Zheleznovodsk in the Stavropol Krai of Russia, who were in Iowa studying the Iowa school system—1431

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President Boswell and Senators Horn and Rife presented a Certificate of Recognition, and enrolled copy of Senate Resolution 22, and an individual and Page group picture to each of the Pages—1564

**PRESIDENT OF THE SENATE—LEONARD L. BOSWELL**, Senator Forty-fourth District  
(See Boswell, Leonard L.—Senator Forty-fourth District, President of the Senate)

#### PRESIDENT OF THE UNITED STATES, CONGRESS, AND/OR FEDERAL AGENCIES—

President of the United States, Bill Clinton delivered his speech to the Joint Session—1407-1420

Resolutions relating to:

Senate Concurrent Resolution 28 - S.J. 1330, 1334 adopted, 1344 msgd., 1404 - H.J. 1814, 1844, 1860 adopted & msgd.

Senate Concurrent Resolution 1 - Congress and states desecration of the American flag - S.J. 20, 41, 59, 78-79, 80

Senate Concurrent Resolution 2 - Invite Iowa congressional delegation to address joint session of the Iowa General Assembly regarding unfunded fed. mandates - S.J. 20, 41, 110

Senate Concurrent Resolution 5 - Congress and states prohibit desecration of the American flag. (Formerly SCR 1) - S.J. 85, 89, 119-120 adopted, 121 msgd. - H.J. 127, 177-178 adopted. (Substituted for HCR 11)

Senate Concurrent Resolution 7 - Support the United Nations recognition of the Republic of China on Taiwan - S.J. 89, 91, 95, 110

Senate Concurrent Resolution 15 - Health Care Financing Administration establish a national policy no later than July 1, 1995, for Medicare reimbursement of telemedicine services - S.J. 309, 317, 379 adopted, & msgd. - H.J. 449, 457, 458, 684, 703-704 as amended, adopted. (Substituted for HCR 19) - S.J. 576, 732-733 Senate concurred in House amendment

Senate Concurrent Resolution 20 - Support improvement in the wetland delineation process and a moratorium on wetlands until

1995 farm bill has been passed & signed into law - S.J. 491, 494, 855, 933, 934 as amended, adopted, 936 msgd., 942 - H.J. 1053, 1293, 1367

Senate Concurrent Resolution 22 - Urge Congress to allow retired members of the U.S. Armed Forces who have service connected disability to concurrently receive retired pay & disability compensation - S.J. 594, 599, 620. (Comp. to HCR 29)

Senate Concurrent Resolution 24 - Recognize the Seventy-fifth Anniversary of the American Civil Liberties Union and the Sixtieth Anniversary of the Iowa Civil Liberties Union - S.J. 604, 623, 632, 635, 766 adopted, 770 msgd., 1495 (Comp. to HCR 30) - H.J. 865, 942-943, 1003, 2063, adopted & msgd.

Senate Concurrent Resolution 26 - Urge Congress of the United States to allow retired members of the U.S. Armed Forces who have a service connected disability to concurrently receive retired pay and disability compensation - S.J. 1065, 1074, 1097 adopted, 1103 msgd. - H.J. 1393-1394, 1479, (Same as SCR 22, Comp. to HCR 29)

Senate Concurrent Resolution 31 - Request Congress introduce Legislation providing for state sovereignty through low-cost financing of debt & needed capital projects by st. & local governments - S.J. 1483, 1492, 1509, 1510 adopted, 1512 - H.J. 2110, 2121, 2209

Senate Concurrent Resolution 32 - Urge federal government to ensure fair and competitive market practices for the purchase of livestock from producers by packers & livestock buyers - S.J. 1565, 1570

Senate Resolution 10 - Urge Congress of the U.S. authorize interest-free loans to the states and their political subdivisions for capital projects - S.J. 508, 516, 587

Senate Resolution 16 - Urge and petition the fed. govt. to reexamine the requirement of the conservation reserve program by the U.S. Dept. of Ag., to ensure suitable land under the program is eligible for grazing by livestock - S.J. 1215, 1246

Senate Resolution 25 - Request community colleges adopt policies and follow practices which do not threaten family farm agriculture in this state - S.J. 1621

#### PRESIDENT PRO TEMPORE OF THE SENATE—SENATOR TONY BISIGNANO

(See BISIGNANO, TONY - Senator Thirty-fourth District)

#### PRESS, MEMBERS OF—

Assignment of desks in press gallery—10-11

#### PRIEBE, BERL E.—Senator Eighth District

Bills introduced—46, 69, 112, 164, 172, 184, 211, 243, 244, 310, 425, 508, 531, 595, 598, 858

Amendments filed—135, 239, 241, 510, 724, 753, 790, 799, 895, 1214, 1247, 1319, 1340, 1343, 1344, 1451, 1456, 1458, 1574, 1583

Amendments offered—135, 239, 799, 844, 1214, 1338, 1343, 1344, 1447, 1574

Amendments withdrawn—1598

Appointed to legislative inaugural committee—101  
Committee appointments—9, 32, 444  
Conference committee appointments—1279  
Conference committee reports—1607  
Petitions presented—617  
Presented farmers and agriculture businessmen from Russia and  
Kazakhstan—527-528  
Reports—490, 526  
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Resolutions offered—20, 162, 834  
Standing committees and subcommittees appointed to—23, 24, 25  
Statutory appointments—1656

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Senate File 468—1292

#### PUBLICATION—

Request for—1293

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#### REDFERN, DONALD. B.— Senator Twelfth District

Bills introduced—235, 519, 548, 571, 595, 656  
Amendments filed—320, 855, 895, 908, 996, 1225, 1279, 1424, 1451, 1457,  
1503, 1526, 1527  
Amendments offered—928, 929, 1001, 1503, 1527  
Committee appointments—5, 32  
Conference committee appointments—1334  
Conference committee reports—1399  
Reports—6  
Resolutions offered—459  
Standing committees and subcommittees appointed to—23, 24

#### RENSINK, WILMER—Senator Third District

Bills introduced—254, 326, 350, 508, 571, 595  
Amendments filed—86, 87, 518, 530, 608, 948, 1451, 1457  
Amendments offered—948  
Appointed to—150  
Committee appointments—16, 32, 903  
Petitions presented—461, 890  
Reports—98  
Standing committees and subcommittees appointed to—23, 24

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Placed on calendar—43, 89, 154, 183, 187, 243, 309, 362, 517, 1065, 1170, 1205, 1215, 1220, 1221, 1331, 1365, 1429, 1621

Referred from Regular Calendar to Rules and Administration—378

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Sent to Secretary of State—562

Substituted—989

Withdrawn—338, 989, 1517

## RIFE, JACK—Senator Twentieth District, Minority Leader

Bills introduced—73, 298, 596, 614, 858, 1227, 1555

Amendments filed—753, 761, 914, 923, 1033, 1451, 1457

Amendments offered—761, 913

Amendments withdrawn—914

Committee appointments—32, 1408

Escorted the President of the United States, Bill Clinton, to the President's station—1408

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Resolutions offered—349, 458

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Rule 21 (Secretary's report in enrolling):

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     Senate Concurrent Resolution 3 - Compensation of chaplains, officers and employees of the seventy-sixth general assembly - S.J. 42, 43, 45 adopted & msgd. - H.J. 46, 57, 129, 138, 139, 183-195 as amended, adopted - S.J. 216 msgd. with amendment, 226, 235, 1450, 1451 deferred, 1549, 1550 Senate concurred in House amendment, as amended adopted, 1550 msgd. - H.J. 2152, 2170 as amended, adopted & msgd. - S.J. 1575  
     Senate Concurrent Resolution 4 - Compensation of employees of the central legislative staff agencies of the seventy-sixth general assembly - S.J. 42, 43, 45 adopted - H.J. 46, 58  
     Senate Concurrent Resolution 28 - Call a joint session for purpose of hearing an address by the President of the United States - S.J. 1330, 1334 adopted, 1344 msgd. - H.J. 1814, 1844, 1860 adopted & msgd. - S.J. 1404

- Senate Concurrent Resolution 34 - Final adjournment, Thursday, May 4, 1995, First Session of the Seventy-sixth General Assembly - S.J. 1621, 1628-1629, 1629 adopted & msgd. - H.J. 2382, 2389 adopted - S.J. 1636, 1641
- Senate Resolution 1 - Permanent rules of the senate - S.J. 41-42, 42, 43, 71, 118, 140, 204, 1637
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Resolutions offered—162, 270, 459, 604

Standing committees and subcommittees appointed to—24, 25

#### TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Communications received—709

#### TELLERS

Appointment of—16

Report—97-100

#### TINSMAN, MAGGIE—Senator Twenty-first District, Assistant Minority Leader

Bills introduced—211, 280, 298, 326, 383, 495, 595, 596, 602, 605, 858

Amendments filed—306, 753, 840, 948, 978, 1002, 1033, 1037, 1038, 1134, 1176, 1211, 1376, 1451, 1457

- Amendments offered—1002, 1211
- Committee appointments—33
- Introduced a group of students from Costa Rica, Ghana, Russia, Slovakia, Vietnam and Zimbabwe—528
- Non-statutory appointments—207
- Presented the Honorable Eugene Kuznetsov, governor of Stravropol Krai, and senator in the Russian Parliament—237
- Presented Mrs. Diarra Fatoumata Dembelle, Bamako, Mali, West Africa—1294
- Resolutions offered—270, 458, 1286
- Standing committees appointed to—23, 24
- Statutory appointments—207

#### TRANSPORTATION, COMMITTEE ON—

- Appointees, investigation of—780
- Appointees, subcommittee—811
- Bills introduced—367, 499, 500, 501, 568, 573, 595, 670
- Amendments filed—498, 499, 500, 668, 1075
- Investigating committee reports—1020
- Referred to—569, 1086
- Standing committee appointed to—25

#### VACANCIES—

- Senator Paul Pate, District 26, effective December 2, 1994—5
- Senator Florence Buhr, effective December 31, 1994—35

#### VILSACK, TOM—Senator Forty-ninth District

- Bills introduced—21, 46, 235, 244, 284, 285, 311, 482, 595, 858
- Amendments filed—157, 239, 377, 493, 593, 594, 624, 643, 840, 869, 946, 950, 978, 1020, 1055, 1113, 1172, 1225, 1236, 1340, 1374, 1451, 1458, 1459, 1462, 1503, 1537
- Amendments offered—239, 394, 395, 555, 593, 726, 830, 850, 1009, 1133, 1172, 1236, 1309, 1340, 1451, 1462, 1498, 1503, 1541
- Amendments withdrawn—1462
- Appointed to—47
- Committee appointments—33
- Conference committee appointments—1316, 1550
- Conference committee reports—1402
- Escorted Justice McGiverin and the Justices of the Supreme Court and Chief Judge Donielson and the Judges of the Court of Appeals into the House Chamber—47
- Escorted Mrs. Chris Branstad, wife of the Governor; Edward and Enoli Branstad, Governor Branstad's father and his wife; and Dick and Clara Johnson, parents of Mrs. Branstad, into the House chamber—47
- Escorted the following guests into the House chamber: Lieutenant Governor Joy Corning; Secretary of State Paul Pate; Treasurer of State Michael Fitzgerald; Secretary of Agriculture Dale Cochran; State Auditor Richard Johnson; and Attorney General Tom Miller—47
- Escorted Governor Branstad to the Speaker's station—47
- Escorted Governor Branstad from the House chamber—54

Petitions presented—207, 890  
Resolutions offered—162, 1286, 1480  
Standing committees appointed to—23, 24, 25

**WAYS AND MEANS, COMMITTEE ON—**

Appointees, investigation of—780  
Appointees, subcommittees—811  
Bills introduced—187, 387, 443, 812, 965, 979, 1031, 1085, 1104, 1149, 1162,  
1181, 1186, 1187, 1487  
Amendments filed—226, 441, 453, 473, 484, 838, 839, 917, 918, 923, 964,  
1185, 1498, 1566  
Investigating committee reports—920-921, 962, 963, 1040  
Referred to—240, 399, 443, 459-460, 714, 793, 1331  
Standing committees appointed to—25

**ZIEMAN, LYLE E.—Senator Sixteenth District**

Bills introduced—134, 140, 162, 482, 508, 531, 571, 595  
Amendments filed—948, 1451, 1457  
Amendments offered—948  
Committee appointments—16, 33  
Petitions presented—617, 1382  
Standing committees and subcommittees appointed to—23, 24